

# **PART 4**

## **(A) COUNCIL PROCEDURE RULES**

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## CP1 **ANNUAL MEETING OF THE COUNCIL**

### 1.1 **Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting shall take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting shall take place in March, April or May. In either case, the date shall be fixed by the Council.

The annual meeting shall:-

- (i) Elect a person to preside if the Mayor or Deputy Mayor is not present
- (ii) Elect the Chairman of Council (Mayor)
- (iii) Elect the Vice-Chairman of Council
- (iv) Elect the Deputy Mayor
- (v) Approve the Minutes of the last meeting
- (vi) Receive any announcements from the Chairman and/or Chief Executive
- (vii) Elect the Leader
- (viii) Appoint Overview and Scrutiny Committees, a Standards Committee and such other Committees and Sub-Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of the Constitution), appoint Members and Substitute Members of Committees, appoint the Chairs and Vice-Chairs of the Committees and representatives on Joint Authorities and Outside Bodies
- (ix) To enable it to comply with Rule CP1.2, receive a report from the Chief Executive on the arrangements for the discharge of executive functions and the delegation of those functions
- (x) Agree the Schemes of Delegation and the Development Control Scheme
- (xi) Approve a schedule of ordinary meetings of the Council for the Municipal Year
- (xii) Approve a schedule of meetings of the Cabinet, all Committees and Sub-Committees for the Municipal Year
- (xiii) Receive and debate any Petitions for Debate
- (xiv) Consider any business set out in the notice convening the meeting
- (xv) Fix the date of the next annual meeting of the Council

### 1.2 **Form of the Executive and Selection of Councillors on Committees, Sub-Committees, Joint Authorities and Outside Bodies**

At the annual meeting, the Council shall:-

- (i) Subject to Rules EP1.11, and CP25.2.1, decide the form of the Executive and which Committees and Sub-Committees to establish for the Municipal Year
- (ii) Decide the size and terms of reference for those Committees and Sub-Committees
- (iii) Decide the allocation of seats and any substitutes to Political Groups in accordance with the Political Balance Rules
- (iv) Receive nominations of Councillors to serve on Committees and Sub-Committees, Joint Authorities and Outside Bodies

- (v) Receive nominations for the position of Leader of the Council and receive details of appointments of Members of the Cabinet and details of Cabinet Member portfolios..
- (vi) Appoint to the Committees, Sub-Committees, Joint Authorities and Outside Bodies
- (vii) Subject to Rules CP25.2.2 and CP25.3, if it so determines, appoint from among the voting members a person to chair meetings of Committees and Sub-Committees and a person to act as a Vice-Chair in the absence of the Chair

### 1.3 **Arrangements for the Annual Meeting of the Council**

The annual meeting shall normally precede the annual Mayor-making ceremony. A report detailing the nominations shall be circulated to all Members of the Council five clear working days prior to the annual meeting of the Council. Should it become clear that the appointments shall require debate, then the decisions shall be made at a further meeting of the Council on the following day, to avoid disruption of the Mayor-making ceremony.

## CP2 **ORDINARY MEETINGS**

### 2.1 **Order of Business**

Ordinary meetings of the Council shall take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings shall:-

- (i) Elect a person to preside if the Mayor and Vice-Chairman are not present
- (ii) approve the minutes of the last meeting
- (iii) receive any declarations of interest from Members
- (iv) receive any announcements or statements from the Mayor, Leader, Members of the Cabinet or the Chief Executive
- (v) Receive and debate any Petitions for Debate
- (vi) Receive and provide answers to any questions from members of the public in relation to matters which in the opinion of the Chairman are relevant to the business of the Council
- (vii) Deal with any business from the previous Council meeting
- (viii) Consider any notices of motion
- (ix) Receive any reports from the Leader, Members of the Cabinet, Township Chairs, Overview and Scrutiny Committee Chairs or Chair of the Standards Committee and receive any questions from Members and answers on any of those reports
- (x) Receive any reports about and receive any questions from Members and answers on the work of the Joint Authorities or Outside Bodies
- (xi) Receive any questions from Members and any answers
- (xii) Consider any other business specified in the summons to the meeting, including notification of urgent executive decisions, consideration of any reports or proposals from the Executive in relation to the Council's Budget and Policy Framework and any reports of the Overview and Scrutiny Committees and Sub-Committees and Standards Committee,

- and receive any questions and answers on any of those reports or proposals
- (xiii) Receive the minutes of the Executive and other Committees and Sub-Committees of the Council

## 2.2 **Order of Business – Variation**

The order of business as provided for in these Procedure Rules or as shown on the summons shall only be varied:-

- (a) At the discretion of the Chairman, or
- (b) By resolution passed on an oral motion and put without discussion.

## CP3 **EXTRAORDINARY MEETINGS**

### 3.1 **Calling Extraordinary Meetings**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings -

- (i) The Council by resolution
- (ii) The Mayor
- (iii) The Service Director for Legal and Democratic Services and/or the Service Director for Finance and Procurement
- (iv) Any five Members of the Council if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition

The Chief Executive shall refuse to comply with such request as set out in Rule OS3.1(iv) only for some substantial reason.

### 3.2 **Business**

No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting. The summons to the meeting shall not include the consideration of the minutes of previous meetings and shall relate to a single item of business.

## CP4 **APPOINTMENT OF THE EXECUTIVE AND PORTFOLIO HOLDERS, COMMITTEES AND SUB-COMMITTEES, CHAIRS AND VICE-CHAIRS, REPRESENTATIVES ON JOINT AUTHORITIES AND OUTSIDE BODIES AND SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

### 4.1 **Appointment**

The Council shall appoint the Leader of the Council and such other Committees and Sub-Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions.

#### 4.2 **Chairs and Vice-Chairs, Representatives on Joint Authorities and Outside Bodies**

Subject to Rules CP25.2.2 and CP25.3, the Council shall appoint the Chairs and Vice-Chairs of Committees and Sub-Committees mentioned in Rule CP4.1, representatives on Joint Authorities and Outside Bodies.

#### 4.3 **Allocation of Substitute Members**

As well as allocating seats on Committees and Sub-Committees, the Council may allocate seats in the same manner for Substitute Members. Substitute arrangements shall not apply to the Appointment Committee, Members of which Committee must be involved throughout all stages in which Members are engaged.

#### 4.4 **Number of Substitute Members**

For each Committee or Sub-Committee, with the exception of the Audit Committee and Sub-Committees of the Township Committees, the Council may appoint the same number of named Substitutes in respect of each Political Group as that Group holds ordinary seats on that Committee or Sub-Committee, up to a maximum of three. No substitutes shall be appointed with regard to the Audit Committee. Township Committees shall have discretion to appoint substitutes on the basis of ward or other chosen representation rather than political representation, though no political group may have more substitute Members than substantive Members appointed for any one Township Sub-Committee.

#### 4.5 **Powers and Duties of Substitute Members**

Substitute Members shall have all the powers and duties of any ordinary Member of the Committee or Sub-Committee but shall not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

#### 4.6 **Substitution**

Substitute Members may attend meetings in that capacity only:-

- (i) To take the place of the ordinary Member for whom they are the designated substitute
- (ii) Where the ordinary Member will be absent for the whole of the meeting, and
- (iii) After notifying the Chief Executive of the intended substitution by 12 noon on the working day prior to the day of the meeting.

#### CP5 **DATE, TIME AND PLACE OF MEETINGS**

The annual meeting shall approve a programme of meetings of the Council for each Municipal Year to be held at 6.15 p.m. in the Council Chamber, Town Hall, Rochdale, unless otherwise specified in the summons.

The annual meeting shall approve a programme of meetings for the Executive and all Committees and Sub-Committees for each Municipal Year.

**CP6 NOTICE OF AND SUMMONS TO MEETINGS**

The Service Director for Legal and Democratic Services shall give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive shall send a summons by post or by electronic mail to every Member of the Council, Committee or Sub-Committee or leave it at their usual place of residence. The summons shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available.

**CP7 CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor or the Chairman also include the Chairman of Committees and Sub-Committees.

**CP8 QUORUM**

The quorum of a meeting of the Council shall be one quarter of the whole number of Members. The quorum of a meeting of a Committee shall be a third or five Members, whichever is the greater, with the exception of the Disputes Committee for which the quorum shall be four; the Audit Committee and the Charitable Trustee Committee for which the quorum shall be three; and the quorum for a meeting of a Sub-Committee which shall be three Members. If, at the expiration of 15 minutes after the time for which any meeting is called, a quorum is not present, then the meeting shall not take place. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting shall adjourn immediately. Remaining business shall be considered at a place, time and date fixed by the Chief Executive. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

**CP9 DURATION OF MEETING**

All meetings of the Council shall finish no later than 11.00 p.m., provided that if the Council resolve before 11.00 p.m. that in their opinion the remaining business can be completed by 11.30 p.m., the meeting may continue until that time but shall then terminate automatically whether or not the business of Council has been completed. Any adjourned meeting shall be held on the following day or as soon as practicable.

**CP10 PETITIONS FROM AND QUESTIONS BY THE PUBLIC**

**10.1 Petitions for Debate**

Petitions for Debate at Council submitted and accepted in accordance with the Council's Petition Scheme must be reported to and debated at Council. Petitions for Debate shall be submitted to the Council in the order of receipt and/or as directed by the Petitions Officer (Service Director for Legal and Democratic Services).

The petition organiser will be given five minutes to present the petition. The petition will be debated for a maximum of 15 minutes at which point the Council shall determine how to respond to the petition. The Council may

- (i) decide to take the action the petition requests
- (ii) decide not to take the action requested for reasons put forward in debate
- (iii) decide to commission further investigation in to the matter, for example by a relevant Committee or Cabinet.

## 10.2 Questions

Residents or business rate payers of the Borough may present questions to the Leader or Members of the Executive. A question may be put only if notice has been given in writing to the Chief Executive no later than noon seven days immediately before the day of the meeting and must relate to any matter which is relevant to the Council, its Committees or its services to the community. Each question must give the name and address of the questioner.

At any one meeting no person may submit more than one question, which must be no more than 100 words in length, and no more than one question may be asked on behalf of one Organisation.

A period of no more than 30 minutes shall be allocated at each ordinary meeting of the Council for public questions. Questions shall be put in the order notice of them was received by the Chief Executive, except that the Chairman may group together similar questions.

The Chief Executive has the right to refer question direct to the relevant body without its being submitted to the Council. The Chief Executive may reject a question if it:-

- Is not about a matter for which the Council has a responsibility or which affects the Borough
- Is defamatory, frivolous or offensive
- Is substantially the same as a question which has been put at a meeting of the Council in the previous six months or
- Requires the disclosure of exempt or confidential information

The Chief Executive shall enter each written question received in a book open to public inspection and shall immediately send a copy of the question to the Leader and/or appropriate Member of the Executive. Rejected questions shall include reasons for rejection.

Copies of all questions shall be made available to all Members and shall be made available to the public attending the meeting.

**10.6 Asking the Question at the Meeting**

The Mayor shall invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, the Leader may be asked to put the question on his or her behalf. The Leader may put the question on the questioner's behalf, indicate that a written reply shall be given or decide, in the absence of the questioner, that the question shall not be dealt with.

**10.7 Supplementary Questions**

No supplementary questions shall be allowed.

**10.8 Answers**

**10.9** The Leader shall determine whether he or she or a Member of the Executive shall answer a particular question.

**10.9.2** The Leader or a Member of the Executive may answer orally, in writing or may decline to answer. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, shall be dealt with by a written answer.

**10.10 Reference of Question to the Executive, an Appropriate Body or Individual**

Unless the Mayor decides otherwise, no discussion shall take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or an appropriate body or individual. Once seconded, such a motion shall be voted on without discussion.

**CP11 MOTIONS ON NOTICE**

**11.1 Notice**

Except for motions which can be moved without notice under Rule CP12, written notice of every motion, signed by at least 2 Members, must be delivered to the Chief Executive not later than noon seven days before the date of the meeting. These shall be entered in a book open to public inspection.

**11.2** Restriction on number of Motions on Notice. There shall be a maximum of four Notices of Motion, to be allocated between the political Groups on a politically balanced basis.

**11.3 Motion Set Out in Agenda**

Motions for which notice has been given shall be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

The Motions shall be considered following all formal business and before the quarterly reports of Cabinet Members, Township Chairs and Overview and Scrutiny Chairs.

#### 11.4 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

#### 11.5 **Expenditure**

Any motion submitted or moved in accordance with this or any other Procedure Rule (other than in pursuance of a recommendation of the Executive or of a Committee after the recommendation or report has been considered by the Executive) and which would, if carried, vary any approved capital or revenue budgets, shall when proposed and seconded stand referred without discussion to the Executive for consideration of the financial implications of such action and for recommendation to the next ordinary meeting of the Council.

#### CP12 **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:-

- (a) To appoint a Chairman of the meeting at which the motion is moved
- (b) In relation to the accuracy of the Minutes
- (c) To change the order of business on the agenda
- (d) To refer a matter to the Executive, an appropriate body or individual
- (e) To appoint a Committee arising from an item on the summons for the meeting
- (f) To receive reports or to adopt recommendations and any resolutions following from them
- (g) To withdraw a motion
- (h) To amend a motion
- (i) To proceed to the next business
- (j) That the question be now put
- (k) To adjourn a debate
- (l) To adjourn a meeting
- (m) That the meeting continues beyond 11.00 p.m. in accordance with Rule CP9
- (n) To suspend a particular Council Procedure Rule in accordance with Rule CP22
- (o) To exclude the public and press in accordance with the Access to Information Rules
- (p) Not to hear further a Member named under Rule CP20.3 or to exclude him or her from the meeting under Rule CP20.4
- (q) To give the consent of the Council where its consent is required by the Constitution and

- (r) To authorise the sealing of documents

## CP13 **QUESTIONS AND REMARKS BY MEMBERS**

### 13.1 **Restriction on the Number of Questions on Notice at Full Council**

The number of questions to Cabinet Members, Township Chairs and Overview and Scrutiny Chairs shall be limited to twenty questions per political group, to be allocated between the Cabinet Members, Township Chairs and Overview and Scrutiny Committee Chairs as each Group wishes.

### 13.2 **Questions on Notice at Full Council**

Subject to Rule 13.3, a Member of the Council may put to:-

- The Leader
- A Member of the Executive
- The Chairman of any Committee or Sub-Committee
- The Member of the Council appointed to a Joint Authority and nominated as Spokesperson for that Authority
- The Member of the Council appointed as the Council's representative on an Outside Body

a question on any matter for which the Council has a responsibility or which affects the Borough.

### 13.3 **Notice of Questions**

A Member may put a question under Rule CP13.1 only if he or she has given notice of wishing to ask a question of a named Member by delivering it, in writing, to the Chief Executive no later than noon on the day before the meeting. It is not necessary for a Member to provide the written text of the question.

### 13.4 **Answers**

13.4.1 An answer may take the form of:-

- (a) A direct oral answer
- (b) Where the information is in a publication of the Council or other published work, a reference to that publication or
- (c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner

13.4.2 The person to whom a question is put may decline to answer.

13.4.3 Each question shall be put and answered without discussion and shall be dealt with in no more than two minutes.

### 13.5 **Supplementary Question**

A Member putting a question under Rule CP13.1 may, with the consent of the Chairman, put one supplementary question without notice of the Member to whom the first question was put. The supplementary question must arise directly out of the original question or the answer.

**CP14 RULES OF DEBATE**

**14.1 No Speeches until Motion or Amendment Seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion or amendment has been seconded.

**14.2 Right to Require Motion in Writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him or her before it is discussed.

**14.3 Secunder's Speech**

When seconding a motion or amendment, a Member may reserve his or her speech until later in the debate.

**14.4 Length of Time for Dealing with Motions**

The amount of time for debate on each Motion shall be limited to 20 minutes.

**14.5 Content and Length of Speeches**

14.5.1 Speeches must be directed to the question under discussion or to a personal explanation or to a point of order. No speech may exceed five minutes without the consent of the Chairman.

14.5.2 The Chairman shall have overall control of the content and number of speeches and shall decide when a matter has been sufficiently discussed for the debate to be closed and a vote taken.

**14.6 When a Member May Speak Again**

A Member who has spoken on a motion or amendment may not speak again whilst it is the subject of debate, except:-

- (a) To speak once on an amendment moved by another Member
- (b) If his or her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried)
- (c) In exercise of a right of reply
- (d) On a point of order and
- (e) By way of personal explanation

**14.7 Amendments to Motions**

- (a) An amendment to a motion must be relevant to the motion and shall be:-
  - (i) To refer the matter to an appropriate body or individual for consideration or reconsideration
  - (ii) To leave out words
  - (iii) To leave out words and insert or add others or
  - (iv) To insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion. Any such amendment which, if carried, would vary any approved capital or revenue budgets, shall when moved and seconded stand referred without discussion to the Executive for consideration of the financial implications of such action and for recommendation to the next ordinary meeting of the Council.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, if required the Chairman shall read out the amended motion before accepting any further amendments, or if there are none, putting it to the vote.

#### 14.8 **Alteration of Motion**

- (a) A Member may alter a motion of which he or she has given notice with the consent of the meeting. The Meeting's consent shall be signified without discussion.
- (b) A Member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent shall be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### 14.9 **Withdrawal of Motion or Amendment**

A Member may withdraw a motion or amendment at any time with the consent of both the meeting and the seconder. The meeting's consent shall be signified without discussion. No Member may speak on the motion or amendment after the mover has asked permission to withdraw it unless permission is refused.

#### 14.10 **Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

#### 14.11 **Motions which May be Moved During Debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:-

- (a) To withdraw a motion
- (b) To amend a motion
- (c) To proceed to the next business
- (d) That the question be now put
- (e) To adjourn the debate
- (f) To adjourn the meeting
- (g) That the meeting continue beyond 11.00 p.m. in accordance with Rule CP9
- (h) To exclude the public and press in accordance with the Access to Information Rules and
- (i) Not to hear further a Member named under Rule CP20.3 or to exclude him or her from the meeting under Rule CP20.4

#### 14.12 **Closure Motions**

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:-
  - (i) To proceed to the next business
  - (ii) That the question be now put
  - (iii) To adjourn the debate or
  - (iv) To adjourn the meeting
- (b) If a motion to proceed to the next business is seconded and the Chairman is of the opinion that the item has been sufficiently discussed, he or she shall give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman is of the opinion that the item has been sufficiently discussed, he or she shall put the procedural motion to the vote. If it is passed he or she shall give the mover of the original motion a right of reply before putting his or her motion to the vote.
- (d) If a motion to adjourn the debate is seconded and the Chairman is of the opinion that the item has not been sufficiently discussed and cannot

reasonably be so discussed on that occasion, he or she shall put the procedural motion to the vote without giving the mover of the original motion the right of reply.

- (e) If a motion to adjourn the meeting is seconded and the Chairman is of the opinion that the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she shall put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 14.13 **Point of Order**

A Member may raise a point of order at any time. The Chairman shall hear him or her immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the Procedural Rule or law and the way in which he or she considers it has been broken. The ruling of the Chairman on the matter shall be final and not open to discussion.

#### 14.14 **Personal Explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation shall be final and not open to discussion.

### CP15 **PREVIOUS DECISIONS AND MOTIONS**

#### 15.1 **Motion or Amendment to Rescind a Previous Decision**

No motion, whether it be a motion under Council Procedure Rule 11, a motion moved on the submission of the minutes or of a report of a Committee, a motion moved on any other item on the summons to attend the meeting of the Council, and no amendment to any motion shall be moved if it involves a reconsideration of any question or proposal which has been debated or decided or adopted by the Council at any such time within the preceding six months (either upon any such motion or upon any amendment) unless:-

- (a) it is moved by the Chairman of the meeting
- (b) it is a motion under Council Procedure Rule 11 and is signed by at least 12 Members of Council; or
- (c) (i) it is moved by the Chairman of a Committee  
(ii) it is so moved as a resolution of the Committee.

#### 15.2 **Motion or Amendment Similar to One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the previous period of six months cannot be moved unless the notice of motion or amendment is signed by at least 12 Members.

Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for a further period of six months.

CP16 **VOTING**

16.1 **Majority**

Unless the Constitution provides otherwise, any matter shall be decided by a simple majority of those Members voting and present in the room at the time the question was put.

16.2 **Chairman's Casting Vote**

If there are equal numbers of votes for and against, the Chairman shall have a second or casting vote. There shall be no restriction on how the Chairman chooses to exercise a casting vote.

16.3 **Show of Hands**

Unless a recorded vote is demanded under Rule 16.4, the Chairman shall take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 **Recorded Vote**

If ten Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes. Members will signify their wish for a recorded vote by rising in their places.

16.5 **Right to Require Individual Vote to be Recorded**

Where any Member requests it immediately after the vote is taken, his or her vote shall be so recorded in the Minutes to show whether he or she voted for or against the motion or amendment or abstained from voting.

16.6 **Voting on Appointments**

If there are more than 2 people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes shall be taken off the list and a new vote taken. The process shall continue until there is a majority of votes for one person.

CP17 **MINUTES**

17.1 **Signing the Minutes**

The Chairman shall sign the Minutes of the proceedings at the next appropriate meeting. The Chairman shall move that the Minutes of the

previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

**17.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) shall be treated as an appropriate meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to the signing of Minutes.

**17.3 Form of Minutes**

Minutes shall contain all motions and amendments in the form and order the Chairman puts them.

**CP18 RECORD OF ATTENDANCE**

All Members present during the whole or part of a meeting shall sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. The Chief Executive shall record the names of all Members present during the whole or part of a meeting.

**CP19 EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of the Constitution or Rule CP21 (Disturbance by Public).

**CP20 MEMBERS' GENERAL CONDUCT AT MEETINGS**

20.1 Members recognise and acknowledge that they are personally responsible for their own conduct and have a responsibility to secure and promote good conduct on the part of all Members and of their Political Group.

20.2 Members shall exercise a reasonable degree of self control in their conduct and behaviour at meetings and shall not make a personal attack on any other Councillor.

20.3 In the event that a Member does make a personal attack on another Member, the Member's Group Leader shall instruct that Member immediately to desist and to sit down.

20.4 In the event that the instruction of the Group Leader is not full and immediately followed, the Member's Political Group is then collectively responsible for enforcing discipline within the Group and ensuring that the Party Leader's instruction is observed.

20.5 Members must not make a personal attack on any Officer in any public forum, including a meeting of the Council.

## CP21 **PROTOCOL AT COUNCIL MEETINGS**

### 21.1 **Standing to Speak**

When a Member speaks at full Council he or she must stand and address the meeting through the Chairman. If more than one Member stands, the Chairman shall ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### 21.2 **Chairman Standing**

When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### 21.3 **Member Not to be Heard Further**

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion shall be voted on without discussion.

### 21.4 **Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion shall be voted on without discussion.

### 21.5 **General Disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he or she thinks necessary.

## CP22 **DISTURBANCE BY PUBLIC**

### 22.1 **Removal of Member of the Public**

If a member of the public interrupts proceedings, the Chairman shall warn the person concerned. If he or she continues to interrupt, the Chairman shall order the removal of the person from the meeting room.

### 22.2 **Clearance of Part of Meeting Room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

## CP23 **SUSPENSION OR CHANGE OF COUNCIL PROCEDURE RULES**

23.1 **Suspension**

All of these Council Rules of Procedure except Rule CP16.5 and CP17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the relevant part of the meeting as determined by the Chairman.

23.2 **Change**

Any motion to add to, vary or revoke these Council Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

CP24 **RULING**

The ruling of the Chairman at the meeting as to the interpretation of these Council Procedure Rules or as to the procedure to be followed if not otherwise stated in these Council Procedure Rules shall be final and not open to discussion.

CP25 **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Procedure Rules apply to meetings of the Council. None of the Rules apply to meetings of the Executive. Rules CP2.2 (as it relates to business shown on the summons), 4, 6-8, 14-16 (but not 16.4), 17-20 (subject to references in 20.3 and 20.4 to Group Leader being replaced by Group colleagues), 21 (but not 21.1), 22 and 24 shall apply to meetings of Committees and Sub-Committees, including Township Committees.

25.1 **Business of Committees and Sub-Committees**

The summons to all meetings of Committees and Sub-Committees, including Township Committees, shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting, except with the consent of the Chairman of the meeting at the outset of any meeting, which consent shall be given only in accordance with the provisions of section 100B(4) of the Local Government Act 1972.

25.2 **Appointment of Sub-Committees**

- 1 Committees may appoint Sub-Committees for purposes to be specified by the Committee.
- 2 The Committee appointing a Sub-Committee shall appoint a Chairman and Vice-Chairman from among the Members of the Sub-Committee.
- 3 The Chairman and Vice-Chairman of the Committee shall be ex-officio member(s) of every Sub-Committee appointed by that Committee unless they signify to the Committee that they do not wish to serve.

**25.3 Appointment of Chairmen and Vice-Chairmen of Township Committees**

Township Committees may appoint their own Chairmen and Vice-Chairmen from among the Members of the Committee.

**25.4 Chairman of meetings of Committees and Sub-Committees (including Township Committees)**

- (a) At a meeting of a Committee or Sub-Committee, the Chairman of the Committee or Sub-Committee, if present, shall preside.
- (b) If the Chairman of the Committee or Sub-Committee is absent, then the Vice-Chairman of the Committee or Sub-Committee, if present, shall preside.
- (c) If both the Chairman and Vice-Chairman of the Committee or Sub-Committee are absent, then another Member of the Committee or Sub-Committee being a Councillor, shall be chosen by the Members of the Committee to preside.

**25.5 Times of Meetings**

- (i) All meetings of the Cabinet, Committees and Sub-Committees, including Township Committees, shall finish no later than 9.30 p.m. provided that, if the Cabinet, Committee or Sub-Committee resolve before 9.30 p.m. that in their opinion the remaining business can be completed by 10.00 p.m., the meeting may continue until that time but shall then terminate automatically whether or not the business of the Cabinet, Committee or Sub-Committee has been completed.
- (ii) Any uncompleted business shall be dealt with in one of the following ways:-
  - (a) Refer to the next ordinary meeting, or
  - (b) Convene an adjourned meeting if the Chief Executive, or his or her nominee, determines that any remaining matter is urgent.
- (iii) A special meeting may be called by the Chairman where a matter arises which is of such urgency that a decision must be made before the next ordinary meeting.