

Part 4A: Council Procedure Rules

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Council Procedure Rules

1. Annual Meeting of the Council

1.1 Timing

- i. 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. This is subject to the exception shown at 1.1(b).
- ~~ii. In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 the requirement to hold an annual meeting will be disregarded in the year of 2020/2021 where no annual meeting will take place prior to 7th May 2021 unless where the meeting is:
 - ~~(a) called by the Chair of the Council in consultation with the Head of Paid Services and Head of Legal and Democratic Services; or~~
 - ~~(b) following a resolution calling for an Annual meeting being passed at an ordinary or extraordinary meeting of the Council.~~~~

1.2 Business

The annual meeting will:

- (a) elect a person to preside if the Chair of the Council is not present;
- (b) elect the Chair of the Council;
- (c) elect the Vice-Chair of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chair and / or the Head of Paid Service;
- (f) subject to Article 56.03, elect the Leader in the year of an ordinary election of councillors;

- (g) appoint the Overview and Scrutiny Committees, the Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Articles 4 and 6 of this Constitution);
- (h) agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Article 4 of this Constitution);
- (i) approve a programme of ordinary meetings of the Council for the year; and
- (j) consider any business set out in the notice convening the meeting.

1.3 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (a) decide which committees and sub-committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive; and
- (e) appoint the Chairmen and Vice-Chairmen of Committees.

2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting except where 1.1(ii) applies. Where 1.1(ii) applies the programme will be decided by the Chair of the Council in consultation with the Head of Paid Service and Head of Legal and Democratic Services.

The order of business at ordinary meetings will be set out as below. At the ordinary meeting of council where there is consideration of the annual budget and setting of the council tax (usually held in February) agenda items (f) and (m) will not be included on the agenda, unless in relation to agenda item (m) there are exceptional circumstances and have the approval of the Chair of the Council, and Head of Legal and Democratic Services.

- (a) shall not, without the consent of the Council, exceed 2.5 hours in duration;
- (b) elect a person to preside if the Chair and Vice-Chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chair;
- (e) receive a report from the Leader and receive questions and answers on the report;
- (f) receive a brief presentation on the work of an AAP;
- (g) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chair are relevant to the Council's functions;
- (h) receive petitions from the public in relation to matters which in the opinion of the Chair are relevant to the Council's functions;
- (i) receive a report from the Executive and receive questions and answers on the report;
- (j) receive reports from the Council's committees and receive questions and answers on those reports;
- (k) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (l) 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 Corporate Overview and Scrutiny Management Board;
- (m) consider motions; and
- (n) deal with questions from Members in accordance with Rule 9.

3. Extraordinary Meetings

3.1 Calling extraordinary meetings

The Head of Legal and Democratic Services may call Council meetings in addition to ordinary meetings and those listed below may request the Head of Legal and Democratic Services to call additional Council meetings:

- (a) the Council by resolution;
- (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 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.

5. Notice of and Summons to Meetings

The Head of Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Head of Legal and Democratic Services will issue a summons signed by them to every Member of the Council. 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.

Where meetings take place remotely, notice will be given by the Head of Legal and Democratic Services of the time of the meeting, and the agenda, together with details of how to join the meeting which will be available on the Council website. This will be in accordance with the Access to Information Rules.

5A Remote Attendance by Members of the Public

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:
- i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
 - ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 5A(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:
- i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 5A(a) above to be re-established;
 - ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
 - iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.
- (c) If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

6. Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings,

references to the Chair also include the Chair of committees and sub-committees.

7. Quorum

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

7A Members in Remote Attendance

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting's quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
- i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
 - ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in 7.2(a) above are not met. In such circumstance the Chair may, as they deem appropriate:
- i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in 7.2(a) to be re-established;
 - ii) count the number of Members in attendance for the purposes of the quorum; or
 - iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

8. Petitions from the Public

8.1 Notice of Petition

If a citizen wishes to present a petition to a Council meeting, notice must be given at least 10 working days before the meeting.

8.2 Presentation of Petitions

The petition organiser will be allowed 5 minutes to present the petition at the meeting. Only one person may speak to present a petition.

8.3 Number of Petitions

At any one meeting no person or organisation may present more than one petition.

8.4 Scope of Petitions

The Head of Legal and Democratic Services may reject a petition if it:

- (a) Does not qualify under the scheme;
- (b) It is vexatious, abusive or otherwise inappropriate;
- (c) It is a petition qualifying under another enactment;
- (d) It is excluded by order e.g.:
 - (i) It relates to a planning decision;
 - (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 publicquestions@durham.gov.uk 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.

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 by electronic mail to publicquestions@durham.gov.uk no later than midday 3 working days before the day of the meeting; 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 Time Allowed for Member Questions at Council Meetings

- (a) The time allowed for consideration of questions submitted under Rule 9.7 or 9.8 shall not, without the consent of the Council, exceed 30 minutes;
- (b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chair shall conclude the meeting.
- (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

Generally

9.14 Record of questions

The Head of Legal and Democratic Services will immediately send a copy of any question received to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be available to all Members and the public attending the meeting. Copies of the questions asked at the meeting and the responses will also be available on the Council's website with the agenda for the relevant meeting.

9.15 Order of questions

- (a) Questions from the public received in accordance with the provisions of Rule 9.3 will be asked in the order notice of them was received, except that the Chair may group together similar questions.
- (b) Questions from Members received in accordance with Rule 9.7 or 9.8 will be asked in the order determined by the Chair of the Council, committee or sub-committee.

9.16 Asking the question at the meeting

The Chair will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair 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.

9.17 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (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 by electronic mail sent to 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.

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) At the conclusion of the speech being delivered at the expiry of 30 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chair shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:
 - (i) if the speech to be concluded is a speech proposing a motion, the Chair shall allow the motion to be formally seconded (without comment);
 - (ii) if the speech to be concluded is a speech moving an amendment, the Chair shall allow the amendment to be formally seconded (without comment);
 - (iii) otherwise, the Chair shall allow the mover of the motion to exercise their right of reply.
- (d) Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

10.8 Motions to Amend Budget and Policy Framework

Written notice of a motion to move an amendment of the Executive's proposals for the Council's budget and policy framework, subject to the Budget and Policy Framework Procedure Rules, must be delivered to the Head of Legal and Democratic Services not later than midday 3 working days before the Council meeting at which it is to be considered. Motions received after that deadline will only be considered in exceptional circumstances and with the approval of the Chair, section 151 officer and Head of Legal and Democratic Services.

10.9 Motions relating to the Executive Functions

A motion on any matter in respect of which the Executive has decision-making powers shall only be to refer the matter to the Executive for consideration.

11. Motions Without Notice

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to 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 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

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

12.4 Questions on Motions

Once a motion has been moved and seconded, before moving on to speeches, the Chair will ask members if they have any questions on the Motion. A member who asks or answers a question on the motion will retain the right to make a speech on the motion.

12.5 Content and length of speeches

- (a) Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- (b) A speech by the mover of a motion may not exceed five minutes without the consent of the Chair, save where two items are being considered together, in which case paragraph (e) will apply.
- (c) Subject to paragraph (d) and (e) below, speeches by other Members, including those members speaking during their right to reply, may not exceed three minutes without the consent of the Chair.

- (d) When the Council's annual budget is under discussion, the Leader of each political group on the Council may speak for up to five minutes or such longer period as the Chair shall allow.
- (e) When two agenda items are being considered together, the proposer and seconder of the motion, and the Leaders of each political group on the Council, will be entitled to speak for double the usual allotted time under (b), (c) and (d) above.

12.6 When a Member may speak again

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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

12.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

12.8 Alteration of motion

- (a) A member may alter a motion of which they have 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 they have 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.

12.9 Withdrawal of motion

A member may withdraw a motion which they have 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.

12.10 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 their amendment.

12.11 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.

12.12 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 Chair thinks the item has been sufficiently discussed, the Chair 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 Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting their motion to the vote.

- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.13 Point of order

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

12.14 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 Chair on the admissibility of a personal explanation will be final.

13. Previous Decisions and Motions

13.1 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 ten members.

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

14. Voting

14.1 Majority

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.

14.2 Chair's casting vote

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

14.3 Method of Voting

Unless a recorded vote is demanded under Rule 14.4 the Chair will take the vote:

- (a) by a show of hands or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting;
- (b) where an electronic voting system is not working correctly or unavailable the Chair will take the vote by roll call.

14.4 Recorded vote

If ten members present at the meeting of full Council (or 5 members present at any other meetings of the authority to which these rules apply) request it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

14.5 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.

14.6 Voting at budget decision meeting

Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting.

NOTE - Budget decision means calculation of the Council tax requirement, calculation of the basic amount of Council tax, additional calculations where special items relate to part only of the area, calculation of Council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

14.7 Voting on appointments

If there are more than two people nominated for any appointment and there is not a clear majority of votes in favour of one person 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. Nominations will be voted on without debate.

15. Minutes

15.1 Signing the minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting, an electronic signature can be applied as a valid signature in accordance with the Electronic Communications Act 2000. The Chair 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.

15.2 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 a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

15.3 Form of minutes

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

16. Record of Attendance

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. Where the meeting is held remotely the attendance of members will be recorded by the committee services officer and included in the minutes of the meeting.

17. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

18. Members' Conduct

18.1 Speaking at meetings

When a member speaks at full Council they must address the meeting through the Chair. If more than one member signifies their intention to speak, the Chair will ask one to speak. Other members must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

18.2 Chair speaking

When the Chair speaks during a debate, any member speaking at the time must stop.

18.3 Member not to be heard further

If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair 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 such a motion is carried, the Chair 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 Chair may adjourn the meeting for as long as they consider necessary.

19. Disturbance by Public

19.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair 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 Chair may call for that part to be cleared.

20. Appointment of Substitute Members on Council Bodies

- 20.1 The substitution rules will not apply to meetings of the Executive, the Standards Committee or the Audit Committee.
- 20.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.
- 20.3 The Proper Officer may consider a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.
- 20.4 In order to be eligible to sit as substitutes on regulatory or administrative committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.
- 20.5 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 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.

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.