

Council Procedure Rules

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1 ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May.

The Annual Meeting will:

- (a) elect a person to preside if the Chairman of Council is not present;
- (b) elect the Chairman of Council;
- (c) appoint the Vice Chairman of Council;
- (d) receive any announcements from the Chairman and/or Head of the Paid Service;
- (e) approve the minutes of the last meeting;
- (f) elect the Leader of the Council for four years (this will take place at the first Annual Council meeting following a District Council election) and receive the Leader's Statement and the Deputy Leader and Cabinet Executive appointments;
- (g) receive the Leader's Annual Report on delegations effected throughout the preceding municipal year;
- (h) receive the Scrutiny Commission Annual Report;
- (i) where appropriate, agree that political balance rules be relaxed for all Committees/Sub-Committees and that the size and composition of the Committees/Sub-Committees be as determined at Section 1.2(b) below;
- (j) appoint the Scrutiny Commission and such other 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 Section 6);
- (k) make appointments of Members to outside bodies;

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- (l) approve a programme of ordinary meetings of the Council for the year;
 - (m) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution); and
 - (n) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council meeting will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) give effect to Political Group wishes as to the allocation of seats and substitutes to political groups.

2 ORDINARY MEETINGS OF THE COUNCIL

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. The agenda for Ordinary meetings of Council will consider:

First Section of Agenda - Introduction

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Members.

Second Section of Agenda – Standard Council Business

- (d) receive any announcements from the Chairman;
- (e) to receive statements from the Leader or his/her nominee or the Head of Paid Service and receive questions from Members on the Leader's Statement;
- (f) deal with any business from the last Council meeting;

- (g) receive reports on appointments to Committees/Outside Bodies and Constitutional Amendments (such reports will be moved in one block without discussion, unless any Member present at the meeting objects, in which case a debate will take place on the item concerned);
- (h) receive reports about and receive questions and answers in accordance with Rule 11.2 on the business of joint arrangements and external organisations (such reports will be moved in one block without discussion, unless any Member present at the meeting objects, in which case a debate will take place on the item concerned).

Third Section of Agenda – Presentations to Council

- (i) receive a presentation or take part in a consultation (only one of these can take place per meeting provided the relevant meeting is not taking part in All Members Debate under Rule 15).

Fourth Section of Agenda – Questions from the Public & Presentation of Petitions

- (j) receive questions from members of the public submitted under the Public Speaking Protocol;
- (k) receive petitions submitted to the Council under Rule 10 – Petitions.

Fifth Section of Agenda – Members’ Questions

- (l) receive questions from Members submitted in advance of the meeting to do with matters affecting the District or for which the Council has responsibility.

Sixth Section of Agenda – Reports for Decisions

- (m) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet Executive in relation to the Council’s budget and policy framework and reports of the Scrutiny Commission for debate.

Seventh Section of Agenda – Motions/Debates/Consultations & Members’ Feedback

- (n) consider a motion tabled under Rule 12;

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- (o) consider motions tabled under Rule 13;
 - (p) take part in an All Members Debate under Rule 15 (only one of these can take place per meeting provided the relevant meeting is not receiving a presentation or consultation);
 - (q) receive Member feedback from attendance at national briefings, key training initiatives or work on any Outside Bodies.

Eighth Section of Agenda - Exempt Reports

- (r) consider any other business specified in the summons to the meeting which is required to be dealt with under Exempt Information.

3 EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; and
- (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4 APPOINTMENTS OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

See Part 1 and Part 3 of this Constitution detailing proportionality and non-proportionality arrangements.

4.2 **Number**

See Part 1 and Part 3 of this Constitution detailing proportionality and non-proportionality arrangements.

4.3 **Powers and duties**

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

4.4 **Substitution**

Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are designated substitute;
- (b) where the ordinary Member will be absent for the whole of the meeting; and
- (c) after notifying the Democratic Services, Scrutiny and Governance Manager in writing or by email before the meeting commences of the intended substitution.

5 **TIME & PLACE OF MEETINGS**

The time and place of meetings will be determined by the Democratic Services, Scrutiny and Governance Manager and notified in the summons.

6 **NOTICE OF AND SUMMONS TO MEETINGS**

The Democratic Services, Scrutiny and Governance Manager will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Democratic Services, Scrutiny and Governance Manager will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence, or sent by electronic means where that Member has consented. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7 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 Chairman also include the Chairman of Committees and Sub-Committees.

8 QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9 DURATION OF MEETING

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9A CANCELLATION OF MEETINGS

The Chief Executive (or either Director, in the Chief Executive's absence) is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient to do so. Before exercising this authority, the Chief Executive will consult with the Leader of the Council and the appropriate Chair. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged.

10 PETITIONS

(a) Any petition signed by 25 people or more who live or have businesses in the district will be presented to the Council and stand referred without discussion to the next appropriate meeting of the Committee, Sub-Committee or Forum within whose terms of reference it falls.

- (b) The Democratic Services, Scrutiny and Governance Manager shall notify the lead petitioner of the date of the meeting that will consider the petition.
- (c) No petition shall be received unless it has been delivered to the Democratic Services, Scrutiny and Governance Manager not less than eight clear working days before the date of the meeting at which it is to be presented.
- (d) If the relevant Committee or Sub-Committee has established a Forum or other consultative body, the Democratic Services, Scrutiny and Governance Manager may decide that the consultative body should consider the matter first.
- (e) The matter must be relevant to the relevant body's powers and duties or to the district. The following petitions may not be considered:-
- (i) any matter where there is a right of appeal against any decision of the Council, whether to a Council Appeals Committee or Panel, the Courts, a Tribunal, a Review Body or a Government Minister;
 - (ii) matters which are defamatory, abusive, or offensive.
- (f) Any matter that may involved the disclosure of exempt or confidential information will be considered in private session.
- (g) Any petitions which contain more than 750 signatures or 55% of a parish area (whichever is the smaller figure) will trigger a debate at a full Council meeting.
- (h) Petitions can also be submitted in electronic format via the Council's e-petitions facility. The procedure submitting petitions in this format is detailed in the Council's petitions scheme.

11 QUESTIONS BY MEMBERS

11.1 Questions on notice at full Council

Subject to Rule 11.3, a Member of the Council may ask:

- the Chairman;

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- a Member of the Cabinet Executive; or
 - the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the District including the Leader's Annual Report.

11.2 Questions on notice at Committees and Sub-Committees

Subject to Rule 11.3, a Member of a Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that Committee or Sub-Committee.

11.3 Notice of questions

A Members may only ask a question under Rule 11.1 or 11.2 if either:

- (a) the question has been submitted to the Proper Officer, in writing, no later than 5 clear working days before the relevant meeting; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Proper Officer by 12 noon on the day of the meeting.

11.4 Response

An answer may take the form of:

- (a) a written response from the Portfolio Holder, circulated to all Members of the Council at the meeting, which should then also be verbally presented at the meeting,
- (b) where the desired 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, a written answer circulated later to the questioner.

11.5 Supplementary question

A Member asking a question under Rule 11.1 or 11.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply for which no record will be kept save acknowledgement of an answer. Any supplementary response shall not exceed 2 minutes.

11.6 Priority

The duration of Question Time shall not exceed 30 minutes unless a majority of those present vote for Question Time to continue. Any written Questions not dealt with shall roll forward to the next meeting, unless they are withdrawn.

11.7 Withdrawal

If the questioner is not present at the meeting, the question is deemed to be withdrawn.

12 MOTIONS ON NOTICE

12.1 Notice

Motions to be considered under this rule must be delivered to the Proper Officer, in writing, no later than 7 clear working days before the date of the relevant meeting and supported by at least one other member of Council, who will act as the seconder for the motion.

12.2 Motion set out in agenda

Motions for which notice has been given will 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.

12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the District. A motion can not concern a specific planning application and must not be (in the opinion of the Monitoring Officer) frivolous in nature.

12.4 Attendance requirements

If at the meeting of the Council to consider the Motion:

- (a) Both the proposer and seconder are absent for the item, the motion will be deemed to be withdrawn;
- (b) The proposer is absent for the item - the seconder may propose the motion and (subject to it being seconded at the meeting by another member) it will be open to debate;
- (c) The seconder is absent for the item - then (subject to the motion being seconded at the meeting by another member) it will be open to debate.

13 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 in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or Officers 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;

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- (l) to adjourn a meeting;
 - (m) that the meeting continue beyond 3 hours in duration;
 - (n) to suspend a particular Council Procedure Rule;
 - (o) to exclude the public and press in accordance with the Access to Information Rules;
 - (p) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
 - (q) to give the consent of the Council where its consent is required by this Constitution.

14 RULES OF DEBATE

14.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion 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/her before it is discussed.

14.3 Secunder's speech

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

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman.

14.5 When a Member may speak again

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/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/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

14.6 **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either 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, provided always that the Chairman has the right to accept any type of amendment (whether nugatory or not) where he/she considers this conducive to the conduct of the meeting.

- (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, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 **Alteration of motion**

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

14.8 **Withdrawal of motion**

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 **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.

14.10 **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 a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 3 hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 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 a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will 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 thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

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

14.12 **Point of order**

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

14.13 **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 will be final

15 **ALL MEMBER DEBATE**

15.1 **Notice**

- (a) Any requests for an all members debate to take place at a Council meeting must be submitted to the Proper Officer, in writing, no later than 15 clear working days before the relevant meeting.
- (b) Any such requests can be made by individual members, but must be signed by at least 5 other Members of Council.
- (c) Any item that has been a decision of Council in any previous six month period cannot be put forward as an item for debate (this rule may be suspended under the Council's Standing Orders in exceptional circumstances only).

15.2 **Debating Process**

- (a) Speaking time for each member is limited to a maximum of 5 minutes.

- (b) The Chairman has the discretion to halt the debate if deemed appropriate, or allow the debate to continue if it is free flowing.
- (c) The Vice-Chairman will support the Chairman to facilitate such debates.
- (d) At the end of the debate any member can propose a motion to request that officers prepare a report containing additional information on the subject of (or directly related to) the debate, as detailed in 15.3(a) below.
- (e) Any such motion proposed must be supported by 51% of members present at the meeting for it to stand.

15.3 Additional Information Report

- (a) Only one of the following three recommendations can be passed by Council in relation to any report produced following a motion passed under Rule 15.2:
 - (i) That members are content with the information received and no further action is required;
 - (ii) That the report is now submitted to Cabinet Executive for consideration and to determine the course of any action required; or
 - (iii) That the matter is referred to the Scrutiny Commission for consideration.

16 PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 Members.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17 VOTING

17.1 Majority

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

17.2 Chairman's casting vote

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

17.3 Show of hands/Means of Voting

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the Chairman will take the vote by show of hands, or by electronic means, if installed, or if there is no dissent, by the affirmation of the meeting.

17.4 Ballots

The vote will take place by ballot if 10 Members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

17.5 Recorded vote

If 5 Members present at full Council and 3 Members present at any other Committee 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. A demand for a recorded vote will override a demand for a ballot.

17.6 Budget Decisions – recorded votes

A recorded vote must be taken in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 where any Budget Decision is taken at any meeting of the authority. The Proper Officer will ensure that the recorded vote is taken in relation to all such decisions at the relevant meetings.

A Budget Decision is a decision taken at a meeting of the authority at which it:

- i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
- ii) issues a precept under Chapter 4 of Part 1 of the Local Government Finance Act 1992.

It applies to any meeting where making the calculation or issuing the precept is included as an item of business on the agenda and to any vote on any decision related to the making of the calculation or the issuing of the precept.

17.7 Right to require individual vote to be recorded

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.)

This Standing Order may not be suspended.

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

17.8 Voting on appointments

If there are more than two 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 will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18 MINUTES

18.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will 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.

18.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting

(This is a mandatory Standing Order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the Regulations.)

This Standing Order may not be suspended.

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) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

19 RECORD OF ATTENDANCE

Members attendance at the meeting will be recorded by the Democratic Services Officer in attendance for the meeting.

20 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 this Constitution or Rule 22 (Disturbance by Public).

21 MEMBERS' CONDUCT

21.1 Standing to speak (only applies to meetings of full Council)

When a Member speaks at full Council they must stand and address the meeting through the Chairman. If more than one Member stands, the Chairman will 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 will 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 will 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/she thinks necessary.

22 DISTURBANCE BY PUBLIC

22.1 Removal of Member of the public

If a Member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may order their removal 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.

23 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 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 duration of the meeting.

23.2 Amendment

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

24 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council (none of the rules apply to meetings of the Cabinet Executive. The Cabinet Executive has its own Procedure Rules. Only Rules 5-9,11-14, 16-18, 20-24 (but not Rule 21.1) apply to meetings of Committees and Sub-Committees.

25 STATUTORY STANDING ORDERS PURSUANT TO THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001 AND LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015

The following Standing Orders are prescribed by statute and therefore cannot be amended by this Council.

25.1 Conflict Resolution in Setting the Budget and Policy Framework

- (a) Where the Cabinet Executive has submitted estimates of amounts within the budget or precept or a draft plan or strategy for consideration by the full Council, the Council must by simple majority inform the Leader of any objections it has to the amounts, estimates or draft and, if there are any objections give the Leader instructions requiring the Cabinet Executive to reconsider the estimates or draft.
- (b) The Council shall specify a timescale of at least five working days, commencing two working days after the Leader has been informed in accordance with (1) above, within which the Leader may either submit revised amounts, estimates or draft or inform the Council of any reasons for disagreeing with the objections.
- (c) After the time specified by the Council has expired, the Council must meet and take account of any response from the Leader when amending, adopting or approving the draft or revised estimates or amounts. Such decision of the Council shall be by way of a simple majority of those present and voting.

25.2 Officers' Appointment and Dismissal under Executive Arrangements – General

- (a) The Chief Executive (as Head of Paid Service) shall be responsible for the appointment or dismissal of staff below Deputy Chief Officer level (as defined in Section 2(8) of the Local Government and Housing Act 1989).
- (b) The appointment or dismissal of the Head of Paid Service is to be approved by full Council (supplementing Article 4.2 (i) of the Constitution).
- (c) Where disciplinary action may result in dismissal of a Statutory Officer, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 must be followed.
- (d) Any Member is entitled to serve on a Committee or Sub-Committee established to consider an appeal against any decision relating to the appointment, or dismissal of, or disciplinary action against, a Member of staff.
- (e) Any Committee or Sub-Committee established to appoint the Head of Paid Service or any Chief Officer or Deputy Chief Officer must include at least one Member of the Cabinet Executive.
- (f) Where a Committee, Sub-Committee or Officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an Officer designated as the Head of Paid Service, the authority must approve that appointment before an offer of appointment is made to him/her or, as the case may be, must approve that dismissal before notice of dismissal is given to him/her.

Appointment

- (g) In this paragraph “appointor” means, in relation to the appointment of a person as an Officer of the authority, the authority or, where a Committee, Sub-Committee or Officer is discharging the function of appointment on behalf of the authority, that Committee, Sub-Committee or Officer, as the case may be.

An offer of an appointment as an Officer, being

- (i) the Officer designated as the Head of the authority's Paid Service;

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- (ii) a statutory Chief Officer within the meaning of Section 2(6) of the 1989 Act (politically restricted posts);
 - (iii) a non-statutory chief Officer within the meaning of Section 2(7) of the 1989 Act
 - (iv) Deputy Chief Officer within the meaning of Section 2(8) of the 1989 Act;

must not be made by the appointor until –

- a. the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- b. the Proper Officer has notified every Member of the Cabinet Executive of the authority of –
 - i) the name of the person to whom the appointor wishes to make the offer;
 - ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet Executive to the Proper Officer; and
- c. either –
 - i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he/she nor any other Member of the Cabinet Executive has any objection to the making of the offer;
 - ii) the Proper Officer has notified the appointor that no objection was received by him/her within that period from Leader; or
 - iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

Dismissal

(h) In this paragraph, "dismissor" means, in relation to the dismissal of an Officer of the authority, the authority or, where a Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the authority, that Committee, Sub-Committee or other Officer, as the case may be.

(i) Notice of the dismissal of an Officer, being:-

- (i) the Officer designated as the Head of Paid Service;
- (ii) a statutory Chief Officer within the meaning of Section 2(6) of the 1989 Act (politically restricted posts);
- (iii) a non-statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act;
- (iv) a Deputy Chief Officer within the meaning of Section 2(8) of the 1989 Act;

must not be given by the dismissor until –

- (i) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (ii) the Proper Officer has notified every Member of the Cabinet Executive of the authority of –
 - a. the name of the person who the dismissor wishes to dismiss;
 - b. any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - c. the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet Executive to the Proper Officer; and

either –

- a. the Leader has, within the period specified in the notice under sub-paragraph b(iii), notified the dismissor that neither he/she nor any other Member of the Cabinet Executive has any objection to the dismissal;
- b. the Proper Officer has notified the dismissor that no objection was received by him/her within that period from the Leader; or
- c. the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

26 RECORDINGS OF PROCEEDINGS

- 26.1 Any person who attends the meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.
- 26.2 Publication and dissemination may take place at the time of the meeting or occur after the meeting.
- 26.3 Reporting on proceedings at a meeting means:
- (a) filming, photographing or making a audio recording of the proceedings at the meetings;
 - (b) using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later, or
 - (c) reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available to persons not present, as the meeting takes place or later.
- 26.4 The Chairman of the meeting may ask any member of the public to stop their recording of the meeting should they be concerned that the recording of proceedings is being disruptive to the conduct of the meeting.
- 26.5 The Chairman of the meeting may ask any member(s) of the public to stop recording and leave a meeting so exempt information, as set out in Schedule 12A to the Local Government Act 1972 , can be discussed.