



Dear Councillor

CORPORATE GOVERNANCE COMMITTEE - WEDNESDAY, 26 NOVEMBER 2025

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

- 3. CHANGES TO THE CONSTITUTION**(Pages 3 - 52)
To receive a report to amend the Council's Constitution to update the Council Procedure Rules and to establish a mechanism for any Councillor to act as a substitute on a Council body.

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Changes to the Constitution – Council Procedure Rules and Substitutes Policy
Meeting/Date:	Corporate Governance Committee – 26th November 2025 Council – 17th December 2025
Executive Portfolio:	Councillor J Harvey, Executive Councillor for Governance and Democratic Services
Report by:	Elections and Democratic Services Manager
Ward(s) affected:	All

Executive Summary:

The Council has appointed a Working Group to review the Constitution. The Constitution Review Working Group comprises Councillors M Burke, J Gray, J Harvey (Chair), P Hodgson-Jones, R Martin, D Mickelburgh, T Sanderson and S Wakeford. The Working Group has met on seven occasions and can now report on two aspects of the Constitution. These are the Council Procedure Rules and a Substitutes Policy. They are submitted for endorsement and for submission to the Council for approval.

Recommendations:

The Committee is

RECOMMENDED

- (a) to endorse the revised Council Procedure Rules as set out in Appendix 1 to the report now submitted;
- (b) to recommend to Council the approval of the replacement of the Council Procedure Rules in the Council's Constitution;
- (c) to endorse new the Substitutes Policy as set out in Appendix 3 to the report now submitted; and
- (d) to recommend to Council the approval of the Substitutes Policy for insertion into the Council's Constitution.

The Council is

RECOMMENDED

to approve the revised Council Procedure Rules and the Substitutes Policy for insertion into the Council's Constitution.

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to amend the Council's Constitution to update the Council Procedure Rules and to establish a mechanism for any Councillor to act as a substitute on a Council body.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The last full review of the Constitution took place in 2015. In line with recommendations arising from the Peer Review, the Council has appointed a Working Group to review the Constitution. The Constitution Review Working Group comprises Councillors M Burke, J Gray, J Harvey (Chair), P Hodgson-Jones, R Martin, D Mickelburgh, T Sanderson and S Wakeford.

- 2.2 Assisted by legally qualified representatives of the Association of Democratic Services Officers (ADSO), the following objectives were established:

- To include an index and definitions, together with a glossary explaining technical terms;
- Update the document of his/her references;
- Address various detailed aspects identified the ADSO representatives;
- Changes required on questions without notice with a supplementary question and questions on notice;
- Amend the scope of Notices of Motion;
- Clarify the definition and deadline for receipt of urgent questions;
- To include provision relating to amendments proposed to the budget;
- Introduction of a mechanism for councillors to act as substitutes on Council bodies;
- To update the Officer Scheme of Delegation; and

- 2.3 The Working Group has met on seven occasions and can now report on two aspects of the Constitution. These are the Council Procedure Rules and a Substitutes Policy. They are submitted for endorsement and for submission to the Council for approval.

3. ANALYSIS

- 3.1 The main change to the Council Procedure Rules is to extend the scope of questions to include any matter which affects the residents of the District. This is consistent with the rules for the presentation of Motions. The Chair has discretion to manage responses if necessary. The general approach has been to regularise what already takes place at Council

meetings. For this purpose, an extensive review has taken place of the order and cross-referencing of the Procedure Rules.

- 3.2 Regarding the Substitutes Policy, the Working Group is of the view that it is required to ensure there is significant and comprehensive attendance by Members at all Committee and Sub-Committee meetings and to ensure meetings are quorate.

4. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 4.1 Subject to Full Council approving the proposed changes to the Constitution, the text contained in the Appendices will be incorporated into the Constitution. The new Council Procedure Rules and the Substitutes Policy will be effective immediately after approval by Council.

5. LEGAL IMPLICATIONS

- 5.1 It is essential for councils regularly to review and update their constitution to ensure they remain compliant with the law and or changes to Council policy and procedure. As set out above, the review has had the benefit of legally qualified experts in local government procedures advising Members.
- 5.2 The Council's Constitution provides the framework from which it conducts business. It describes who is responsible for making decisions and how decisions are made.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 It is generally accepted that council constitutions should be regularly reviewed. The Council has commenced a review of its Constitution and the outcome of the first phase of this work has been completed. The recommended changes will ensure that the Constitution reflects changes in the law and provides a strong framework of rules through which the Council acts.

7. LIST OF APPENDICES INCLUDED

Appendix 1 – Council Procedure Rules
Appendix 2 – Council Procedure Rules (Tracked Changes)
Appendix 2 – Substitutes Policy

8. BACKGROUND PAPERS

HDC Constitution

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**COUNCIL PROCEDURE RULES
(STANDING ORDERS)**

1. SCOPE

- 1.1 These rules apply to meetings of the Council

2. ANNUAL MEETING OF THE COUNCIL

Timing and Business

- 2.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year the Annual Council will take place in March April or May and normally will be held on the third Wednesday in May of each year commencing at 6.00 pm.

- 2.2 The annual meeting will:-

- (i) elect a person to preside if the Chair of the Council is not present;
- (ii) elect the Chair of the Council;
- (iii) appoint the Vice-Chair of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chair and/or Head of Paid Service;
- (vi) elect the Executive Leader;
- (vii) receive any declaration of interests from Members
- (viii) appoint members to Overview and Scrutiny Panels, the Licensing 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 (as set out in Part 3 of this Constitution) and to alter their membership at any ordinary meeting;
- (ix) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (x) approve a programme of ordinary meetings of the Council for the year; and
- (xi) consider any business set out in the notice convening the meeting

in the order in which it appears in the Council summons, but that order may be varied at the discretion of the Chair or by resolution of the Council.

Selection of Councillors on Committees and Panels

23 At the annual meeting, the Council will:-

- (i) decide which committees and panels in addition to the statutory Licensing Committee should be established for the ensuing municipal year;
- (ii) decide the size and terms of reference for those committees/panels with the exception of the Licensing Committee;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee and panel; and
- (v) appoint to those committees and panels annually.
- (vi) To receive nominations and appoint Councillors to serve as representatives on outside bodies for non-executive functions; and
- (vii) To appoint to those outside bodies except to the extent that the appointment has been delegated by the Council.

3. ORDINARY MEETINGS OF THE COUNCIL

3.1 Ordinary meetings of the Council will take place in accordance with the annual programme of meetings. Ordinary meetings will:-

- (i) elect a person to preside if the Chair or Vice-Chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chair or Head of Paid Service;
- (v) receive any petitions in accordance with the Council's petition scheme;
- (vi) receive any questions from, and provide answers to the public;
- (vii) receive any written questions from Councillors in accordance with 9.3
- (viii) receive any oral questions from Councillors in accordance with 9.9
- (ix) receive reports from the Executive Leader, Deputy Executive Leader or other member of the Cabinet and Chair of the Overview and Scrutiny Panels, committees and other panels, receive

questions and answers on any of those reports and consider any recommendations contained therein.

- (x) consider motions;
- (xi) consider any other business specified in the summons to the meeting in the order in which it appears in the Council summons; but that order may be varied at the discretion of the Council or by resolution of the Council including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Panels for debate.

4. EXTRAORDINARY MEETINGS

Calling Extraordinary Meetings

4.1 Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:-

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

Business

4.2 The summons to an extraordinary meeting of the Council shall set out the item of business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.

5. TIME AND PLACE OF MEETINGS

5.1 The time and place of meetings will be determined by the Head of Paid Service and notified in the summons. Meetings of the Council normally shall be convened for 7 pm. In special circumstances, the Head of Paid Service (after consultation with the Chair) may fix some other hour of commencement of any meeting of the Council.

6. NOTICE OF AND SUMMONS TO MEETING

6.1 The Head of Paid Service 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 days before a meeting, the Head of Paid Service will send a summons signed by him or her by post (or electronically if requested) to every member of the Council or leave it at their usual residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as

are available.

7. CHAIR OF MEETING

- 7.1 The person presiding at the meeting may exercise any power or duty of the Chair. Whenever the Chair rises during debate a member then standing shall resume his seat and the Council shall be silent. Where these Rules apply to panel and committee meetings, references to the Chair also include the Chair of such panel and committee.

8. QUORUM

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

9. QUESTIONS BY MEMBERS

Oral Questions on items considered by the Cabinet, Committee or Panel

- 9.1 A member of the Council may ask the Executive Leader, a member of the Cabinet with portfolio responsibility, or the Chair of a Committee or Panel any question, without notice, upon any item listed in the report referred to in 3.1 (ix) detailing outcomes from the Cabinet, committees and panels.

Oral Questions on Recommendations of the Cabinet, Committee or Panel or Other Reports to the Council

- 9.2 Before a recommendation of the Cabinet, Committee or Panel or a report that is otherwise included on the agenda is open for consideration by the Council, a Member of the Council may ask a question, without notice, on the recommendation or report to:-
- (i) the Executive Leader, a member of the Cabinet with portfolio responsibility, or the Chair of a Committee or Panel, as appropriate; and/or
 - (ii) the author of the report in the case of a report that is otherwise included on the agenda for the meeting.

Written Questions

- 9.3 Subject to Rule 9.4 a member of the Council may ask the Chair, the Executive Leader, a member of the Cabinet with executive responsibility or the Chair of any Committee or Panel a question, in writing, on any matter in relation to which the Council has powers or duties or which affects the District or its residents.

Notice of Questions

- 94 A member may only ask a question under Rule 9.3 if, either -
- (a) They have submitted their question in writing to the office of the Monitoring Officer not later than 12 noon on the 8th clear working day before the date of the meeting; or
 - (b) Where a question relates to a matter of urgency, a member must have the agreement of the Chair of the Council and the member to whom the question is to be put that they are prepared to accept the question as a matter of urgency. The content of the question must be given in writing to the office of the Monitoring Officer at least one hour before the scheduled start of the meeting.
 - (c) A matter of urgency will be an item that not could appear on the agenda and cannot reasonably be deferred until the next meeting of the Council.

Response to Questions

Written Questions

- 95 A response to a written question shall take the form of a written reply by the member concerned which shall be made available to members of the Council and to the public prior to the start of the meeting.
- 96 Where an urgent question has been submitted under Rule 9.4(b), a written response will be made available to members of Council and to the public as soon as practicable.
- 97 Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information.

Supplementary Questions

- 98 A member asking a question under Rule 9.3 may ask one supplementary question without notice of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute's duration. An oral response will be limited to two minutes.

Oral Questions

- 99 At each ordinary meeting of the Council (excluding the annual meeting or any special meeting convened to consider a specific issue), there shall be a period for oral questions. A member of the Council may ask the Executive Leader or a member of the Cabinet with portfolio responsibility any question, without notice, on any matter relevant to the Council's powers and duties which relate to their individual portfolio responsibilities. The conduct of oral question time shall be regulated by the Chair of the Council.

All questions:

- must be relevant to matters for which the Council has powers or duties which relate to the Executive Leader's or Cabinet members individual portfolio responsibility
- must not relate to an item which is included elsewhere on the Council agenda since they can be raised at that point in the meeting;
- should be limited to obtaining information or pressing for action
- must not exceed two minutes in duration

Questions should not –

- be incapable of being adequately answered in two minutes;
- contain offensive expressions;
- divulge, or require to be divulged, confidential or exempt information.

a. Any facts on which a question is based should be identified briefly when the question is asked. A member who asks a question may be asked to verify the authenticity of any factual statement.

b. Where a member considers that the subject matter demands a comprehensive detailed answer, the question should be submitted to Monitoring Officer by noon at least 8 clear days in advance of the meeting.

Response

10. An answer to an oral question may take the form of:

- (a) a direct oral answer of up to a maximum of two minutes duration;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and made available to all members of the Council and the public.

11. QUESTIONS BY MEMBERS OF THE PUBLIC

11.1 Any person who lives, works or owns property in the District shall be able to ask a question at ordinary meetings of the Council using the same criteria as set out in Rules 9.3 but notice of the question **MUST** be submitted to the office of the Monitoring Officer five days prior to the meeting. Questions by members of the public will be dealt with in accordance with the guidelines published on the Council's website.

12. NOTICES OF MOTION

Notice

12.1 Except for motions which can be moved without notice under Rule 12,

written notice of every motion, shall be given in writing, signed by the member giving the notice and delivered not later than noon on the 8th clear working day (i.e. excluding Saturdays, Sundays and Bank Holidays) before the meeting at which it is to be considered, to the office of the Monitoring Officer by whom it should be dated, numbered in the order in which it is received and entered into a book which shall be open for inspection by every member of the Council. The submission of a written notice of motion via e-mail addressed to the Monitoring Officer will be acceptable.

Motions set out in agenda

- 122 The Head of Paid Service 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 notice intimated in writing when giving it, that he proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

Scope

- 123 Every Motion shall be relevant to matters for which the Council has a responsibility or which affects the District or its residents however shall only be submitted in circumstances when the subject matter is not referred to elsewhere at the meeting in a report from the Cabinet, Overview and Scrutiny Panel, Committee or Panel etc.

Failure to Move

- 124 If a motion set out in the summons is not moved either by the member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

125 Reference to Cabinet, Committee or Panel

- (i) Subject to paragraph 11.5 (iii) post, if a Motion is within the terms of reference of the Cabinet, an Overview and Scrutiny Panel, a committee or panel, it shall, upon being moved and seconded, stand referred without discussion to the Cabinet, Overview and Scrutiny Panel, committee or panel as the Council may determine, provided that such Cabinet, Overview and Scrutiny Panel, committee or panel shall report on the matter with recommendations to an ensuing meeting of the Council.
- (ii) This Rule shall have precedence over Rule 13.5.
- (iii) The Chair may, if they consider it convenient and conducive to the despatch of business, allow the Motion to be dealt with at the meeting at which it is brought forward.

13. MOTIONS WITHOUT NOTICE

- 13.1 The following motions may be moved without notice:-

- (a) to appoint a Chair of the meeting at which the motion is moved;

- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or panel or member arising from an item on the summons for the meeting;
- (f) to receive, defer or refer back reports or adoption of recommendations of the Cabinet, Overview and Scrutiny Panels, committees, panels or officers and any subsequent motions and amendments arising therefrom;
- (g) to grant leave to withdraw a motion;
- (h) to amend a motion; (the text of the proposed amendment to be forwarded to the Head of Paid Service, or in her absence, the Monitoring Officer prior to the commencement of the meeting of the Council and a copy circulated to the meeting to ease understanding of the proposed text);
- (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 suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4;
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) to invite a member to remain;
- (r) to record a vote in accordance with Rule 16.4 or 16.5;
- (s) in connection with voting on appointments in accordance with Rule 16.7; and
- (t) to extend the time limit for speeches.

14. RULES OF DEBATE

Standing to Speak

- 14.1 When a member speaks at full Council they must stand and address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the other must sit. Other members must remain seated whilst another member is speaking unless they wish to make a point of order or a point of personal explanation.

Chair Standing

- 14.2 When the Chair stands during a debate any members speaking at the time must stop and sit down. The meeting must be silent.

Right to Require Motion in Writing

- 14.3 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.
- 14.4 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Seconder's Speech

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

Content and Length of Speeches

- 14.6 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes in length without the consent of the Chair given by reason of the exceptional importance of the subject it shall be within the discretion of the Chair to permit up to a further 5 minutes. This rule shall not apply to the member of the Cabinet with executive responsibility in presenting the annual budget statement and statutory and non-statutory plans to the Council and the Chair has discretion to disapply this rule to the leaders of the opposition groups in their response to the annual budget statement and statutory and non-statutory plans.

When a Member May Speak Again

- 14.7 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.

14.8 **Amendments to Motions**

- (a) An amendment to a motion must be relevant to a motion and will either be:-
 - (i) to refer a subject of debate to the Cabinet, Overview and Scrutiny Panel, committee or panel 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 such omission, insertion or addition of words does not have the effect of negating the motion before the Council.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) If an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there is none, put it to the vote except in the case of such an amendment as is referred to in 13.7(a)(i) when no further amendment may be moved.

14.9 **Alteration of Motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

Withdrawal of Motion

- 14.10 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.

14.11 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) A member exercising a right of reply shall not introduce new matters.

Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

14.13 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:-
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.

- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion the right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair 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.
- (e) If a motion to adjourn the meeting is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover to any motion under discussion his/her right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.

Point of Order

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

Personal Explanation

- 14.15 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 a member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

15. ANNUAL STATE OF THE DISTRICT ADDRESS

Procedure

- 15.1 The Chair will invite the Executive Leader to address the Council at its summer meeting on the State of the District.

Response

- 15.2 The Chair will invite the Leader(s) of the Opposition to respond to the

address.

Discussion

- 15.3 The ensuing discussion in which a Member may speak once and to which only paragraphs 13.5, 13.13 and 13.14 of the Rules of Debate will apply will be chaired by the Chair.

16. PREVIOUS DECISIONS AND MOTIONS

Motion to Rescind a Previous Decision

- 16.1 A motion or amendment to rescind a decision made at a meeting of the Council within the previous six months cannot be moved unless a notice of motion is signed by at least 7 members of the Council.

Motion Similar to One Previously Rejected

- 16.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the previous 6 months cannot be moved within a further period of 6 months.

17. VOTING

Majority

- 17.1 All matters will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Chair's Casting Vote

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

Show of Hands

- 17.3 Unless a recorded vote is demanded by legislation or under Rule 16.4 the Chair will take the vote by a show of hands, or if there is no dissent by the affirmation of the meeting.

Recorded Vote

- 17.4 If at least five members present demand it and before a vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down and entered into the minutes.

Recorded Vote at Council Budget Decision Meetings

- 17.5 Recorded votes must be taken at the Budget meeting(s) each year, when voting on any motion or amendment which:
- 17.6 Makes a calculation (whether originally or by way of substitution) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49,

- 17.7 52ZF, 52ZJ of the Local Government Finance Act 1992 or ;
Issues a precept under Chapter 4 of Part 1 of that Act

Right to Require Individual Vote to be Recorded

- 17.8 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on Appointments

- 17.9 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.

18. PETITIONS

Definition

- 18.1 For the purposes of these procedural Standing Orders a petition shall be defined as a document embodying a formal written request for some form of action or the consideration of some matter by the Council. The submission of a petition is seen by many as lending weight to a particular viewpoint and demonstrating that the view is shared by others. Both written and electronic petitions will qualify under this scheme. Petitions made under any specific enactment such as that calling for a referendum on the form of executive of the Council, will not be dealt with under this procedure.

Scope

- 18.2 Every petition shall be relevant to some matter of major significance in relation to which the Council has powers or duties or which is of more general concern affecting the District, its Council Tax or NNDR payers or concerns a matter on the agenda for the Council meeting to which the petition is to be submitted.

Eligibility

- 18.3 The District Council will not accept petitions which are vexatious, abusive or otherwise inappropriate or which relate to a specific or identifiable person or otherwise are considered to be an abuse of its powers, responsibilities or obligations. Petitions shall not be admissible where petitioners are representing personal or prejudicial issues, matters associated with political parties or organisations, where the matter involves a right of appeal to the courts, a tribunal or to a Government Minister or which in the opinion of the Monitoring Officer is of a quasi-judicial nature. The interpretation of the above criteria by the Monitoring Officer is final. Additionally, the following matters will be excluded from the scheme:-

- (a) any matter relating to a planning decision;

(b) any matter relating to a licensing decision; or

(c) any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

- 18.4 Petitions may be co-ordinated by individuals or by local organisations. If considered to be eligible, a petition will be referred to the first appropriate meeting after its submission.

Form

- 18.5 The petition shall clearly state the purpose for which it is submitted and shall be addressed to the District Council.

- 18.6 A written petition shall contain the name, address and signature of each person who signed it. The name and address shall be in legible format. An on-line petition shall contain the name and address of each person who is party to it and shall remain open for signature on the Council's website for a maximum period of 90 days. A petition shall indicate which one of the signatories is to present the petition. If the petition organiser, or his/her nominee, indicates that they are unable to present the petition at the relevant meeting, the petition will still be considered. The petition shall be sent to the office of the Monitoring Officer who will place it upon the agenda for the next Council meeting provided that the requirements are satisfied.

- 18.7 A maximum of three petitions will be presented at any meeting.

- 18.8 A petition shall not be presented to a meeting of the Council unless it is delivered to the office of the Monitoring Officer no later than noon on the tenth clear working day before the meeting at which it is to be considered. The petition shall be acknowledged in writing by or on behalf of the Monitoring Officer within ten clear working days of receipt of the petition. Online petitions will automatically be submitted to the Council for acknowledgement once the petition has been closed for signature.

- 18.9 No petition may be considered by the Council which effectively duplicates a previous petition submitted to the Council in the preceding six months.

Procedure

- 18.10 Any resident who lives, works or studies (including those under 18) or who owns or occupies commercial premises in the District may present a petition to a meeting of the Council provided that it bears at least 50 signatures of people who either live or whose place of work or study is located in the District and satisfies the conditions of paragraphs 17.2 and 17.3 above.

- 18.11 Petitions which are considered at a meeting of the Council shall be presented at the conclusion of the receipt of any announcements by the Chair. A summary of the wording of the petition shall be incorporated on the Agenda for the meeting. If the petition relates to an item on the Agenda

for a Full Council meeting, the presentation will be made at the beginning of that item.

- 18.12 On being called by the Chair, the person(s) presenting the petition may speak for a total of no more than five minutes in support of the petition. District Councillors may question the person(s) presenting the petition for a period of up to five minutes thereafter. The period for questions may be extended at the discretion of the Chair.
- 18.13 Other than to respond to questions asked by District Councillors, petitioners shall not participate in debate nor discussion of the item to which their petition relates.
- 18.14 Petitions shall be presented to Council in the order in which they have been received.

Petitions which are not the responsibility of the Council

- 18.15 Petitions concerning a matter that the Council does not have direct control over, which relates to the functions of another local authority or concerning a matter delivered in partnership with any of the Council's partner organisations will be submitted to the Monitoring Officer who shall determine what steps the Council should take. The Monitoring Officer's decision on the matter is final. The Petition Organiser will be notified of any actions that have been taken.

19. MINUTES

Signing the Minutes

- 19.1 The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

- 19.2 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 purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of minutes.

Form of Minutes

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

20. RECORD OF ATTENDANCE

- 20.1 All members present during the whole part of the meeting must sign their

names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

21. EXCLUSION OF THE PUBLIC

- 21.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by the Public).

22. PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS

- 22.1 The Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and microblogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. These arrangements will operate in accordance with 'Filming, Photography and Recording at Council Meetings' guidelines published on the Council's website.

23. DISORDERLY CONDUCT

General Disturbance

- 23.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.
- 23.2 A member shall comply with the adopted Members' Code of Conduct reproduced in Part 5 of the Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest.

Member not to be heard further

- 23.3 If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the Meeting

- 23.4 If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

24. DISTURBANCE BY THE PUBLIC

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

Removal of Member of the Public

- 24.2 If a member of the public interrupt's proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Clearance of Part of Meeting Room

- 24.3 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

Suspension

- 25.1 All of these Council Rules of Procedure except Rule 16.6 and 18.2 may be suspended by motion on notice or without notice if at least two thirds of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

Amendment

- 25.2 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.

26. APPOINTMENT OF SUB-COMMITTEES, SUB-GROUPS AND ADVISORY GROUPS

- (a) The Council, Cabinet and any committee or panel may appoint such sub-committees or sub-groups as they may consider necessary from time to time and shall specify the purpose and terms of reference of such sub-committee or sub-group;
- (b) The Council, Cabinet and any committee or panel may appoint such advisory groups as they may consider necessary from time to time and shall specify the purpose, duration and terms of reference of such advisory group, except that such advisory group shall be of a deliberative nature only and shall report back with or without recommendations to the body that appointed them;

- (c) The appointment of members to any sub-committee, sub-group or advisory group, shall be in accordance with legislative or regulatory requirements for the representation of political groups and shall have regard in particular to (b) above.

27. DEVELOPMENT MANAGEMENT APPLICATIONS

(a) Public Speaking at Council

In those circumstances where a planning application is to be determined by full Council, the Council's Chief Planning Officer, Head of Development or Planning Service Manager (Development Management) or his representative and other relevant Officers shall be permitted to present reports to the Council and the public speaking process adopted by the Development Management Committee be applied;

(b) Consideration of Departures from the Development Plan

Planning applications for the following types of development should be referred to the Secretary of State if the Development Management Committee is minded to approve them under the Town and Country Planning (Consultation) (England) Direction 2009 unless the application in question is considered by the Chief Planning Officer, Head of Development and Monitoring Officer to be so 'significant' that it should remain the decision of the Council to refer the application to the Secretary of State. The Development Plan shall, on the recommendation of the Development Management Committee, be considered by the Council having regard to advice received from the Chief Planning Officer, Head of Development and Corporate Director (Delivery) and guidelines on the Council's website.

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Appendix 2

COUNCIL PROCEDURE RULES (STANDING ORDERS)

1. SCOPE

- 1.1 These rules apply to meetings of the Council

2. ANNUAL MEETING OF THE COUNCIL

Timing and Business

- 2.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year the Annual Council will take place in March April or May and normally will be held on the third Wednesday in May of each year commencing at 6.00 pm.

- 2.2 The annual meeting will:-

- (i) elect a person to preside if the Chair of the Council is not present;
- (i) elect the Chair of the Council;
- (ii) appoint the Vice-Chair of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chair and/or Head of Paid Service;

- (vi) elect the Executive Leader;

- ~~(vi)~~ receive any declaration of interests from Members

- ~~(vi)~~ appoint members to Overview and Scrutiny Panels, the Licensing 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 (as set out in Part 3 of this Constitution) and to alter their membership at any ordinary meeting;

- ~~(ix)~~ agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution); and

- ~~(ix)~~ approve a programme of ordinary meetings of the Council for the year; and

- ~~(ix)~~ consider any business set out in the notice convening the meeting in the order in which it appears in the Council summons, but that

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order may be varied at the discretion of the Chair or by resolution of the Council.

Selection of Councillors on Committees and Panels

23 At the annual meeting, the Council will:-

- (i) decide which committees and panels in addition to the statutory Licensing Committee should be established for the ensuing municipal year;
- (i) decide the size and terms of reference for those committees/panels with the exception of the Licensing Committee;
- (ii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee and panel; and

(v) appoint to those committees and panels annually.

(vi) To receive nominations and appoint Councillors to serve as representatives on outside bodies for non-executive functions; and

(vii) To appoint to those outside bodies except to the extent that the appointment has been delegated by the Council.

3. ORDINARY MEETINGS OF THE COUNCIL

3.1 Ordinary meetings of the Council will take place in accordance with the annual programme of meetings. Ordinary meetings will:-

- (i) elect a person to preside if the Chair or Vice-Chair are not present;
- (i) approve the minutes of the last meeting;
- (ii) receive any declarations of interest from members;

(iv) receive any announcements from the Chair or Head of Paid Service;

(v) receive any petitions in accordance with the Council's petition scheme;
(vi) receive any questions from, and provide answers to the public;
(vii) receive any written questions from Councillors in accordance with 9.3
(viii) receive any oral questions from Councillors in accordance with 9.9

(ix) receive reports from the Executive Leader, Deputy Executive Leader or other member of the Cabinet and Chair of the Overview and Scrutiny Panels, committees and other panels, receive questions and answers on any of those reports and consider any recommendations contained therein.

(x) consider motions;

(xi) consider any other business specified in the summons to the meeting in the order in which it appears in the Council summons; but that order may be varied at the discretion of the Council or by resolution of the Council including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Panels for debate.

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4. EXTRAORDINARY MEETINGS

Calling Extraordinary Meetings

- 4.1 Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:-

- (i) the Council by resolution;

- (i) the Chair of the Council;
- (ii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

- 4.2 The summons to an extraordinary meeting of the Council shall set out the item of business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.

5. TIME AND PLACE OF MEETINGS

- 5.1 The time and place of meetings will be determined by the Head of Paid Service and notified in the summons. Meetings of the Council normally shall be convened for 7 pm. In special circumstances, the Head of Paid Service (after consultation with the Chair) may fix some other hour of commencement of any meeting of the Council.

6. NOTICE OF AND SUMMONS TO MEETING

- 6.1 The Head of Paid Service 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 days before a meeting, the Head of Paid Service will send a summons signed by him or her by post (or electronically if requested) to every member of the Council or leave it at their usual residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

- 7.1 The person presiding at the meeting may exercise any power or duty of the Chair. Whenever the Chair rises during debate a member then standing shall resume his seat and the Council shall be silent. Where these Rules apply to panel and committee meetings, references to the Chair also include the Chair of such panel and committee.

8. QUORUM

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

9. QUESTIONS BY MEMBERS

Oral Questions on items considered by the Cabinet, Committee or Panel

- 9.1 A member of the Council may ask the Executive Leader, a member of the Cabinet with portfolio responsibility, or the Chair of a Committee or Panel any question, without notice, upon any item listed in the report referred to in 3.1 (ix) detailing outcomes from the Cabinet, committees and panels.

Oral Questions on Recommendations of the Cabinet, Committee or Panel or Other Reports to the Council

- 9.2 Before a recommendation of the Cabinet, Committee or Panel or a report that is otherwise included on the agenda is open for consideration by the Council, a Member of the Council may ask a question, without notice, on the recommendation or report to:-

- (i) the Executive Leader, a member of the Cabinet with portfolio responsibility, or the Chair of a Committee or Panel, as appropriate; and/or
- ~~(ii) the author of the report in the case of a report that is otherwise included on the agenda for the meeting.~~

~~the author of the report in the case of a report that is otherwise included on the agenda for the meeting.~~

Written Questions

- 9.3 Subject to Rule 9.4 a member of the Council may ask the Chair, the Executive Leader, a member of the Cabinet with executive responsibility or the Chair of any Committee or Panel a question, in writing, on any matter in relation to which the Council has powers or duties or which affects the District or its residents.

Notice of Questions

- 9.4 A member may only ask a question under Rule 9.3 if, either -

- (a) They have submitted their question in writing to the office of the Monitoring Officer not later than 12 noon on the 8th clear working day before the date of the meeting; or
- (b) Where a question relates to a matter of urgency, a member must have the agreement of the Chair of the Council and the member to whom the question is to be put that they are prepared to accept the question as a matter of urgency. The content of the question must be given in writing to the office of the Monitoring Officer at least one hour before the scheduled start of the meeting.

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(c) A matter of urgency will be an item that not could appear on the agenda and cannot reasonably be deferred until the next meeting of the Council.

Response to Questions

Written Questions

- 9.5 A response to a written question shall take the form of a written reply by the member concerned which shall be made available to members of the Council and to the public prior to the start of the meeting.
- 9.6 Where an urgent question has been submitted under Rule 9.6(b), a written response will be made available to members of Council and to the public as soon as practicable.
- 9.7 Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information.

Supplementary Questions

- 9.8 A member asking a question under Rule 9.3 may ask one supplementary question without notice of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute's duration. An oral response will be limited to two minutes.

Oral Questions

- 9.9 At each ordinary meeting of the Council (excluding the annual meeting or any special meeting convened to consider a specific issue), there shall be a period for oral questions. A member of the Council may ask the Executive Leader or a member of the Cabinet with portfolio responsibility any question, without notice, on any matter relevant to the Council's powers and duties which relate to their individual portfolio responsibilities. The conduct of oral question time shall be regulated by the Chair of the Council.

All questions:

- must be relevant to matters for which the Council has powers or duties which relate to the Executive Leader's or Cabinet members individual portfolio responsibility
- must not relate to an item which is included elsewhere on the Council agenda since they can be raised at that point in the meeting;
- should be limited to obtaining information or pressing for action
- must not exceed two minutes in duration

Questions should not –

- be incapable of being adequately answered in two minutes;
- contain offensive expressions;
- divulge, or require to be divulged, confidential or exempt information.

a. Any facts on which a question is based should be identified briefly when the question is asked. A member who asks a question may be asked to verify the authenticity of any factual statement.

b. Where a member considers that the subject matter demands a

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comprehensive detailed answer, the question should be submitted to Monitoring Officer by noon at least 8 clear days in advance of the meeting.

Response

10. An answer to an oral question may take the form of:

- (a) a direct oral answer of up to a maximum of two minutes duration;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and made available to all members of the Council and the public.

Response

9.3 — An answer to an oral question may take the form of:

- (a) a direct oral answer of up to a maximum of two minutes' duration;
- (a) where the desired information is in a publication of the
- (b) Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and made available to all members of the Council and the public.

Written Questions

9.4 — Subject to Rule 9.6, a member of the Council may ask the Chair, the Executive Leader, a member of the Cabinet with executive responsibility or the Chair of any Committee or Panel a question, in writing, on any matter in relation to which the Council has powers or duties or which affects the District.

Notice of Questions

9.5 — A member may only ask a question under Rule 9.5 if, either—

- (a) he has given notice in writing of the question to the office of the Monitoring Officer not later than 12 noon on the 8th clear working day before the date of the meeting; or
- (b) Where a question relates to a matter of urgency, a member must seek the agreement of the Chair of the Council and the member to whom the question is to be put that he is prepared to accept the question as a matter of urgency. If agreement is forthcoming, the content of the question must be given in writing to the office of the Monitoring Officer at least one hour before the scheduled start of the meeting.

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Response to Questions

- ~~9.6~~ — A response to a written question shall take the form of a written reply by the member concerned which shall be made available to members of the Council and to the public prior to the start of the meeting.
- ~~9.7~~ — Where an urgent question has been submitted under Rule 9.6(b), a written response will be made available to members of Council and to the public as soon as practicable.
- ~~9.8~~ — Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information.

Supplementary Questions

- ~~9.9~~ — A member asking a question under Rule 9.1 or Rule 9.3 may ask one supplementary question without notice of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute's duration. An oral response will be limited to two minutes.

10.11. QUESTIONS BY MEMBERS OF THE PUBLIC

- ~~10.11.1~~ Any person who lives, works or owns property in the District shall be able to ask a question at ordinary meetings of the Council using the same criteria as set out in Rules 9.3 but notice of the question **MUST** be submitted to the office of the Monitoring Officer five days prior to the meeting. Questions by members of the public will be dealt with in accordance with the guidelines published on the Council's website.

11.12. NOTICES OF MOTION

Notice

- ~~11.12.1~~ Except for motions which can be moved without notice under Rule 12, written notice of every motion, shall be given in writing, signed by the member giving the notice and delivered not later than noon on the 8th clear working day (i.e. excluding Saturdays, Sundays and Bank Holidays) before the meeting at which it is to be considered, to the office of the Monitoring Officer by whom it should be dated, numbered in the order in which it is received and entered into a book which shall be open for inspection by every member of the Council. The submission of a written notice of motion via e-mail addressed to the Monitoring Officer will be acceptable.

Motions set out in agenda

- ~~11.12.2~~ The Head of Paid Service 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 notice intimated in writing when giving it, that he proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

Scope

44.3123 Every Motion shall be relevant to ~~some matters~~ ~~major significance in relation to which the Council has powers or duties or which is of more general for which the Council has a responsibility or which affects the District or its residents however concern affecting the District and~~ shall only be submitted in circumstances when the subject matter ~~is not would not be~~ referred to elsewhere at the meeting in a report from the Cabinet, Overview and Scrutiny Panel, Committee or Panel etc.

Failure to Move

44.4124 If a motion set out in the summons is not moved either by the member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

44.5125 Reference to Cabinet, Committee or Panel

- (i) Subject to paragraph 11.5 (iii) post, if ~~a Motion the subject matter of any motion of which notice has been duly given~~ is within the terms of reference of the Cabinet, an Overview and Scrutiny Panel, a committee or panel, it shall, upon being moved and seconded, stand referred without discussion to the Cabinet, Overview and Scrutiny Panel, committee or panel as the Council may determine, provided that such Cabinet, Overview and Scrutiny Panel, committee or panel shall report on the matter with recommendations to an ensuing meeting of the Council.
- (ii) This Rule shall have precedence over Rule 13.5.
- (iii) The Chair may, if they consider it convenient and conducive to the despatch of business, allow the Motion to be dealt with at the meeting at which it is brought forward.

42.13. MOTIONS WITHOUT NOTICE

42.413.1 The following motions may be moved without notice:-

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or panel or member arising from an item on the summons for the meeting;
- (f) to receive, defer or refer back reports or adoption of recommendations of the Cabinet, Overview and Scrutiny Panels,

committees, panels or officers and any subsequent motions and amendments arising therefrom;

- (g) to grant leave to withdraw a motion;
- (h) to amend a motion; (the text of the proposed amendment to be forwarded to the Head of Paid Service, or in her absence, the Monitoring Officer prior to the commencement of the meeting of the Council and a copy circulated to the meeting to ease understanding of the proposed text);
- (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 suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4;
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) to invite a member to remain;
- (r) to record a vote in accordance with Rule 16.4 or 16.5;
- (s) in connection with voting on appointments in accordance with Rule 16.7; and
- (t) to extend the time limit for speeches.

13.14. RULES OF DEBATE

Standing to Speak

13.14.1 When a member speaks at full Council they must stand and address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the other must sit. Other members must remain seated whilst another member is speaking unless they wish to make a point of order or a point of personal explanation.

Chair Standing

~~13.2~~^{14.2} When the Chair stands during a debate any members speaking at the time must stop and sit down. The meeting must be silent.

Right to Require Motion in Writing

^{14.3} Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

~~13.3~~^{14.4} No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Secunder's Speech

~~13.4~~^{14.5} When seconding a motion or amendment, a member may reserve their speech until later in the debate.

Content and Length of Speeches

~~13.5~~^{14.6} Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes in length without the consent of the Chair given by reason of the exceptional importance of the subject it shall be within the discretion of the Chair to permit up to a further 5 minutes. This rule shall not apply to the member of the Cabinet with executive responsibility in presenting the annual budget statement and statutory and non-statutory plans to the Council and the Chair has discretion to disapply this rule to the leaders of the opposition groups in their response to the annual budget statement and statutory and non-statutory plans.-

When a Member May Speak Again

~~13.6~~^{14.7} 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.

~~13.7~~^{14.8} Amendments to Motions

- (a) An amendment to a motion must be relevant to a motion and will either be:-

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- ① to refer a subject of debate to the Cabinet, Overview and Scrutiny Panel, committee or panel for consideration or reconsideration;

- (i) to leave out words;
- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words.

as long as such omission, insertion or addition of words does not have the effect of negating the motion before the Council.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) If an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there is none, put it to the vote except in the case of such an amendment as is referred to in 13.7(a)(i) when no further amendment may be moved.

13.814.9 **Alteration of Motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

Withdrawal of Motion

13.914.10 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.

13.1014.11 **Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) A member exercising a right of reply shall not introduce new matters.

Motions which may be moved during debate

~~13.11~~14.12 When a motion is under debate, no other motion may be moved except the following procedural motions:-

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

~~13.12~~14.13 **Closure Motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:-
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed

the Chair will give the mover of the original motion the right of reply before putting his/her motion to the vote.

- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair 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.
- (e) If a motion to adjourn the meeting is seconded and the Chair thinks that the remaining business before the meeting cannot be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover to any motion under discussion his/her right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chair at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.

Point of Order

~~13.13~~14.14 A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

Personal Explanation

~~13.14~~14.15 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 a member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

44.15. ANNUAL STATE OF THE DISTRICT ADDRESS

Procedure

~~44.11~~51 The Chair will invite the Executive Leader to address the Council at its summer meeting on the State of the District.

Response

~~44.21~~52 The Chair will invite the Leader(s) of the Opposition to respond to the address.

Discussion

~~44.31~~53 The ensuing discussion in which a Member may speak once and to which only paragraphs 13.5, 13.13 and 13.14 of the Rules of Debate will apply will be chaired by the Chair.

45.16. PREVIOUS DECISIONS AND MOTIONS

Motion to Rescind a Previous Decision

~~45.16.1~~ A motion or amendment to rescind a decision made at a meeting of the Council within the previous six months cannot be moved unless a notice of motion is signed by at least 7 members of the Council.

Motion Similar to One Previously Rejected

~~45.216.2~~ A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the previous 6 months cannot be moved within a further period of 6 months.

46.17. VOTING

Majority

~~46.17.1~~ All matters will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Chair's Casting Vote

~~46.217.2~~ If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Show of Hands

~~46.3~~ Unless a recorded vote is demanded by legislation or under Rule 16.4 ~~17.3~~ ~~46.5~~ the Chair will take the vote by a show of hands, or if there is no dissent by the affirmation of the meeting.

Recorded Vote

~~46.417.4~~ If at least ~~five~~~~one third of~~ members present demand it and before a vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down and entered into the minutes.

Recorded Vote at Council Budget Decision Meetings

~~17.5~~ Recorded votes must be taken at ~~At~~ the Budget meeting(s) each year, when voting on any motion or amendment which:
~~17.6~~ Makes a calculation (whether originally or by way of substitution) 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 ;
~~46.517.7~~ Issues a precept under Chapter 4 of Part 1 of that Act relating to the Budget or setting of the Council Tax will be recorded to show whether each member present voted for or against the motion or amendment or abstained from voting, and entered into the minutes.

Right to Require Individual Vote to be Recorded

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~~466~~178 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on Appointments

~~46.7~~^{17.9} 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.

~~47.18.~~ PETITIONS

Definition

~~47.2~~^{18.1} For the purposes of these procedural Standing Orders a petition shall be defined as a document embodying a formal written request for some form of action or the consideration of some matter by the Council. The submission of a petition is seen by many as lending weight to a particular viewpoint and demonstrating that the view is shared by others. Both written and electronic petitions will qualify under this scheme. Petitions made under any specific enactment such as that calling for a referendum on the form of executive of the Council, will not be dealt with under this procedure.

Scope

~~47.2~~^{18.2} Every petition shall be relevant to some matter of major significance in relation to which the Council has powers or duties or which is of more general concern affecting the District, its Council Tax or NNDR payers or concerns a matter on the agenda for the Council meeting to which the petition is to be submitted.

Eligibility

~~47.3~~^{18.3} The District Council will not accept petitions which are vexatious, abusive or otherwise inappropriate or which relate to a specific or identifiable person or otherwise are considered to be an abuse of its powers, responsibilities or obligations. Petitions shall not be admissible where petitioners are representing personal or prejudicial issues, matters associated with political parties or organisations, where the matter involves a right of appeal to the courts, a tribunal or to a Government Minister or which in the opinion of the Monitoring Officer is of a quasi-judicial nature. The interpretation of the above criteria by the Monitoring Officer is final. Additionally, the following matters will be excluded from the scheme:-

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

~~47.4~~18.4 Petitions may be co-ordinated by individuals or by local organisations. If considered to be eligible, a petition will be referred to the first appropriate meeting after its submission.

Form

~~47.5~~18.5 The petition shall clearly state the purpose for which it is submitted and shall be addressed to the District Council.

~~47.6~~18.6 A written petition shall contain the name, address and signature of each person who signed it. The name and address shall be in legible format. An on-line petition shall contain the name and address of each person who is party to it and shall remain open for signature on the Council's website for a maximum period of 90 days. A petition shall indicate which one of the signatories is to present the petition. If the petition organiser, or his/her nominee, indicates that they are unable to present the petition at the relevant meeting, the petition will still be considered. The petition shall be sent to the office of the Monitoring Officer who will place it upon the agenda for the next Council meeting provided that the requirements are satisfied.

~~47.7~~18.7 A maximum of three petitions will be presented at any meeting.

~~47.8~~18.8 A petition shall not be presented to a meeting of the Council unless it is delivered to the office of the Monitoring Officer no later than noon on the tenth clear working day before the meeting at which it is to be considered. The petition shall be acknowledged in writing by or on behalf of the Monitoring Officer within ten clear working days of receipt of the petition. Online petitions will automatically be submitted to the Council for acknowledgement once the petition has been closed for signature.

~~47.9~~18.9 No petition may be considered by the Council which effectively duplicates a previous petition submitted to the Council in the preceding six months.

Procedure

~~47.10~~18.10 Any resident who lives, works or studies (including those under 18) or who owns or occupies commercial premises in the District may present a petition to a meeting of the Council provided that it bears at least 50 signatures of people who either live or whose place of work or study is located in the District and satisfies the conditions of paragraphs 17.2 and 17.3 above.

~~47.11~~18.11 Petitions which are considered at a meeting of the Council shall be presented at the conclusion of the receipt of any announcements by the Chair. A summary of the wording of the petition shall be incorporated on the Agenda for the meeting. If the petition relates to an item on the Agenda for a Full Council meeting, the presentation will be made at the beginning of that item.

~~47.12~~18.12 On being called by the Chair, the person(s) presenting the petition may speak for a total of no more than five minutes in support of the

petition. District Councillors may question the person(s) presenting the petition for a period of up to five minutes thereafter. The period for questions may be extended at the discretion of the Chair.

~~47.13~~18.13 Other than to respond to questions asked by District Councillors, petitioners shall not participate in debate nor discussion of the item to which their petition relates.

~~47.14~~18.14 Petitions shall be presented to Council in the order in which they have been received.

Petitions which are not the responsibility of the Council

~~47.15~~18.15 Petitions concerning a matter that the Council does not have direct control over, which relates to the functions of another local authority or concerning a matter delivered in partnership with any of the Council's partner organisations will be submitted to the Monitoring Officer who shall determine what steps the Council should take. The Monitoring Officer's decision on the matter is final. The Petition Organiser will be notified of any actions that have been taken.

~~48.19.~~ MINUTES

Signing the Minutes

~~48.19.1~~ The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

~~48.21~~19.2 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 purpose of paragraphs 41 (1) and (2) of Schedule 12 relating to the signing of minutes.

Form of Minutes

~~48.31~~19.3 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

~~49.20.~~ RECORD OF ATTENDANCE

~~49.42~~20.1 All members present during the whole part of the meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

20.21. EXCLUSION OF THE PUBLIC

20.21.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by the Public).

21.22. PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS

21.22.1 The Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and microblogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. These arrangements will operate in accordance with 'Filming, Photography and Recording at Council Meetings' guidelines published on the Council's website.

22.23. DISORDERLY CONDUCT

General Disturbance

22.23.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

22.23.2 A member shall comply with the adopted Members' Code of Conduct reproduced in Part 5 of the Constitution. Further to the Code of Conduct, a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest.

Member not to be heard further

22.23.3 If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the Meeting

22.23.4 If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.24. DISTURBANCE BY THE PUBLIC

23.24.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

Removal of Member of the Public

23.224.2 If a member of the public interrupt's proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Clearance of Part of Meeting Room

23.324.3 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

24.25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

Suspension

24.125.1 All of these Council Rules of Procedure except Rule 16.6 and 18.2 may be suspended by motion on notice or without notice if at least two thirds of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

Amendment

24.225.2 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.

25.26. APPOINTMENT OF SUB-COMMITTEES, SUB-GROUPS AND ADVISORY GROUPS

- (a) The Council, Cabinet and any committee or panel may appoint such sub-committees or sub-groups as they may consider necessary from time to time and shall specify the purpose and terms of reference of such sub-committee or sub-group;
- (b) The Council, Cabinet and any committee or panel may appoint such advisory groups as they may consider necessary from time to time and shall specify the purpose, duration and terms of reference of such advisory group, except that such advisory group shall be of a deliberative nature only and shall report back with or without recommendations to the body that appointed them;
- (c) The appointment of members to any sub-committee, sub-group or advisory group, shall be in accordance with legislative or regulatory requirements for the representation of political groups and shall have regard in particular to (b) above.

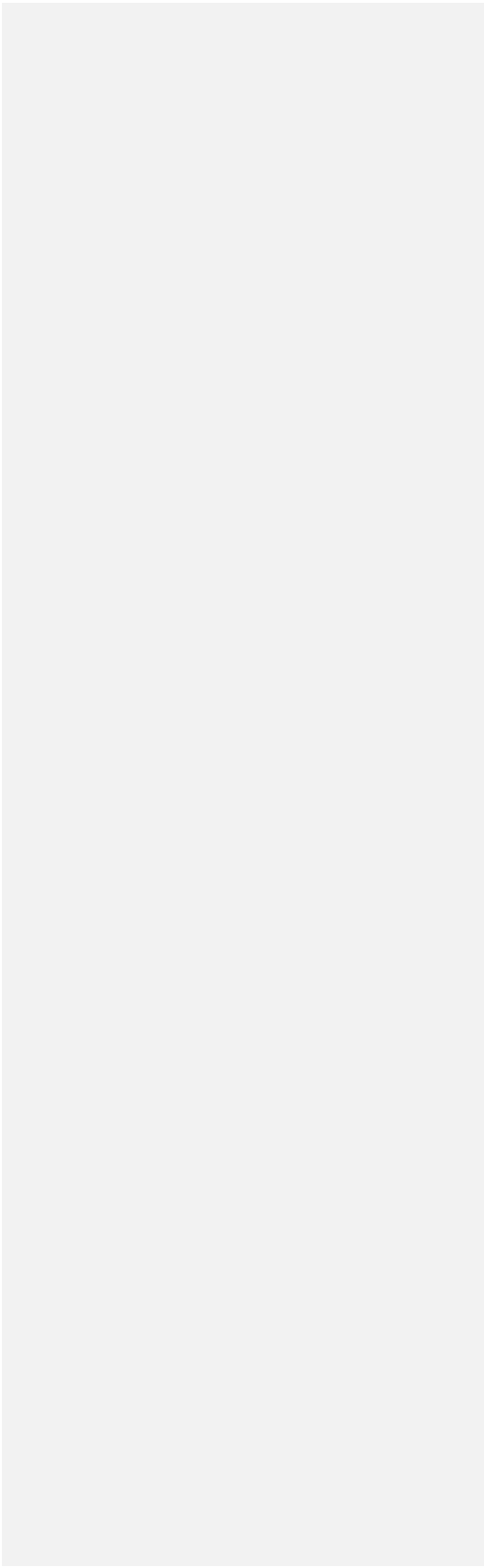
26.27. DEVELOPMENT MANAGEMENT APPLICATIONS

(a) Public Speaking at Council

In those circumstances where a planning application is to be determined by full Council, the Council's Chief Planning Officer, Head of Development or Planning Service Manager (Development Management) or his representative and other relevant Officers shall be permitted to present reports to the Council and the public speaking process adopted by the Development Management Committee be applied;

(b) Consideration of Departures from the Development Plan

Planning applications for the following types of development should be referred to the Secretary of State if the Development Management Committee is minded to approve them under the Town and Country Planning (Consultation) (England) Direction 2009 unless the application in question is considered by the Chief Planning Officer, Head of Development and Monitoring Officer to be so 'significant' that it should remain the decision of the Council to refer the application to the Secretary of State. The Development Plan shall, on the recommendation of the Development Management Committee, be considered by the Council having regard to advice received from the Chief Planning Officer, Head of Development and Corporate Director (Delivery) and guidelines on the Council's website.



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Substitutes Policy

The aim of the rules in this Policy are to allow a significant and comprehensive attendance by Members at all Committee and Sub Committee meetings and to help ensure that meetings are quorate.

Subject to any other restrictions elsewhere in the Constitution, any councillor is permitted to act as a substitute on a Council body provided that:

- Democratic Services is notified of the arrangement no later than 2 hours before the start of the meeting to which it applies. This notification should be in writing (including email);
- A Substitute Member who replaces a Member at a meeting must be of the same Political Group to ensure that they are politically balanced in accordance with the Local Government (Committees and Political Groups) Regulations;
- The Licensing Committee does not require political balance and therefore it is not necessary for the Member and the Substitute Member to be of the same political group.
- Where attendance at specific training is a pre-requisite for participation in a committee or sub-committee, the substitute has completed the required training.

Substitutes will have all the powers and duties of a member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

Substitutes may attend meetings in that capacity only:

- to take the place of the councillor for whom they are substituting; and
- where the nominating councillor will be absent for the whole of the meeting.

Any councillor attending a meeting as a substitute will **only** be entitled to travelling and subsistence allowance in accordance with the scheme approved by the Council. No additional allowance is payable for attendance at the meeting as a Substitute.

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