

# CHAPTER 2 – THE FULL COUNCIL

## 8. The Role and Functions of the Council

### 8.1 Meanings

#### (a) Policy Framework

The policy framework means the following plans and strategies.

- Library Strategy;
- Children’s Services Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Development Framework;
- Youth Justice Plan;

In respect of those plans where the Council has a discretion to produce them should these plans be produced because it is deemed desirable to do so, they will not require adoption by the full Council in the same way as statutory plans.

#### (b) Budget.

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limit

### 8.2 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution (other than minor drafting or other consequential changes authorised in **Chapter 1**);
- (b) approving or adopting the Policy Framework and the Budget;
- (c) making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget. This function to be subject to the urgency procedure contained in the Access to Information Procedure Rules **Chapter 8**.
- (d) appointing and removing the Leader;
- (e) agreeing and/or amending the terms of reference of the Leader and also non-Executive committees, in the latter case deciding on their composition and making appointments to them;
- (f) adopting an allowances scheme under **Chapter 11**;

- (g) changing the name of the area, conferring the title of honorary alderman or granting freedom of the borough;
- (h) the appointment of the Chief Executive as head of the paid service and the dismissal and other disciplinary action of the Chief Executive together with the appointment and disciplinary action and dismissal of Chief Officers and Deputy Chief Officers (which have not been delegated) in accordance with the Officer Employment Procedure Rules in **Chapter 10**;
- (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (j) all local choice functions set out in this constitution which the Council decides should be undertaken by itself rather than the Executive and which have not been delegated;
- (k) appointing the Councillors who are to sit on the Policy Development and Scrutiny Committees;
- (l) considering reports of the Policy Development and Scrutiny Committees;
- (m) all other matters which, by law, must be reserved to the Council.

### **8.3 Council Meetings**

There are three types of Council meeting:

- (a)** the annual meeting
- (b)** ordinary meetings
- (c)** special meetings

and they will be conducted in accordance with the Council Procedure Rules.

## **9. Council Procedure Rules**

### **1. ANNUAL MEETING OF THE COUNCIL**

#### **1.1 Timing and business**

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

The annual meeting will:

- (i) choose a person to preside if the Mayor is absent;
- (ii) elect the Mayor;
- (iii) note the Deputy Mayor;
- (iv) approve the Minutes of the last meeting;
- (v) elect the Leader;
- (vi) receive notification from the Leader of the Members to be appointed to the Executive;
- (vii) appoint the Policy Development and Scrutiny Committees, a Standards Committee and such other Committees as the Council considers appropriate;
- (viii) agree the scheme of delegation – or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (ix) consider any business set out in the notice convening the meeting.
- (x) receive any announcements from the Mayor and/or Head of Paid Service and, if the Leader of the Council so elects, to make a statement to receive that statement on the Executive plans for the year.

#### **1.2 Selection of Councillors on Committees**

At the annual meeting, the Council meeting will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) appoint the Chairperson and Vice-Chairpersons of Committees;
- (v) receive nominations of Councillors to serve on each Committee; and

- (vi) appoint to those Committees except where appointment has been delegated by the Council or is exercisable only by the Executive.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme and normally commence at 7pm. Ordinary meetings will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) approve the Minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (v) receive questions on notice from members submitted in accordance with rule 10 for up to 30 minutes, if any
- (vi) deal with any business from the last Council meeting;
- (vi) (a) receive a statement from the Leader of the Council at the first ordinary Council meeting on the Executive Plans for the year if not made at the annual meeting;
- (b) at the last meeting of each Municipal year to receive a statement from the Leader of the Council on performance against matters set out in the Opening Statement;
- (vii) receive statements, if any, from the Leader of the Council, Portfolio Holders and Chairpersons of all Committees, and receive questions and answers arising from those questions. A statement may arise in two ways –
  - (a) the Leader, a Portfolio Holder or a Chairperson may decide to make a statement by 5pm, ten working days before the meeting of the Council; or
  - (b) a PDS Chairperson and one other Member, a Group Leader and one other Member or any five Members may request that a statement be made by the Leader, a Portfolio Holder or a Chairperson.

Statements must be requested by 5pm, ten working days before the meeting; requests for statements on matters of urgency may be allowed at the discretion of the Mayor.

Notice of the intended statement will be circulated by email as soon as possible after notification to the Director of Corporate Services and Governance.

Statements will be limited to five minutes each, with an overall time limit of thirty minutes to ensure that more time is available for Council questions, subject to the Mayor having discretion to ask the meeting whether the session can be extended.

- (viii) receive reports from the Executive and the Council's Committees and receive questions and answers on any of those reports;
- (ix) consider motions;
- (x) consider any other 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 Policy Development and Scrutiny Committees for debate;
- (xi) receive any announcements from the Mayor, Leader, Members of the Executive or the Head of Paid Service; and
- (xii) debate any matter on which the Executive is to make a decision where a request has been received by the Leader or five Members of the Council.

### **3. SPECIAL MEETINGS**

#### **3.1 Calling special meetings.**

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (iv) the Director of Corporate Services and Governance as Monitoring Officer; the Head of Paid Service; the Director of Finance.

#### **3.2 Business**

The business to be considered shall be as set out on the agenda.

#### **3.3 Additional Items**

Any Member of the Council may require the proper officer to add an item relevant to that body's functions to the agenda for the next scheduled meeting of the Council, a committee or sub-committee, or, where this will not permit the matter to be dealt with adequately, to convene a special meeting.

#### **3.4 Questions**

There will not be a general public question time at special meetings of the Council, except in exceptional circumstances agreed in advance by the Mayor, but questions seeking clarification of the details of a report on the agenda may be submitted within two working days of the report being published on the Council website.

### **3.5 Budget Meeting**

A special meeting shall be held in February or March each year to consider the Council's budget and Council Tax and related issues.

## **4. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer and notified in the summons. Evening meetings will normally commence at 7pm.

## **5. NOTICE OF AND SUMMONS TO MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the proper officer will send a summons signed by him or her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **6. CHAIRPERSON OF MEETING**

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

## **7. QUORUM**

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

A meeting may be postponed or cancelled in exceptional and unforeseen circumstances by the Chief Executive at the request of a Committee or Sub-Committee Chairperson (or by the Leader or a Portfolio Holder in the case of an executive meeting.)

## **8. DURATION OF MEETING**

### **8.1 Time Limit**

The Mayor may, at the commencement of each Council meeting, put a time limit for discussion on any item where a time limit is not set elsewhere in these Council Procedure Rules, provided, always, this time limit may be extended with the agreement of the meeting during the course of an item if it is considered that more time is required.

### **8.2 Interruption of the meeting**

If the business of the meeting has not been concluded by 10.00 pm (or after three hours, if the meeting did not commence at 7pm) the Mayor will, at the first convenient opportunity, draw the attention of the Council to the time and to the provisions of this Standing Order.

### **8.3 Adjournment of the meeting**

The Mayor will then decide if any of the remaining business is of sufficient importance to warrant an adjournment of the meeting and, if so, will declare the meeting adjourned to such date and time (prior to the next ordinary meeting of the Council) as he/she may direct at the time or afterwards.

### **8.4 Voting on outstanding business**

With the exception of business so specified, the Mayor will put to the vote one by one and without debate all outstanding Committee reports and motions on the agenda for this meeting and then close the meeting.

## **9. QUESTIONS FROM THE PUBLIC**

### **9.1 General**

Members of the public may ask one question for either oral or written reply at each meeting of Members of the Executive or any Committee Chairperson at ordinary meetings of the Council and a maximum period of 30 minutes will be allowed for such questions. This is subject to the discretion of the Mayor to refer the question to another Council body if the Mayor considers it a more appropriate body to respond to the question.

### **9.2 Order of questions**

Questions will be asked in the order notice of them was received. The Mayor may group together similar questions or vary the order as he or she sees fit. Where there are several questions on the same issue, the responding Member may make a general statement answering these questions together.

### **9.3 Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than 5pm, ten working days before the meeting. Each questioner must give their name and an address in the borough where they live, work or study and must name the Member of the Council to whom it is to be put.

Questions which are submitted after the ten working day deadline has passed will only be accepted if they seek clarification of the details of a report to the meeting and the question could not have been tabled until the report had been published. These questions must be submitted within two working days of the report being published on the Council website.

### **9.4 Scope of questions**

The proper officer may reject a question if it:

- is not about a matter for which the Local Authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information;
- requires excessive research – more than three hours; or

- exceeds fifty words in length.

## **9.5 Record of questions**

The proper officer will record each question and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

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

## **9.6 Asking the question at the meeting**

The Mayor will invite the Member named in the notice to answer the question. If a questioner who has submitted a question for oral reply is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

## **9.7 Supplementary questions**

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

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by Members (this will usually be no more than one per Member.)

## **9.8 Written answers**

Any question for oral reply which cannot be dealt with during the 30 minute period of public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

## **9.9 Reference of question to the Executive or a Committee**

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

# **10. QUESTIONS BY MEMBERS**

## **10.1 On reports of the Executive or Committees**

A Member of the Council may ask the Leader or the Mayor or the Chairperson of a Committee any question without notice upon an item of the report of the Executive or a Committee or on a motion when that item is being received or is under consideration by the Council.

## 10.2 Questions on notice at full Council

Subject to Rule 9.4, a Member of the Council may ask:

- the Mayor
- a Member of the Executive
- the Leader or
- the Chairperson of any Committee, Sub-Committee or Policy Development and Scrutiny Committee

a question on any matter in relation to which the Council has powers or duties or which affects the area of the Council.

### General

- 10.2.1 The number of questions a Member asks at any meeting be limited to no more than two written questions and two oral questions. For the purposes of calculating the number of questions, a request for information or action shall be regarded as a question, even when asked as a subsidiary part of the main question;
- 10.2.2 A Member may ask another Member to submit a question on their behalf having notified the Director Corporate Services and Governance of the situation beforehand;
- 10.2.3 A Member may send questions in via either their personal LBB email account, their personal home email account, or in writing;
- 10.2.4 Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions. The Mayor may group together similar questions or vary the order as he or she sees fit. Where there are several questions on the same issue, the responding Member may make a general statement answering these questions together.
- 10.2.5 Members of the Executive may not submit questions on notice at full Council except where the matter is a non-executive function.
- 10.2.6 Executive Assistants may not submit questions to the Portfolio Holder that they assist, nor can they ask questions of the Chairman of the PDS Committee that scrutinises that portfolio.
- 10.2.7 Questions to the chairpersons of working groups set up by Committees or Sub-Committees shall be addressed to the Chairperson of the appointing Committee or Sub-Committee.

## 10.3 Questions on notice at the Executive, Committees and Sub-Committees

Subject to Rule 10.4, a member of the Executive, a Committee or Sub-Committee may ask the Chairperson of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that Committee or Sub-Committee.

#### 10.4 Notice of questions

A Member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given notice in writing of the question to the proper officer by 5pm ten working days before the meeting; or
- (b) if the question is about a report on the agenda, it has been submitted before 5pm on the second working day after the final day on which the agenda may be published; or
- (c) the question relates to urgent matters, they have the consent of the Chairperson to whom the question is to be put and the content of the question is, if possible, given to the proper officer by 10.00 am on the day of the meeting.
- (d) The proper officer may reject a question if it –
  - Is not about a matter for which the Local Authority has a responsibility or which affects the borough;
  - Is defamatory, frivolous or offensive;
  - Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - Requires the disclosure of confidential or exempt information;
  - Requires excessive research – more than three hours;
  - Exceeds fifty words in length.

#### 10.5 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer sent later to the questioner;
- (d) replies to questions will be recorded in the Minutes and shall be made available to members within five days of the meeting.
- (e) every question shall be put and answered without discussion. The person to whom the question is directed may decline to answer or may ask another Member to answer it on their behalf, but will give reasons for so doing.

#### 10.6 Supplementary question

A member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by other Members (this will usually be no more than one per Member.)

## 10.7 **Written replies**

Notwithstanding the provisions for other forms of questions, Members may put down questions requiring a written reply, at Full Council Meetings, where the question requires a fuller or more in-depth answer than can be accommodated in an oral response.

## 11. **MOTIONS WITH NOTICE**

### 11.1 **Notice**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by the Member or Members giving the notice, must be delivered to the Director of Corporate Services and Governance at least ten working days before the date of the meeting unless

- (a) it is urgent, or
- (b) it may be moved without notice

### 11.2 **Motion set out in agenda**

The Director of Corporate Services and Governance will, maintaining the order of receipt, publish each motion in the agenda for the following Council meeting.

### 11.3 **Scope**

Every motion shall be relevant to a matter in which the Council has powers or duties or which affects the Borough. The Mayor shall, if a need arises, give a ruling on the relevance of motions.

### 11.4 **Motions withdrawn or not withdrawn**

A motion may be withdrawn by the mover. If a motion is not moved at the Council meeting by the person giving notice or by some other Members on the mover's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn.

### 11.5 **Automatic reference to the Executive, an Executive Member or a Committee**

If the subject matter of a motion comes within the Terms of Reference of the Executive, an Executive Member or a Committee, it shall, after being moved and seconded, be referred without debate for consideration and report unless previously resolved.

### 11.6 **Discretion of Mayor**

A motion may be dealt with at the meeting at which it is brought forward if the Mayor considers it convenient and conducive to the despatch of business. A motion will be rejected if the Mayor considers it to be defamatory, frivolous or offensive.

## 12. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairperson of the meeting at which the motion is moved;

- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Executive, Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) a motion without notice may be dealt with at the meeting at which it is brought forward if the Mayor considers it convenient and conducive to the despatch of business.

### **13. RULES OF DEBATE**

#### **13.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded, and until any amendments have been moved and seconded.

#### **13.2 Right to require motion in writing**

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

### 13.3 **Secunder's speech**

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

### 13.4 **Content and length of speeches**

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

### 13.5 **When a Member may speak again**

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

- (a) in exercise of a right of reply; and/or
- (b) on a point of order; and/or
- (c) by way of personal explanation.

### 13.6 **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Amendments to formal motions should be submitted in writing at least two days before the start of the meeting.
- (c) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion.

### 13.7 **Alteration of motion**

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

### 13.8 **Withdrawal of motion**

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

### 13.9 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) Following the conclusion of all votes on amendments to the original motion there shall be only one speech allowed, namely the mover of the original motion or, if amended, the mover of the successful amended motion (the new substantive motion), shall have a right of reply before the final vote.

### 13.10 **Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

### 13.11 **Closure motions**

- (a) A Member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;

- (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
  - (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
  - (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **13.12 Point of order**

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

#### **13.13 Personal explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### **13.14 Chief Officers**

Chief Officers will participate in debates at Council only if invited to do so by the Mayor but the Mayor will always exercise the discretion to permit a Chief Officer to speak to facilitate the exercise of a statutory responsibility of a Chief Officer.

### **14. PREVIOUS DECISIONS AND MOTIONS**

#### **14.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 20 Members.

#### **14.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **15. VOTING**

### **15.1 Majority**

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 unless the meeting decides otherwise. Members should only vote on a matter if they have been present in the room for the whole of that item.

### **15.2 Mayor's casting vote**

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

### **15.3 Show of hands**

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

### **15.4 Ballots**

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

### **15.5 Recorded vote**

If five of the Members present at the meeting demand it by rising in their seats, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote will be taken on Budget and Council Tax setting matters and where required by law.

### **15.6 Right to require individual vote to be recorded**

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

### **15.7 Voting on appointments**

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

## **16. MINUTES**

### **16.1 Signing the Minutes**

The Mayor will sign the Minutes of the proceedings at the next suitable meeting. The Mayor will move that the Minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

## **16.2 No requirement to sign Minutes of previous meeting at special meeting**

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

## **16.3 Form of Minutes**

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

## **17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 8 of this Constitution or Rule 19 (Disturbance by Public). ). All Members shall have the right to attend all meetings of the Council (including for items where the public are excluded) and to have access to agendas for those meetings, except:

- where the Member has a de-barring interest in an item as set out in the Council's Code of Conduct;
- exceptionally where the Council is unable to comply with the presumption due to a conflict with another legal duty and the Monitoring Officer has set out the reasons on the relevant agenda.

## **18. MEMBERS' CONDUCT**

### **18.1 Standing to speak**

When a Member speaks at full Council they must stand, if they are able to do so, and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **18.2 Mayor standing**

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

### **18.3 Member not to be heard further**

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

### **18.4 Member to leave the meeting**

If the Member continues to behave improperly after a motion at 18.3 is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## **18.5 General disturbance**

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

## **19. DISTURBANCE BY THE PUBLIC**

### **19.1 Removal of a member of the public**

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

### **19.2 Clearance of part of meeting room**

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

### **19.3 Clearance of whole public gallery**

The Mayor may exercise discretion to remove all persons from the public gallery whether or not all of them are causing a disturbance.

## **20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **20.1 Suspension**

All of these Council Rules of Procedure except Rule 15.6 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### **20.2 Amendment**

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

## **21. SUBSTITUTES**

21.1 All Members of the Council except for the Executive may serve as substitute Members of a Committee or Sub-Committee in the absence of the appointed Member. Members of the Executive may serve as substitutes on the regulatory Committees, provided that only one Executive Member- is sitting at any one time. .

21.2 Recognised groups shall substitute no more than one half of their Members at any Committee or Sub-Committee (all figures to be rounded up to the nearest whole number.)

21.3 The substitute member shall:

- (a) be from the same group as the Member who is unable to attend the meeting;
- (b) not substitute for more than one Member;

(c) not be a Member of the Committee or Sub-Committee already.

- 21.4 Subject to any legal limits, a substitute Member may attend, speak and vote as a Member of the Committee or Sub-Committee at the meeting.
- 21.5 Substitution is not permitted for any reconvened meetings for quasi-judicial bodies.
- 21.6 If the appointed Member attends the meeting when he or she has already been substituted, he or she may not attend as a Member of the Committee.
- 21.7 There shall be no substitution on the Executive or Standards Committee.
- 21.8 Only Members of the General Purposes and Licensing Committee may act as substitutes on Licensing Sub-Committees.

## **22. APPLICATION TO THE EXECUTIVE COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 3-13 and 15-22 (but not Rule 18.1) apply to meetings of the Executive, Committees and Sub-Committees. Rule 21 applies to all Council Committees but not to meetings of the Executive or Standards Committees.

## 10. The Mayor and Chairperson of the Council

### 10.1 Role and function of the Mayor

The Chairperson of the Council will be the Mayor, and in his/her absence - the Deputy Mayor, and will have the following roles and functions:

- (a) the Mayor will, as the first citizen of the Borough, be the ceremonial representative of the Council, taking precedence on all such occasions;
- (b) the Mayor will chair meetings of the full Council and in this connection will exercise all the powers and duties described in the Council's Rules of Procedure set out in **this Chapter** of the Constitution.
- (c) The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:
  - 1. to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
  - 2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
  - 3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Executive or hold committee chairs are able to hold the Executive and Committee Chairpersons to account;
  - 4. to promote public involvement in the Council's activities;
  - 5. to attend such civic and ceremonial functions as the Mayor in his/her discretion shall think appropriate;
  - 6. generally to act as a representative of both the Council and the community.