

# Part 4

## Council Procedure Rules

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## 1. **ANNUAL MEETING OF THE COUNCIL** (\* see Rule 24)

### 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 March, April or May.

The annual meeting will:

- (a) elect a member to preside if the Mayor and Deputy Mayor is not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) receive any announcements from the Mayor;
- (e) elect the Leader;
- (f) appoint:
  - (i) the Overview and Scrutiny Committee - Article 7;
  - (ii) such other Committees as the Council considers appropriate; and
  - (iii) the membership of each Committee in accordance with any requirements of the rules of political proportionality as required by the Local Government Act 2000;
- (g) appoint a Chairman and Vice-Chairman in respect of each Committee in accordance with Rule 4;
- (h) approve the Scheme of Officer Delegations in Part 3 of the Constitution;
- (i) approve a programme of ordinary meetings of the Council;
- (j) consider any business set out in the notice convening the meeting;
- (k) appoint Councillors or representatives to outside committees or bodies.

## 2. **ORDINARY MEETINGS** (\* see Rule 24)

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (a) elect a member to preside if the Mayor and Deputy Mayor 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 Mayor;

- (e) receive questions or statements from, and provide answers to, the public in relation to matters which in the opinion of the Mayor are relevant to the business of the meeting and which accord with the Council's Public Participation Scheme;
- (f) deal with any business from the last Council meeting;
- (g) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (h) receive and answer questions - Rule 11;
- (i) consider motions - Rule 12; and
- (j) consider any other business specified in the summons to the meeting.

### 3. **EXTRAORDINARY MEETINGS** (\* see Rule 24)

#### 3.1 **Calling extraordinary meetings**

An extraordinary meeting of the Council may be called at any time by the Mayor, the Monitoring Officer, or on the requisition of five members of the Council delivered in writing to the Head of Legal and Democratic Services.

#### 3.2 **Business**

The business to be transacted at an extraordinary meeting shall normally be restricted to the purpose for which it was called.

#### 3.3 **Timing and logistics of Extraordinary Meetings**

The Head of Legal and Democratic Services shall determine the time and day of any extraordinary meeting, in accordance with the Constitution and following consultations with the Mayor and leaders of the political parties, provided that any such extraordinary meeting shall take place as soon as reasonably practicable but no later than twenty clear working days from the date of receipt by the Head of Legal and Democratic Services of a valid request for an extraordinary meeting.

### 4. **ELECTION OF CHAIRMAN, VICE-CHAIRMAN OR DEPUTY VICE CHAIRMAN OF COMMITTEE** (\* see Rule 24)

- (a) The Council shall at the Annual Meeting appoint a Chairman and Vice-Chairman and where applicable a deputy Vice-Chairman for the year in respect of Committees, except for the Vice-Chairman of an Overview and Scrutiny Committee who will be appointed at the Committee's first meeting following the Annual Meeting.
- (b) A Chairman, Vice-Chairman and where applicable a deputy Vice-Chairman for the year in each Sub-Committee shall be appointed by its parent Committee at the first meeting of the Committee following the Annual Meeting;
- (c) If the Chairman, Vice-Chairman and deputy Vice-Chairman are absent from any meeting, the meeting shall elect one of their number to preside for that meeting.

5. **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.

6. **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 in this Part. At least five clear working days before a meeting, the Head of Legal and Democratic Services will send a signed summons 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.

7. **CHAIRMAN OF MEETING**

The Mayor will normally preside at meetings of the Council and may exercise any power or duty of chairmanship. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

8. **QUORUM** (\* see Rule 24)

The quorum of a meeting will be one quarter 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.

9. **DURATION OF MEETING**

9.1 **Interruption of the meeting**

- (a) If the business of the meeting has not been concluded within four hours or by 10.00 p.m., whichever the sooner, the Chairman must interrupt the meeting and if he/she is satisfied that the matter under discussion has been sufficiently debated call for the vote immediately, otherwise Rule 9.2 (b) will apply.
- (b) Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.

9.2 **Motions and recommendations not dealt with**

- (a) Prior to 10.00 p.m. or the expiration of four hours, whichever is the sooner, a majority of members present may vote for the meeting to continue by one half-hour.
- (b) Debate on a motion that has been proposed and seconded before the time limit, as defined in 9.1(a) or 9.2(a), shall continue, beyond the time limit, until a vote on that motion is taken, unless the meeting is adjourned.

- (c) Any remaining business shall stand referred to the next ordinary meeting or until a special meeting on a date to be fixed.

**9.3 Recorded vote** (\* see Rule 24)

If a recorded vote is called for during this process, it will be taken immediately.

**9.4 Motions which may be moved**

During the process set out in Rules 9.1–9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated, deferred or referred to an appropriate body or individual for decision or report.

**10. PUBLIC QUESTIONS**

Members of the public may ask questions or make statements at meetings of the Council in accordance with the Council’s Public Participation Scheme.

**11. QUESTIONS BY MEMBERS** (\* see Rule 24)

*(Note: Rule 11 is subject to Rule 14 - persons employed by the Council)*

**11.1 On reports of the Cabinet or Committees**

A member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Council, the Cabinet or a Committee when that item is in the Council agenda or any minutes annexed thereto.

**11.2 Questions on notice at Council**

Subject to Rule 11.3, a Member of the Council may ask:

- (a) the Mayor;
- (b) the Leader or appropriate Portfolio Holder; or
- (c) the Chairman 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 Borough.

**11.3 Notice of questions**

A Member may only ask a question under Rule 11.2 if either:

- (a) they have given at least 2 working days notice in writing of the question to the Head of Legal and Democratic Services; or
- (b) where the question relates to urgent matters, they have the consent of the Mayor and have given notice in writing of the question to the Head of Legal and Democratic Services prior to 10.00am on the day of the meeting.

#### 11.4 **Response**

An answer may take the form of:

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

#### 11.5 **Supplementary question**

A member asking a question under Rule 11.2 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.

#### 12. **MOTIONS ON NOTICE** (\* see Rule 24)

*(Note: Rule 12 is subject to Rule 14 - persons employed by the Council)*

##### 12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion must be delivered to the Head of Legal and Democratic Services at Beech Hurst, Andover not later than ten clear working days before the date of the meeting. This written notice must be signed by at least two members, or in the case of a motion of no confidence, the written notice must be signed by at least one quarter of the Members of the Council.

Motions under this rule will be logged and available for public inspection.

##### 12.2 **Motion set out in agenda**

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

##### 12.3 **Scope**

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

##### 12.4

If the subject matter of any motion comes within the province of the Cabinet or any Committee, it shall, upon being moved and seconded, stand referred to the Cabinet or such Committee for consideration and report without discussion (save for the mover of the motion reading it out should he/she wish to do so). However should the Mayor consider it convenient and conducive to the despatch of business, the motion may be dealt with at the meeting.

- 12.5 A Member of the Council who has moved a motion which has been referred to the Cabinet or any Committee or Sub-Committee shall have notice of the meeting of the Cabinet, Committee or Sub-Committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and, if attending, shall have an opportunity of explaining the motion.

### 13. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman 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 a recommended item to the Cabinet or a Committee;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn the debate;
- (l) to adjourn the meeting;
- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) under Rule 21.4 a Member be not heard further or be excluded from the meeting; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

### 14. **MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

If any questions arise at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100(A)(4) of the Local Government Act 1972 shall be exercised.

## **15. RULES OF DEBATE**

### **15.1 No speeches until motion seconded**

No speeches may be made until the mover has moved a proposal, if necessary explained the purpose of it, and the motion has been seconded.

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

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

### **15.3 Seconders' speech**

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

### **15.4 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, except the annual budget speech, may exceed 5 minutes.

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

### **15.6 Amendments to motions**

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



(iv) insert or add words.

but must not 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 Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **15.7 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.

#### **15.8 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.

#### **15.9 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 shall have a right of reply for a period not exceeding two minutes to be exercised immediately before the reply of the mover of the original motion.

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

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 4 hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 21.4 or to exclude them from the meeting under Rule 21.5.

#### 15.11 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/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 Chairman 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.

#### 15.12 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 Procedure Rules 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 Chairman on the matter will be final.

### 15.13 **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.

## 16. **PREVIOUS DECISIONS AND MOTIONS** (\* see Rule 24)

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

Unless recommended by the Cabinet or a Committee, 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 10 members.

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

Unless recommended by the Cabinet or a Committee, a motion or amendment in similar terms to one that has been rejected at a meeting of Council within the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of Members.

## 17. **VOTING**

### 17.1 **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.

### 17.2 **Chairman's casting vote**

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

### 17.3 **Show of hands**

Unless a recorded vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 17.4 **Recorded vote** (\* see Rule 24)

If 10 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

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

In accordance with Schedule 2 of the Local Authorities (Standing Orders) Regulations 1993, 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.

## 17.6 **Voting on appointments**

If there are more than two people nominated for any position to be filled votes shall be taken for each person and if 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.

## 18. **MINUTES**

### 18.1 **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 and any debate will be restricted to their accuracy.

### 18.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

*(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.)*

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.

## 19. **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.

## 20. **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 or Rule 22 (Disturbance by Public).

## 21. **MEMBERS' CONDUCT**

### 21.1 **Members' standing for the Mayor**

When the Mayor enters or leaves a meeting in his/her capacity as Mayor all Members present in the room and physically able to do so shall stand.

### 21.2 **Standing to speak** (\* see Rule 24)

When a Member speaks at Council they must, if physically able to do so, stand 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.

### 21.3 **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.

### 21.4 **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 Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### 21.5 **Member to leave the meeting**

If the Member continues to behave improperly after such a motion 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.

### 21.6 **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.

## 22. **DISTURBANCE BY PUBLIC**

### 22.1 **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.

### 22.2 **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.

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

### 23.1 **Suspension**

All of these Council Procedure Rules, except Rule 17.6 and 18.2, may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council/Committee are present and shall not be carried unless supported by two-thirds of the Members present at the meeting. Suspension can only be for the duration of the meeting.

### 23.2 **Amendment** (\* see Rule 24)

Any motion to add to, vary or revoke these Council Procedure Rules will, unless moved pursuant to and in accordance with a recommendation of the Cabinet, stand referred without discussion to the Cabinet for consideration and report immediately upon being formally moved and seconded.

## 24. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Procedure Rules apply to meetings of the Council.

These Rules, subject to the exceptions set out below, also apply to meetings of Committees and Sub-Committees, except the Licensing Committee and the Licensing Sub-Committee when hearing licensing applications and other matters to which the appropriate Licensing Procedure Rules in Part 4 apply.

Rules 1, 2, 3, 4, 8, 9.3, 11, 12, 16, 17.4, 21.2, and 23.2 which are denoted by an asterisk \* do not apply to Committees and Sub-Committees.

In addition Rules 9, 15 and 27 do not apply to, the General Purposes Employment Appeals and Ethics Sub-Committee, and the General Purposes Redundancy Appeals Sub-Committee when hearing appeals relating to dismissals, discipline, grievance and redundancy. For the purposes of these appeals the procedure relevant to the appeal set out in the relevant Policy will apply.

Rules 9, 15 and 27 do not apply to the General Purposes Employment Appeals & Ethics Sub-Committee when assessing and/or reviewing allegations of failure to comply with the Members' Code of Conduct or when hearing local determinations.

Any reference in these rules to the Mayor shall be construed as referring to the Chairman of the Committee or Sub-Committee.

## 25. **AUDIO RECORDING, FILMING, PHOTOGRAPHY ETC**

The taking of photographs, films, video or sound recording at any meeting shall be permitted, providing it does not disturb the conduct of the meeting. Where equipment is to be used or special arrangements are required, those wishing to record the proceedings of a Council meeting are asked to contact the Democratic Services Manager in advance to make any necessary arrangements. Further details are set out in the Audio and Video Recording, Filming, Photography and Use of Social Media Protocol and Guidance, available upon request from Democratic Services.

## 26. **URGENT MATTERS**

Where a Head of Service considers, in consultation with the Chief Executive (or in his/her absence the Deputy Chief Executive), that a question is so urgent that a decision cannot await the next meeting of the Committee or Sub-Committee, he/she shall have authority, after due consultation with the Chairman (or in the Chairman's absence, the Vice-Chairman) of the appropriate Committee or Sub-Committee and the Chairman (or in the Chairman's absence, the Vice-Chairman) of the Overview and Scrutiny Committee, to determine the matter on behalf of the Council provided that:

- (a) a record of the three consultations shall be kept and the decision shall be reported to the next meeting of the Committee or Sub-Committee; and
- (b) if any one of the three consultees so requires the question shall instead be referred for decision to a special meeting of the appropriate Committee or Sub-Committee.

27. **QUORUM OF COMMITTEES AND SUB-COMMITTEES**

In the absence of any decision of the Council to the contrary, no business shall be transacted at a meeting of any Committee or Sub-Committee unless at least one third of the Members of the Committee or Sub-Committee are present.