
COUNCIL PROCEDURE RULES

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1.0 INTRODUCTION

1.1 Interpretation

In these Council Procedure Rules the interpretation of words shall be in accordance with the definitions set out in Part 1 of the Constitution.

1.2 General

- (a) A copy of these Council Procedure Rules shall be made available by the Monitoring Officer to every Member upon acceptance of office. This may include access to an electronic copy of these rules. A copy is also available on the Council's website.
- (b) Any proposal to permanently alter these Council Procedure Rules (other than minor amendments made by the Monitoring Officer), other than a motion to implement a recommendation of the Joint Governance Committee, shall be in the form of a motion instructing the Joint Governance Committee to report upon such proposals. Any such motion, upon being seconded, shall be put to the vote without discussion. The Joint Governance Committee shall report to the next Ordinary Council Meeting upon any matter referred to it under this Council Procedure Rule.
- (c) These Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders, and should be interpreted accordingly.
- (d) Where any step or action under these Council Procedure Rules is prescribed to be performed by a Designated Officer, that Officer may nominate or authorise another Officer in his/her place.
- (e) In implementing and effecting these Council Procedure Rules, the Council will comply with their statutory obligations relating to the use, recording and retention of any personal data that it receives.

1.3 Notices

Any Notice required under these Council Procedure Rules may be given in writing to the Director for Communities, Town Hall, Chapel Road, Worthing, BN11 1HA, or by email to: democratic.services@adur-worthing.gov.uk

The listing of names as signatories on such documents shall be deemed to be signatures.

1.4 Person Presiding's Decision Final

Any ruling of the person presiding at any meeting on any point of order, interpretation of these Council Procedure Rules, matters arising during the debate or with regard to the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion. However, in reaching their decision, the person presiding must give due consideration to the advice of professional Officers.

2.0 ANNUAL MEETING OF THE FULL COUNCIL

2.1 Timing

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.

2.2 Business

The Annual Council will:

- (a) Elect a person, other than a Member of the Executive, to be the Mayor of the Borough;
- (b) Appoint a person, other than a Member of the Executive, to be the Deputy Mayor of the Borough;
- (c) Elect the Leader of the Council, if the term of office of the previous Leader has come to an end;
- (d) Appoint the Leader of the Opposition;
- (e) Elect a person, other than a Member of the Executive, to preside if the Mayor is not present;
- (f) Receive apologies for absences;
- (g) Receive any declarations of disclosable pecuniary or personal interests;
- (h) Approve the Minutes of the last meeting;
- (i) Receive any announcements from the Mayor and/or Head of Paid Service;
- (j) Give a vote of thanks to the retiring Mayor and presentation of retiring Mayor's insignia;
- (k) In an election year, receive the return of the Returning Officer;

- (l) Establish such Committees as the Full Council considers appropriate to deal with matters which are neither reserved to the Full Council nor are Executive functions, including a Committee to consider Standards issues and an Overview and Scrutiny Committee, in accordance with Council Procedure Rule 2.3 below;
- (m) Appoint Members to the Committees of the Council in accordance with Council Procedure Rules 2.3 and 2.4 below;
- (n) Adopt the Council's Constitution and agree the Scheme of Officer Delegations, other than those relating to Executive functions, as set out in Part 4 of this Constitution;
- (o) Approve a programme of Ordinary Meetings of the Council for the year, if not already agreed;
- (p) Consider any other business set out in the summons convening the meeting; and
- (q) Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council.

There is no opportunity for the public or Members question time at an Annual Meeting of the Full Council.

2.3 Selection of Councillors on Committees

At the Annual Meeting, the Council will:

- (a) Decide which Committees to establish for the Municipal Year;
- (b) Decide the size and Terms of Reference of those Committees;
- (c) Having received a report from the Director for Communities concerning the implementation of political balance rules, decide the allocation of the number of seats of those Committees to each political group.
- (d) Receive nominations of Councillors, and where appropriate co-optees, to serve on each Committee; and
- (e) Appoint Members to seats on those Committees;
- (f) Appoint the Chairperson and Vice-Chairperson of the Council's Committees.

In a year when there is no Election, Council Procedure Rules 2.3 (a), (b) and (c) above may not apply.

2.4 Appointment of Substitute Members to Committees and Sub-Committees.

The Full Council may appoint as many substitutes as it wishes, subject to the following:

- (a) No substitutes will be appointed for Licensing and Control Committee 'B' or any of its Sub-Committees;
- (b) Substitutes may only substitute for Members of the same political party except where a substitution is necessary for the Committee to operate effectively, and the political group does not have sufficient membership to appoint a substitute, or the substitute is not able to attend. In these circumstances the Director for Communities may, having regard to the rules of political proportionality, and in consultation with the Member who is unable to attend, invite any other Member who has been designated as a substitute for that Committee, to attend the Committee or Sub-Committee;
- (c) Substitutes must be identified at the time of their appointment, but this can be by:
 - appointing 'all Members' as substitutes for a particular Committee; or
 - appointing named Members as substitutes for a particular Committee.

Any Member sitting as a substitute on a regulatory Committee, or Sub-Committee, must have undertaken appropriate training within the preceding 2 years. Any Member sitting as a substitute on any other Committee must have undertaken training as appropriate.

- (d) Executive Members may not be substituted on the Executive;
- (e) Substitute Members will have all the powers and duties of any Ordinary Member of the Committee. The Substitute Member will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting (e.g. if they substitute for the Chairperson, they shall not automatically have the powers of the Chairperson, unless voted as Chairperson by that Committee);
- (f) Substitute Members may attend meetings in that capacity only:
 - (i) To take the place of an Ordinary Member for whom they are the substitute;
 - (ii) Where the Ordinary Member will be absent for the whole of the meeting;

- (iii) After notifying the Solicitor to the Council, or his/her representative, prior to them joining the meeting of the Committee, of the intended substitution.
- (g) Where substitutions take place after the Appointed Member has been provided with documents relating to the meeting, the Appointed Member is responsible for providing the Substitute Member with access to those documents.

3.0 ORDINARY MEETINGS OF FULL COUNCIL

3.1 Full Council

Ordinary Meetings of the Full Council will take place in accordance with a programme decided by the Full Council at its Annual Meeting, or at any other time.

Ordinary Meetings will:

- (a) Elect a person, who is not a Member of the Executive, to preside if the Mayor and Deputy Mayor are not present;
- (b) Receive apologies for absence;
- (c) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (d) Approve the Minutes of the last meeting;
- (e) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public;
- (f) Deal with any issues arising under the Council's Petition Scheme;
- (g) Receive any announcements from the Mayor, Leader, Members of the Executive or the Head of Paid Service;
- (h) Receive any announcements from any Group Leader as to changes to appointment of Members on Committees, for the Council to note;
- (i) Deal with any business from the last Council meeting;
- (j) Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council;
- (k) Consider the business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's

Budget and Policy Framework and reports of the Overview and Scrutiny Committee for debate;

- (l) In accordance with Council Procedure Rule 13.0, receive the Leader's report on Executive decisions and receive questions and answers on that report;
- (m) In accordance with Council Procedure Rule 12.0, receive questions from, and provide answers to, Elected Members;
- (n) Consider motions on notice in accordance with Council Procedure Rules 14 and 15.

3.2 Executive and Committees

Ordinary Meetings of the Executive and Committees will take place in accordance with a programme of dates decided by themselves and noted by Full Council.

Ordinary Meetings will:

- (a) Elect a person to preside if the Chairperson and Deputy Chairperson are not present;
- (b) Receive any declarations of substitute membership in accordance with Council Procedure Rule 2.4 above;
- (c) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (d) Approve the Minutes of the previous meeting;
- (e) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public;
- (f) Deal with any business from the last meeting;
- (g) Consider any other business specified on the agenda for the meeting; and
- (h) Consider any business that the Chairperson believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council.

4.0 EXTRAORDINARY MEETINGS OF FULL COUNCIL

4.1 Full Council

Those listed below may require the Director for Communities to summons Members to Full Council Meetings in addition to Ordinary Meetings:

- (a) The Full Council by resolution;
- (b) The Mayor;
- (c) The Head of Paid Service;
- (d) Monitoring Officer;
- (e) Section 151 Officer;
- (f) Any 5 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 7 calendar days of presentation of the requisition. Any such requisition will be deemed to have been presented to the Mayor, if emailed to the Director for Communities at: democratic.services@adur-worthing.gov.uk

Extraordinary Meetings will:

- (i) Elect a person, who is not a Member of the Executive, to preside if both the Mayor and Deputy Mayor are not present;
- (ii) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (iii) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public;
- (iv) Consider the single item of business specified in the summons to the meeting (a single item may be made up of more than one part provided they all relate to a single subject); and
- (v) Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council.

4.2 Executive and Committees

Those listed below may request the Director for Communities to call meetings of the Executive or Committees in addition to Ordinary Meetings:

- (a) The Leader, in respect of Executive Meetings, and the Chairperson of the Committee, in respect of their Committee Meetings, at any time.
- (b) If a requisition signed by at least 2, or one quarter of the total number, of the voting Members of the Executive, whichever is the greater, has been presented to the Leader, and either he/she has refused to call a meeting or no such Meeting has been called within 7 calendar days of the presentation of the

requisition, then any 2, or one quarter of the number, of the voting Members of the Executive, whichever is the greater, may call an Extraordinary Meeting of the Executive by notice in writing to the Director for Communities at democratic.services@adur-worthing.gov.uk specifying the business proposed to be transacted. The Director for Communities shall give notice to all Members of the Executive and all persons entitled to receive papers. Timeframes set out in the Access to Information Procedure Rules must be complied with.

- (c) If a requisition signed by at least 2, or one quarter of the total number, of the voting Members of the Committee, whichever is the greater, has been presented to the Chairperson of the Committee, and either he/she has refused to call a meeting or no such Meeting has been called within 7 calendar days of the presentation of the requisition, then any 2, or one quarter of the number, of the voting Members of the Committee, whichever is the greater, may call an Extraordinary Meeting of the Committee by notice in writing to the Director for Communities at democratic.services@adur-worthing.gov.uk specifying the business proposed to be transacted. The Director for Communities shall give notice to all Members of the Committee and all persons entitled to receive papers. Timeframes set out in the Access to Information Procedure Rules must be complied with.

Extraordinary Meetings will:

- (a) Elect a person to preside if the Chairperson and Deputy Chairperson are not present;
- (b) Receive any declaration of Substitute Members in accordance with Council Procedure Rule 2.4;
- (c) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (d) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public;
- (e) Consider any other business specified in the agenda for the meeting;
- (f) Consider any business that the Chairperson believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council.

5.0 SPECIAL MEETINGS

5.1 Full Council

A Special Meeting of the Full Council is one that is required by statute or by the Council and shall only consider a single substantive item of business. The meeting shall be convened for the specific statutory purpose which shall be contained in the summons. No other business may be transacted at that meeting.

Those listed below may require the Director for Communities to call a Special Meeting of the Full Council:

- (a) The Full Council by resolution;
- (b) The Mayor; and
- (c) The Solicitor to the Council.

Special meetings will:

- (i) Elect a person, who is not a Member of the Executive, to preside if the Mayor and Deputy Mayor are not present;
- (ii) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (iii) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public relating to the specific single item of business on the agenda; and
- (iv) Consider the specific item of business for which the meeting has been convened.

5.2 Executive and Committees

There shall be no Special Meetings of the Executive or any Committee.

6.0 TIME AND LOCATION OF MEETINGS

6.1 Full Council

- (a) Meetings will be held at the Town Hall, Chapel Road, Worthing, commencing at 6:30 p.m. unless:
 - The Full Council resolves otherwise; or
 - For some practical reason this is not possible, in which case the meeting will be held at a location decided by the Director for Communities, after consulting the Mayor and the Leader of the Council.
- (b) If an emergency occurs, the Director for Communities may, after consulting with such of the Mayor, the Leader of the Council and Leaders of the political

groups as may conveniently be contacted, vary any arrangement agreed by the Full Council for the holding of Full Council meetings.

- (c) No meeting of the Full Council shall, except in an emergency, be held on a Friday evening, Saturday, Sunday, Bank Holiday or day on which the Council shall have granted a general holiday for its employees.

6.2 Executive and Committees

- (a) Meetings of the Executive and Committees will be held at the Town Hall, Chapel Road, Worthing, unless:
- The Full Council resolves otherwise; or
 - For some practical reason this is not possible, in which case the meeting will be held at a place decided by the Director for Communities after consulting with the Chairperson of the Executive and Committee; or
 - They are Joint Committees under a Joint Committee Agreement, in which case the time and location of the meeting is governed by that Agreement.
- (b) If an emergency occurs, the Director for Communities may, after consulting the Chairperson of the Executive or the Committee, as the case may be, and, so far as practicable, representatives of the political groups, vary any arrangements agreed by the Full Council, the Executive or the Committee, for the holding of meetings.

7.0 NOTICE OF AND SUMMONS TO MEETINGS

- 7.1 Not less than 5 clear working days before the day of a meeting, the Director for Communities shall publish on the Council's website and make available at the Council's offices, the time and location of the intended meeting and, where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the purpose proposed to be transacted there.
- 7.2 At least 5 clear working days before the day of a meeting, the Director for Communities will send a summons or agenda signed by him or her to every Member of the Council by electronic mail, by post, or by leaving it at their usual place of residence. The summons or agenda will give the date, time and location of each meeting, specify the business to be transacted and will be accompanied by such reports or shall provide access to such reports electronically.

8.0 CHAIRING OF MEETINGS

8.1 Full Council

- (a) The person presiding at a meeting of Full Council may exercise any power or duty of the Mayor.
- (b) If it is necessary to choose a Member of the Council (who cannot be a Member of the Executive) to preside in the absence of the Mayor or their Deputy, the Director for Communities, or the Solicitor to the Council, or their representatives, shall preside and call for a motion that a Member of the Council take the Chair.
- (c) If there is any debate on this motion, then the Director for Communities, or the Solicitor to the Council, or their representatives, shall have all the powers of the Mayor for the purposes of that debate.

8.2 The Executive and Committees

- (a) The person presiding at a meeting of the Executive and Committees may exercise any power or duty of the Chairperson.
- (b) If it is necessary to choose a Member of the Executive or Committee, as the case may be, to preside in the absence of the Chairperson or their Deputy, the Director for Communities, or the Solicitor to the Council, or their representatives, shall preside and call for a motion that a Member of the Council take the Chair.
- (c) If there is any debate on this motion, then the Director for Communities, or the Solicitor to the Council, or their representatives, shall have all the powers of the Chairperson for the purposes of that debate.

9.0 QUORUM

9.1 Full Council

- (a) The Quorum of a meeting will be 10 Members.
- (b) If during any meeting the person presiding declares that there is not a quorum present, the meeting shall stand adjourned for 15 minutes.
- (c) If, after 15 minutes, the person presiding declares that there is still no quorum present, the meeting shall end.
- (d) Notwithstanding any provision in these rules that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph, and which has not been completed before the meeting is brought to an end, shall be

postponed to the next meeting, whether Ordinary or Extraordinary, insofar as is allowed by law.

9.2 The Executive and Committees

- (a) The Quorum of a meeting will be one third of the whole number of Members of the Executive or Committee, as the case may be, (rounded up where necessary to the next whole number), save that:
- In the case of the Licensing Committee the quorum will be one quarter of the whole number of Members of the Committee (rounded up where necessary to the next whole number);
 - In no case shall the quorum of a Committee be less than 3; and
 - In no case shall the quorum of a Sub-Committee be less than 2.
- (b) If during any meeting the person presiding declares that there is not a quorum present, the meeting shall stand adjourned for 15 minutes.
- (c) If, after 15 minutes, the person presiding declares that there is still no quorum present, the meeting shall end.
- (d) Notwithstanding any provision in these rules that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph, and which has not been completed before the meeting is brought to an end, shall be postponed to the next meeting, whether Ordinary or Extraordinary, insofar as is allowed by law.

9.3 Joint Committees

The quorum of a Joint Committee shall be determined in accordance with the Joint Committee Agreement or arrangement under which it is constituted. However, if no such arrangements are set out within the Joint Committee Agreement, or arrangement under which a Joint Committee is convened, then Council Procedure Rule 9.2 above will apply.

10.0 DURATION OF MEETINGS

10.1 General

- (a) Subject to (d) below, where any meeting has lasted for 4 hours, the person presiding shall interrupt the proceedings and any Member speaking shall stop speaking. The person presiding shall, without discussion, take a vote on whether or not the Members wish the meeting to continue.

- (b) If the majority of Members present do not vote to continue the meeting, then the person presiding shall, without further discussion, take a vote on the item under discussion and then the meeting shall stand adjourned. The remaining business shall be considered at a time and date fixed at that time by the person presiding and if no such date is fixed, at the next Ordinary Meeting.
- (c) If the majority of Members present vote to continue the meeting, then a further vote on whether or not to continue the meeting will take place on an hourly basis thereafter.
- (d) Council Procedure Rule 10.1 (a), (b) and (c) do not apply to meetings dealing with matters arising under the Licensing Act 2003 and the Gambling Act 2005, Committee meetings dealing with staff appointments or staff appeals and Standards Committee meetings dealing with code of conduct determination hearings.

11.0 QUESTIONS BY THE PUBLIC

11.1 Full Council

11.1.1 General

Members of the public, who live, work or own property in the Borough, may ask questions of any Member of the Executive at any meeting of the Council and will be allowed a maximum of 5 minutes per person. This provision is subject to a maximum of 30 minutes being available for all public questions.

No discussion will take place in respect of any question.

Where notice has been given of the question in accordance with Council Procedure Rule 11.1.3, the questioner and the Member to whom the question is put are both present, and there is sufficient time, then a verbal response will be provided. If not, a written response will be provided within 3 working days.

There will be no opportunity for the public to ask questions at an Annual Meeting of the Full Council.

11.1.2 Order of Questions

The questions will be put in the order in which notice of them was received, except that the Mayor may group similar questions together.

11.1.3 Notice of Questions

To enable the Member of the Executive to provide the fullest and most accurate answer, notice that it is to be asked, together with a copy of it, should be given to the Director for Communities in writing by post or email to be received no later than midday on the second working day prior to the day of the meeting. Notice should be

given by post to the Director for Communities, Town Hall, Chapel Road, Worthing, BN11 1HA or by email to democratic.services@adur-worthing.gov.uk. Notice of questions must include the questioner's name, address and contact details.

Where a member of the public has failed to give notice of a question in accordance with this provision, the question may still be put, but the Member of the Executive to whom it is addressed may either choose to give a full response or respond by undertaking to provide a written response within 3 working days.

11.1.4 Number of Questions

At any one meeting, no person may make or ask more than a total of 2 questions, although each question may have more than one part, provided that each part relates to the same subject. No more than 2 questions can be asked on behalf of one organisation. The member of the public may only ask questions for a maximum of 5 minutes, regardless of whether 1 or 2 questions are raised.

11.1.5 Scope of Questions

Every question must relate to a matter for which the Council has responsibility and/or which affects the Borough.

Where notice of a question is provided, The Director for Communities may reject a question if, in his/her opinion, it:

- (a) does not relate to a matter for which the Council has responsibility or does not affect the Borough;
- (b) is not a question for the Executive (in which case, it may be referred to the relevant Committee);
- (c) is defamatory, frivolous, vexatious or offensive;
- (d) refers to legal proceedings taken or anticipated by or against the Council;
- (e) is substantially the same as a question which has been put to a meeting of the Full Council in the past 6 months;
- (f) requires the disclosure of confidential or exempt information; or
- (g) Would more appropriately be responded to by the Council under the Freedom of Information Act 2000 or the Data Protection Act 1998.

11.1.6 Record of Questions

- (a) Where notice of a question is provided, The Director for Communities will as soon as possible send a copy of the question to the Member of the Executive to whom it is to be put. If the Director for Communities has rejected the question in accordance with 11.1.5 above, a copy of the question will still be

sent to the relevant Member of the Executive, with reasons as to why it has been rejected.

- (b) Where notice of a question has been provided, copies of all such questions, save for those that have been rejected, will be circulated to all Members of the Council, and will be made available to the public attending the meetings via the Council's website.
- (c) Where a question is asked, without notice, the Director for Communities or his / her representative will record a summary of the question in the minutes of the meeting.

11.1.7 Asking the Question at the Meeting

- (a) The Mayor will invite the questioner to put the question to the relevant Executive Member.
- (b) If a member of the public who has submitted notice of a question is unable to be present at the meeting, they may ask the Mayor to put the question on their behalf. If the Mayor puts the question, he/she will indicate either that a written reply will be given within 3 working days, or that, in the absence of the questioner, the question will not be dealt with.
- (c) The provisions of Council Procedure Rule 11.1.5 apply and the Mayor may reject a question at the meeting on those same grounds.

11.1.8 Supplemental Question

- (a) A member of the public who has put a question in person, may also put one supplementary question, without notice, to the Executive Member, who has replied to his or her original question. A supplementary question can be for a maximum of 2 minutes, subject to the overall 30 minutes allowed for public question time.
- (b) A supplementary question must arise directly out of the original question or the reply.
- (c) The Mayor may reject a supplementary question on any of the grounds in Council Procedure Rule 11.1.5 above.

11.1.9 Answers

- (a) Where notice has been given of a question, a verbal response will be provided with a maximum time limit of 5 minutes in total, subject to the maximum of 30 minutes available for public question time.
- (b) Where a supplemental question is asked, following a question on notice, a verbal response will be provided, with a time limit of 2 minutes, subject to a maximum of 30 minutes available for public question time.

- (c) Any question which cannot be responded to during Public Question Time, either because of the non-attendance of the Member of the Executive to whom it was to be put, or the non-attendance of the member of the public putting the question, will be dealt with by way of a written answer, to be provided within 3 working days of the meeting.
- (d) Where notice of a question has been provided, but it cannot be responded to during Public Question Time due to lack of time, it will be dealt with by way of a written answer, to be provided within 3 working days of the meeting.

11.1.10 Referral to the Executive or a Committee

Any Member of the Council may move that a matter raised by a question, be referred to either the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

11.2 The Executive and Committees

11.2.1 General

Members of the public, who live, work or own property in the Borough, may ask questions at any meeting of the Executive or a Committee on any matter which is before that meeting, or for which the Executive or that Committee has responsibility, subject to:

- (a) A question cannot be put in relation to a specific planning application;
- (b) A question cannot be put in relation to a specific application before a Licensing Committee or Sub-Committee;
- (c) A question cannot be put in relation to a specific staffing appointment or appeal matter; and
- (d) A question cannot be put in relation to a specific Standards determination matter;
- (e) There will be a maximum of 30 minutes available for public questions.

A member of the public will be allowed a maximum of 5 minutes to ask their question, subject to the maximum 30 minutes allowed for public question time.

Where notice of the question has been provided in accordance with Council Procedure Rule 11.2.3, both the questioner and the Member to whom the question is put are present, and there is sufficient time, a verbal response will be given. If the questioner, or the Member, are absent, or there is insufficient time, a written response will be provided within 3 working days of the meeting being held.

11.2.2 Order of Questions

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

11.2.3 Notice of Questions

To enable the Member of the Executive or Committee to provide the fullest and most accurate answer, notice that it is to be asked, together with a copy of it, should be given to the Director for Communities in writing by post or email to be received no later than midday on the second working day prior to the day of the meeting. Notice should be given by post to the Director for Communities, Town Hall, Chapel Road, Worthing, BN11 1HA or by email to democratic.services@adur-worthing.gov.uk. Notice must include the name, address and contact details of the questioner.

Where a member of the public has failed to give notice of a question in accordance with this provision, the question may still be put, but the Member of the Executive or Committee to whom it is addressed may either choose to give a full response or respond by undertaking to provide a written response within 3 working days.

11.2.4 Number of Questions

At any one meeting, no person may submit more than 2 questions, although each question may have more than one part, provided that each part relates to the same subject, and no more than 2 questions can be asked on behalf of one organisation.

11.2.5 Scope of Questions

Every question must relate to a matter for which the Executive, or that particular Committee, has responsibility.

Where notice of a question has been provided, the Director for Communities may reject a question if, in his/her opinion, it:

- (a) is not about a matter for which the Executive or Committee has a responsibility;
- (b) is defamatory, frivolous, vexatious or offensive;
- (c) refers to legal proceedings taken or anticipated by or against the Council;
- (d) is substantially the same as a question which has been put to a meeting of the Full Council, the Executive or the same Committee in the past 6 months;
- (e) requires the disclosure of confidential or exempt information; or
- (f) would more appropriately be responded to by the Council under the Freedom of Information Act 2000 or the Data Protection Act 1998.

11.2.6 Record of Questions

- (a) Where notice of a question is provided, the Director for Communities will as soon as possible send a copy of the question to the Member to whom it is to be put. Where the Director for Communities has rejected a question, a copy will still be sent to the relevant Member together with reasons for the rejection.
- (b) Where notice of a question is provided, copies of all questions, save for those which have been rejected, will be circulated to all Members of the Executive or Committee, as the case may be, and will be made available to the public attending the meetings, and made publicly available via the Council's website.

11.2.7 Asking the Question at the Meeting

- (a) The person presiding will invite the questioner to put the question to the meeting.
- (b) If a member of the public who has submitted notice of a question is unable to be present, they may ask the person presiding to put the question on their behalf. If the person presiding sees fit, they may group similar questions together and summarise them. If the person presiding puts the question, they will indicate either that a written reply will be given within 3 working days or, in the absence of the questioner, that the question will not be dealt with.

11.2.8 Supplemental Question

- (a) A member of the public who has put a question in person, may also be allowed a maximum of 2 minutes to put one supplementary question, without notice, to the Executive or Committee, and a verbal response will be given.
- (b) A supplementary question must arise directly out of the original question or the reply.
- (c) The person presiding may reject a supplementary question on any of the grounds in Council Procedure Rule 11.2.1 or 11.2.5 above.

11.2.9 Written Answers

- (a) Any question which cannot be dealt with during Public Question Time, either because of the non-attendance of the Member to whom it was to be put, or due to the non-attendance of the questioner, will be dealt with by way of a written answer from the Leader of the Executive, relevant Member, or Chairperson of the Committee, to be provided within 3 working days of the meeting.
- (b) Where notice of a question has been provided, but it cannot be responded to during Public Question Time due to lack of time, it will be dealt with by way of a written answer, to be provided within 3 working days of the meeting.

12.0 QUESTIONS ON NOTICE BY MEMBERS AT FULL COUNCIL

12.1 Questions on Notice

Subject to Council Procedure Rule 12.3 below, a Member of the Council may ask:

- (a) the Mayor;
- (b) a Member of the Executive;
- (c) the Chairperson of any Committee; or
- (d) the Council's representative on any outside body

a question on any matter in relation to which the Council has power or which affects the Borough except that no question may be asked on:

- (i) a decision of the Planning Committee on a specific planning application;
- (ii) a decision of the Joint Governance Committee on a Standards determination;
- (iii) a decision of a Licensing Committee on a specific application, review or similar matter; and
- (iv) a decision on a staffing appointment or appeal relating to an individual;
- (v) a matter which is substantially the same as a question which has been put to a meeting of the full Council by a Member of that Council within the previous 6 month period.

Every question shall be put and answered without discussion.

12.2 Notice of Questions

A Member may only ask a question in accordance with Council Procedure Rule 12 if either:

- (a) they have given written notice of the question and a copy of the question, to the Director for Communities, to be received by midday at least 2 working days prior to the day of the meeting; or
- (b) the question relates to an urgent matter and they have obtained the consent of the Mayor and notice of, and a copy of, the question is given to the Director for Communities by midday on the day of the meeting.

12.3 Response

A written response will be prepared to the question and shall be read to the meeting.

The response may take the form of:

- (a) a direct answer; or
- (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 to the meeting, a written answer circulated within 3 working days of the meeting, to the questioner and all Members of the Council.

12.4 Transferring the Response

The person to whom a question has been put may ask another Member to respond or may decline to answer.

Any Member may move that a matter raised by a question under Council Procedure Rule 12 be referred to the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

12.5 Supplementary Question

- (a) A Member asking a question under Council Procedure Rule 12 may ask one supplementary question, without notice, of the Member to whom the first question was put, or of the Member who provided the response under 12.4 above.
- (b) The supplemental question must arise directly out of the original question or the reply.

12.6 Number and Order of Questions

- (a) A Member may submit as many questions as they wish to any meeting but may only ask one question and one supplementary question at a time.
- (b) The Mayor shall invite questions from Members in such an order as to ensure that each political group on the Council and independent Members are permitted to ask a question in rotation, starting with the main opposition group.

12.7 Duration of Question Time by Members

The period of time allotted to Members' questions under Council Procedure Rule 12 shall not exceed 30 minutes, unless the Mayor exercises his discretion to extend it.

12.8 Record of Questions and Answers

- (a) Questions asked on notice at Full Council under Council Procedure Rule 12 will be recorded in the minutes, as will any written answer provided.
- (b) For the avoidance of doubt, neither supplementary questions nor answers shall be recorded.

13.0 LEADER'S REPORT TO FULL COUNCIL

13.1 General

- 13.1.1 The Leader shall prepare a Report of the business of the Executive for each Ordinary Meeting of the Full Council. In presenting the report, the Executive will have 15 minutes to make any statements that they wish to make, relating to the report before the Full Council.
- 13.1.2 Following the presentation of the Report of the business of the Executive, any Member may ask a question of the Leader or Executive Member arising from the written report provided that the question is not one which is to be put under Council Procedure Rule 12.0.
- 13.1.3 This item of business shall not last longer than 15 minutes unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Full Council without discussion, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of the extension.
- 13.1.4 Every question should be put and answered without discussion.
- 13.1.5 Following the presentation of the report and questions arising on that, the Mayor shall call Members to ask questions for which due notice has been given pursuant to Council Procedure Rule 12.

14.0 MOTIONS ON NOTICE AT FULL COUNCIL

14.1 Notice

- 14.1.1 Except for motions that can be moved without notice under Council Procedure Rule 15, written notice of every motion, signed by at least one Elected Member of the Council, must be delivered to the Director for Communities not less than 10 clear working days before the date of the meeting. These will be entered in a book open to public inspection.
- 14.1.2 If the notice of motion is sent by electronic means, an electronic signature will suffice, and it shall be received not less than 10 clear working days before the day of the meeting at democratic.services@adur-worthing.gov.uk. The Member must ensure they obtain an acknowledgement of its receipt.
- 14.1.3 The Director for Communities will date and number the motion in the order in which it is received.

14.2 Scope

- 14.2.1 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.

14.2.2 Where a motion is received, the Director for Communities may reject it if, in his/her opinion, the motion:

- (a) is not relevant either to some matter in relation to which the Council has powers or duties or it does not affect the Borough; or
- (b) is defamatory, frivolous, unlawful, vexatious or offensive; or
- (c) refers to legal proceedings taken or anticipated by or against the Council; or
- (d) is substantially the same as a motion which has been received and accepted in the past 6 months; or
- (e) requires the disclosure of confidential or exempt information; or
- (f) is improper, out of order or not relevant.

Where a motion is rejected by the Director for Communities, he/she shall return the motion to the Member of the Council who sent it, stating that it will not be inserted on the agenda and providing reasons.

14.2.3 Where the Council is in the process of consulting with the public on a proposal, or responding to a formal consultation process, no notice of motion expressing support or objecting to the proposals shall be accepted.

14.2.4 All accepted notices of motion shall be sent, via a report, direct to Full Council by the Director for Communities. Such report will include the procedure for consideration and determination of the motion.

14.2.5 The decision of the Director for Communities will be final.

14.3 Motions set out in Agenda

14.3.1 Accepted motions for which notice has been given will be listed on the agenda, subject to the exception below, in the order in which notice was received by the Director for Communities, unless the Member giving notice of the motion gives advance written notice that they intend to propose to defer the motion until the next meeting, or withdraw the motion.

14.3.2 Such accepted motions will be placed on the agenda immediately before the consideration of exempt information items.

14.3.3 The maximum number of accepted notices of motion to be presented at a Council meeting shall be as follows:

- The 3 largest Political Groups: 2 each Group
- Any other Group: 1 each Group

If the 3 largest groups cannot be determined due to equality in numbers, then each Political Group with a membership of 5 or more may present 2 motions.

14.3.4 Any Member not belonging to a Political Group may present not more than 1 notice of motion.

14.3.5 Where Members of a Political Group submit more than the permitted maximum number of notices of motion the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from Members of a Group shall be taken in the order in which they are received up to the permitted maximum number.

14.4 Procedure for Consideration and Determination of a Motion

Motions shall be dealt with as set out below:

14.4.1 If any part of the subject matter of any motion comes within the remit of the Executive, upon being moved and seconded, it shall be noted by Council and referred without debate to the Executive for consideration and determination.

14.4.2 If any part of the subject matter of any motion comes within the remit of any Regulatory Committee (i.e. Planning and Licensing), upon being moved and seconded, it shall be noted by Council and referred without debate to such Committee for consideration and determination.

14.4.3 Subject to rules 14.4.1 and 14.4.2, if any part of the subject matter of any motion comes within the remit of any other Council committee, upon being moved and seconded, it shall be noted by Council and referred without debate to the relevant Committee for consideration and determination.

14.4.4 Where the subject matter of a motion:

- (i) is not within the remit of the Executive, a Regulatory Committee or any other Council Committee; and
- (ii) does not incur any Council expenditure; and
- (iii) does not include a proposal for the Council to take any substantive action and is merely declaratory;

then it may be considered by the Full Council at the meeting at which it appears in the agenda.

14.4.5 Where the subject matter of a motion:

- (i) is not within the remit of the Executive, a Regulatory Committee or any other Council Committee; and
- (ii) does not incur any Council expenditure; and
- (iii) does include a proposal for the Council to take substantive action and is more than declaratory;

then it may be considered by a future meeting of the Full Council.

14.5 Speaking to propose a Motion

- 14.5.1 If a motion on the agenda at Full Council is to be referred automatically to the Executive, a Regulatory Committee or another Council Committee, in accordance with Council Procedure Rule 14.4, the proposer of the motion will confirm to the Mayor their proposal of the motion as set out in the report before Council without a speech.
- 14.5.2 If a motion on the agenda at Full Council is to be referred automatically to the Executive, a Regulatory Committee or another Council Committee, in accordance with Council Procedure Rule 14.4, the seconder of the motion will confirm to the Mayor their seconding of the motion as set out in the report before Council without a speech.
- 14.5.3 If a motion to be automatically referred has been signed by only one Member, the Mayor will invite another Member present to second the motion without a speech. If the motion is not seconded it falls without debate.
- 14.5.4 If a motion on the agenda at Full Council is not to be referred automatically in accordance with Council Procedure Rule 14.4, it shall be proposed and seconded in accordance with the rules of debate set out at Council Procedure Rule 16.
- 14.5.5 If a motion on the agenda is not to be automatically referred and has been signed by only one Member, the proposer may speak for a maximum of 2 minutes without the motion being seconded. If the motion is then not seconded it shall fall.
- 14.5.6 If a motion set out on the agenda is not moved by a Member who gave the notice or by some other Member on his or her behalf, it shall be treated as withdrawn and shall not be moved without fresh notice unless postponed by the Council.

14.6 Attendance of mover at meeting of the Executive or a Committee

- 14.6.1 Where a motion has been referred by Full Council to the Executive or a Committee, the mover, or the seconder in the absence of the mover, shall be entitled to attend the relevant meeting of the Executive or Committee and to explain the motion.
- 14.6.2 The Member may answer questions from the Executive or Committee, for the purposes of clarification, prior to any debate and may sit with the Committee for the item in question.
- 14.6.3 The Member may not partake in the debate, nor vote upon the item.

14.7 Motions similar to those previously rejected and Motions to rescind a decision

14.7.1 For procedures relating to Motions brought similar to those previously rejected and Motions attempting to rescind a Council decision, reference is made to Council Procedure Rule 22.

15.0 MOTIONS AND AMENDMENTS WITHOUT NOTICE

15.1 General

The following motions and amendments may be moved without notice:

- (a) To appoint a person to preside at 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 including referring any matter for consideration by the Executive or a Committee;
- (e) To appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) To receive reports or adopt recommendations from the Executive, Committee or Officers, and any resolutions arising from them;
- (g) To withdraw a motion;
- (h) To extend the time limit for speeches;
- (i) To amend a motion;
- (j) To postpone consideration of a motion;
- (k) To proceed to the next business;
- (l) To take an immediate vote on a motion;
- (m) To adjourn a debate;
- (n) To adjourn a meeting;
- (o) That the meeting continue beyond 4 hours in duration;
- (p) To suspend a particular Council Procedure Rule;
- (q) To authorise the sealing of documents;

- (r) To exclude the public and press in accordance with the Access to Information Procedure Rules (see Council Procedure Rule 16.14);
- (s) To not hear further a Member named under Council Procedure Rule 32.3 or to exclude them from the meeting under Council Procedure Rule 32.4;
- (t) To invite a Member to withdraw in accordance with the Members' Code of Conduct;
- (u) To give the consent of the Council where its consent is required by this Constitution;
- (v) To carry out a statutory duty of the Council which, by reason of special circumstances, the person presiding is of the opinion should be considered at the meeting as a matter of urgency;
- (w) Motions relating to communications and announcements from the Chairperson, Leader, Members of the Executive and/or Head of Paid Service in accordance with Council Procedure Rule 3;
- (x) Motions relating to vote by way of ballot.

16.0 RULES OF DEBATE

For rules of debate relating to the consideration and determination of the annual budget, reference is made to the Council's Budget Procedure Rules found in Part 4 of the Council's Constitution.

16.1 Management of debate

- (a) The person presiding shall have the control of any debate and will use his or her discretion to ensure the effective, efficient, fair and orderly conduct of the business.
- (b) The person presiding will normally follow the rules set out in this Council Procedure Rule 16 but their interpretation, application or waiver of these rules of debate will be final.

16.2 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 or amendment has been seconded.

16.3 Right to require motion in writing

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

16.4 Full Council - Seconder's speech

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

16.5 Full Council - Content and length of speech

- (a) Speeches must be directed to the question under discussion or be a personal explanation or point of order.
- (b) Subject to (c) and (d) below, no speech shall exceed 5 minutes in length.
- (c) The speech of the proposer of a motion (but not an amendment), when proposing the motion or when exercising his or her right of reply at the close of debate on a motion, shall not exceed 10 minutes.
- (d) The time limits at (b) and (c) above may be extended with the consent of the Council which shall be given or refused without debate.

16.6 The Executive and Committees - Content of speech

- (a) Speeches must be directed to the question under discussion or be a personal explanation or point of order.
- (b) The person presiding shall exercise principles of good chairpersonship in conducting meetings; regulating proceedings fairly, objectively and without bias. In particular, they shall ensure that the meeting has a structured debate with clear proposals moved and seconded and debated in the order moved.
- (c) The Chairperson shall announce the motion (as amended if appropriate) immediately before any vote and confirm the decision of the Committee.

16.7 Full Council - 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 to any 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 spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order;

- (f) by way of personal explanation.

16.8 The Executive and Committees– When a Member may not speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate subject to the person presiding at his or her discretion:

- (a) determining that the Member has spoken sufficiently on the matter; or
- (b) determining that the matter has been debated sufficiently and calling for a vote.

16.9 Amendments to Motions

- (a) An amendment shall be relevant to the motion and will either be:
 - i) to refer the matter to an appropriate body or individual, including the Executive or a Committee, for consideration or reconsideration;
 - ii) to give guidance to the Executive or a Committee on a subject determined under delegated powers;
 - iii) to amend the wording, as long as the effect is not to negate the motion or introduce a new proposal into the debate.
- (b) If he/she deems it necessary, the person presiding shall read out the amended motion before the amendment is put.
- (c) Only one amendment may be moved and discussed at any one time and no further amendment shall be moved until the amendment under discussion has been disposed of, except with the agreement of the proposer and seconder of the subsisting proposed amendment, to amend that proposal with a view to achieving agreement.
- (d) A Member may give notice of his/her intention to move a further amendment, and its nature, before a vote is taken on the amendment under consideration.
- (e) If an amendment is lost, other amendments to the original motion may be moved, provided that no such amendment may have a similar effect to one previously determined by the meeting unless it is supported by more than 50% of Members present.
- (f) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendments may be moved.
- (g) After an amendment has been carried, the person presiding will read out the amended motion before accepting any further amendments.

- (h) After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise, as the case may be, prior to the taking of a vote.

16.10 Alteration of Motion

With the consent of his/her seconder and of the meeting, which shall be signified without discussion, a Member may alter:

- (a) a motion of which he/she has given notice, or
- (b) a motion or an amendment which he/she has moved,

provided that the alteration is one which could be made as an amendment to the motion.

16.11 Withdrawals of Motions and Amendments

- (a) A Member may withdraw a motion or amendment with the consent of his/her seconder and of the meeting, which shall be signified without discussion.
- (b) No Member may speak on the motion after the mover has asked permission for its withdrawal unless permission to withdraw is refused.

16.12 Full Council - Right of Reply

- (a) When Full Council debates reports and recommendations received from the Executive or its Committees, the appropriate Executive Member or Committee Chairperson shall have the right to sum up at the end of any debate on the report.
- (b) Subject to the above, the mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- (c) 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.
- (d) The mover of the amendment shall have a right of reply immediately after the reply on the amendment by the mover of the original motion.
- (e) A Member exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The person presiding's ruling on this shall be final and not open to discussion.

16.13 Person presiding may sum up debate

- (a) The person presiding may, if he/she thinks fit, sum up the debate before putting a motion or amendment to the vote; and

- (b) if such debate involves questions of a legal, administrative or technical nature, he/she may request the appropriate Officer to draw the attention of the meeting to any relevant factors.

16.14 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of a motion;
- (d) to adjourn the debate;
- (e) to adjourn the meeting;
- (f) that the meeting continue beyond 4 hours in duration;
- (g) to proceed to the next business;
- (h) to take an immediate vote on the motion;
- (i) to not hear from a Member named under Council Procedure Rule 32.3 or to exclude them from the meeting under Council Procedure Rule 32.4;
- (j) to exclude the public and press in accordance with the Access to Information Rules.

16.15 Closure Motions

A Member may move, without comment, the following motions at the end of a speech of another Member:

- (a) to proceed to the next business;
- (b) to take an immediate vote on a motion;
- (c) to adjourn a debate;
- (d) to adjourn the meeting;
- (e) to exclude the public from the meeting;
- (f) that a Member be not further heard.

On the seconding of a motion referred to above, the person presiding shall proceed as follows:

- (i) On a motion to proceed to the next business, which is seconded, unless in his/her opinion the matter before the meeting has been insufficiently discussed, the person presiding shall give the mover of the original motion the right of reply and then put his/her motion to the vote. If the procedural motion is carried, then the question before the Council is dropped and no decision on it has been taken.
- (ii) On a motion to take an immediate vote on a motion, which is seconded, unless in his opinion the matter before the meeting has been insufficiently discussed, the person presiding shall first put the procedural motion to the vote. If the motion is passed, the Chairperson will give the mover of the original motion or amendment his/her right of reply before putting it to the vote.

- (iii) On a motion to adjourn the debate or to adjourn the meeting, which is seconded, if in the opinion of the person presiding the matter before the meeting has not been sufficiently discussed and cannot reasonably be so discussed, on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion or amendment his or her right of reply. A Member moving the adjournment of the debate of the meeting must limit his or her observations to that question and no amendment can be proposed to that motion, unless it relates to the time of the adjournment. On resuming an adjourned debate, the Member who moved the adjournment is entitled to speak first.
- (iv) On a motion to exclude the public, unless the motion appears on the agenda, the person presiding shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer as to whether members of the public may lawfully be excluded. If members of the public may be lawfully excluded, the person presiding will allow the mover of the original motion a right of reply on the proposal to exclude the public and then put the motion to the vote. If it is passed, the person presiding may, at his/her discretion, either immediately require the public to leave the room in which the debate is being held or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.
- (v) On a motion that a named Member be not further heard, which is seconded, the person presiding shall put the motion to the vote without discussion from any Member. If it is passed, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter.

16.16 Certainty of Resolutions

Before a vote is taken, the motion or resolution, as amended, is to be written down and read out by the Chairperson or his/her representative.

16.17 Point of Order

- (a) A point of order shall only relate to:
 - i) an alleged breach of these Council Procedure Rules; or
 - ii) an alleged breach of the law.
- (b) A Member may rise on a point of order at any time and the person presiding shall hear them immediately, subject to Council Procedure Rule 32.2.
- (c) The Member must indicate the Council Procedure Rule or law and the way in which he/she considers it has been breached. The ruling of the person presiding on the matter will be final and is not open to discussion.

16.18 Personal Explanation

- (a) A personal explanation shall be confined 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 person presiding on the admissibility of a personal explanation will be final and is not open to discussion.
- (b) A Member may indicate a desire to make a personal explanation at any time. The person presiding will hear them immediately, subject to Council Procedure Rule 32.2.

16.19 Council - Officers

- (a) Other than in relation to Rule 18, no Officer, other than:
 - i) the Head of Paid Service;
 - ii) the Solicitor to the Council, or their representative, in their role as adviser to the Council meeting;
 - iii) the Monitoring Officer or Deputy Monitoring Officer, acting in that capacity;
 - iv) the Section 151 Officer or Deputy Section 151 Officer, acting in that capacity;
 - v) the Director for Communities or his/her representative as to the recording of any part of the meeting;

may be called upon to speak at a meeting of Full Council, without the consent of both the Mayor and Head of Paid Service or a Director. However, with such consent, an Officer, other than those listed above, may contribute by way of advice, guidance or presentations on any report under consideration.

- (b) Officers holding statutory positions shall not be prevented from addressing the Council where they see fit to do so and so far as they act within the law.

16.20 Notice of Adjourned Meetings

Any motion to adjourn a debate or a meeting may specify the location, date and time at which the adjourned debate or meeting shall take place. If such specification is not given, the venue, date and time of the adjourned debate or meeting shall be determined by the Mayor or Committee Chairperson as appropriate, or Director for Communities.

16.21 Council – Committee Recommendations and Reports

Any recommendations by, or reports from, a Committee at Full Council will be taken in date order, unless otherwise required, and for the purpose of any debate or amendment or other motion, each recommendation shall be treated as if it was a separate motion by the Chairperson of the Committee or other Member moving the report that the same be adopted by the Council.

16.22 Full Council - Recommendations of the Executive

Each recommendation of the Executive will be moved in turn by the Leader. After the recommendation has been moved and seconded the matter may be debated. The rules about motions and amendments set out above in these Council Procedure Rules will apply to each recommendation.

16.23 Offensive amendments or motions

If at any meeting the person presiding is of the opinion that any motion, amendment or business proposed to be moved or transacted is of a defamatory, frivolous, vexatious or offensive nature, he/she may, either before or after the same has been brought forward, put to the vote a motion (upon which no discussion shall be allowed) that the motion, amendment or business in question not be entertained or further permitted. If such a motion is seconded, a vote will be taken. If such a motion is carried, the matter will be considered as disposed of at that meeting.

17.0 MATTERS AFFECTING OFFICERS OF THE COUNCIL

If any question arises at a meeting of Full Council, the Executive or a Committee at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any person employed by the Council, such question shall not be the subject of discussion until Full Council, the Executive or the Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act 1972 shall be exercised.

18.0 OFFICER REPORTS TO FULL COUNCIL

- (a) Where any matter is subject to a first report to Full Council, the appropriate Officer may:
- i) introduce the report;
 - ii) answer questions for the purpose of clarification; and
 - iii) provide advice during the debate.
- (b) The Officer may decline to answer a question which he/she perceives to be political in nature.

19.0 PRESENTATION OF OVERVIEW AND SCRUTINY REPORTS TO FULL COUNCIL

- (a) Where an Overview and Scrutiny Committee prepares a single report to Full Council, the Executive or a Committee, the Chairperson of the Overview and Scrutiny Committee shall present the report to the meeting as appropriate and shall be available to answer questions in relation to the report.
- (b) At a meeting of the Executive or a Committee, the Chairperson of the Overview and Scrutiny Committee shall be entitled to sit with Members of the Executive or Committee during the consideration of the report for the purposes of answering questions/clarifying matters contained within the report.
- (c) Where there is a minority report, as well as a majority report, from an Overview and Scrutiny Committee, those Members supporting the minority report shall select one of their number to present that report and/or answer questions on it.
- (d) The Member selected under (c) above shall have the same rights/privileges with regard to attendance at Full Council, the Executive or the relevant Committee as the Chairperson of the Overview and Scrutiny Committee.
- (e) If the Chairperson of the Overview and Scrutiny Committee is a supporter of the minority report, then the Vice Chairperson or another Member supporting the majority report shall have the same rights/privileges as the Chairperson, had they supported it.

20.0 PRESENTATION OF JOINT GOVERNANCE COMMITTEE REPORTS TO FULL COUNCIL

- (a) Full Council shall receive such reports of the Joint Governance Committee as shall be referred to it by the Committee.
- (b) When receiving such reports or minutes, the Chairperson or Vice Chairperson of the Committee, whether they are an Elected Member of the Council or co-opted Member of the Committee, shall be entitled to:
 - i) present the report or minute;
 - ii) answer any questions relating to the report or minute;
 - iii) propose, or agree any amendment to, the motion, proposal or recommendation.

21.0 REPRESENTATIVES ON OUTSIDE BODIES

- (a) Members who are appointed to outside bodies as representatives of the Council are encouraged to electronically post a report of such meetings that they attend in the Virtual Members' Room on the Council's intranet.

- (b) Where a Member who is a representative on an outside body has placed such a report in the Members' Room, a brief summary of that report may be included within the Members' Bulletin at the request of the Member.
- (c) Where a Member who is a representative on an outside body is of the view that a matter to be considered by that body is of such importance as to require that they are informed as to the Council's opinion on that item, the Member shall be entitled to request the Director for Communities to place the item on the agenda of the appropriate meeting of Full Council, the Executive or a Committee. The Member may address Full Council, the Executive or a Committee as in Council Procedure Rule 14.6.

22.0 PREVIOUS DECISIONS AND MOTIONS

22.1 Motion to rescind a previous decision

Subject to Rule 22.3 below:

(a) Motions on Notice

Where a Motion on Notice is submitted, to rescind a decision made at a meeting of Full Council within the past 6 months, the Director for Communities shall reject it, unless the Motion is signed by at least 10 Members of the Council.

(b) Motions proposed during debate

If a Motion or Amendment is raised during a debate, at Full Council, to rescind a decision made at a meeting of the Full Council within the previous 6 months, the Chairman shall reject it.

22.2 Motions similar to one previously rejected

Subject to Rule 22.3 below:

(a) Motions on Notice

Where a Motion on Notice is submitted, which is substantially the same as one previously rejected by the Director for Communities within the previous 6 months, it shall again be rejected by the Director for Communities, unless it is signed by at least 10 Members of the Council, in which case it shall be accepted, subject to the provisions of Council Procedure Rule 14.

(b) Motions arising during debate at Full Council

If a Motion or amendment is raised during debate, at a meeting of the Full Council, which is similar to one rejected within the previous 6 months, the Chairman shall reject it.

22.3 Exceptions

- (a) Rules 22.1 and 22.2 shall not apply:
 - i) to motions moved in pursuance of a recommendation of the Executive or a Committee; or
 - ii) to motions to carry out any statutory duty of the Council which, in the opinion of the person presiding, is of an urgent nature.
 - iii) where a decision has been made by another body since the Council's decision, which significantly affects the decision and necessitates reconsideration of the matter.
- (b) The ruling of the person presiding as to whether any motion or amendment comes within the terms of Council Procedure Rules 22.1 and 22.2 will be final.

23.0 PETITIONS

23.1 Petitions, other than statutory petitions such as for an elected Mayor, shall be managed in accordance with the Council's Petition Scheme set out in Part 5 of the Constitution.

24.0 VOTING

Voting at Meetings of Joint Committee will be dealt with in accordance with the procedures set out in the Joint Committee Agreement.

24.1 Majority

- (a) 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.
- (b) The person presiding will ascertain the numbers voting for, against or abstaining on any question, shall announce those numbers, and declare the result.
- (c) The person presiding's declaration as to the result will be final.

24.2 Casting vote

- (a) The casting vote can only be used if the person presiding has already cast their deliberative vote. So if the person presiding puts the issue to the vote, but does not vote him or herself and there is a tie, then the casting vote does not apply because they have not yet exercised their deliberative vote.
- (b) If, after the person presiding has exercised their deliberative vote there is a tie, then the casting vote can be exercised.
- (c) If there are equal numbers of votes for and against, the person presiding, having cast their deliberative vote, will have a second or casting vote. There will be no restriction on how they choose to exercise a casting vote, save that it will be exercised in accordance with the law.
- (d) If there are equal numbers of votes for and against and the person presiding chooses not to exercise their casting vote, then the matter to be determined shall fall.

24.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 24.4 and 24.5 or a recorded vote is required under 24.6, the person presiding will take the vote by show of hands or by the use of such electronic voting system as the Council shall determine or, if there is no dissent, by the affirmation of the meeting.

24.4 Ballot

- (a) A ballot is a vote whereby Members signify their vote in writing on a piece of paper issued to them individually for that purpose and the vote of individual Members is not identified as being by that Member.
- (b) The vote will take place by ballot if a majority of Members present at the meeting demands it, and there has been no valid request for a recorded vote in accordance with rule 24.5 below.
- (c) Such demand to be made by motion without notice, moved, seconded and voted on without debate.
- (d) The person presiding will announce the numerical result of the ballot immediately the result is known.

24.5 Recorded Vote

- (a) On the request of any Member of the Council made before the vote is taken and upon 5 other Members signifying their support by standing, the voting on any question shall be by roll-call and shall be recorded in the minutes of the meeting to show how each Member present and voting cast their vote. The name of any Member present and abstaining from voting will also be recorded.
- (b) A demand for a recorded vote will override a demand for a ballot.

24.6 Recorded vote – Budget Decision meeting

Whenever the Full Council votes on the determination of the calculation of the budget and the setting of any precepts, the vote of each individual Member shall be recorded as if requested under Rule 24.5.

24.7 Right to require individual vote to be recorded at Full Council

Immediately after a vote is taken, and before the next agenda item has commenced, any Member may require that the minutes show whether they voted for or against the motion or whether they abstained from voting.

24.8 Voting on appointments

Where there are appointments to be made (including appointments to outside bodies, to Leader of the Council, or to the position of Mayor or Deputy Mayor) and there are more nominations than positions to which appointments are to be made, the following rules will apply:

- (a) if practicable then the vote shall be by simple majority;
- (b) Where there are 3 or more candidates seeking appointment to a single position, there shall be a vote for each candidate and:
 - i) if one of the candidates receives more than half of all the votes cast in the election, that candidate is to be appointed.
 - ii) if no candidate receives more than half of all of the votes cast then the candidate with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person.

25.0 CONFIDENTIALITY OF PAPERS

Save as provided by the Local Government Act 1972, all summonses, agendas, reports and other documents shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

26.0 MINUTES

26.1 Signing the Minutes

- (a) The person presiding will sign the minutes of the proceedings at the next suitable meeting.
- (b) The person presiding will move that the minutes of the previous meeting are a correct record, provided that the previous meeting took place more than 10 clear working days prior to the day of the meeting.
- (c) The only part of the minute that can be discussed is their accuracy.
- (d) Any questions as to their accuracy as a record of a meeting shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the person presiding shall sign the minutes.
- (e) Where there is no Ordinary Meeting of a Committee or Sub-Committee expected to take place within a period of 6 months after a meeting for which draft minutes have been prepared then:
 - i) in respect of a Committee, Full Council may agree the accuracy of the minutes;
 - ii) in respect of a Sub-Committee, the parent Committee or Full Council may agree the accuracy of the Minutes;
 - iii) in respect of Committees or Sub-Committees which have ceased to meet and their functions have been subsumed in another Committee or Sub-Committee, the new Committee or Sub-Committee or Full Council may agree the accuracy of the minutes;
 - iv) in respect of Joint Committees, minutes will be dealt with in accordance with the provisions of the Joint Committee Agreement.
- (f) In respect of a Committee or Sub-Committee, convened to determine a specific licensing, standards or staffing matter, the Chairman of that decision-making body may agree the accuracy of the record of the meeting.

26.2 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 an Extraordinary Meeting, then the next following meeting being an Ordinary Meeting will be treated as a suitable meeting for the signing of minutes.

26.3 Form of minutes – Non-Executive Meetings

- (a) The minutes will contain a summary of any debate setting out the main points that were considered by the meeting and the wording of the final decision.
- (b) Any further reports or information commissioned with the agreement of the meeting will be recorded in the minutes.

26.4 Form of Records of decisions – Executive Meetings

Records of decisions shall contain a:

- (a) summary of the options considered;
- (b) summary of the reasons for the decision;
- (c) the decision; and
- (d) date for call-in;

and will comply with the requirements of the Executive Procedure Rules.

27.0 STATUS OF DRAFT RECORDS OF DECISIONS AND MINUTES

- 27.1 It should be noted that until such time as the Full Council, the Executive or a Committee whose record is set out in a draft record or minute confirm that record or minute as an accurate record of their decision, they are a working draft only.
- 27.2 Subject to Council Procedure Rule 26.1 above, only the body whose record is set out in the draft record or minute may alter or amend the record or minute.
- 27.3 If a Member wishes to propose a recommendation to Full Council that differs from that set out in a draft record or minute then it must be done by way of an amendment to the motion before the Full Council and not as an amendment to the minute or record.

28.0 RECORDING OF MEETINGS

28.1 Recording by the Council

The Council may make such arrangements as it decides are appropriate for the recording, broadcasting and publication of meetings.

28.2 Recording by the public

This Council Procedure Rule should be read in conjunction with the Protocol for Public/Press Recording of Public Council Meetings and Social Media Policy which can be found in Part 5 of the Constitution.

A member of the public may make sound or visual recordings at any meeting of the Council and may make such arrangements as they wish to broadcast the recordings, subject to the following:

- (a) no visual recording should be made of persons in the public gallery;
- (b) no visual recording should be made of any person under 18;
- (c) no recording shall be made of any meeting or part of a meeting which is considering matters that the Members have agreed are exempt under the Access to Information Rules or which are confidential;
- (d) no recording shall be carried out in a manner that causes disruption to the meeting or distracts the attention of the public from the content of the meeting;
- (e) no oral commentary or report shall be made during the meeting;
- (f) their compliance with the statutory provisions of the General Data Protection Regulations and any other legislation surrounding the recording and use of personal data and its retention.

Where a member of the public does not comply with this Rule, the person presiding shall require them to stop recording. If the member of the public fails to cease recording, then the person presiding shall consider whether or not action should be taken under Council Procedure Rule 31 below.

28.3 Recording by a Member

A Member of the Council may also make sound or visual recordings provided that he/she complies with Council Procedure Rule 28.2 and the Protocol for Public/Press Recording of Public Council Meetings and Social Media Policy in Part 5 of the Constitution. If they fail to do so, the person presiding shall require them to stop recording and if they fail to cease as requested, then the person presiding shall consider whether or not action should be taken in accordance with Council Procedure Rule 32 below.

29.0 RECORD OF ATTENDANCE

- 29.1 The names of all Members present during the whole or part of a meeting shall be recorded.
- 29.2 Any omission may be remedied at the absolute discretion of the Monitoring Officer, or by the amendment of draft minutes of a meeting prior to confirmation, at the next or subsequent meeting in accordance with Council Procedure Rule 26.

30. EXCLUSION OF THE PUBLIC

The public shall be admitted to all Meetings of the Council unless members of the public are excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Council Procedure Rule 31.

31. DISTURBANCE BY THE PUBLIC

31.1 Removal of member of the public

- (a) If a member of the public interrupts proceedings, causes a disturbance or behaves improperly, or offensively, or by wilfully obstructing the business of the Council, or fails to comply with Council Procedure Rule 28 above, the person presiding will warn the person concerned.
- (b) If the member of the public, having been warned under (a) above, continues their conduct, the person presiding will order their removal from the Meeting room.

31.2 Clearance of part of the meeting room

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

31.3 General disturbance

If there is a general disturbance making orderly business impossible, the person presiding may adjourn the meeting for as long as they think necessary.

32.0 MEMBERS' CONDUCT

32.1 Full Council - Addressing the Council

- (a) All Members must stand and address the Mayor when speaking during a Full Council meeting, unless they are physically unable to do so, or the Mayor uses his/her discretion to waive this Rule.
- (b) If more than one Member stands, the Mayor will ask one to speak and any other Members must sit.
- (c) All Members, other than the speaker, must remain seated whilst a Member is speaking unless they wish to make a point of order in accordance with Council Procedure Rule 16.17 or a point of personal explanation in accordance with Council Procedure Rule 16.18.

32.2 Chairman standing

When the Chairman of any Council or Committee Meeting stands during a debate, any Member speaking at the time must stop and sit down. The Meeting is to be silent whilst the Chairman of the meeting speaks.

32.3 Member not to be heard further

- (a) If a Member persistently disregards the ruling of the person presiding by continued irrelevance or repetitions or by behaving improperly or offensively or by wilfully obstructing the business of the Council, the person presiding may direct the Member to stop speaking.
- (b) If following a direction from the person presiding to stop speaking, the Member continues to speak, the person presiding may move that the Member be not heard further. If seconded, the person presiding shall put the motion to the vote without discussion and if passed, the Member shall not be permitted to speak on the same matter again, during the Meeting.

32.4 Member to leave the meeting

- (a) If a Member persistently disregards the ruling of the person presiding by continued irrelevance or repetitions or by behaving improperly or offensively or by wilfully obstructing the business of the Council, the person presiding may request him or her to leave for the remainder of the Meeting or for any lesser period.
- (b) If following a request to leave the Meeting, the offending Member does not leave the Meeting, the person presiding may move that the Member named leave the Meeting.
- (c) The motion shall be put and if seconded, will be voted upon without discussion.
- (d) If carried, the person presiding shall give directions for the removal of the Member and such other directions as are necessary for restoring order to the proceedings.

32.5 General disturbance

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

32.6 Electronic devices

This Council Procedure Rule should be read in conjunction with the Protocol for Public/Press Recording of Public Council Meetings and Social Media Policy which can be found in Part 5 of the Constitution.

- (a) Subject to (b) below, Members may at any Meeting use any device for:
 - i) the recording of the Meeting;
 - ii) the sending or receiving of communications in relation to the Meeting;
 - iii) the publication of the contents of the Meeting.
- (b) Paragraph (a) above is subject to the following restrictions, namely that:
 - i) such device does not emit any audible warning or other disruptive signal;
 - ii) the Member does not record or communicate any matter or information relating to the contents of any Meeting or part of a Meeting which is in relation to information which is confidential or which the Members have agreed to exclude the press and public in accordance with the Access to Information Procedure Rules.
 - iii) the use of the device does not disrupt the Meeting or distract members of the public or other Members from the content of the Meeting;
 - iv) it is not permissible to record an oral commentary during the course of the Meeting;
 - v) they comply with statutory provisions of General Data Protection Regulations and any other legislation relating to the recording, use of and retention of personal data.
- (c) Where a Member's use of a device does not comply with this Rule then the person presiding at the Meeting shall consider whether or not action should be taken in accordance with this Rule.

33.0 DELEGATION TO THE LEADER, COMMITTEES AND OFFICERS

33.1 Matters to be delegated

- (a) The Council may delegate matters from time to time to the Executive and Committees as it sees fit or as legislation prescribes.
- (b) The Council may delegate matters from time to time to Officers as it sees fit or as legislation prescribes, in addition to those delegated by Council under the Scheme of Officer Delegations.
- (c) In relation to any matter determined by the Executive, a Committee or an Officer acting under delegated authority:

- i) the delegator may give guidance as to the manner in which the same or a similar matter shall be dealt with in future, providing that such guidance shall not have the effect of causing the Council to breach the rules of natural justice or prejudicing the determination by the delegatee of any matter required to be judged on its individual merits or of fettering the discretion of the Executive in respect of matters delegated to it by legislation.

34.0 ATTENDANCE OF MEMBERS AT THE EXECUTIVE OR COMMITTEES OF WHICH THEY ARE NOT MEMBERS

34.1 Attendance by mover of motion

A Member of the Council who has moved a motion which has been referred to the Executive or a Committee shall be given notice by the Director for Communities of the Meeting at which it is proposed that the motion be considered. He or she shall have the right to attend the Meeting whilst the motion is being considered, to explain the motion and answer questions.

34.2 Attendance by Representative on Outside Body

Where a Member has requested the Director for Communities to place an item on the agenda in accordance with Council Procedure Rule 21, he or she shall have the right to attend that meeting whilst that item is under consideration.

34.3 Attendance of Members at Meetings

- (a) A Member of the Council shall have a right to attend Meetings of the Executive or a Committee on which he/she has not been appointed to serve, and be present, in the public gallery, throughout the public part of the Meeting.
- (b) A Member of the Council is entitled to remain in attendance, in the public gallery, during the confidential part of any Meeting or where the public have been excluded from the Meeting in accordance with the Access to Information Procedure Rules, provided that they have a need to know about the matter under consideration, and they do not have a disclosable pecuniary interest or other relevant interest in the matter. It is assumed that every Member will have need to know about the matter under consideration, although this presumption is rebuttable and advice should be taken from the Monitoring Officer.
- (c) A Member of the Council who is not a Member of the Executive or a Committee and has a disclosable pecuniary interest or other relevant interest in any item under consideration at a particular Meeting is not entitled to be present in any part of the room where the Meeting is taking place, during that particular part of the Meeting where that item is to be discussed, unless a dispensation has been granted by the Monitoring Officer.
- (d) Council Procedure Rule 34.3 does not apply to Meetings of:

- i) the Joint Governance Committee when it goes into closed session to determine a Member Code of Conduct matter;
 - ii) the Licensing Committee or Sub-Committee when they go into closed session to determine an individual quasi-judicial case;
 - iii) any Committee when it goes into closed session to determine the capability or conduct of an individual Officer under the Council's disciplinary or grievance procedures.
 - iv) any Committee considering the appointment of a Council Officer.
- (e) No Member is entitled to attend Meetings referred to in (d) above unless they are appointed as a Member of that Committee or are substituting for such a Member.

34.4 Speaking by Members at meetings

- (a) Subject to (c) and (d) below, a Member of the Council shall have the right to attend meetings of the Executive or a Committee on which he/she has not been appointed to serve, and address the meeting provided that the Member has, prior to the commencement of the meeting, notified the person presiding of their desire to address it and he/she is then invited by the person presiding to address the meeting.
- (b) The person presiding shall have total discretion as to whether or not to invite such a Member to address the meeting.
- (c) A Member who is not a Member of the Planning Committee may not address that Committee in respect of any planning application, unless a similar right is granted within the Constitution (Protocol on Public Speaking at Planning Committee in Part 5) to the applicant, any objector and any supporter.
- (d) A Member who is not sitting as a Member of the Licensing Committee or the Licensing Sub-Committee may not address that Committee or Sub-Committee unless they have a right to speak under relevant statutory regulations.
- (e) A Member who is not sitting as a Member of the Joint Governance Committee may not address that Committee or Sub-Committee when hearing a Code of Conduct determination, unless they are representing or acting as a witness for either the Monitoring Officer, Investigating Officer, or the Subject Member.

34.5 Leader of the Council

- (a) Subject to (b) below, the Leader of the Council, or Deputy Leader in their absence, may attend any Meeting of a Committee and speak on any item under consideration as of right, unless he/she has a disclosable pecuniary interest or other relevant interest in the matter.

- (b) Paragraph (a) above does not apply to Meetings of:
- i) the Joint Governance Committee when considering an individual case relating to Member conduct;
 - ii) the Licensing Committee or Sub-Committee when meeting in closed session to determine an individual case; or
 - iii) the Planning Committee, when considering a planning application;
 - iv) any Committee considering the conduct of an individual Officer under the Council's disciplinary or grievance procedure;
 - vi) any Committee dealing with the appointment of a Council Officer.

34.6 Voting

A Member of the Council, attending a Meeting of the Executive or a Committee on which he/she has not been appointed to serve, and is not acting as a Substitute Member, is not entitled to vote on any item under consideration.

35.0 EXERCISE OF POWERS AND FUNCTIONS

- (a) No individual Member, Officer or group of Members or Officers, or both, shall be entitled to exercise any power or function of the Council save as already or hereafter delegated to them by the Council, the Executive, a Committee or another Officer exercising a power or fulfilling a function on behalf of the Council or as detailed in this Constitution.
- (b) Whilst the Chairperson of a Committee and Executive Members can expect to be consulted on matters affecting their areas of responsibility, they shall not have power to act on behalf of, or bind, the Council, unless the Council or the Leader has given them specific delegated powers to do so.

36.0 NO CONFIDENCE IN THE CHAIRPERSON OF A COMMITTEE

- (a) At any Meeting of a Committee, a Member of that Committee may move that "the Meeting has no confidence in the Chairperson". If seconded, the motion shall, after debate, be put and, if carried by a majority of at least two thirds of the Members present, the Chairperson shall immediately stand down and the remainder of the Meeting shall be chaired by the Vice-Chairperson or, in his/her absence, or if he/she was acting as the Chairperson and the subject of the vote, by a Member elected for that purpose by the Meeting.

- (b) During the consideration of a motion under (a) above, the Chairperson shall cease to be Chairperson of the Committee and shall be an Ordinary Member of the Committee. The Director for Communities, the Solicitor to the Council, or their representative, will act as Chairperson of the Committee during consideration of the motion.
- (c) Following a successful vote of no confidence in the Chairperson, he/she shall not officiate at any subsequent Meeting of the Committee prior to the next meeting of the Full Council. At that Meeting, the Council shall consider whether or not to confirm the vote of no confidence. If by a simple majority they decide to confirm the vote, the office of Chairperson of the relevant Committee shall be declared vacant and a new Chairperson shall be elected by the Council. If the Council does not confirm the vote by a simple majority, the Member remains as Chairperson of the Committee.

37.0 APPOINTMENT AND TERM OF OFFICE OF THE LEADER OF THE COUNCIL

37.1 Appointment

- (a) The Council shall elect a Leader at each Annual Meeting where the term of office of the Leader has come to an end due to the fact that their term of office as a Borough Councillor has ended.
- (b) The Councillors present at that Annual Meeting shall nominate one or more persons to be Leader from among the Elected Members. Any nomination which is not seconded, shall not be considered further.
- (c) Where there is only one Elected Member nominated and seconded, then the Mayor shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present and voting to determine whether the Member shall be elected as Leader.
- (d) Where there are 2 Elected Members nominated and seconded then, following the opportunity for debate, the Mayor shall call for a vote and the Member who receives the largest number of votes shall be elected as Leader.
- (e) Where there are 3 or more candidates seeking appointment to a single position, there shall be a vote for each candidate and:
 - i) if one of the candidates receives more than half of all the votes cast in the election, that candidate is to be appointed;
 - ii) if no candidate receives more than half of all of the votes cast then the candidate with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person.

- (f) The Motion shall be subject to the rules of debate in Council Procedure Rule 16 and voting shall be in accordance with Council Procedure Rule 24.

37.2 Removal of the Leader

- (a) If a Member wishes at a Meeting of Full Council to move a motion of no confidence in the Leader of the Council, the Member must give not less than 10 clear working days' notice to the Director for Communities.
- (b) The motion must be signed by the mover and seconder.
- (c) The Director for Communities shall place the motion on the agenda for the next Meeting of the Council, provided that such Meeting is not a Special Meeting. The motion before the Council shall be considered after the receipt of any declarations of interest, approval of minutes of the last Meeting and questions and statements by the public.
- (d) The motion shall be subject to the rules of debate in Council Procedure Rule 16 and voting shall be in accordance with Council Procedure Rule 24.

37.3 Consequence of a Motion of No Confidence

Where a motion of no confidence is carried, then the Leader shall cease to be Leader of the Council with immediate effect. The Council shall proceed to elect a new Leader at that Meeting or the next Meeting of the Full Council, provided it is not a Special Meeting.

37.4 Term of Office

- (d) The Leader shall hold the office of Leader in accordance with Article 7 of the Constitution.
- (e) Should the Leader resign from his appointment, an Extraordinary Meeting will be called to deal with the appointment of a new Leader in accordance with this Procedure Rule. The Deputy Leader will assume the role of Leader until such appointment is made.

38.0 APPOINTMENT OF EMERGENCY LIASON MEMBER

- (a) Where the Leader makes an appointment as Executive Member for Health and Wellbeing or a similar portfolio, that Member shall be appointed as the Emergency Liaison Member.
- (b) The position of Emergency Liaison Member attracts no Executive power, responsibility or responsibility allowance.

39.0 APPOINTMENT OF THE LEADER OF THE MAIN OPPOSITION

- (a) At the Annual Council each year, subject to (c) below, the Full Council shall appoint a Leader of the Main Opposition who shall be entitled to receive any Special Responsibility Allowance payable to that office.
- (b) Where there is a political group or combination of political groups forming the Administration, the Leader of the Main Opposition shall be the leader of the next largest political group;
- (c) Where the next largest political group does not wish to nominate a Member to be the Leader of the Main Opposition, the Council shall not appoint any Member to that office;
- (d) If there is equality in the number of Members in all opposition groups, there will be no appointment to the role of Leaders of the Opposition; e.g. if there are two opposition groups with equal membership;
- (e) If there is no opposition group, and there is an equal number of opposition Members, there will be no appointment to the role of Leader of the opposition, e.g. if there are 2 individual opposition Members, representing different parties.

40.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

40.1 Amendment

Any motion to add to, amend or revoke any of these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion and be referred to the Joint Governance Committee for consideration and recommendation to the following Meeting of the Council, unless a report has been received, on the proposal, from the Joint Governance Committee.

40.2 Suspension

- (a) Save as set out at 40.2 (c) below, these Council Procedure Rules cannot be suspended.
- (b) The person presiding may, at their absolute discretion, amend the order of business of any meeting.
- (c) Only Council Procedure Rules 11.1 (as to the length of time), 11.4, 12.7, 12.8, 16.5, 16.7, and 16.19, may be suspended by motion on notice or without notice. Suspension of Council Procedure Rules shall be determined for each individual item of business, and will only be effective for the duration of that Meeting.

41.0 BUSINESS OF AN URGENT NATURE

- (a) Subject to (b) and (c) below, if, having consulted the Monitoring Officer and the Section 151 Officer, the Chief Executive is of the opinion that urgent action is required, in accordance with the Scheme of Officer Delegations, before a decision could be taken by Full Council, the Executive or a Committee having appropriate authority, he/she may take the decision in accordance with his/her urgency power as set out in the Officer Scheme of Delegations.
- (b) If the decision is one which would normally be taken by:
 - i) Full Council, the Chief Executive will consult with the Leader and the Leader of the Main Opposition;
 - ii) The Executive, the Chief Executive will consult with the Leader;
 - iii) A Committee, the Chief Executive will consult with the Leader, Leader of the Main Opposition and Chairperson of the Committee.
- (c) Every such decision shall be reported to the next available Ordinary Meeting of Full Council, the Executive or the Committee that would have normally taken the decision.

42.0 MAYOR OF THE COUNCIL

42.1 Appointment

The Council shall elect a Mayor at each Annual Council Meeting.

The existing Mayor shall take the Chair for the item on the agenda, unless he is conflicted, when the Deputy Mayor will take the Chair for the single item of business. If the Mayor and Deputy Mayor are both conflicted the Solicitor to the Council or their representative will take the Chair for the appointment of the Mayor.

The Councillors present at that Annual Meeting shall propose one or more persons to be Mayor from among the Elected Members. Any proposal which is not seconded, shall not be considered further.

Where there is only one Elected Member proposed and seconded, then the Mayor shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present and voting to determine whether the Member shall be elected as Mayor.

Where there are two Elected Members proposed and seconded, then a debate on the proposals will follow, then the Mayor shall call for a vote and the Member who received the largest number of votes shall be elected as Mayor.

Where there are three or more Elected Members proposed and seconded, following a debate on the proposals, the Mayor shall call for a vote for each Member proposed and:

- (a) If one of the proposed Members receives more than half of all the votes cast in the election, that Member is to be appointed as Mayor;
- (b) If no Member receives more than half of all the votes cast then the Member with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person, who shall be appointed as Mayor.

The voting will be in accordance with Council Procedure Rule 24.

42.2 Removal

If a Member wishes at a Meeting of Full Council to move a motion of no confidence in the Mayor of the Council, the Member must give not less than 10 clear working days' notice in writing to the Director for Communities.

The motion must be signed by the mover and seconder.

The Director for Communities shall consider the motion in accordance with the provisions of Council Procedure Rule 14.

If accepted, the Director for Communities shall place the motion on the agenda for the next Meeting of the Council, provided that such meeting is neither a Special Meeting nor Annual Council. This may be at an Extraordinary Meeting of the Council if the provisions of Council Procedure Rule 4 have been complied with. The motion before the Council shall be considered as the first item of business after the receipt of any declarations of interest, approval of minutes of the last Meeting and questions by the public.

During the consideration of such a motion, the Mayor shall cease to be Mayor of the Council and shall be an ordinary Member of the Council. The Solicitor to the Council, or their representative, will act as Mayor of the Committee during consideration of the motion.

After debate, the motion shall be put to the vote and if carried by a majority of at least two thirds of the Members present, the Mayor shall immediately stand down and the remainder of the Meeting shall be chaired by the Deputy Mayor.

42.3 Consequence

Where a motion of no confidence in the Mayor of the Council is carried, then the Mayor shall cease to be Mayor of the Council with immediate effect. The Council shall proceed to elect a new Mayor at that meeting of the Council. The item of the appointment of the new Mayor will be chaired by the Solicitor to the Council or their representative.