

CHAPTER 3 – 1 - MEETINGS GENERAL PROCEDURE RULES

The Council is required by law to have procedural rules that govern proceedings at decision making meetings. For the purposes of these Rules a Sub-Committee does not include a Task and Finish Group or Advisory Group.

These Rules set out how meetings of the Council and most Committees will be conducted, for example, who can speak, when and how proposals are debated.

For the avoidance of doubt, the Cabinet, Scrutiny Committee, Planning Committee, Licensing Sub Committee, Employment Committee, Standards Sub Committee and Appeals Committee shall have additional Procedure Rules.

1.0 When Meetings take place?

- 1.1 The time and place of meetings will be determined by the Proper Officer and notified in the summons. Ordinary meetings will be included on the Annual Calendar.

2.0 How will notice of Meetings be provided?

- 2.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.
- 2.2 At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post or electronic mail to every Member of the Council or leave it at their usual place of residence. Members may provide details in writing of an alternative address or email address to which they would like the summons sent to.

3.0 Who Chairs the Meetings?

- 3.1 The nominated Chair shall chair meetings and in his/her absence, the Vice Chair shall preside. The Chair and Vice Chair shall be determined at the Annual Meeting.

4.0 Quorum for Meetings

- 4.1 Quorum shall be in accordance with the relevant Council/Committee Procedure Rules. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

5.0 **Duration of Meeting**

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

6.0 **Record of Attendance**

- 6.1 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance

7.0 **Suspension and Amendment of Procedure Rules**

- 7.1 All of these Rules may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Meeting are present. Suspension can only be for the duration of the meeting.
- 7.2 The Chair will move that the minutes can be signed as they are accurate following which the Chair will sign the minutes of the proceedings at the next suitable meeting.
- 7.3 This will not apply to Extraordinary Meetings. The minutes shall be signed at the next Ordinary Meeting instead.

8.0 **Previous Decisions and Motions**

- 8.1 Motion to rescind a previous decision

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

Motion similar to one previously rejected

- 8.2 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 six members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

9.0 **Form of minutes**

- 9.1 Minutes will contain all motions and amendments in the form and order the Chair put them.

10.0 Exclusion of Public

10.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules.

11.0 Business

11.1 The Chair will proceed with the business as per the agenda unless otherwise specified by the Chair in the meeting.

12.0 Motions without Notice

12.1 The following motions may be moved without notice:

- a) to appoint a Chair 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 to amend a motion;
- h) to proceed to the next business;
- i) that the question be now put;
- j) to adjourn a debate;
- k) to adjourn a meeting;
- l) that the meeting continue beyond three hours in duration;
- m) to suspend a particular Council Procedure Rule;
- n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- o) to not hear further a Member or to exclude them from the meeting under for disorderly conduct; and
- p) to give the consent of the Council where its consent is required by this Constitution

13.0 Questions by Councillors at Meetings of Council

13.1 A Member of the Council may ask the Leader or the relevant Portfolio Holder, questions without notice about an item in a report of the Cabinet or that Committee when it is being considered by Cabinet or Committees.

Questions on notice at Meetings of Council

13.2 A Member of the Council may ask the Leader, the relevant Portfolio Holder or the Chair of the Council a question about any matter in relation to which the Council has powers or duties or which affects the Borough.

Notice of questions

13.3 A Member may only ask a question under Rule 13.2 if either:

- (a) they have given at least four working days' notice in writing of the question to the Proper Officer; or
- (b) the question relates to urgent matters, they have the consent of the Member to whom the question is put and the content of the question is given to the Monitoring Officer by 10.00 a.m. on the day of the meeting

Response

13.4 An answer may take the form of:

- a) a direct oral answer;
- 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 orally, a written answer circulated later to the questioner within 14 days of the date of the Meeting

Supplementary question

13.5 A Member asking a question under Rule 13.2 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

Number of Questions

13.6 Questions on notice are limited to two questions per Member per meeting plus one supplemental question.

Time for Questions

13.7 There will be an overall time limit of 20 minutes on Members' questions with no extension of time and questions not dealt with by written response.

Format of Questions

13.8 Members must confine their contributions to questions and answers and not make statements or attempt to debate. The Chair shall decide if the Member is contravening this Rule and stop the Members concerned. The Chair's ruling is final.

14.0 **Motions on Notice**

Notice

- 14.1 Except for motions which can be moved without notice, written notice of every motion, signed by at least two members, must be delivered to the Proper Officer not later than six working days before the date of the meeting. These will be entered in a book open to public inspection.

Scope

- 14.2 Motions must be about matters for which the Council has a responsibility or which affect the Melton Borough. The Chair shall with advice from the Chief Executive and Monitoring Officer refuse a motion which is improper, illegal or out of order.

Motions set out in the Agenda

- 14.3 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 a later meeting or withdraw it.

15.0 **Rules of Debate**

No speeches until motion seconded

- 15.1 Speeches are not permitted unless moving or seconding a motion. No further speeches are permitted until the motion has been seconded.

Mover of a Motion

- 15.2 A mover of a motion shall be able to explain their motion and make a speech in relation to it. They shall also have a right to reply following the conclusion of the debate.

Secunder of a Motion

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

Right to require motion in writing

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

Content and length of speech

- 15.5 a) Speeches must be directed to the question/motion under discussion. No speech may exceed five minutes without the consent of the Chair.

- b) A Member presenting a report of the Cabinet or other Member Group or moving a motion of which notice has been given may speak for up to 10 minutes.

When a Councillor may speak again

- 15.6 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 or order; and
 - (f) by way of personal explanation

Amendments to motions

- 15.7 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), (iii), (iv) is not to negate the motion

- 15.8
- a) 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.
 - b) If an amendment is not carried, other amendments to the original motion may be moved.
 - c) 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.
 - d) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote

Alteration of motion

- 15.9
- 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 mover of a motion may alter a motion which he/she has moved without notice with the consent of the seconder. The meeting's consent will be signified without discussion
- c) Only alterations which could be made as an amendment may be made.

Withdrawal of motion

- 15.10 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.

Right of reply

- 15.11 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.

Motions which may be moved during debate

- 15.12 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/motion be now put;
 - (e) to adjourn a debate;
 - (f) to adjourn a meeting;
 - (g) that the meeting continue beyond three hours in duration (but no more than four hours in total);
 - (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 20.3 or to exclude them from the meeting under Rule 20.4

Closure motions

- 15.13 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 accepted by the Chair as they think that the item has been sufficiently discussed they will look for the motion to be seconded. If carried, the main question must be put immediately after the mover of the original motion has been given their right of reply. If the matter under discussion is an amendment, the closure affects only that amendment.
- c) If a motion that the question be now put is accepted by the Chair as they think that the item has been sufficiently discussed they will look for the motion to be seconded. If seconded and the Chair 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.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair 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.

Point of order

- 15.14 A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these 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 breached. The ruling of the Chair on the matter will be final.

Personal explanation

- 15.15 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 in relation to that item which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

16.0 Urgent Business

- 16.1 There are occasions when an urgent decision is needed or a matter cannot wait for the next ordinary meeting of the decision making body. When an urgent item has arisen after the despatch of an appropriate agenda, the following procedure applies:

- 16.2 The Chair has the authority to agree to take urgent items, not on the agenda for the relevant Committee. Items of business should not be raised at meetings without prior notice being given on the appropriate agenda unless;

- a) the item has arisen between the compilation of the agenda and the date of the meeting, and

- b) the item requires an urgent decision in the public interest which cannot be dealt with by other means

17.0 **Voting**

Majority

- 17.1 Unless the 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.

Chair's casting vote

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

Show of hands

- 17.3 Unless a ballot or recorded vote is demanded, the Chair will take the vote by show of hands.

Ballots

- 17.4 The vote will take place by ballot if three Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately after the result is known.

Recorded vote

- 17.5
 - a) There will be a recorded vote of all Members at any budget decision meeting where the Authority makes a decision on the making of the calculation [these are defined by statute] or the issuing of the precept [and includes a meeting where these were included as an item of business on the agenda for that meeting.
 - b) A recording of the vote will take place if three Members present at the meeting demand it.

Right to require individual vote to be recorded

- 17.6 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.

17.7 Voting on appointments

17.8 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. The Chair shall use their casting vote if tied.

18.0 **Petitions**

18.1 Petitions shall be dealt with in accordance with the [Petitions Scheme](#).

19.0 **Extraordinary Meetings**

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

- a) the Council by resolution;
- b) the Mayor;
- c) the Monitoring Officer; and
- d) any five members of the Council if they have signed a requisition presented to the Mayor 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

19.2 When requested, the Proper Officer shall call a meeting unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait under the next Ordinary Meeting of the Council.

19.3 No business may be conducted at an Extraordinary Meeting other than that specified in the resolution, request or requisition which led to it being called.

19.4 When extra Committee Meetings or Sub Committee Meetings are required that are additional to the Calendar of Meetings, these are known as Special' meetings.

20.0 **Disorderly Conduct of Members**

Member not to be heard further

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

Member to leave the meeting

- 20.2 If a Member continues to behave improperly after such motion is carried, or if a Member has spoken or acted in an inappropriate manner the Mayor 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.

General disturbance

- 20.3 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

21.0 **Disturbance by Public**

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

21.2 Clearance of part of meeting room

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

22.0 **Reporting of Meetings by the Public and Press**

- 22.1 Any member of the public or press attending a public meeting of the Council may record the proceedings and report them to others. 'Reporting' means filming, photographing, making an audio recording or some other such method of recording proceedings and then reporting on those proceedings, orally or in writing.

- 22.2 A person attending the meeting may use any appropriate communication method, including the Internet, to publish or share the recorded material. This would include the use of social media. Any person wishing to record a public meeting is not required to give the local authority prior notice although they are encouraged to do so in order that reasonable facilities can be provided.

- 22.3 No one is entitled to record or report the proceedings of a meeting if the meeting has moved into confidential or exempt business. In such circumstances, the public and press are required to cease recording and/or reporting and to leave the meeting and to deactivate and/or remove any recording or communications equipment. Any person recording or reporting a meeting may not use flash photography or intrusive lighting, or move around the room, or ask any of the participants at the meeting to repeat something they have said. They may not cause excessive noise when installing or moving equipment. They may not give an oral commentary during the meeting. All of these activities would serve to disrupt proceedings and anyone acting in a disruptive manner may be excluded from the meeting.

- 22.4 No one may film or photograph any children or vulnerable adults present at the meeting, or outside of the meeting or any member of the public who objects to being filmed.
- 22.5 There shall be no filming or recording of the area designated as 'public seating' at anytime.