Part 4

Rules of Procedure

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) elect a person to preside for the annual meeting if the Chair and Vice-Chair of the Council are not present;

(v) approve the minutes of the last meeting;

(vi) receive any announcements from the Chair and/or Head of Paid Service;

(vii) elect the Executive Leader;

(viii) receive any declarations of interests from Members

(ix) 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;

(x) 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);

(xi) approve a programme of ordinary meetings of the Council for the Year; and

(xii) 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

2.3 At the annual meeting, the Council will:-

(i) decide which committees and panels in addition to the 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. With the exception of 3.2, the agenda and format of Ordinary meetings will be as follows subject to any variation proposed by the Chair:-

(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

(viii) 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.

(ix) 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.

(x) consider individual Member motions.

3.2 The Budget Setting Council meeting shall be limited to business relating to the Council's budget. Therefore, agenda items 3 (iv), (v), (vi), (vii), (xiii), (ix) and (x) will not be included in the Agenda

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. This rule does not apply to meetings that have already commenced and been adjourned to a later date, as the adjourned meeting is a continuation of the original meeting and no new summons is required.

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

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, 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 as part of the agenda 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 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

(c) A matter of urgency will be an item that could not 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 9.4(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 9.1 and 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.

9.9 A member asking a question under Rule 9.1 and 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

9.10 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 make 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.

(d) Where an oral question cannot conveniently be answered at the meeting, the written answer will be provided to all Members and published within 10 working days.

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 13, 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 (ie 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

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 were received, unless the Member giving notice has stated in writing that they propose to move the motion at a later meeting or has subsequently withdrawn it in writing.

Scope

~~12.3 If Every Motion shall be relevant to matters for which the Council has a responsibility or which affects the District or its residents and 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.~~

12.3 A motion submitted for inclusion on the agenda must not exceed 600 words, with any amended motion not exceeding 650 words and must relate to a matter within the functions, interests or sphere of influence of the Council. It must not be substantially similar to a motion debated by the Council within the previous six months and must not duplicate a matter to be considered elsewhere on the same agenda. In determining whether these requirements are met, the Monitoring Officer will provide written reasons for any decision that a motion is not admissible.

12.4 Any motion rejected by the Monitoring Officer may be referred to the Chair of the Council for a final decision.

Failure to Move

12.5 (Was 12.4) 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.

12.6 (Was 12.5) Reference ~~to Cabinet~~ an Overview and Scrutiny Panel, Committee or Panel

(i) Subject to paragraph 12.5 (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 14.6.

(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; where practicable, the text of a proposed amendment should be provided to the Head of Paid Service or, in their 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 23.3 or to exclude them from the meeting under Rule 23.4;

(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 17.4 or 17.7;

(s) in connection with voting on appointments in accordance with Rule 17.9; 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 the time limits detailed below ~~5 minutes in length~~ without the consent of the Chair. If the Chair considers the subject matter to be of ~~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~~ period of time as detailed below. 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.

Recommendations contained in reports received as detailed in 3.1 (ix)

- Three minutes for the mover and seconder of a motion or amendment.
- The mover of the original motion has up to a further three minutes to sum up before the vote is put.
- All other speakers have three minutes.

Individual Member Motions as detailed in 3.1 (x)

- Three minutes for the mover and seconder of a motion or amendment.
- The mover of the original motion has up to a further three minutes to sum up before the vote is put.
- All other speakers have three minutes.

14.7 If three speakers have spoken consecutively in support of, or in opposition to a motion, the Chair may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had a right of reply, the motion must be put. Members speaking must, if called upon to do so by the Chair, announce whether they are speaking in support of, or against the motion of amendment being debated. Before the Chair exercises this rule, he/she must ask any ward councillors, whose ward is directly affected by the decision, and Group Leader who has not already spoken, if they wish to speak. A Group Leader may nominate another member of his/her group to exercise this right.

When a Member May Speak Again

14.8 (Was 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.

14.9 (Was 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;

(i) to leave out words;

(ii) 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 14.8(a)(i) when no further amendment may be moved.

14.10 (Was 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.

14.11 (Was 14.10) **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.

14.12 (Was 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 ofreply to the debate on his or her amendment.

(d) A member exercising a right of reply shall not introduce new matters.

14.13 (Was 14.12) **Motions which may be moved during debate**

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

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) to exclude the public and press in accordance with the Access to Information Rules; and

(h) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

14.14 (Was 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 ofreply.

(e) If a motion to adjourn the meeting is seconded and the Chair considers that the remaining business cannot be sufficiently discussed on that occasion, the Chair shall put the adjournment motion to the vote without giving a right of reply. If the motion is carried, the remaining business shall stand adjourned to a time and date fixed by the Chair when the meeting is adjourned. If no time and date are fixed, the remaining business will automatically be carried forward to the agenda for the next ordinary meeting of the Council.

14.15 (Was 14.14) Point of Order

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

14.16 (Was 14.15) 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 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 for the whole debate before the ~~at the time~~ 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~~ Electronic Voting System

17.3 Unless a recorded vote by manually recording the vote of members is demanded by legislation or under Rule 17.4 the Chair will take the vote the electronic voting system or by a show of hands, or if there is no dissent by the affirmation of the meeting.

17.4 Members will have one minute to register their votes electronically. A Member who does not register a vote within that period will be recorded as abstaining unless they immediately report a technical problem to the Chair. Where the problem cannot be resolved promptly, the Chair may take that Member's vote by show of hands.

Recorded Vote

17.5 (Was 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. Unless a manually recorded vote is requested, the record of voting will be taken from the results shown by the electronic voting system.

Recorded Vote at Council Budget Decision Meetings

17.6 (Was 17.5) Recorded votes must be taken at the Budget meeting(s) each year, when voting on any motion or amendment which 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; Issues a precept under Chapter 4 of Part 1 of that Act.

Right to Require Individual Vote to be Recorded

17.7 (Was 17.6) 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

17.8 (Was 17.7) 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.

(d) A petition which seeks substantially to repeat a debate held by the Council within the previous six months will not normally be eligible for debate. The petition will nevertheless be reported to the Council, together with the Monitoring Officer's reasons for that determination. The petition organiser may ask the Chair of the Council to review the determination, and the Chair's decision will be final.

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 18.2 and 18.3 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

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

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

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

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

24.1 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

24.2 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.

15 CALL-IN

15.1 When a decision is made by the Executive Leader, Cabinet, an individual Cabinet Member or a committee of the Cabinet or a key decision is made by an officer with delegated authority from the Cabinet or under joint arrangements, the decision shall be published, made available at the Council's main offices and sent to Members of the Overview and Scrutiny Panels within three working days of being made. The notice of decisions will bear the date on which it is published and will specify that the decision will come into force and be implemented on the expiry of five working days after publication, unless called in by a relevant Panel as shown in Appendix B.

15.2 If a decision is called in, the Monitoring Officer has the authority to refuse the call-in if the request does not state grounds to justify a call in and/or the outcome sought.

10.DEVELOPMENT MANAGEMENT APPLICATIONS

Public Speaking at Development Management Committee & Decision making

10.1 Where a planning application falls to be determined by the Development Management Committee and where appropriate notice has been given, an elected Member of the relevant town and parish council/meeting, the District Ward Member, the objector(s), the applicant(s) or their representatives shall be permitted to address the Committee on the application under the direction of the Chair having regard to the guidelines published on the Council's website.

10.2 A motion to approve or refuse a planning application will only be formally made when full reasons are given for the proposed decision. Members may seek and receive advice and assistance from planning and legal officers in formulating lawful planning reasons before the motion is put to the vote. If a vote is taken without clear reasons having been given, the debate will be reopened and a further vote taken once reasons have been provided. The further vote may confirm or overturn the result of the earlier vote.