

- (b) the Chair of the Council;
- (c) any 5 Members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

### 3.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Chair may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

## 4. Time, and Place and Duration of Meetings

### 4.1 Time and Place of Meetings

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons.

The place where a remote meeting is held, or to be held could include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

### 4.2 ~~Duration of Meetings~~

- ~~(a) At an ordinary meeting of the Council, when two and a half hours have elapsed after the commencement of the meeting, the Chair shall, at the conclusion of the debate on the item of business then under consideration, put the matter to the vote.~~
- ~~(b) If there are other motions or recommendations on the agenda that remain to be dealt with they will be deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.~~
- ~~(c) During the process set out in paragraphs (a) and (b) above the only other motions which may be moved are that a matter be withdrawn under Rule 12.8, that a particular Rule be suspended under Rule 21.1 or that a matter be delegated or referred to the Executive, a committee or sub-committee for decision or report under Rule 11.~~
- ~~(d) When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.~~

- (ii) It relates to a licensing decision;
- (iii) It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

## 9. Questions

### By the Public

**9.1** Members of the public may ask questions of Members of the Executive at ordinary meetings of the Council.

### 9.2 Time Allowed for questions

The time allowed for considering questions under this Rule shall not, without the consent of the Council, exceed 10 minutes.

### 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 [insert email address] to the Head of Legal and Democratic Services no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner.

### 9.4 Number of questions

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

### 9.5 Scope of questions

The Head of Legal and Democratic Services may reject a question, whether submitted by a Member of the Council or a member of the public, if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the County;
- (b) is defamatory, frivolous or offensive;
- (c) is vexatious or abusive;
- (d) is substantially the same or similar to a question which has been put at a meeting of the Council in the past six months;
- (e) requires the disclosure of confidential or exempt information;

- (f) is lengthy, or a speech;
- (g) is an expression of opinion;
- (h) relates to a question of fact;
- (i) relates to a matter which is of purely personal concern to an individual or family members;
- (j) relates to court action or threatened court action that the person or group are taking against the Council;
- (k) is a request for compensation;
- (l) contains a statement which is untrue;
- (m) is an unintelligible question.
- ~~(n) —relates to a matter on which the Council has, or may, determine a policy.~~

## By Members

### 9.6 On reports of the Executive or committees

Subject to 9.9 and 9.11, a Member of the Council may ask the Leader or the Chair of a committee any question on a report from the Executive or Committee.

### 9.7 Questions on notice at full Council

Subject to Rule 9.9, a Member of the Council may ask:

- (a) the Chair, a member of the Executive or the chair of any committee or sub-committee, a question on any matter in relation to which the Council has powers or duties or which affects the County, and
- (b) the Chair of the County Durham and Darlington Fire and Rescue Authority, a question on the business of the relevant Authority.

### 9.8 Questions on notice at Committees and Sub-Committees

Subject to Rule 9.9, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County and which falls within the terms of reference of that committee or sub-committee.

## 9.9 Notice of questions

A member may ask a question under Rule 9.6, 9.7 or 9.8 if either:

- (a) they have given notice of the question in writing ~~or~~ by electronic mail to [insert email address] no later than midday 3 working days before the day of the meeting ~~to the Head of Legal and Democratic Services~~; or
- (b) the question relates to urgent matters, they have the consent of the Chair or member to whom the question is to be put and the content of the question is given to the Head of Legal and Democratic Services by 9.00 a.m. on the day of the meeting.

## 9.10 One Question per Member

A Member may ask only one question under Rule 9.6, 9.7 or 9.8 except with the consent of the Chair of the Council, committee or sub-committee.

## 9.11 Supplementary question

A Member asking a question under Rule 9.6, 9.7 or 9.8 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## 9.12 Length of Speeches

Neither a Member asking a question under Rule 9.7 or 9.8 nor a Member answering such a question may speak for longer than three minutes each unless the Chair consents to a longer period.

## ~~9.13 Content of Questions~~

~~Questions under Rule 9.6, 9.7 or 9.8 must, in the opinion of the Chair:~~

- ~~(a) contain no expressions of opinion;~~
- ~~(b) relate to matters on which the Council has or may determine a policy;~~
- ~~(c) not relate to questions of fact.~~
- ~~(d) not require the disclosure of confidential or exempt information;~~
- ~~(e) not relate to a matter which is of purely personal concern to an individual / family members.~~

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (d) If when a question is put, it appears that it is beyond the remit of the Member to which it is directed, the Chair may invite the relevant Member to also provide a brief response.

### 9.18 Written answers

- (a) Any question from the public which cannot be dealt with during 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. Copies of the questions and responses will be available on the Council's website with the agenda for the relevant meeting.
- (b) Where a reply cannot conveniently be given orally to a question from a Area Action Partnership or Member, a written answer will be circulated later to the questioner.

### 9.19 Reference of question to the Executive or a committee

Unless the Chair 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. Motions on Notice

### 10.1 Application of Rules

Rules 10.2 to 10.7 do not apply to motions on notice under rule 10.8.

### 10.2 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, must be delivered ~~to the Head of Legal and Democratic Services~~ by electronic mail sent to [motions@durham.gov.uk](mailto:motions@durham.gov.uk) not later than 5.00 p.m. on the seventh working day before the Council meeting at which it is to be considered. ~~The notice may also be given by electronic mail sent to [motions@durham.gov.uk](mailto:motions@durham.gov.uk).~~

### 10.3 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order determined by the Chair.

### 10.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect the County.

### 10.5 Motion to remove the Leader

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least 2 political groups.
- (b) In order for such a motion to be carried it must have the support of at least two-thirds of those members voting and present in the room at the time the question was put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12-month period.

### 10.6 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Chair.

### 10.7 Time Allowed for Motions

- (a) The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 30 minutes.
- (b) 15 minutes before the expiry of the 30-minute overall time limit for consideration of motions (or such longer period to which Council has consented), the Chair will advise the meeting that:
  - (i) There is 15 minutes remaining for motions;
  - (ii) That this will be the cut-off and no further registrations to speak will be accepted;
  - (iii) The number of registered speakers remaining; and
  - (iv) That those already registered to speak will be called in order until expiry of the time limit.

- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) to suspend a particular Council procedure rule;
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (o) to give the consent of the Council where its consent is required by this Constitution.

## 12. Rules of Debate

### 12.1 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.

### 12.2 ~~Right to require motion~~ Requirement to submit motions in writing

Unless notice of the motion has already been given, the Chair will require it to be written down and handed to them before it is discussed.

### 12.3 Secunder's speech

- 20.6 Substitute Members may attend meetings in that capacity only:
- (a) to take the place of the ordinary Member for whom they are designated substitute.
  - (b) where the ordinary Member will be absent for the whole of the meeting;
  - (c) where the ordinary Member has notified the Head of Legal and Democratic Services or the Democratic Services Manager of the intended substitution:
    - i. at least one hour before the start of the relevant meeting unless the meeting is held remotely.
    - ii. by 12 noon one working day before the start of the relevant meeting where the meeting is held remotely.
  - (d) provided, in the case of area committees, that the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the County.

## 21. Suspension and Amendment of Council Procedure Rules

### 21.1 Suspension

All of these Council Rules of Procedure except Rule 10.5(c), 14.5 and 15.2 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. Rule 10.5(c) can only be suspended by motion on notice and the motion must have the support of at least two thirds of those members present and voting.

### 21.2 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.

## 22. Reasonable Adjustments

The Chair may, from time to time, make minor changes to the application of these rules to provide reasonable adjustments for disabled persons.

## 23. Application to Committees and Sub-Committees

- (a) All of the Council Rules of Procedure apply to meetings of full Council.
- (b) None of the rules apply to meetings of the Executive.



- (c) Only Rules 4-7 and 13 – 22 (but not Rule 18.1) apply to meetings of committees and sub-committees.
- (d) Rule 7 does not apply to meetings of the Statutory Licensing Sub-Committees or the Area Licensing Sub-Committees or the Appeals Sub-Committees for which the quorum is as specified in Article 4 of this Constitution.
- (e) Rule 14.4 does not apply to any committee or sub-committee with a membership of less than 5 members.