



COUNCIL PROCEDURE RULES

TABLE OF CONTENTS

<u>Procedure Rule</u>		<u>Page</u>
<u>No.</u>		
<u>PART 1 - GENERAL</u>		3
1.	Definitions	3
2.	Suspension	3
3.	Variation and Revocation	3
<u>PART 2 - COUNCIL MEETINGS</u>		4
4.	Meetings of the Council	4
5.	Chairman of Meeting	4
6.	Quorum	5
7.	Order of Business	5
8.	Minutes	6
9.	Notices of Motion	6
10.	Motions Which May be Moved Without Notice	7
11.	Rescinding Resolutions	8
12.	Presentation of Minutes	8
13.	Urgent Business	9
14.	Questions	10
15.	Presentation of Petitions	11
16.	Rules of Debate	11
<u>PART 3 - COMMITTEES AND SUB-COMMITTEES</u>		15
17.	Leader selection of Cabinet and Committees	15
18.	Vice-Chairman	19
19.	Casual Vacancies	19
20.	Appointment of Cabinet Committees, Sub-Committees and Other Committees	20
21.	Co-option	21
22.	Summoning Cabinet, Committees and Sub-Committees	21
23.	Quorum – Cabinet, Committees and Sub-Committees	21

<u>Procedure Rule No.</u>		<u>Page</u>
24.	Reference-up of Decisions	22
<u>PART 4 - CONDUCT OF MEETINGS</u>		23
25.	Ruling of Person Presiding	23
26.	Rules of Debate (Application to Cabinet, Cabinet Committees, Committees and Sub-Committees)	23
27.	Business Affecting Individual Persons Employed by the Council	24
28.	Disorderly Conduct by Members	24
29.	Disturbance by Members of the Public	24
30.	Exclusion of the Public	24
31.	Voting	25
32.	Recording of Votes	25
33.	Voting on Appointments	25
<u>PART 5 - MATTERS AFFECTING MEMBERS</u>		26
34.	Proceedings to be Confidential at Meetings Where Public are not Authorised to be Present	26
35.	Attendance of Non-Members at Meetings	26
36.	Members' Agenda Items	27
37.	Interest of Members under the Model Code of Conduct	27
38.	Allegations of Improper Conduct by Officers	28

WINCHESTER CITY COUNCIL

COUNCIL PROCEDURE RULES

PART 1 - GENERAL

1. DEFINITIONS

In these Rules, the following terms shall have the meanings assigned to them –

“committee” - a committee authorised to exercise non-executive decision making powers under Section 101 of the Local Government Act 1972 or an overview and scrutiny committee established under Section 21 of the Local Government Act 2000.

"political group" - a political group as defined in the Local Government (Committee and Political Groups) Regulations 1990 (as amended).

"sub-committee" - a sub-committee of a committee however it may be named e.g. working party, panel or group.

2. SUSPENSION

(1) With the exceptions listed in (2) below, any of the following Rules may be suspended by a motion approved by at least one half of the members present and voting. A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Members are present.

(2) The following Rules may not be suspended

2. (suspension of Procedure Rules)
3. (variation and revocation)
24. (reference-up of decisions)
26. (ruling of person presiding)
32. (recording of votes)

(3) Suspension can only be for the duration of the meeting.

3. VARIATION AND REVOCATION

Any motion to add to, vary or revoke these Procedure Rules may be considered or discussed by the Council only on a recommendation of the Leader, Cabinet, The Overview and Scrutiny Committee or the Standards Committee or following a special Notice of Motion signed by a minimum of one third of the members of the Council.

PART 2 - COUNCIL MEETINGS

4. MEETINGS OF THE COUNCIL

(1) Ordinary Meetings

In addition to the annual meeting of the Council and any extraordinary meeting convened by the Mayor, or by members of the Council, ordinary meetings for the transaction of general business shall be held on such dates and times as the Council shall decide.

(2) Extraordinary Meetings of the Council

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

- i) the Council by resolution
- ii) the Mayor
- iii) the Monitoring Officer
- iv) any five members of the Council if they have signed a requisition presented to the Mayor and if he/she has refused to call a meeting within seven days of the presentation of the requisition.

The business to be conducted at an extraordinary meeting shall be limited to the issue which has caused the meeting to be convened, in addition to questions under Council Procedure Rule 14. Other matters shall await the next ordinary meeting of the Council.

- (3) The procedure for selection of the Leader, chairmen, the Leader's appointment of Cabinet and the selection of committees is set out in Procedure Rule 17.

(4) 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 five clear working days before a meeting, the Head of Legal and Democratic Services will send a summons signed by him or her by post 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.

5. CHAIRMAN OF MEETING

Any power or duty assigned to the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

6. QUORUM

- (1) If during any meeting of the Council, the Mayor after counting the number of members present declares that there is not a quorum present, the meeting shall stand adjourned.
- (2) The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

(Note: The quorum prescribed by the Local Government Act 1972 (Sch. 12 para 6) is at least one quarter of the members).

7. ORDER OF BUSINESS

- (1) Except where the Council on the ground of urgency vary the order of business in accordance with paragraph (2) of this Procedure Rule, the order of business at every ordinary meeting of the Council shall be:
 - (a) To choose a person to preside if the Mayor and Deputy Mayor be absent.
 - (b) To deal with any business required by statute to be done before any other business.
 - (c) To approve as a correct record and sign the minutes of the last meeting of the Council.
 - (d) To receive any declarations of interest from members
 - (e) To deal with business expressly required by statute to be done.
 - (f) To receive such communications as the Mayor, Leader or Chief Executive may desire to lay before the Council.
 - (g) To answer questions asked pursuant to Procedure Rule 14.
 - (h) To receive petitions in accordance with the Council's Petition Scheme, under Procedure Rule 15.
 - (i) To dispose of business (if any) remaining from the last meeting.
 - (j) To receive and consider reports of the Leader, Cabinet and of Committees which require determination by Council.
 - (k) To consider notices of motion in the order in which they have been received.

- (l) To consider any urgent items under Procedure Rule 13.
 - (m) To consider the making or termination of appointments to bodies set up by the Council.
- (2) The order of business may be varied by a resolution passed on a motion duly moved and seconded, which shall be put without discussion, provided that business falling under items (a), (b) or (c) of paragraph (1) shall not be displaced.

8. MINUTES

- (1) The Mayor shall put the question that the minutes of the meeting of the Council held on the day of be approved as a correct record.
- (2) No discussion shall take place upon the minutes, except upon their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.
- (3) Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purpose of paragraph 41 (1) and (2) (the signing of minutes) of that Schedule.

9. NOTICES OF MOTION

- (1) Except as provided by Procedure Rule 10, notice of every motion shall be in writing, signed by the member or members of the Council giving the notice and delivered to the Head of Legal and Democratic Services by 10am on the Monday of the preceding week to the meeting of the Council on the Wednesday (or the same timescale in working days should the Council meet on another day).
- (2) The Head of Legal and Democratic Services shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice has, when giving it, intimated in writing that he/she proposed to move it at some later meeting or has withdrawn it in writing.
- (3) If a motion thus set out in the summons be not moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.
- (4) A motion shall only be moved by a member by whom notice has been given, or by a member authorised by such a member.

- (5) A period of up to 20 minutes shall be allowed for the Council to have an initial discussion about the motion, such period to be in addition to any introductory speech by the mover (which may be up to eight minutes). A summary of that discussion will be included in the minutes of the meeting.
- (6) If the subject matter of any motion of which notice has been duly given comes within the province of any overview and scrutiny committee it shall, upon being moved and seconded and following any discussion as in (5) above, stand referred to such Committee, or to such other Committee or Committees as the Council may determine, for consideration and report. All such reports from Committees shall then be referred initially to the Cabinet for consideration and comment if they relate to an executive function, and then referred to the Council for decision. Provided that, except in relation to a motion on a financial matter and subject to Procedure Rule 3, the Mayor may, if he/she considers it convenient and conducive to the despatch of business, allow such motion to be dealt with at the meeting at which it is brought forward.
- (7) Motions must be about matters for which the Council has powers or duties or which affect the District.

10. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions may be moved without notice:-

- (1) Appointment of a Chairman of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes, closure, adjournment, order of business, next business, or reference to the Leader or Cabinet or a Committee.
- (3) Appointment Committees or members thereof, so far as arising from an item mentioned in the summons to the meeting.
- (4) Adoption of reports and recommendations of the Leader, Cabinet, Committees or officers and any consequent resolutions.
- (5) That leave be given to withdraw a motion.
- (6) Amendments to motions.
- (7) Authorising the sealing of documents.
- (8) To change the order of business in the agenda
- (9) Suspending a Council Procedure Rule

- (10) To exclude the public and press in accordance with the Access to Information Rules
- (11) That a member named under Procedure Rule 29 be not further heard or do leave the meeting.
- (12) Giving consent of the Council where the consent of the Council is required by this Constitution.
- (13) To refer something to an appropriate body or individual
- (14) To proceed to the next business
- (15) That the question now be put
- (16) To adjourn the debate
- (17) To adjourn a meeting

11. RESCINDING RESOLUTIONS

- (1) At any meeting of the Council, no motion to rescind any resolution which has been passed within the preceding six months and no motion to the same effect as any motion which has been moved within the previous six months shall be in order.
- (2) This Procedure Rule shall not apply to motions in pursuance of the report or recommendations of the Leader, Cabinet or of a Committee.

12. PRESENTATION OF MINUTES

- (1) The Head of Legal and Democratic Services shall be authorised to determine the order in which the referred minutes shall be debated, having regard to the relative importance of each matter, and shall arrange the agenda accordingly.
- (2) The Chairman will be deemed to have moved that the minutes of the Cabinet or of his/her Committee be adopted, unless he/she indicates to the contrary at the meeting.
- (3) In respect of the referred minutes of the Cabinet or of a Committee, the Mayor, or if the Mayor so wishes the Head of Legal and Democratic Services, will read out the number and heading of each minute in order whereupon:
 - (a) the Chairman or Portfolio Holder will make no introduction unless the minute is of special importance;
 - (b) if no member rises to speak that minute will be deemed to be confirmed and the next minute will be called;

- (c) if discussion of a minute commences the Mayor will permit questions and then debate (and appropriate votes) on that minute but members may question matters of fact arising during the debate.
- (4) Where the Council has before it referred minutes of more than one body on the same subject the following procedure shall apply (unless the Council resolves otherwise in any particular case):-
- (a) all such minutes shall be taken together when the minute of the earliest meeting is presented;
 - (b) any introductions by the Chairmen of the appropriate body or Portfolio Holder shall be made in the same order as the dates of the relevant meetings, unless in the opinion of the Mayor it would assist the decision making process to take the minutes in another order.
 - (c) if no member rises to speak on any of the minutes they shall all be deemed to be confirmed;
 - (d) motions or amendments may be moved in respect of any of the referred minutes before the Council but any amendments may only relate to one minute;
 - (e) Chairmen or Portfolio Holders exercising their right of reply under Procedure Rule 16 (13) shall do so in the same order as the dates of the relevant meetings, notwithstanding (b) above and provided that the Chairman of the Cabinet shall have the final right of reply.

13. URGENT BUSINESS

If, after the despatch of the agenda and summons for any meeting of the Council, any item of business arises which requires the urgent attention of the Council and cannot be dealt with under executive/delegated powers by the Leader or Cabinet or any Committee or any officer, the Head of Legal and Democratic Services in consultation with the Chairman (or in his/her absence the Vice-Chairman) of the Cabinet shall:-

- (i) where practicable summon a meeting of the Cabinet and/or the appropriate Committee for a date or time prior to the meeting of the Council to consider the matter and make recommendations to the Council;
- (ii) place the item before the Council together with any recommendation of the Leader, Cabinet or the Committee (which may be reported orally if the presentation of written minutes is impracticable) and, so far as necessary, the suspension of Procedure Rule 10 shall be moved to enable other motions to be moved.

14. QUESTIONS

On a referred Committee minute

- (1) A member of the Council may ask the Chairman of the Cabinet or of a Committee, or Portfolio Holder any question upon any referred minute of the Cabinet or of a Committee when that minute is under consideration by the Council.

Following due notice

- (2) A member of the Council may ask the Mayor, or the Chairman of the Cabinet or of any Committee, or Portfolio Holder, any question relating to the business of the Council or on any matter in relation to which the Council has powers or duties or which affects the District, which is not capable of being dealt with under paragraph (1) above. If a question is asked of the Mayor or Chairman of the Cabinet, he/she may refer it for answer to another member of the Cabinet who has been allocated a portfolio of responsibility in relation to any function or area of activity to which the subject matter of the question is relevant.

Provided that the question has been submitted in writing to the Head of Legal and Democratic Services by 10am on the Monday immediately preceding the Council meeting on the Wednesday at which the question is to be put (or the same timescale in working days should the Council meet on another day);

Urgent Business

- (3) A member of the Council may, with the permission of the Mayor, put to him/her or to the Chairman of the Cabinet or of any Committee, or a Portfolio Holder, any question relating to urgent business, of which such notice could not have been given; but a copy of such question shall, if possible, be sent to the Head of Legal and Democratic Services not later than 10am on the day of the meeting.

General

- (4) Every question and answer submitted under 2 above shall be produced in written form and laid in the place of each Member of the Council in the Council Chamber, no later than 15 minutes before commencement of the meeting.
- (5) Any member of the Council may, without notice, ask orally supplementary questions provided they are relevant to the subject matter of the original question.
- (6) The time occupied by supplementary questions and the answers thereto shall not exceed 30 minutes.

15. PRESENTATION OF PETITIONS

- (1) The presentation of petitions will be dealt with in accordance with the Council's Petition Scheme as set out in Part 8 of the Constitution.

16. RULES OF DEBATE

Motions and Amendments

- (1) Except for a motion deemed to have been moved by a chairman under Procedure Rule 12(2) (that the referred minutes be adopted), every motion or amendment shall:
 - (a) be moved and seconded before it is discussed;
 - (b) if required by the Mayor, be put in writing and handed to the Mayor before it is put from the Chair.

Secunder's Speech

- (2) A member seconding a motion or amendment without observation has the right to speak later in the debate unless, before he/she has spoken, a closure motion has been passed.

Members to Stand when Speaking

- (3) Members of the Council shall stand when speaking (unless disabled from doing so) and shall always address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising on a point of order or in personal explanation.

Relevancy and Length of Speeches

- (4) A member shall direct his/her speech to the question under discussion or to an explanation or to a question of order. No speech shall exceed eight minutes in the case of a mover of the motion and five minutes in all other cases (including amendments) except at the discretion of the Mayor.

When a Member may Speak Again

- (5) 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 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.

Points of Order and Personal Explanation

- (6) (a) A member may rise on a point of order or in personal explanation at any time.
- (b) The member who is then speaking shall thereupon resume his/her seat and the member so rising shall be entitled to be heard forthwith.
- (c) A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision. The member must indicate the rule or law and the way in which he/she considers it has been broken.
- (d) A personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may appear to have been misunderstood in the present debate.
- (e) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to question or discussion.

Motions which may be moved during debate

- (7) When a motion is under debate no other motion shall be moved except the following:
 - (a) to amend the motion;
 - (b) to postpone consideration of the motion;
 - (c) to adjourn the meeting;
 - (d) to adjourn the debate;
 - (e) to proceed to the next business;
 - (f) that the question be now put;
 - (g) that a member be not further heard;

- (h) that a member do leave the meeting;
- (i) a motion to exclude the press and public in accordance with the Access to Information Rules.

Amendments to Motions

- (8) Every amendment shall be relevant to the motion on which it is moved and shall be either:-
 - (a) to leave out words;
 - (b) to insert or add words;
 - (c) to leave out words and insert or add others;
 - (d) to refer back the whole or any part of a recommendation of the Leader, Cabinet or a Committee;
 - (e) to convey a direction to the Leader, Cabinet or a Committee or an individual making the decision to consider some particular aspect of their powers and duties;
 - (f) to refer the matter under consideration to Leader, Cabinet or the appropriate body.

Provided that the omission, insertion or addition of words under (a), (b) or (c) shall not have the effect of introducing a new proposition into, or negating the motion before the Council.

- (9) Whenever an amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of.
- (10) If an amendment is not carried, other amendments to the original motion may be moved.
- (11) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendments are moved.
- (12) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration to Motion

- (13) A member may with the consent of the Council signified without discussion:

- (a) alter a motion of which he/she has given notice, or
- (b) with the further consent of his/her seconder alter a motion which he/she has moved if (in either case) the alteration is one which could be made as an amendment thereto.

Withdrawal of Motion

- (14) A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council, which shall be signified without discussion and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

Closure Motions

- (15) A member may move, without comment, the following motions at the end of a speech of another member:

"that the Council proceed to the next business;"
"that the question be now put;"
"that the debate be now adjourned", or
"that the Council do now adjourn"

on the seconding of which the Mayor shall, unless in his/her opinion, the matter before the meeting has been insufficiently discussed, proceed as follows:

- (a) on a motion to proceed to the next business:
he shall put to the vote the motion to proceed to the next business;
- (b) on a motion that the question be now put:
he shall put to the vote the motion that the question be now put, and if it is passed, then give the mover of the original motion his/her right of reply under paragraph 13 of this Procedure Rule before putting his/her motion to the vote;
- (c) on a motion to adjourn the debate or the meeting he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right to reply on that occasion.

Right of Reply

- (16) The proposer of a motion (but not the proposer of an amendment) shall have a right to reply at the close of the debate upon such motion, immediately before it is put to the vote. If an amendment is proposed the proposer of the original motion shall be entitled to reply at the close of the debate upon the amendment. A member exercising a right of reply shall not introduce new matter. After every

reply to which this Procedure Rule refers a decision shall be taken without further discussion.

Members may Speak Only Once

- (17) A member shall not speak more than once on the same motion or minute except:
- (a) to move an amendment;
 - (b) to speak once on an amendment moved by another member;
 - (c) in the exercise of the right of reply given by paragraphs (12) or (13) of this Procedure Rule;
 - (d) on a point of order;
 - (e) by way of personal explanation.

Rights of Chairman or Portfolio Holder During Debate

- (18) A Chairman of the Cabinet or of a Committee or Portfolio Holder, may during the debate on a minute of his/her Committee or area of responsibility, reply to a question or clarify some matter without precluding his/her right to speak subsequently to a motion.

Mayor or Chairman or Portfolio Holder may call on an Officer

- (19) The Mayor may during a debate call on an officer to speak or invite or allow the Chairman of the Cabinet or of a Committee or Portfolio Holder so to do.

PART 3 – CABINET, COMMITTEES AND SUB-COMMITTEES

17. ANNUAL ELECTION OF CHAIRMEN AND SELECTION OF CABINET AND COMMITTEES

- (1) The Council at its Annual Meeting shall, in addition to electing a Mayor and Deputy Mayor
- (a) elect from those validly nominated:
 - (i) The Leader of the Council who will also be the Chairman of the Cabinet. The term of office of the Leader starts on the day of his/her appointment as Leader and he/she will hold office for a four year term, which ends on the day the Council holds its first annual meeting after the Leader's normal day of retirement as a councillor unless he/she:
 - is removed from office or resigns

- ceases to be a councillor
- is disqualified from being a councillor before that day.

In the period following the local elections up until the Annual Meeting of Council, urgent decisions will be taken by the Chief Executive acting under his emergency powers if the office of Leader or Deputy Leader is vacant until such time as a Leader is appointed by Council.

- (ii) The Chairmen and membership of The Overview and Scrutiny Committee.
 - (iii) The Chairmen and membership of the Appeals and Disputes Committee, the Audit Committee, the Housing (Appeals) Committee, Personnel Committee, Planning Committee, the Licensing and Regulation Committee, and the Standards Committee.
- (2) The Cabinet shall consist of the Leader, as Chairman and not more than nine other members appointed by the Leader.

The Leader shall announce the initial appointments to Cabinet at the Annual Meeting of the Council. The Leader appoints one of the members of the Cabinet (a Portfolio Holder) to be his/her deputy and be Vice-Chairman of Cabinet. The Deputy Leader will hold office until the end of the term of office of Leader (unless the person resigns as Deputy Leader, ceases to be a councillor or is disqualified or removed from Cabinet by the Leader). The Leader may, if he/she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his/her place. The Leader may at any time remove Portfolio Holders from the Executive and change Portfolio Holder's areas of responsibility. The Leader will report to the Council on all appointments and changes to the Cabinet.

- (3) The Overview and Scrutiny Committee shall consist of the Chairman and such other number of members appointed by the Council. The meeting shall be chaired by a Member from a different group to the group of the Leader.
- (4) The Audit Committee shall consist of the Chairman and such other number of members appointed by the Council. The meeting shall be chaired by a Member from a different group to the group of the Leader.
- (5) No member of the Cabinet may also serve as a member of The Overview and Scrutiny Committee or the Audit Committee or any other overview and scrutiny committee.
- (6) The Personnel Committee shall consist of the Chairman and such other number of members appointed by the Council and the Housing (Appeals) Committee shall consist of the Chairman and such other number of members appointed by Council.

- (7) The Standards Committee shall consist of the Chairman and not more than six other members appointed by the Council. Three parish representatives shall be appointed as co-opted non-voting members of the Committee. In addition the Council shall appoint up to four independent persons (who are not members of the Committee), in compliance with legislation relating to the appointment of independent members to advise local authority Standards Committees.
- (8) The Planning Committee and the Licensing & Regulation Committee shall both consist of the Chairman and such other number of members appointed by the Council.
- (9) Licensing Sub-Committee
- (a) The Licensing Sub-Committee appointed by the Licensing and Regulation Committee shall comprise of such other number of members as determined by the Licensing and Regulation Committee.
 - (b) Each meeting shall have the composition of the Sub-Committee determined as follows:-
 - (i) one member drawn from the following pool:- Chairman, Vice-Chairman, and such others approved for the purpose by the Licensing and Regulation Committee;
 - (ii) any two other members of the Licensing and Regulation Committee.
 - (c) Members shall be drawn in rotation by the Democratic Services Manager in alphabetical order subject to availability.
 - (d) For licensing applications involving premises in a particular ward, the ward member(s) shall not be eligible to sit on the Sub-Committee (although (subject to the provisions of the Code of Conduct) they may attend and speak at the discretion of the Chairman).
- (10) Appeals and Disputes Committee
- (a) The Council shall appoint each year an Appeals and Disputes Committee consisting of a Chairman elected by the Council and such other number of members that it determines. No member of the Appeals and Disputes Committee shall also serve at the same time as a member of either the Cabinet or Personnel Committee.
 - (b) Appeals and disputes shall be heard as follows -
 - (i) by the Chairman plus two members drawn from a pool of members as determined by the Council, or
 - (ii) in the absence of the Chairman, the three members shall be drawn from the pool of members as determined by the Council

to hear an appeal or dispute and be given authority to appoint their own Chairman for the meeting.

- (iii) members shall be drawn in rotation in alphabetical order subject to availability.

(11) Housing (Appeals) Committee

The Council shall appoint a Housing (Appeals) Committee consisting of a Chairman elected by the Council and two Members (and Deputies).

(12) Other Committees

The Council shall appoint such other Committees as it so decides after considering a report thereon from the Cabinet, to whom any proposals for additional Committees shall be referred for report. The Overview and Scrutiny Committee shall comment on any proposals for any additional overview and scrutiny committees.

(13) Deputy Members

Deputy Members may be appointed to Committees and Sub-Committees on the following basis -

- (a) When appointments are made to any Committee or Sub-Committee, each political group of the Council shall be entitled when nominating its representatives, if it so wishes, to nominate:

- (i) up to three further members as Deputy Members in respect of the Planning Committee. The appointments will be subject to political balance requirements, with the largest political group having three deputies; other groups in accordance with the political balance formula;

(NB: The membership of Planning (Viewing) Sub-Committee is drawn from those Members that attended the Planning Committee meeting which set up the Viewing Sub-Committee. As the Viewing Sub-Committee will not hear a full repeat of the officer's presentation, nor any public participation, new deputies that did not attend the original Planning Committee cannot participate in the subsequent Viewing Sub-Committee).

- (ii) up to two further members as Deputy Members in respect of The Overview and Scrutiny Committee;

- (iii) one further member as a Deputy Member in respect of the following Committees:

Personnel Committee
Housing (Appeals) Committee
Audit Committee
Licensing and Regulation Committee

Any other overview and scrutiny or task and finish committee

- (b) There shall be no Deputy or substitute members on the Cabinet or Standards Committees.
- (c) A Deputy Member shall only serve as a Member of the relevant body at any meeting at which another Member of the same political group is absent for the entire meeting.
- (d) No substitutions of membership may be made during the course of the meeting.
- (e) Deputy 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 deputising for.

(14) Absent Leader

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

(15) Removal of Leader from office

The Leader may be removed during the four year term of office by way of resolution by a simple majority of the Council. If the Council passes a resolution to remove the Leader, a new Leader is to be elected: -

- (a) at the meeting at which the Leader is removed from office, or
- (b) at a subsequent meeting.

18. VICE-CHAIRMAN

Each of the following committees shall elect a Vice-Chairman at its first meeting

The Overview and Scrutiny Committee
Planning Committee
Licensing and Regulation Committee
Personnel Committee
Housing (Appeals) Committee
Audit Committee
Standards Committee
Any other overview and scrutiny or task and finish Committee

19. CASUAL VACANCIES

Casual vacancies shall be filled for the remainder of the municipal year according to the following table -

- | | | |
|-----|--|--|
| (1) | Leader of the Council and
Chairman of Cabinet | By the automatic transference
of the Deputy Leader
(subject to re-affirmation by the
Council at its next meeting) |
| (2) | Chairman of any
Committee | As soon as possible
by the Council |
| (3) | Vice-Chairman | As soon as possible by the
Committee concerned |
| (4) | Membership of Cabinet
or any Committee | By the Leader of the Council for
Cabinet or Council for any Committee |

20. APPOINTMENT OF CABINET COMMITTEES, SUB-COMMITTEES AND OTHER COMMITTEES

- (1) The Leader or Cabinet may appoint Cabinet Committees on a continuing or ad hoc basis to deal with any matter relevant to the business or responsibility of the Cabinet, and may delegate authority for action to such Committees. No member may be appointed to or serve on a Committee of the Cabinet unless that member is at that time a member of the Cabinet.
- (2) Each Committee may appoint Sub-Committees on a continuing or ad hoc basis to consider any matter relevant to the business or responsibility of the Committee, subject, in all cases, other than in relation to the Planning Committee, to no objection being raised by the Leader or Cabinet to the principle of the appointment of a Sub-Committee in each case, and to the terms of reference. If the Leader or Cabinet raises objection in respect of a body to deal with non-executive functions, the matter will be referred to Council for determination.
- (3) Only a member of a Sub-Committee who is a member of the parent Committee may be elected as Chairman of that Sub-Committee, but this requirement shall not debar the election (in the absence of the Chairman) of a member who is not a member of the parent Committee to preside at a particular meeting.
- (4) The selection of the Chairman and other Members of the Standards Sub-Committee for individual cases shall be as follows (subject to availability):
 - (a) when the meeting is considering a complaint against a City Councillor, membership should consist of three Councillors from more than one political group (selected by the Democratic Services Manager in alphabetical rotation from the membership of the Committee);

- (b) when the meeting is considering a complaint against a Parish Councillor, membership should consist of one non-voting Parish Representative (selected by the Democratic Services Manager in alphabetical rotation from the Parish Representatives), and three Councillors (from more than one political group selected by the Democratic Services Manager in alphabetical rotation from the membership of the Committee).
- (c) no Committee Member should be included in the selection if the complaint is against a Member of the same parish, or District ward, as the Committee Member.
- (d) One independent person (who is not a member of the Sub-Committee), shall be selected by the Democratic Services Manager in alphabetical rotation to be available to advise the Standards Sub-Committee.

21. CO-OPTION

No Committee or Sub-Committee shall have authority to co-opt other members (whether a member of the Council or not) unless it has expressly been given such authority by the Council or the parent Committee as the case may be.

22. SUMMONING CABINET, COMMITTEES AND SUB-COMMITTEES

Meetings of the Cabinet, Cabinet Committees, other Committees and Sub-Committees may be summoned by the Head of Legal and Democratic Services as follows:

- (a) for a date previously approved by the Council or by the body concerned
- (b) following consultation with the Chairman (or in his/her absence the Vice-Chairman)
- (c) in accordance with a request in writing addressed to the Head of Legal and Democratic Services by any four members of a Committee or three members of a Sub-Committee.

23. QUORUM – CABINET, COMMITTEES AND SUB-COMMITTEES

- (1) Except as provided in paragraphs (2), (3) and (4) hereof, the quorum of Cabinet shall be three, and of every Committee shall be four and of every Cabinet Committee or Sub-Committee three.
- (2) The number of members comprising the Appeals and Disputes Committee when hearing an appeal or other matter shall be three in accordance with Procedure Rule 17.
- (3) The quorum for the Housing (Appeals) Committee shall be three.

- (4) The quorum for the Standards Committee shall be three Councillors plus one Independent Member and, where parish issues are discussed, one Parish Representative must also be present.

When the Standards Sub-Committee is hearing a complaint about an individual member the quorum shall be three Members of the Sub-Committee plus an Independent Member, and where a parish matter is being considered, a Parish Representative must also be present.

24. REFERENCE-UP OF DECISIONS

- (1) Where a relevant matter, being a matter of decision by the Cabinet, a Cabinet Committee, the Audit Committee, the Planning Committee, the Licensing and Regulation Committee, the Personnel Committee or the Standards Committee, or any sub-committee of any of these bodies, has been voted on by that body, and immediately following the declaration of the result of a vote, a resolution under this Procedure Rule is proposed and approved by no less than one quarter of the members of the body who are present and who have voted on the initial matter, the decision of that committee or sub-committee as to that matter shall not take immediate effect, but shall be referred -
 - (a) in the case of a decision by the Cabinet or by the Audit Committee, the Planning Committee, the Licensing and Regulation Committee, the Personnel Committee or the Standards Committee, to the next competent meeting of the Council,
 - (b) in the case of a decision by a Cabinet Committee, to the next competent meeting of the Cabinet,
 - (c) in the case of a decision by a sub-committee of the Audit Committee, the Planning Committee, the Licensing and Regulation Committee, the Personnel Committee or the Standards Committee, to the next competent meeting of the parent committee ("the relevant committee") which constituted that sub-committee.
- (2) A decision on a matter referred under paragraph (1) shall take effect only when reviewed and approved -
 - (a) by the Council, where the decision was taken by the Cabinet or a committee, and
 - (b) by the Leader, Cabinet or the relevant committee, where the decision was taken by a sub-committee.
 - (c) if the decision is an executive matter falling within the budget and policy framework, then if Council proposes a different

course of action, its views will be reported to the Leader or Cabinet before its final determination.

- (3) Nothing in paragraph (1) or (2) above shall be construed as preventing a matter referred to the Cabinet or to a committee (other than a joint committee) under paragraph (1) (b) from being referred by that body to the Council under paragraph (1) (a).
- (4) Any Chairman of a decision making committee may, at his/her discretion, refer up to Council any matter identified during the meeting.
- (5) In paragraph (1) above a relevant matter is a matter arising in relation to functions falling to be discharged by -
 - (a) The Leader, Cabinet or a Cabinet committee under Part III of the Local Government Act 2000.
 - (b) a committee or sub-committee of the Council in pursuance of arrangements made under Section 101 of the Local Government Act 1972;
 - (b) a relevant joint committee appointed in pursuance of Section 20 of the Local Government Act 2000.

other than a matter concerning the appointment of or disciplinary action against an officer of the authority, or in relation to which the relevant body has heard representations from any person other than a member or officer of the authority, in a quasi-judicial or other matter where the rules of natural justice are applied.

PART 4 - CONDUCT OF MEETINGS

25. RULING OF PERSON PRESIDING

The ruling of the person presiding at any meeting as to the construction or application of these Procedure Rules shall not be challenged at that meeting.

26. RULES OF DEBATE (APPLICATION TO CABINET, CABINET COMMITTEES, COMMITTEES AND SUB-COMMITTEES)

The rules of debate contained in Procedure Rule 16 shall apply to the meetings of the Cabinet, Cabinet Committees, committees and sub-committees provided that -

- (a) those parts which relate to standing and to speaking more than once shall not apply.

- (b) the extent to which the other rules are observed shall be at the discretion of the person presiding at the meeting.
- (c) when an item consists of consideration of a written report which contains a recommendation, that recommendation shall, unless the chairman determines otherwise, be treated for the purposes of the debate as if it were a motion which had been formally moved and seconded.

27. BUSINESS AFFECTING INDIVIDUAL PERSONS EMPLOYED BY THE COUNCIL

If any item of business involves the consideration of the appointment, promotion, conditions of service, salary, superannuation, conduct or dismissal of any individual person employed by the Council a motion under Section 100A(4) of the Local Government Act 1972 for the exclusion of the public shall be moved forthwith by the person presiding at the meeting concerned and put without debate.

28. DISORDERLY CONDUCT BY MEMBERS

- (1) If, at any meeting, a member of the Council, in the opinion of the person presiding, misconducts him/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the meeting, it shall be competent for a member to move that the member named be not further heard or that the member named shall leave the meeting and the motion if seconded shall be put and determined without discussion.
- (2) If after a motion under the foregoing paragraph has been carried the misconduct or obstruction is continued, and in the opinion of the person presiding renders the due and orderly despatch of business impossible, in addition to any other power vested in him/her, the person presiding may adjourn or suspend the sitting for such period as he/she shall consider expedient.

29. DISTURBANCE BY MEMBERS OF THE PUBLIC

If a member of the public interrupts the proceedings at any meeting the person presiding after warning shall order his/her removal from the room where the meeting is being held. In case of general disturbance in any part of the meeting room open to the public the person presiding shall order that part be cleared.

30. EXCLUSION OF THE 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 Procedure Rule 29 (Disturbance by Members of the Public)

31. VOTING

- (1) Unless the 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.
- (2) If there are an equal number of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.
- (3) Subject to Procedure Rules 32 and 33, voting shall be by show of hands, or if there is no dissent, by the affirmation of the meeting.

32. RECORDING OF VOTES

- (1) Where one quarter of the members present and voting so require, before a vote is taken with respect to a matter falling to be decided at a meeting of the Council, Cabinet, a Cabinet Committee, or a committee or sub-committee or a relevant joint committee or sub-committee of such a committee, the minutes of the proceedings of that committee shall show whether each person cast his/her vote for the question or against the question or whether he/she abstained from voting.
- (2) Where any member of a body mentioned in paragraph (1) above so requires in relation to a vote on any question immediately after a vote is taken the minutes of the proceedings of that meeting shall show whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.
- (3) (a) Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

(b) A "budget decision meeting" means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992.

33. VOTING ON APPOINTMENTS

- (1) Where there are more than two persons nominated for a single appointment and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person; voting papers shall be used if a majority of members present and voting so decide.

- (2) Where there is more than one appointment to be made and the number of nominees exceeds the number of vacancies -
 - (a) each member shall have the same number of votes as there are vacancies.
 - (b) voting shall be by voting papers.
 - (c) the vacancies shall be filled by the nominees who receive the largest number of votes.

PART 5 - MATTERS AFFECTING MEMBERS

34. PROCEEDINGS TO BE CONFIDENTIAL AT MEETINGS WHERE THE PUBLIC ARE NOT AUTHORISED TO BE PRESENT

No member of the Council shall disclose (except to other members of the Council) any matter considered at a meeting where the public have been excluded until the matter shall have been determined by open debate or otherwise.

35. ATTENDANCE OF NON-MEMBERS AT MEETINGS

- (1) The Chairman or Vice-Chairman of the Cabinet may attend and speak but may not vote at a meeting of The Overview and Scrutiny Committee or sub-committee, and any member of the Cabinet who has been allocated a portfolio of interest which relates to matters which come within the province of an overview and scrutiny committee or sub-committee may attend and speak but not vote at such meeting when the meeting is considering a matter to which the portfolio relates.
- (2) The Leader and other Portfolio Holders may attend and speak but not vote at any meeting of the Audit Committee, subject to any ruling on the matter made by the Chairman given with reasons.
- (3) The Chairman and Vice-Chairman of a committee may attend and speak at a meeting of any sub-committee appointed by that committee, but may not vote unless appointed as a voting member.
- (4) With the exception of meetings of the Appeals and Disputes Committee, where the Chairman shall exercise discretion over the attendance of Members (on the basis that no Member is excluded unnecessarily) every Member of the Council shall -
 - (a) be entitled to attend the Cabinet, Cabinet Committee or any committee, sub-committee, working party, panel, etc, meeting as an observer

- (b) be permitted to remain for the exempt and confidential sections of that meeting unless the body resolves otherwise (having first heard the Member's reasons for wishing to remain) and provided that the Member has no personal and prejudicial interest in the matters to be discussed, which under the Code of Conduct would prevent attendance at the meeting.
 - (c) be permitted to speak on a particular item (having given notice prior to the commencement of the meeting to the person presiding).
- (5) The Chairman of the body may invite any person, whether a member of the Council or not, to give evidence or advice in a manner to be determined by the Chairman, on a specific item on the agenda.
- (6) A member of the Council who has moved a motion which has been referred to the Cabinet or to any Committee or Sub-Committee shall have notice of the meeting at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends, shall have an opportunity of explaining the motion.

36. MEMBERS' AGENDA ITEMS

- (a) A member shall be entitled to request that an item be placed on the agenda of a meeting of a committee or sub-committee or of the Cabinet provided that (a) the particulars thereof are given to the Head of Legal and Democratic Services at least 14 working days prior to the date of the meeting (b) no member (other than the person presiding) may give notice of more than one item of business for any one meeting. The Chairman shall determine whether to take the item on the agenda. The agenda for the meeting will give the name of the Councillor who asked for the item to be considered.
- (b) A Member may also request that an item be placed on the agenda of a future meeting when the body concerned considers an item on its future work programme or during a debate on a related item.
- (c) A Member shall have the right to require an item be placed upon the agenda for an overview and scrutiny committee under the "Councillor Call for Action" provisions in paragraph 12 of the Overview and Scrutiny Procedure Rules.

37. INTERESTS OF MEMBERS UNDER THE CODE OF CONDUCT

- (1) If any Member has a
 - (a) disclosable pecuniary interest
 - (b) personal interest or
 - (c) personal and prejudicial interest

in a matter coming before a meeting, this must be declared in accordance with the Code of Conduct before the matter is discussed, or if later, as soon as the Member is aware that the interest is affected by the matter under discussion. The need to make the declaration arises whether or not the interest appears on the Register of Interests Form.

- (2) When a Member has made such a declaration of interest, the Member shall give details of the interest and, if appropriate, explain why he/she is entitled to remain in the room under the Code of Conduct. The Head of Legal and Democratic Services shall record such details and reasons in the minutes.
- (3) If the Code of Conduct requires the Member to leave the room where the meeting is taking place, then the Member shall leave the room in accordance with those provisions. The Head of Legal and Democratic Services shall record such details and reasons in the minutes.
- (4) This Procedure Rule shall apply to any Member actually present in the meeting room while the interest is under consideration, whether as a member of the body or in some other capacity.

38. ALLEGATIONS OF IMPROPER CONDUCT BY OFFICERS

If any member of the Council wishes to make an allegation about the conduct of an officer of the Council, the member shall only do so publicly or at any Committee or other meeting as a last resort having first:

- (a) raised the matter in private with the member of the Corporate Management Team for the Team in which the officer serves or, if the allegation concerns a member of the Corporate Management Team, or if the member is dissatisfied with his/her initial approach to the member of the Corporate Management Team, raised the matter in private with the Chief Executive.
- (b) if still dissatisfied, raised the matter with the Chairman (or in his/her absence the Vice-Chairman) of the Cabinet or appropriate Committee.
