

COUNCIL AND COMMITTEE PROCEDURE RULES

Introduction

- 1.1 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.
- 1.2 For the avoidance of doubt, the Appeals Committee and Employment Committee shall have additional Procedure Rules.
- 1.3 Rules which are shown in italics apply equally to Meetings of Council, Committee and Sub Committee Meetings. Procedure Rules XXX only apply to Meetings of Council

Annual Council Meeting

Timing and business

1.4 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.

1.5 The annual meeting shall:

a	elect a person to preside if the Mayor is not present;
b	elect the Mayor
c	elect the Deputy Mayor;
d	approve the minutes of the last meeting;
e	receive any announcements from the Mayor and/or Head of the Paid Service;
f	receive a report from the outgoing Leader on the work of the Council during the last year;
g	elect the Leader
h	receive an outline of the policies of the Council for the forthcoming year from the Leader;
i	elect the Deputy Leader;
j	appoint such Committees as the Council considers appropriate; elect the Chairmen and Vice-Chairmen of Committees.
k	agree the Scheme of Delegation (as set out in Part 3 of this Constitution)

l	approve a programme of ordinary meetings of the Council for the year; and
m	consider any business set out in the notice convening the meeting.
n	Appoint at least one Scrutiny Committee and such other Committee as the Council considers appropriate to deal with matters which are neither reserved to the Council Meeting and which are not Cabinet functions and decide the terms of reference and size of those Committees
o	Decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules;
p	Receive nominations of Councillors to serve on each Committee and outside body
q	Appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet
r	Approve the financial threshold for Key Decisions

Ordinary Meetings

2.1 Ordinary meetings of the Council will take place in accordance with the Annual Calendar decided at the Council's annual meeting. No business shall be transacted at a meeting of the Council other than that specified in the summons. Ordinary meetings shall:

a	elect a person to preside if the Mayor and Deputy Mayor are not present;
b	approve the minutes of the last meeting and the Mayor shall sign them as a correct record
c	receive any declarations of interest from Members;
d	receive any announcements from the Mayor, Leader, Cabinet Members or Head of Paid Service.
e	Consider any Petitions received in accordance with the Councils Petitions Scheme
f	receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
g	deal with any business from the last Council meeting;
h	Receive any questions from Members of the Council
i	receive reports from the Cabinet and the Councils Committees and receive questions and provide answers on any of those reports as required by law or as specifically referred by those bodies
j	receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
k	consider motions on notice;
l	Consider any business as required by statute
m	consider any other business specified in the summons to the meeting

3. **Extraordinary Meetings**

3.1 *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.*

3.2 *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*

3.3 *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.*

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

4. **When will Council, Committee or Sub Committee Meetings take place?**

4.1 *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.*

5. **How will notice of Meetings be provided?**

5.1 *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.*

5.2 *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.*

6. **Who chairs the Meetings?**

6.1 *The Mayor chairs Meetings of Council and in his/her absence, the Deputy Mayor shall preside. These Rules apply to Committee and Sub-Committee Meetings, references to the Mayor also include the Chairman of Committees and Sub-Committees. The person presiding at the meeting may exercise any power or duty of the Mayor.*

7. **Quorum (amount of Members needed to attend each meeting)**

7.1 *Subject to any statutory requirement the quorum of a Council meeting will be at least half of the whole number of Members. During any meeting if the Mayor 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 Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.*

7.2 *In respect of Committees and Sub-Committees, the quorum shall be in accordance with their particular Terms and References.*

8. **Duration of Meeting**

8.1 *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.*

9. **Questions by the Public at Meetings of Council**

General

9.1 Members of the public may ask questions of members of the Cabinet at Ordinary Meetings of the Council.

9.2 Time allowed for questions and answers shall not without the consent of the Council which shall be confirmed by consensus exceed 15 minutes or in the case of one questioner 5 minutes.

9.3 Questions and answers shall not be the subject of debate

Notice of questions

9.4 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than midday six working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

Number of questions

9.5 At any one meeting no person may submit more than one question and no more than one question may be submitted on behalf of any one organisation.

9.4 Scope of questions

The Proper Officer may reject a question if it:

- Is not about a matter for which the local authority 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 past six months; or
- Requires the disclosure of confidential or exempt information.
- Breaches any procedure rule
- Relates to an item on the agenda of the Meeting
- Relates to any Borough planning application that is in the process of being determined

9.5 Record of questions

9.6 The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

9.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairperson may group together similar questions.

9.3 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf or indicate that a written reply will be given.

9.4 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.4 above.

9.5 Response

An answer can take the form of:

- A direct oral answer
- A written answer circulated after the questioner

9.6 Reference of question to Cabinet, Committee or Sub Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

10. Questions by Councillors at Meetings of Council

10.1 On reports of Cabinet or Committees

A Member of the Council may ask the Leader, the Mayor or a Committee Chair questions without notice about an item in a report of the Cabinet or that Committee when it is being considered.

10.2 Questions on notice at Meetings of Council

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

10.3 Notice of questions

10.5 A Member may only ask a question under Rule 10.3 or 10.4 if either:

- (a) they have given at least six 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

10.4 Response

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.

10.5 Supplementary question

A Member asking a question under Rule 10.1 or 10.2 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.

10.6 Number of Questions

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

10.7 Time for Questions

There will be an overall time limit of 15 minutes on Councillors' questions with no extension of time and questions not dealt with by written response.

10.7 Format of Questions

Councillors must confine their contributions to questions and answers and not make statements or attempt to debate. The Chair of the Council shall decide if the Member is contravening this Rule and stop the Councillor concerned. The Chair of the Councils ruling is final.

11. Motions on Notice

11.1 Notice

Except for motions which can be moved without notice under Rule 12, 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.

12. Scope

Motions must be about matters for which the Council has a responsibility or which affect the Melton Borough. The Mayor with the advice of the Chief Executive refuse a motion which is improper, illegal or out of order.

13. Motions set out in the Agenda

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

Removal of Council Leader

11.4 (a) For the avoidance of doubt, any Notice of Motion which would have the effect of removing the Leader shall be permitted under this rule (11).

11.5 (b) The next item of business following the removal of the Council Leader will be the election of a new Council Leader.

14. Motions without Notice

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;*
- (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 continue beyond three 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 19.3 or to exclude them from the meeting under Rule 19.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13. Rules of Debate

13.1 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.

13.2 Right to require motion in writing

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

13.3 Secunder's speech

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

13.4 Content and length of speech

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor. A Member presenting a report of the Cabinet or other Member Group or moving a motion of which notice has been given under Rule XXX may speak for up to 10 minutes.

13.5 When a Councillor 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 or order; and
- (f) by way of personal explanation.

13.6 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), (iii), (iv) is not to negate the motion.

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.*
- (a) 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.*

13.7 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.*

13.8 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.

13.9 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.*

13.10 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 three 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 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 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 Mayor 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 Mayor 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 Mayor 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.

13.12 Point of order

A Member may raise a point of order at any time. The Mayor 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 Mayor on the matter will be final.

13.13 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 Mayor on the admissibility of a personal explanation will be final.

13.14 Urgent Business

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

The Chairman of the Committee has the authority to agree to take urgent items, not on the agenda, at meetings of the relevant Committee. The general authority referred to is qualified in that the 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

In all cases the reason for the urgency should be clearly stated and recorded.

In addition to the above, all Committee agendas should have an item as follows:

Urgent Business – *To consider any other items that the Chairman decides are urgent.*

No business shall be transacted at a Meeting of the Council other than that specified in the summons.

14. **Previous Decisions and Motions**

14.1 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

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.

15. **Voting**

Majority

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.

Mayor's casting vote

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

Show of hands

Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Ballots

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

Recorded vote

If three 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. A demand for a recorded vote will override a demand for a ballot.

There will be a recorded vote of all Members as indicated at 15.5(a) 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.

Right to require individual vote to be recorded

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.

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.

16. Minutes

Signing the minutes

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

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 of 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.

Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

Record of Attendance

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.

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 XXXX (Disturbance by Public).

19. Members Conduct

Standing to speak

When a Member speaks at a Meeting of Council he/she must stand and address the meeting through the Mayor. 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.

Mayor standing

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

Member not to be heard further

19.3 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

19.4 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

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

20. Disturbance by Public

Removal of member of the public

20.1 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.

Clearance of part of meeting room

20.2 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.

21. Suspension and Amendment of Council Procedure Rules

Suspension

21.1 *All of these Rules except Rules XXXX 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.*

Petitions

24.1 Petitions shall be dealt with in accordance with the Petitions Scheme

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