

PART 2 –THE COUNCIL AND DISTRICT COUNCIL MEMBERS

1. Composition

- 1.1 The Council has 54 elected Councillors or Members as they are usually referred to. One or more Members will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

2. Election and Terms of Members

- 2.1 The regular election of all Members will be held on the first Thursday in May every four years. The terms of office of Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

3. Conduct

- 3.1 Members will at all times observe the Members' Code of Conduct (Appendix Q - Members' Code of Conduct) and the Protocol on Member/Officer Relations (Appendix J - Protocol on Councillor and Officer Relations or such other Protocols and procedures as may be adopted by the Council. The Council has a Standards Committee to oversee standards of conduct by District Members as well as having a responsibility to oversee standards of conduct of parish and town councillors.

4. Allowances

- 4.1 Members are entitled to receive allowances and expenses in accordance with the Members' Allowances Scheme (Appendix G - Members' Allowance Scheme).

5. Meanings

Policy Framework

- 5.1 The Policy Framework means the plans and strategies attached at Appendix F - The Council's Policy Framework. In addition to the policies, plans and strategies listed, the District Council will from time to time approve other documents which will guide its deliberations. While not part of the formal budget and policy framework and therefore not subject to the formal constraints on their adoption set out in Council Procedure Rule 30 for example, consideration of changes to these other documents will be subject to the special procedure set out in paragraph 8 of the Budget and Policy Framework Procedure Rules (Appendix B - Budget and Policy Framework Procedure Rules) although the initial adoption of the documents will normally be a matter for full Council.

Budget

- 5.2 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Amendments to Budget and Policy Framework

- 5.3 The process for amending the Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules (Appendix B - Budget and Policy Framework Procedure Rules) of the Constitution.

6. Functions of the Full Council

- 6.1 Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution (see also Part 1 para. 2.4)
- (b) approving, amending or adopting the policy framework, the budget, the Council Tax and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules), making decisions about any matter in the discharge of an Executive Function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the Leader of the Council or removing him/her from office;
- (e) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside organisations unless the appointment relates to an Executive Function;
- (g) adopting an allowances scheme under Part 2 paragraph 4;
- (h) changing the name of the area;
- (i) confirming the appointment and dismissal of the Chief Executive;
- (j) confirming the dismissal of the Monitoring Officer or Section 151 Officer.

- (k) making, amending, revoking, re-enacting or adopting Byelaws and designations and promoting or opposing the making of local legislation or personal Bills; and
- (l) all other matters which, by law, must be reserved to Council.

In addition, the Council will have a key role in representing the views of the local residents of the District on matters of significance to them.

7. Council Meetings

7.1 There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules contained within Part 2 of this Constitution.

8. Chairing The Council

Role and Function of the Chairman of the Council

8.1 The Chairman of the Council will have the following roles and functions (in his/her absence, the Vice-Chairman will have the same roles and functions):

Ceremonial Role

8.2 The Chairman of the Council will carry out the ceremonial duties of the Council attending such civic and ceremonial functions as the Council and/or s/he determines appropriate. In this capacity, s/he will be the "first resident" of the District and will take precedence over others present at any function (except for the Sovereign or representative of the Sovereign).

Chairing The Council Meeting

8.3 The Chairman of the Council will be elected by the Council annually. The Chairman will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary in the light of appropriate advice;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the

interests of the community;

- (c) to ensure that Council meetings are a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet to account; and
- (d) to promote public involvement in the Council's activities.

9. Annual Meeting of the Council

Timing and Business

9.1 In a year when there is an ordinary election of Members, the Annual Meeting of the Council will take place within 21 days of the retirement of the outgoing Members. In any other year, the Annual Meeting will take place in May.

9.2 The annual meeting will:

- Be held in May each municipal year and will begin at 7 p.m.;
- elect a person to preside if the Chairman of the Council is not present;
- elect the Chairman of the Council;
- elect the Vice-Chairman of the Council;
- approve the minutes of the last meeting of the Council;
- receive any announcements from the Chairman and/or Head of the Paid Service;
- at the first annual meeting following whole council elections, elect the Leader to serve a four year term, ending at the first annual meeting after the next whole Council elections;
- at the first annual meeting following whole council elections, note the appointment by the Leader of the Deputy Leader, all other appointments to the Executive or Cabinet made by the Leader and the delegations of executive functions made by the Leader;
- appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate – to deal with matters which are neither reserved to the Council nor are Executive Functions;
- agree the scheme of delegation for non-executive functions or such part of it as the Constitution determines it is for the Council to agree (including the delegations to Committees set out in this Constitution);
- confirm a programme of ordinary meetings of the Council for the year; and
- consider any business set out in the notice convening the meeting.

Selection of Members on Committees and Outside Bodies

9.3 At the annual meeting, the Council will:

- (a) decide which 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) receive nominations of Members to serve on each Committee and outside body;
- (e) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council; and
- (f) appoint the Chairmen and Vice-Chairmen of Committees.

10. Ordinary Meetings

Business

10.1 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 person to preside if the Chairman and Vice-Chairman 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 Chairman of the Council;
- (e) deal with any business from the last Council meeting;
- (f) receive petitions and questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (g) consider any business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the overview and scrutiny function for debate;
- (h) receive reports from other Standing Committees of the Council;

- (i) consider any reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council;
- (j) consider any motions for which notice has been given under Rule 19;
- (k) receive presentations from other organisations, public bodies, etc;
- (l) receive reports from the Leader of the Council and receive questions from Members and answers on any of those reports;
- (m) receive reports from the Chairmen of the Scrutiny Committee and the Audit Committee since the last meeting of the Council. Members may ask questions on any matter contained in the report, of the Chairmen (or in their absence, the Vice-Chairman) of the Committees without notice;
- (n) receive reports from the Portfolio Holders since the last meeting of the Council. Members may ask questions on any matter contained in the report without notice; and
- (o) from time to time, matters of District wide interest will be discussed at meetings of Council.

Order of Business

10.2 The order of business set out in paragraphs (a), (b) and (c) in Rule 10.1 shall not be changed but the order of the remainder of the business may be changed:

- (a) by the Chairman at his/her discretion; or
- (b) by a resolution of the Council.

11. Extraordinary Meetings

Calling Extraordinary Meetings

- 11.1 Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
- (a) the Council by resolution;
 - (b) the Chairman of the Council;
 - (c) the Monitoring Officer; and
 - (d) any five Members if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the

presentation of the requisition.

Business

11.2 Extraordinary meetings will:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present; and
- (b) consider the business for which the meeting was called.

12. Time and Place of Meetings

12.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons.

13. Notice of and Summons to Meetings

13.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules (Appendix A - Access to Information Procedure Rules). At least five clear working days before a Council meeting, a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the Chief Executive, shall be sent to every Member of the Council. He will do this by leaving it at, or sending it by post to, the Member's usual place of residence, or where the Member has specified an address other than the Member's usual place of residence, leaving it at, or sending it by post to, that different address, or where the Member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.

14. Chairman of Meeting

14.1 The person presiding at the meeting may exercise any power or duty of the Chairman of the Council.

14.2 Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

15. Quorum

15.1 The quorum of a meeting will be one quarter of the whole number of Members entitled to attend and vote at the meeting. During any meeting if the Chairman 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 Chairman at the meeting. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting. If there is not a quorum present after 15 minutes from the time shown for the start of the meeting, then no meeting shall take place.

16. Duration of Meetings

16.1 Unless the majority of Members present vote for the meeting to continue, any meeting that extends to 10.30 p.m. will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman at the meeting. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.

17. Questions by Members of the Public

17.1 General - Members of the public may ask questions in writing of members of the Cabinet and Chairmen of the committees at ordinary meetings of the Council.

17.2 Order of Questions - Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

17.3 Notice of Questions - A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than two clear working days before the day of the meeting (i.e. if the Council meeting is on a Tuesday then the deadline for receipt of questions is 5 p.m. the previous Thursday). Each question must give the name and address of the questioner. The Chief Executive will ensure that it is addressed to the appropriate Member. No supplementary questions will be allowed.

17.4 Number of Questions - At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

17.5 Scope of Questions - The Chief Executive may reject a question if it:

- (a) is not about a matter for which the District Council has a responsibility or which affects the District;
- (b) is not from a person resident within the District or an organisation which is a business ratepayer of the District;
- (c) is about a personal matter related only to the individual questioner;
- (d) is defamatory, frivolous or offensive;

- (e) is substantially the same as a question which has been put at a meeting of the Council in the past 12 months; or
 - (f) requires the disclosure of confidential or exempt information.
- 17.6 Record of Questions - The Chief Executive will enter each question in a register open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.
- 17.7 Asking the Question at the Meeting - The Chairman 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, the question will not be put but will be answered in writing by the Chief Executive in consultation with the relevant Member.
- 17.8 Written Answers - Any question which cannot be dealt with during public question time will be dealt with by a written answer.
- 17.9 Reference of Question to the Cabinet or a Committee - Unless the Chairman 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 Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.
- 17.10 Record of Questions and Answers - All questions and a summary of replies shall be published with the minutes of the meeting at which they are submitted.
18. **Petitions by the Public**
- The Council will consider petitions as requested, in accordance with the Council's Petition Scheme (Appendix Y of the Constitution).
19. **Questions by Members of the Council**
- 19.1 On Reports of the Cabinet or Committees - A Member may ask the Leader or Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council. The Leader of the Council may ask a relevant Portfolio Holder to answer such a question.
- 19.2 On Reports by Officers - A Member may ask the Chairman of a Committee or Sub-Committee or the appropriate Officer present at the meeting any question without notice on a report of an Officer/Member when that item is

under consideration by the Committee or Sub-Committee.

19.3 Questions on Notice at full Council - Subject to Rule 19.5, a Member may ask:

- (a) the Chairman;
- (b) the appropriate member of the Cabinet; or
- (c) the Chairman of any Committee a question on any matter in relation to which the Council has powers or duties or which affects the District.

19.4 Questions on Notice at Committees and Sub-Committees - Subject to Rule 19.5, a Member of a Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that Committee.

19.5 Notice of Questions - A Member may only ask a question under Rule 19.3 or 19.4 if either:

- (a) they have given at least three clear working days notice in writing of the question to the Chief Executive (i.e. if the Council meeting is on a Tuesday then the deadline for receipt of questions is 5 p.m. the previous Wednesday); or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Executive by 11 a.m. on the working day before the meeting.

19.6 Response - An answer may take the form of:

a direct oral answer;

where the desired information is in a publication of the Council or other published work, a reference to that publication; or

where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and which is also published with the minutes of the meeting at which the question was asked.

19.7 Supplementary Question - A Member asking a question under Rule 19.3 or 19.4 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 reply.

20. Motions on Notice

- 20.1 Notice - Except for motions which can be moved without notice under Rule 21, written notice of every motion, signed by the Member or Members, must be delivered to the Chief Executive not later than eleven clear working days before the date of the meeting (if the meeting is held on a Tuesday, then the motion should be delivered to the Chief Executive by 5 p.m. on a Friday eleven days before the meeting – this does not take into account public holidays). These will be entered in a register open to public inspection.
- 20.2 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.
- 20.3 Scope - Motions must be about matters for which the Council has responsibility or which affect the District.
- 20.4 Referral to Cabinet, Committee or Sub-Committee - Unless the Chairman at the meeting rules otherwise, if a motion for which notice has been given comes within the province of the Cabinet or any Committee or Sub-Committee, it shall, upon being formally moved and seconded, immediately and without discussion be referred to the Cabinet or appropriate Committee or Sub-Committee.
- 20.5 Rejection of Motion - If the Chief Executive considers that any motion for which notice has been given is illegal, irregular or improper, he shall immediately advise the appropriate Chairman and the notice shall not be accepted unless on the specific direction of the Chairman. If the notice is not accepted, the Chief Executive shall inform the Members who gave the notice, of the rejection and the reasons for it.
- 20.6 Limitation - Any Motion on Notice proposed for a meeting where the budget is to be considered, or Extraordinary Council, or Annual Council, shall be rejected. Any Motion on Notice proposed by a Member who has already proposed a Motion on Notice for the same meeting, or who is in the same political group as the mover of a Motion on Notice which has been accepted, shall be rejected. Only one hour shall be allocated for debate of Motions on Notice. Once an hour has passed, if discussion of a Motion on Notice is ongoing, the Chairman must immediately follow the procedure set out in rule 22.11, as if it had been resolved that the question now be put. Any amendment under debate at the time shall fall. Any Motion on Notice not yet under discussion after one hour shall not be considered, as if it were not on the agenda.

21. Motions Without Notice

21.1 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 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 amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to extend the closure time of the meeting in accordance with Rule 16;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules (Appendix A - Access to Information Procedure Rules);
- (p) to not hear further a Member named under Rule 28.3 or to exclude them from the meeting under Rule 28.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

22. Rules of Debate

22.1 No Speeches until Motion Seconded - Except in a case when a motion is moved by the Chairman at any meeting, no speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

22.2 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.

22.3 Seconders' Speech - When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

22.4 Content and Length of Speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- (b) Subject to paragraph (c) below, except for the mover of a motion to accept the recommendation from the Cabinet or from a Committee who may speak for no longer than 8 minutes, no speech may exceed 5 minutes.
- (c) The time limits in paragraph (b) above may be extended by resolution of the Council but such extension shall be limited in any one case to a period of not more than 5 minutes.

22.5 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; and
- (f) by way of personal explanation.

22.6 Amendments to Motions

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.

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.

If an amendment is not carried, other amendments to the original motion may be moved.

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.

After an amendment has been carried, the Chairman (or at his/her request, an Officer present at the meeting) will read out the amended motion before accepting any further amendments, or if there are none or no further discussion on the amended motion, put it to the vote.

22.7 Alteration of Motion

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.

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.

Only alterations which could be made as an amendment may be made.

22.8 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.

22.9 Right of Reply

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.

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.

The mover of the amendment has a right of reply to the debate on his or her amendment immediately before the mover of the original motion.

22.10 Motions which may be Moved during Debate - When a motion is under debate, no other motion may be moved except the following procedural motions:

to withdraw a motion;

to amend a motion;

to proceed to the next business;

that the question be now put;

to adjourn a debate;

to adjourn a meeting;

that the meeting be extended under Rule 16;

to exclude the public and press in accordance with the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules);

to extend the time limits for the length of speeches under Rule 22.4; and

to not hear further a Member named under Rule 28.3 or to exclude them from the meeting under Rule 28.4.

22.11 Closure Motions

A Member, other than the proposer or seconder of the motion under debate or a Member who has already spoken during the debate 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) that the amendment be put;

(iv) to adjourn a debate; or

(v) to adjourn a meeting.

If a motion to proceed to next business is seconded and the Chairman 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. If the procedural motion is carried, no further discussion or voting will be possible on the item.

If a motion that the question be now put is seconded and the Chairman 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.

If a motion that the amendment be now put is seconded and the Chairman thinks the amendment 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 amendment a right of reply and then the mover of the original motion a right of reply before putting the amendment to the vote.

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.

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

22.13 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 Chairman on the admissibility of a personal explanation will be final.

23. Previous Decisions and Motions

23.1 Motion to Rescind a Previous Decision - Except as provided in Rule 23.3, a motion or amendment to rescind, in whole or in part, 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 14 Members.

23.2 Motion Similar to One Previously Rejected - Except as provided in Rule 23.3, 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 14 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

23.3 Recommendations from Cabinet or Committees, etc. - Rules 23.1 and 23.2

shall not apply in the case of any recommendation from the Cabinet, a Committee or an Officer.

24. Voting

- 24.1 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.
- 24.2 Chairman's Casting Vote - If there are equal numbers 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.
- 24.3 Show of Hands - Unless a recorded vote is demanded under Rule 24.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- 24.4 Recorded Vote - If five Members present at the meeting demand it by rising in their places before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes, or when full Council votes on budget decisions as set out in Rule 31.
- 24.5 Right to Require Individual Vote to be Recorded - Where any Members 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.
- 24.6 Voting on Appointments - If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

25. Minutes

- 25.1 Signing the Minutes - The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman 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.
- 25.2 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.

26. Record of Attendance

26.1 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.

27. Exclusion of the Public

27.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules) or Rule 29.

28. Members' Conduct

28.1 Standing to Speak - When a Member speaks at full Council they must stand and address the meeting through the Chairman. If more than one Member stands, the Chairman 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.

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

28.3 Member not to be Heard Further - If a Member persistently disregards the ruling of the Chairman 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.

28.4 Member to Leave the Meeting - If the Member continues to behave improperly after such a motion is carried, the Chairman 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.

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

29. Disturbance by Public

29.1 Removal of Member of the Public - If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

29.2 Clearance of Part of Meeting Room - If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that

part to be cleared.

29.A Photography and Recording of Meetings

29.A.1 The Council will provide reasonable facilities to facilitate the audio/visual reporting of meetings. The public is welcome to record, by any means, meetings of the Council and its Committees using suitable non-disruptive methods. Oral reporting or commentary at the meeting is prohibited. More information is contained within the Protocol entitled 'Reporting Meetings' as set out at Appendix Z.

29.A.2 Disruption by the Public - the Chairman of the meeting has the discretion to halt any recording if the recording causes disruption to the meeting – for more information see Appendix Z.

30. Consideration of Plans and Strategies

(a) Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objection to it, the Council must, before:

- (i) amending the draft plan or strategy;
- (ii) approving the draft plan or strategy for the purpose of submitting it to the Secretary of State or appropriate Minister of the Crown for approval when required; or
- (iii) adopting the draft plan or strategy, with or without modifications,

inform the Leader of the Council of any objections which it has to the draft plan or strategy and must give to the Leader of the Council instructions for the Cabinet to reconsider, in the light of those objections, the draft plan or strategy.

(b) Where the Council gives an instruction to the Leader of the Council in accordance with paragraph (a) of this Rule, it must specify a period of at least five clear working days, beginning with the day after the date on which the Leader of the Council receives those instructions, within which the Leader of the Council may:

- (i) submit to the Council for consideration a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft") with the Cabinet's reasons for any amendments made to the draft plan or strategy; or

- (ii) inform the Council of any disagreement which the Cabinet has with any of the Council's objections and the Cabinet's reasons for such disagreement.
- (c) After the period referred to in paragraph (b) of this Rule has expired, the Council must, when:
 - (i) amending the draft plan or strategy or, if there is one, the revised draft;
 - (ii) approving the draft plan or strategy or the revised draft for the purpose of submitting it to the Secretary of State or appropriate Minister of the Crown for approval when required; or
 - (iii) adopting the plan or strategy with or without modification,take into account any amendments included within the revised draft, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections, together with the Cabinet's reasons for such disagreement, which the Leader of the Council has notified to the Council.

31. Consideration of Draft Budgets

- (a) Subject to paragraph (d) below, where before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:
 - (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
 - (ii) estimates of such other amounts to be used for the purposes of such a calculation;
 - (iii) estimates of such a calculation; or
 - (iv) amounts to be required to be stated in a precept under Chapter IV of part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, the Council must, before it makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in sub-paragraph (i) of this Rule, or issues a precept under Chapter IV of part 1 of the Local Government Finance Act 1992, inform the Leader of the Council of any objections

which it has to the cabinet's estimates of amounts and must give to the Leader of the Council instructions for the Cabinet to reconsider, in the light of those objections, the estimates and amounts in accordance with the Council's requirements.

- (b) Where the Council gives an instruction to the Leader of the Council in accordance with paragraph (a) of this Rule, it must specify a period of at least five clear working days, beginning with the day after the date on which the Leader of the Council receives those instructions, within which the Leader of the Council may:
 - (i) submit to the Council for consideration a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts") which have been reconsidered in accordance with the Council's instructions with the Cabinet's reasons for any amendments made to the estimates or amounts; or
 - (ii) inform the Council of any disagreement which the Cabinet has with any of the Council's objections and the Cabinet's reasons for such disagreement.
- (c) After the period referred to in paragraph (b) of this Rule has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with any of the sections referred to in subparagraph (i) of this Rule, or issuing a precept under Chapter IV of part 1 of the Local Government Finance Act 1992, take into account any amendments to the estimates or amounts that are included within any revised estimates of amounts, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections, together with the Cabinet's reasons for such disagreement, which the Leader of the Council has notified to the Council.
- (d) Paragraphs (a) to (c) of this Rule shall not apply to:
 - (i) calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
 - (ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act.
- (e) Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of

that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

- (f) In paragraph (e) of this Rule
- (a) “budget decision” means a meeting of the Council at which it—
- (i) 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; or
- (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
- (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

NOTE: In Rules 30 and 31 above, “objection” shall not be taken to include an amendment which is accepted by the Leader or the Council (or in the absence of the Leader of the Council, the Deputy Leader) at the meeting of the Council where it is proposed.

32. Suspension and Amendments of Council Procedure Rules

32.1 Suspension - All of these Council Rules of Procedure except Rule 24.5 and 25.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members are present. Suspension can only be for the duration of the meeting.

32.2 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.

33. Application to Cabinet, Committees and Sub-Committee

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 12-16 and 23-28 apply to meetings of the Cabinet. Only Rules 12-16, 19-29 (but not Rule 28.1) apply to meetings of Committees.

NOTE: For the avoidance of doubt where these rules refer to a Committee, this shall also be taken to mean any Sub-Committee, Board or other body within the meaning of section 102 of the Local Government Act 1972.

34. Right to Attend Meetings

- 34.1 Subject to paragraphs 34.2 and 34.3 below, any Member of the Council may attend any meeting of the Cabinet, a Committee, sub-Committee or Working Group.
- 34.2 The Chairman may invite any Member of the Council who is not a member of that body to speak on any particular matter (but not to move or second a motion or vote on it). The Chairman shall extend such an invitation to a Member who has moved a motion which has been referred to that body.
- 34.3 If the Cabinet or a Committee resolves pursuant to section 100 of the Local Government Act 1972 (as amended) to exclude the press and public from part of a meeting, any Member who is not a member of that body may remain in the meeting because of their general "right to know", otherwise they shall leave the meeting unless invited to remain by the Chairman.