

3. THE COUNCIL PROCEDURE RULES

Purpose and Interpretation

- 3.1 The Council Procedure Rules (hereinafter in this Section 3 Rules) govern the conduct of meetings of the Council. The Rules shall be read in conjunction with the Constitution in its entirety and are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 3.2 The Mayor's ruling on the application and interpretation of these Rules is final and, once made, shall not be questioned in meetings. The Monitoring Officer shall advise the Mayor and Council on the construction, interpretation, or application of any part of these Rules.
- 3.3 References to meeting mean an annual meeting, an ordinary meeting and an extra ordinary meeting of the Council as the case may be.
- 3.4 References to the Mayor, the Leader or opposition Leader or spokesperson shall in their absence from a meeting or item include their appointed deputy.
- 3.5 References to the Chief Executive shall apply to their deputy and in their absence to the Monitoring Officer.
- 3.6 References to days shall mean calendar days, unless specified to be clear working days.
- 3.7 Council means a meeting of all the councillors as a single body, including when it exercises decision making powers.
- 3.8 Where a deadline or time limit is stated in these Rules, it shall mean 11.59pm on that day unless otherwise stated or defined by law.
- 3.9 Requirements for notices in writing or signatures includes electronic communications and signatures but excludes social media and text messages.

The Annual Meeting

- 3.10 The Council shall hold an Annual Meeting each year on the following dates:
- (a) In the year when ordinary elections are held, between the eighth and 21st day immediately following the day of retirement of councillors (which is on the fourth day after the day of the election);
 - (b) In any other year, on any day in March, April or May as the Council may fix.
- 3.11 The order of business at the Annual Meeting will be:
- (a) To elect the Mayor for the ensuing municipal year;
 - (b) To appoint the Deputy Mayor for the ensuing municipal year;
 - (c) To approve the minutes of the last meeting of the Council;
 - (d) To receive any announcements from the Mayor and / or Chief Executive;

- (e) To receive a report from the Chief Executive on the outcome of the Election (if applicable), the membership and size of the Political Groups, the councillors appointed by their groups as the group Leaders, deputy Leaders and whips;
- (f) To elect a councillor as Leader of the Council for a term of four years (if applicable);
- (g) To receive a report (either verbal or written) from the Leader and they may speak for up to five minutes setting out:
 - (i) the Council's priorities;
 - (ii) the appointment of between two and nine councillors to the Cabinet; (Cabinet Members);
 - (iii) the appointment of one of the Cabinet Members as the Deputy Leader;
 - (iv) the allocation of portfolios to Cabinet Members; if any
 - (v) the scheme of delegation for the exercise of executive powers;
- (h) To appoint one or more Overview and Scrutiny Committees and to determine their terms of reference;
- (i) To appoint such other Committees and their terms of reference as the Council considers appropriate to discharge non-executive functions that are not reserved by law or under this Constitution for determination by Council;
- (j) To agree the allocation of seats on the Committees in accordance with the political proportionality (where applicable) for nomination subsequently by Political Groups to:
 - (i) The Scrutiny Committees;
 - (ii) The other Committees;
 - (iii) outside bodies on which the Council wishes to be represented; and
 - (iv) to appoint the Chairs and Vice-Chairs of the Scrutiny Committees and other Committees or outside bodies as necessary;
- (k) To agree the appointment of alternate members of the Scrutiny Committees and the other Committees if necessary (except the Cabinet);
- (l) To approve a schedule of ordinary meetings of the Council for the municipal year and approve a schedule of ordinary meetings of the Scrutiny Committees and the other Committees; and
- (m) To consider any other ordinary business set out in the notice convening the meeting.

3.12 No other business may be transacted at the Annual Meeting except with the agreement of the Mayor.

Ordinary Meetings

- 3.13 Ordinary Meetings of the Council will take place in accordance with a programme decided at the Annual Meeting.

The Agenda

- 3.14 The agenda of Ordinary Meetings shall be as follows and in the following order, unless the Mayor decides otherwise:
- (a) To elect a councillor to chair the meeting if the Mayor and Deputy Mayor are absent;
 - (b) To receive apologies for absence;
 - (c) To receive any declaration of interests from any councillor;
 - (d) To approve the minutes of the last meeting and any Extraordinary Meetings. The Mayor shall move that the minutes be approved and, if so approved, shall sign them as a correct record. There shall be no discussion on the minutes except a councillor may move an amendment as to their factual accuracy which shall be voted on without discussion;
 - (e) To receive any announcements from the Mayor;
 - (f) To receive any announcements from the Chief Executive;
 - (g) To receive any announcements from the Leader of the Council (or a Cabinet Member nominated by the Leader) for a maximum time of **four minutes**. To receive any response to the Leaders announcements from the Leader of the opposition for a maximum time of **four minutes**; the Leader of other political groups **two minutes** and a spokesperson for the unaligned councillors **two minutes**. The Leader is then provided with a maximum of **four minutes** to sum up any response they wish to make to the comments made on their announcements;
 - (h) To consider any public statements;
 - (i) To consider councillor questions;
 - (j) To receive any petitions;
 - (k) To receive any items of business for decision by Council. The Chief Executive will determine what items of business are placed on the Council agenda ensuring it discharges its statutory duties and powers. The Chief Finance Officer and the Monitoring Officer may require items to be included on the agenda in the discharge of their statutory duties;
 - (l) To consider any motions before the Council submitted in accordance with these Rules; and
 - (m) To agree any seat allocation to Committees of the Council, the Scrutiny Committees or any outside bodies.

Urgent Items of Business

- 3.15 The Mayor may agree that an item of business not included in the agenda for a meeting sent with the summons may be taken for reasons of urgency (which must be specified) following receipt of the Monitoring Officer's advice.
- 3.16 So far as is practicable, public notice will be given of any urgent item of business.

Council Tax Setting Meeting

- 3.17 Each year the Council must hold a meeting for the purpose of setting Council Tax and Council's budget for the following year for agreement by midnight on 10 March.
- 3.18 These Rules set out specific provision for the length of speeches, voting and the approval of the Council Tax and budget at this meeting and the following additional rules shall apply.
- 3.19 The only business transacted at the meeting will be:
- (a) The setting of the Council Tax for the following year;
 - (b) The agreement of the Council's budget and related decisions determined by the Council's Chief Finance Officer;
 - (c) If it is the final meeting before the end of the Financial Year, any decisions that are required by law to be made by Council; and
 - (d) Any business agreed by the Mayor following advice from the Monitoring Officer.
- 3.20 Councillors are required under section 106 of the Local Government & Finance Act 1992 to declare if they are in any arrears of Council Tax which have remained unpaid for a period of two months or more at the date of the meeting. Any councillor making such a declaration may not vote on the setting of the Council Tax.

Amendments to the Budget and Council Tax

- 3.21 Proposed amendments to the setting of the Council Tax and proposed budget will be submitted to the Chief Finance Officer by a councillor/s by at least seventy-two hours prior to the meeting to enable the Chief Finance Officer to advise and confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if they are satisfied that this is the case. Such a formal amendment, setting out the details in clear terms and that the amendment would not produce an unbalanced or unsound budget must then be submitted in writing (in the prescribed format set by the Chief Finance Officer) to the Chief Executive by 6.30pm, forty-eight hours before the Council Tax Setting Meeting, and will be made publicly available.

Extraordinary Meetings

- 3.22 An extraordinary meeting of the Council may be convened at other times by:
- (a) The Mayor; or

- (b) The Monitoring Officer or Chief Finance Officer to consider a report in the discharge of their statutory duties.
- 3.23 Five councillors may present a requisition to the Mayor to hold an Extraordinary Meeting. A requisition must:
- (a) Be in writing (electronic format is acceptable);
 - (b) Be signed (email confirmation is acceptable) by **at least five councillors** and identifying a councillor to whom the Mayor, following consultation with the Chief Executive and Monitoring Officer, should respond (the Lead Councillor);
 - (c) State the purpose of the meeting including a motion which sets out why an Extraordinary Meeting is necessary in accordance with these Rules;
- 3.24 If the Mayor either refuses to call an Extraordinary Meeting or fails to call a meeting within seven days of the presentation of the requisition, the five councillors may call an Extraordinary Meeting.
- 3.25 No other business may be transacted at an Extraordinary Meeting except with the agreement of the Mayor.
- 3.26 The Mayor may hold an Extraordinary Meeting on the same day as an ordinary Meeting. The meeting will last for ninety minutes.
- 3.27 The Chief Executive may cancel an Extraordinary Meeting at any time if requested to do so in writing by the Lead Councillor.

Time and Place of Meetings

- 3.28 The Proper Officer (the Chief Executive) will give notice to the public of the time and place of any meeting of the Council in accordance with the Access to Information Procedure Rules.
- 3.29 Unless otherwise determined or required by law, Council meetings will be held in the Civic Centre at 6.30pm.
- 3.30 At least five clear working days before a meeting the Proper Officer (the Chief Executive) shall send a summons, signed by them, by post to every councillor or leave it at their usual place of residence, or by email sent to a councillor's official email account.
- 3.31 The summons will give the date, time and place of each meeting and specify the business to be transacted. The summons will be accompanied by such reports as are available.

Quorum

- 3.32 The quorum of a meeting shall be one third of the membership eligible to vote or the nearest whole number above one third.
- 3.33 If the Mayor counts the number of councillors present at a Council Meeting and declares there is not a quorum, then the meeting will adjourn immediately for a period

of up to **fifteen minutes** (or thirty minutes where the Mayor has allowed more than one adjournment) to allow a quorum to be present.

- 3.34 If after a period of **fifteen minutes** (or thirty minutes where two adjournments have occurred) there is still no quorum, the Mayor shall close the meeting and any remaining business will be considered at the next ordinary Meeting or at a time and date fixed by the Mayor.

Duration of Meetings

- 3.35 Meetings of the Council will close four and a half hours after the time of the start of the meeting as advertised on the agenda, except as determined below:

- (a) The Mayor may at their discretion, adjourn the meeting for such period of time that they may consider necessary. If the meeting is adjourned, for whatever reason, the length of time of the adjournment will be added back to the meeting so that the meeting is in session for four and a half hours without the need to extend the meeting;
- (b) Meetings of the Council shall terminate four and a half hours after the commencement of the meeting unless the business of the meeting has been concluded before the end of the four and a half hours;
- (c) When the meeting is to terminate on the expiry of four and a half hours from its commencement, business will be determined as follows:
 - (i) The Mayor will advise the Council of the procedure to terminate the meeting is to be applied;
 - (ii) Any speeches in progress shall be immediately concluded;
 - (iii) The Mayor will put any motion or any recommendation then under consideration to the vote without further discussion;
 - (iv) All remaining business before the Council, including recommendations, motions and amendments shall be put to the vote without discussion. All remaining business will be taken as proposed and seconded as necessary;

Motions and Recommendations Outstanding

- 3.36 If there are other motions or items of business on the agenda that have not been dealt with within the four and a half hour time limit, the Mayor will ask the mover of the motion or item of business if they wish to withdraw the motion or item.

- 3.37 If the motion or item of business is not withdrawn by the mover, the motion or item will be deemed formally moved and seconded and any amendments will be deemed to have been formally moved and seconded. No speeches will be allowed on these items and the vote will be taken in the usual way.

- 3.38 Items to make appointments will be considered as set out in these Rules but without debate.
- 3.39 When all the business on the meeting agenda is completed, the Mayor will close the meeting.

Voting at Meetings

- 3.40 Unless provided otherwise in this Constitution, any matter will be decided by a simple majority of those councillors physically present in the room and eligible to vote on the matter.
- 3.41 Voting in respect of the Budget and Policy Framework will comply with the additional Budget and Policy Framework Procedure Rules relating to those decisions set out below under Section 5.

Mayor's Casting Vote

- 3.42 If there is an equality of votes for and against on any matter, the Mayor shall have a casting vote. There is no restriction on how the Mayor chooses to exercise a casting vote.

Electronic Voting

- 3.43 Unless a recorded vote is validly demanded or required by law, the Mayor will take the vote by the use of electronic voting system for any matter. If the electronic voting system fails then the Mayor shall ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case a vote by a show of hands will be used.

Recorded Vote

- 3.44 If seven councillors physically present in the room demand it, the names for and against a decision or abstaining from voting will be recorded and entered into the minutes.
- 3.45 A recorded vote must be taken at the Council Tax Setting Meeting in respect of the setting of the Council Tax and budget and any proposed amendments to these proposals.
- 3.46 A recorded vote will be taken using the electronic voting system with the voting recorded in the minutes of the meeting.
- 3.47 In the event of an equality of votes on a recorded vote, the Mayor will have a casting vote which will be recorded.

Right to Require Individual Vote to Be Recorded

- 3.48 Where immediately after a vote is taken, a councillor requests it, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on Appointments

- 3.49 If there are more than two councillors or other persons nominated for any position to be filled and there is not a majority of votes in favour of one councillor / person, the name of the councillor / person with the least number of votes will be removed from the list and new vote taken. This process will continue until there is a majority of votes for one councillor / person.
- 3.50 Where there are two or more appointments to be made to an outside body and there are more nominations than there are appointments to be made, a vote will be taken on each appointment according to the process set out above at Rule 3.49.

Councillors' Speaking Rights and Length of Speeches

- 3.51 Councillors may only speak when provided for by these Rules and must remain silent when other councillors speak or the Mayor is speaking.
- 3.52 Councillors may stand to speak, if they wish.
- 3.53 Councillors shall be seated and remain silent when the Mayor speaks or requests a councillor to stop speaking.

Length of Speeches

- 3.54 . No speech may exceed **four minutes** without the consent of the Mayor except:
- (a) At the Council Tax setting meeting, the Leader of the Council shall be allowed unlimited time to set out their priorities or to propose the Budget;
 - (b) The Leaders of the Opposition Groups shall also be allowed unlimited time to reply to a Leaders speech at the Council Tax setting meeting.

Final Speeches

- 3.55 Retiring councillors are able to speak for **two minutes** about their final term of office at the final Council meeting before the election.

Residents' Question Time

- 3.56 At each ordinary meeting of the Council, there shall be thirty minutes for members of the public to ask questions. No questions may be asked at the Annual Council meeting or any Extraordinary meeting.
- 3.57 The procedure in relation to such questions shall be as follows:

- (a) A person resident in Southend may, if a question has been submitted in writing by email (committeesection@southend.gov.uk) not later than 12.00pm, nine clear working days before the date of the meeting of the Council. Ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the Council. The question shall not exceed one hundred and fifty words in length.
- 3.58 The Monitoring Officer may reject a question if it:
- (a) is not about a matter for which the Council has responsibility or which directly affects Southend;
 - (b) seeks to ask the Council to act in a way that is ultra vires (outside its powers), unlawful or illegal;
 - (c) is defamatory, frivolous or offensive;
 - (d) is substantially the same as a question which has been put at a Council meeting in the last six months; or
 - (e) requires the disclosure of confidential or exempt information.
- 3.59 The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. If the questioner is not present when the question is called, a written reply of no more than two hundred and fifty words shall be provided.
- 3.60 There shall be no speech or discussion allowed on any question or reply.
- 3.61 Not more than two questions may be asked by any one person at any one meeting.
- 3.62 If there is insufficient time (thirty minutes) to answer all public questions, a written reply of no more than two hundred and fifty words will be sent to the questioner.

Councillors' Questions

- 3.63 Every councillor may submit two questions in writing for response by the Leader at Ordinary Meetings in accordance with Rule 3.64 and Rule 3.66 below.
- 3.64 Questions must be submitted in writing to the Monitoring Officer by **12 noon on the seventh clear working day before the day of the meeting** and the first two questions submitted will be accepted for each Political Group.
- 3.65 The Monitoring Officer **must** reject a question where:
- (a) It is not about a matter for which the Council or the Cabinet has responsibility;
 - (b) It is defamatory, frivolous or offensive;
 - (c) It is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - (d) It requires the disclosure of confidential or exempt information; or

- (e) Requests an act or omission which would be unlawful or which the Council could not implement in practice.
- 3.66 The Monitoring Officer may, if the deadline at Rule 3.64 above has not passed, offer a Political Group submitting the question the opportunity to amend a question to comply with these Rules and may accept a revised question if received before the deadline.
- 3.67 For the avoidance of doubt, neither the Monitoring Officer nor any other officer is under any obligation to assist in the revision of any question.
- 3.68 A maximum of **thirty minutes** will be allocated for councillors' questions and no extensions shall be agreed.
- 3.69 The Leader, or if the Leader chooses, a Cabinet Member will provide written replies to all valid questions but has discretion to provide an oral response instead as set out at Rule 3.71 and Rule 3.72 below.
- 3.70 Written questions and replies will be taken as read in the meeting.
- 3.71 If the Leader and / or Cabinet Member provides an oral response they have **four minutes** to speak.
- 3.72 A councillor may ask one supplementary question in respect of any question submitted.

Presentation of Petitions

- 3.73 At the meeting of the Council any councillor may present a petition. The councillor presenting the petition shall satisfy themselves that the petition is proper to be received.
- 3.74 All petitions must be received by the Committee Section (email: committeesection@southend.gov.uk) at least twelve clear working days before the meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).
- 3.75 A petition can be presented at Council if:
 - (a) It contains the signatories and addresses of anyone who lives, works or studies in the City (including under 18s);
 - (b) It is relevant to some matter in relation to which the Council has functions, or which affects the area of the Council, or part of it, or the inhabitants of the area or some of them; and
 - (c) It asks for action to be taken or ceased.
- 3.76 A petition shall not be presented at Council if:
 - (a) It is submitted in connection with a planning or licensing decision or any matter where there is a statutory right of appeal or review. Such petitions will be dealt with under the relevant statutory provisions;

- (b) It relates to a matter which is currently the subject of a formal public consultation process being undertaken by the Council;
 - (c) It criticises the conduct of a named individual;
 - (d) It is vexatious or abusive or otherwise inappropriate;
 - (e) It is identical or similar to a petition submitted in the past six months; or
 - (f) It is an electronic petition which has not been created using the Council's online e-petitions facility.
- 3.77 The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the purpose of the petition, indicating the number and description of the signatories and making such further supporting remarks relevant to the petition as the councillor thinks fit.
- 3.78 Petitions shall be presented in the order in which notice of them is received by the Committee Section.
- 3.79 The Council shall refer petitions signed by one hundred or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer petitions signed by fewer than one hundred persons to the Chief Executive or relevant Executive Director for response as appropriate.

Agenda Items

- 3.80 Agenda items requiring a Council decision will:
- (a) Be moved and seconded but this may be done formally without speeches (by reference to moving the recommendations or otherwise); and
 - (b) Will otherwise be subject to the Rules for motions as set out below.

Motions on Notice

- 3.81 The following Motions on notice shall be considered at ordinary Meetings.
- 3.82 The total time permitted for consideration of motions on notice shall be no more than sixty minutes with the normal Rules of debate applying. There will be a restriction of a maximum of twenty minutes for each motion heard. Motions will be placed on the agenda in the order they are received with a motion from or supported by the leader of the main opposition political group always being first.
- 3.83 If there is sufficient time before the Council meeting finishes and not all Motions have been heard during the sixty minutes, the Mayor has the discretion to continue to hear Motions on Notice up to the finish time for the meeting.
- 3.84 If there is not sufficient time to debate any motion before the Council Meeting finishes, the motion shall be put to the vote without further discussion or proposed and seconded as necessary.

- 3.85 Any motion that relates to the functions of the executive shall be proposed and seconded and then immediately referred to Cabinet without debate.
- 3.86 A councillor can propose one motion to the same meeting.
- 3.87 Democratic Services will publish:
- (a) Actions taken in response to motions that have been passed, including any reply from any external body; and
 - (b) Actions taken in response to a motion submitted but not considered at the Council.

Submission of Motions

- 3.88 A councillor may submit a motion as follows:
- (a) The motion must be in writing by two councillors who will propose and second the motion;
 - (b) The motion must be submitted to Democratic Services at least nine clear working days before the publication date for the meeting; and
 - (c) The motion must clearly set out the decision or action that the Council is being asked to undertake and if the decision or action is an executive function that can only be discharged by the Cabinet, the motion must state that it is a request to the Cabinet to consider the decision or action.

Motion to Rescind a Previous Motion

- 3.89 A motion or amendment to rescind a decision made at a Council meeting **within the past six months** cannot be moved unless the notice of motion is signed by the number of councillors that would constitute a quorum of the Council.
- 3.90 When the Council has determined any such motion or amendment, a councillor cannot propose a similar motion **within six months of the date of the determination**.

Submission of Motions on Urgent Matters

- 3.91 The Mayor may accept a motion submitted after the deadline for the submission of motions where they determine the motion:
- (a) Complies all other Rules relating to motions;
 - (b) Relates to matters that arose after the deadline for the submission of motions on notice; and
 - (c) It is a matter which cannot reasonably be considered by the next Council meeting or by another Council body or officer before the next meeting.
- 3.92 The Mayor shall seek the advice of the Monitoring Officer when considering a motion submitted under Rules 3.88.to 3.91.

The Scope and Validity of Motions

- 3.93 The Monitoring Officer must reject a motion if it is:
- (a) About a matter intended for inclusion on the published agenda for that meeting;
 - (b) About a matter for which the Council has no power to act or affect the desired outcome, other than motions that request the Council make representations to regional government (if any) or central government;
 - (c) About a matter that is delegated for determination by another Council body or may be determined by an officer acting under delegated powers (eg individual regulatory decisions);
 - (d) Defamatory, frivolous, offensive or insulting to any person or persons;
 - (e) The same or substantially the same as a motion which has been put at a meeting of Council in the **past six months**;
 - (f) Requires the disclosure of confidential or exempt information; or
 - (g) Requires an act or omission which is either unlawful or incapable of having practical effect.
- 3.94 The Monitoring Officer may, but is not required to, advise a councillor submitting a motion on its contents but the sole responsibility for compliance with these Rules rests with the councillor submitting the motion.

Motions to Remove the Leader

- 3.95 The Leader can only be removed by a resolution of Council made on notice and in accordance with the procedure set out in the Cabinet Procedure Rules in Part 4 of this Constitution.
- 3.96 Where a motion of no confidence in the Leader is passed, the Council must immediately elect a new Leader.

The Conduct of Debates

Moving and Withdrawing Motions

- 3.97 A motion must be moved by the councillor who submitted it or the Mayor shall treat the motion as withdrawn.
- 3.98 The mover of a motion may withdraw their motion:
- (a) By notice in writing to Democratic Services **up to 5pm the day before meeting**;
or
 - (b) At the meeting before the item is proposed with the consent of the seconder or during the debate with the consent of Council and without further debate.

Alteration of Motions

- 3.99 A councillor may seek to alter a motion directly after they have moved the motion and at no other time.
- 3.100 only alterations that could be moved as amendments can be sought and, for the avoidance of doubt, alterations may include an alteration to accept one or more proposed amendments.
- 3.101 The Mayor must seek the meeting's consent to the alteration, which will be signified without discussion.
- 3.102 The Mayor may require a written copy of the altered motion to be drafted and circulated to all councillors and may adjourn the meeting for this purpose.
- 3.103 Minor alterations to correct typographical errors or other minor errors that do not impact on the meaning of the motion may be moved by the Mayor and will be agreed with the consent of the meeting without debate.

Amendments to Motions

- 3.104 Amendments to motions must be submitted by a councillor.
- 3.105 only one amendment may be received in the name of a councillor.
- 3.106 Amendments must be submitted to Democratic Services at least **three clear working days before the day of the meeting** and:
- (a) Must be in writing and signed by two councillors as proposer and seconder;
- 3.107 An Amendment must be relevant to the motion and must not negate the motion or replace the notice of motion with a completely new motion and can:
- (a) Refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) Leave out words;
 - (c) Leave out words and insert or add other words; or
 - (d) Insert or add words.
- 3.108 The Monitoring Officer may reject an amendment if it does not comply with these Rules. The Monitoring Officer may provide advice to the councillor or Political Group submitting the amendment but it is the sole responsibility of the councillor or Political Group to ensure that the amendment complies with these Rules.

Moving and Seconding an Amendment

- 3.109 An amendment must be moved and seconded before it can be debated.
- 3.110 A councillor seconding an amendment may formally second the amendment and reserve their right to speak to later in the debate. It is a matter of discretion for the Mayor to determine if there is sufficient time to allow the seconder to speak.

- 3.111 The mover of an amendment may seek permission to alter their amendment after they have moved the amendment and before it is seconded and at no other time.
- 3.112 Only alterations that could be moved as amendments can be sought and, for the avoidance of doubt, alterations may include alteration to accept one or more other proposed amendments.
- 3.113 The Mayor must seek the meeting's consent to the alteration, which will be signified without discussion.
- 3.114 The Mayor may require a written copy of the altered amendment to be drafted and circulated to all councillors and may adjourn the meeting for this purpose.
- 3.115 Minor alterations to correct typographical errors or other minor errors that do not impact on the meaning of an amendment may be moved by the Mayor and will be agreed with the consent of the meeting without debate.
- 3.116 The mover of an amendment may withdraw their amendment:
- (a) By notice in writing to Democratic Services **up to 5pm on the day of the meeting**; or
 - (b) At the meeting with the consent of Council and without debate.

The Debate

- 3.117 After the motion and any amendments have been moved and, where necessary, seconded, the Mayor will invite councillors who have not moved or seconded the motion or an amendment to speak on the motion and any amendments **as a single debate**.
- 3.118 Councillors wishing to speak must raise their hands at this time so that their names can be taken by the Mayor. No other speakers will be allowed except seconders who have reserved their right to speak.
- 3.119 The selection of speakers is at the Mayor's discretion who will have regard to the desirability of the following:
- (a) Reflecting the overall political proportionality of the Council and the consideration of different points of view so far as is reasonable in the time available;
 - (b) Hearing from a diversity of speakers over the course of the meeting; and
 - (c) Where there is sufficient time to hear from all those wishing to speak.
- 3.120 The Mayor may alter the length of speaking time in time limited debates where the estimated time to be taken by the number of councillors wishing to speak exceeds the time available.
- 3.121 The Mayor may, if they considers it conducive to effect debate, allow for debates on any amendments or the substantive motion separately and take a vote on each

amendment after it is debated before debating and voting on the original motion (or if any amendments are passed, the amended substantive motion).

When a Councillor may Speak Again

- 3.122 A councillor may only speak **once** on an item of business or a motion except:
- (a) To move or second a procedural motion which may be moved during a debate;
 - (b) To make a point of order or personal explanation as defined by these Rules; and
 - (c) To exercise a right of reply.

Right of Reply

- 3.123 The mover of the motion has a right of reply at the close of the debate. The right of reply must be restricted to replying to issues raised by other councillors in moving amendments or in the course of the debate.

Voting

- 3.124 Where there are no amendments, a vote is taken on the motion only.
- 3.125 Where an amendment or amendments are moved and seconded, they shall be voted on first and the voting shall take place as set out below in Rules 3.125 – 3.130.

Voting where there is One Amendment

- 3.126 If the amendment is not carried, the Council will then vote on the original motion.
- 3.127 If the amendment is carried, the motion is amended and becomes the (substantive motion).
- 3.128 A second vote is then held as the substantive motion and if carried it becomes a decision of Council.

Voting on Multiple Amendments

- 3.129 If there is more than one amendment they shall be voted upon in order and:
- (a) The voting shall move to the next amendment without amending the motion;
 - (b) Where they are carried, they shall amend the motion or amended motion to become the substantive motion; and
 - (c) There shall be a final vote on the substantive motion.
- 3.130 If the Mayor considers it necessary they may require an amended motion and / or the final substantive motion to be drafted and circulated to all councillors and / or read out to all councillors at any stage before a vote is taken.

Motions which may be Moved Without Notice

3.131 The following motions may be moved without notice:

- (a) To appoint a Chair of the meeting where the Mayor and Deputy Mayor are not available to chair the meeting;
- (b) To change the order of business of the meeting;
- (c) To refer a matter to the appropriate body or individual;
- (d) To appoint a Committee or a member of a Committee;
- (e) To withdraw a motion;
- (f) To proceed to the next item of business;
- (g) That the question be now put;
- (h) To adjourn a debate;
- (i) To adjourn a meeting;
- (j) To suspend one or more these Council Procedure Rules so far as is permitted in these Rules and only in the meeting or for part of a meeting;
- (k) To exclude the public and press in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution; and
- (l) To not hear further a councillor named under these Rules or to exclude the councillor from the meeting.

Closure Motions

3.132 The following closure motions may only be moved when the motion and any amendments have been moved and, where required, seconded.

To Proceed to the Next Item of Business

3.133 If a councillor moves a motion to proceed to next business, the Mayor will:

- (a) Ask if the motion is seconded and if so;
- (b) Consider whether the item has been sufficiently discussed and if so;
- (c) Will put the procedural motion to the vote.

3.134 If the procedural motion is carried, the Mayor will give the mover of the original motion a right of reply and then move to next business without a vote.

To Put Questions to the Vote

3.135 If a councillor moves a motion that the question is now put, the Mayor will:

- (a) Ask if the motion is seconded and if so;
- (b) Consider whether the item has been sufficiently discussed and if so;

- (c) Will put the procedural motion to the vote.
- 3.136 If the vote is passed, the Mayor will give the mover of the original motion a right of reply before putting their motion and / or any amendments to the vote.

To Adjourn the Debate

- 3.137 If a councillor moves a motion to adjourn the debate, the Mayor will:
- (a) Ask if the motion is seconded and if so;
 - (b) Consider whether the item has been sufficiently discussed or cannot reasonably be sufficiently discussed on that occasion and if they consider this is the case, the Mayor will put the procedural motion to the vote.
- 3.138 if the vote is passed, the Mayor will give the mover of the original motion a right of reply and the motion will be adjourned to the next meeting or such other meeting as agreed.

Point of Order

- 3.139 Any councillor may make a point of order to the Mayor alleging that there has been a breach of these Council Procedure Rules or any other statutory provision.
- 3.140 A councillor making a point of order must rise to speak stating to the Mayor that:
- (a) They wish to make a point of order; and
 - (b) Specifying the Council Procedure Rule or statutory provision that has been breached and the way in which they consider it has been broken.
- 3.141 The Mayor shall consider whether a valid point of order has been raised and:
- (a) If so, take any necessary action;
 - (b) If not, continue with the business of the meeting.
- 3.142 The Mayor's ruling is final.

Point of Personal Explanation

- 3.143 A councillor who has already spoken in a debate may make a personal explanation where the Mayor agrees that the councillor:
- (a) Has been named by another councillor during the debate; and
 - (b) In a manner which reflects adversely upon the reputation of the named councillor.
- 3.144 A councillor who wishes to make a personal explanation must make the request at the end of the current councillor's speech in accordance with following procedure:
- (a) The councillor must rise (unless the councillor considers they are unable to stand to speak due to disability or other mobility issues and in such a case no explanation need be provided by the councillor) to indicate to the Mayor that

they wish to make a personal explanation specifying the grounds for the request;

- (b) The Mayor will either agree or refuse the request and the Mayor's decision is final; and
- (c) In making a personal explanation, the councillor must only address the comment in respect of the councillors' reputation.

Press and Public: Access and Exclusion

3.145 Members of the press and public are permitted to attend all meetings in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

3.146 Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

Recording and Filming

3.147 Any person, including councillors, may record or film Council proceedings when the meeting is held in public subject to the following:

- (a) Filming or recording must not disrupt the business and conduct of the meeting;
- (b) In the case of filming, the person filming must remain in the allocated area for filming or a place otherwise agreed by Democratic Services;
- (c) Refrain from filming or recording any member of the public, except where part of the formal proceedings; and
- (d) During a private session of the meeting must not leave any form of recording device in the meeting room and councillors remaining in the meeting must not record or film any private session of the proceedings.

3.148 Permission to film or record Council meetings does not extend to filming or recording of any matter outside of the formal proceedings or before or after the meeting.

3.149 Councillors must ensure that they remain able to fully participate in the meeting whilst filming or recording the meeting.

Councillor Misconduct During Meetings

3.150 If during the course of a meeting a councillor fails to comply:

- (a) With the NOLAN principles;
- (b) These Rules; or
- (c) An instruction of the Mayor; or
- (d) A decision of the Council; or

- (e) When speaking uses offensive, intimidatory or abusive language towards any councillor, officer or other person, the Mayor may instruct the councillor to be seated and not to speak.
- 3.151 If the councillor continues or otherwise refuses to comply with the Mayor's instructions, the Mayor may:
- (a) Move without debate that the councillor be suspended from and must leave the meeting; and
 - (b) If the motion is seconded, the Council shall vote on the motion.
- 3.152 If the motion is carried but the offending councillor refuses to leave the meeting, the Mayor may take steps to remove the councillor from the meeting.

Disturbance by a Member of the Public

- 3.153 Members of the public shall not interrupt or interfere with the effective conduct or business of a meeting.
- 3.154 Mobile phones and similar devices shall be placed on 'silent' and shall not be used during a meeting otherwise than as permitted elsewhere in these Rules.

Removal of a Member of the Public

- 3.155 If one or more members of the public interrupts the effective conduct of the business of a meeting the Mayor may warn them and if they interrupt again, the Mayor may order their removal from the meeting.

General Disturbance

- 3.156 In case of a general disturbance in any part of the chamber open to the public for the purpose of attending a meeting, the Mayor may order that part of the chamber to be cleared.

Notification of Cancellation of a Meeting

- 3.157 The Chief Executive after consultation with the Mayor may issue, owing to exceptional circumstances, a Public Notice of Cancellation of Meeting. The notice must state reasons for cancellation.

Application of the Council Procedure Rules

- 3.158 These Council Procedure Rules apply to all meetings of the Council.
- 3.159 The Cabinet Procedure Rules set out under Part 4 of this Constitution apply only to meetings of the Cabinet.
- 3.160 The Committee Procedure Rules are set out under Part 3 of this Constitution and which of these Council Procedure Rules are incorporated into the Committee Procedure Rules.

Suspension or Amendment of the Council Procedure Rules

- 3.161 Any or all of these Council Procedure Rules except the Rules set out below may be suspended by a majority if at least **one half of the whole number of councillors who are physically present in the room and eligible to vote**.
- 3.162 Any suspension of these Rules will only be for the item or meeting specified in the motion. Motions to suspend the Council Procedure Rules must specify the Rule or Rules the motion seeks to suspend.
- 3.163 The Council Procedure Rules which cannot be suspended are:
- (a) Annual Meeting (Rules 3.10 – 3.12);
 - (b) Council Tax Setting Meeting (Rules 3.17 – 3.21);
 - (c) Extraordinary Meetings – right of five councillors to requisition a meeting and the Mayor's power to call the meeting (Rule 3.22 and 3.31);
 - (d) Requirements for a summons (Rules 3.30 and 3.31);
 - (e) Quorum for a meeting (Rules 3.32 – 3.34);
 - (f) Duration of the meeting (Rule 3.35);
 - (g) Voting (Rules 3.40, 3.42, 3.44, 3.45, 3.48);
 - (h) Exclusion of the press and public (Rule 3.145);
 - (i) Rules as to conduct and removal (Rules 3.146 – 3.155).
- 3.164 Any motion to add to, vary or revoke these Council Rules of Procedure will, if proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council.