

## **PART 4 - RULES OF PROCEDURE**

### **1. ANNUAL MEETING OF THE COUNCIL**

- 1.1. (i) The Annual Meeting of the Council shall be held at 1.00 p.m. at the Town Hall Wigan on such date as the Council may determine, or such time and date as the Head of Paid Service shall determine. In a year where there is an election of Councillors the Annual Meeting must take place within 21 days of the retirement of the outgoing Councillors.
- (ii) All other Meetings of the Council shall be held at 6.00 p.m., at the Town Hall Wigan on such dates as the Council may determine or such time and date as the Head of Paid Service shall determine.
- 1.2. The annual meeting will:
- (i) elect a person to preside if the Mayor is not present;
  - (ii) elect the Mayor;
  - (iii) elect the Deputy Mayor; then adjourn for fifteen minutes or such time as shall be determined by the person presiding;
  - (iv) approve the minutes of the last meeting;
  - (v) receive any announcements from the Mayor;
  - (vi) receive any declarations of interest from Members;
  - (vii) elect the Leader in a year where the Leader's term of office is due to expire;
  - (viii) appoint such Committees as it is required by law to do so 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);
  - (ix) consider any business set out in the notice convening the meeting.
  - (x) consider any item the Head of Paid Service decides to include on the agenda that s/he believes will be of interest to members provided that the item is circulated to members at least 24 hours before the meeting
- 1.3. Selection of Councillors on Committees and Outside Bodies
- At the annual meeting, the Council meeting will:
- (i) decide which Committees to establish for the municipal year;
  - (ii) decide the size and terms of reference for those Committees;
  - (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 Outside Body; and
  - (v) appoint to those Committees and Outside Bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.
  - (vi) That in respect of (iii, iv) and (v) above, authority be delegated to the Monitoring Officer to agree any nominations and appointments that occur after the AGM following consultation with the relevant Group Leader

- 1.4. The order of business on the agenda for the annual meeting shall be determined by the Head of Paid Service in the interests of the effective conduct of business. The Head of Paid Service may decide to not include on the agenda for the annual meeting any item listed in Rule 1.2 if s/he considers it in the interests of the effective conduct of business to do so.

## **2. ORDINARY MEETINGS**

- 2.1. Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary meetings will:
- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
  - (ii) approve as a correct record the minutes of the last meeting;
  - (iii) receive any announcements from the Mayor
  - (iv) receive any declarations of interest from Members;
  - (v) deal with any business from the last Council meeting;
  - (vi) determine any issue for which a decision of the Council itself is required including proposals in relation to the Council's Policy and Budget Framework and Constitutional issues;
  - (vii) receive reports from the Executive and non-delegated recommendations from the Council's Committees and Sub-Committees and receive questions and comments and answers on any of the said reports or the minutes of any meeting of Cabinet or the Council's Committees or Sub-Committees held since the last ordinary meeting of the Council;
  - (viii) receive reports from the Cabinet or the Council's Committees and receive questions and comments and answers on any of the said reports or the minutes of any meeting of the Cabinet or the Council's Committees held since the last ordinary meeting of the Council
  - (ix) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
  - (x) consider any other business specified in the agenda for the meeting;
  - (xi) consider any questions of Members under Rule 8(1)(a) of the Rules of Procedure;
  - (xii) consider motions in the order notice has been received;
  - (xiii) Approve the dates and times of Council, Cabinet, Committee and other Committee meetings; and
  - (xiv) consider any item the Head of Paid Service decides to include on the agenda that s/he believes will be of interest to members provided that the item is circulated to members at least 24 hours before the meeting
  - (xv) consider an announcement from a Portfolio Holder provided a precis has been submitted no later than 24 hours in advance of the meeting. Any announcement will be limited to a maximum of 5 minutes and will not be subject to debate.

- 2.2. The order of business on the agenda for an ordinary Council meeting shall be determined by the Head of Paid Service in the interests of the effective conduct of business. The Head of Paid Service may decide to not include on the agenda for the annual meeting any item listed in Rule 2.1 if s/he considers it in the interests of the effective conduct of business to do so.
- 2.3. The agenda for the Council meeting for the purposes of setting the Council's budget and Council tax levels, be restricted to this item only.

### **3. EXTRAORDINARY MEETINGS**

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

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

### **4. ARRANGEMENTS FOR COUNCIL MEETINGS**

#### **4.1. Time and Place of Meetings**

The time and place of meetings will be determined by the Head of Paid Service and notified on the agenda.

#### **4.2. Duration of the Meeting**

If the business of the meeting has not been concluded within three hours of the commencement of the meeting (four hours for the meeting at which the budget and council tax is set), the Mayor will stand and the Member speaking must immediately sit down. The Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. Amendments to motions and recommendations in relation to the item under discussion cannot be made. The vote will then be taken in the usual way without any further discussion.

#### **4.3. Motions and Recommendations Not Dealt With**

If there are other motions or recommendations on the agenda that have not been dealt with, after the vote is taken on the item under discussion further to paragraph 4.2 above, they are deemed formally moved and seconded (together with any amendments moved and seconded prior to the said vote). Further amendments to motions and recommendations cannot be made. No speeches will be allowed on these items and the vote will be taken in the usual way.

#### **4.4. Special Meetings**

If an Ordinary Council Meeting is preceded by a Special Meeting, for example making Honorary Aldermen, the three hour limit in paragraph 4.2 above will apply to the Ordinary Council Meeting.

### **5. NOTICE OF AND AGENDA FOR MEETINGS**

#### **5.1. Council Meetings**

The Head of Paid Service will give notice to the public of the time and place of any Council meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a Council meeting, the Head of Paid Service will send an agenda signed by him or her to every member of the Council or leave it at their usual place of residence. The agenda 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. The sending of the agenda may be in an electronic form, or by means of a link sent electronically giving the Member access to the agenda in electronic form.

#### **5.2. Meetings of Cabinet, Committees and Sub-Committees**

The Assistant Director – Legal, Governance and Elections will give notice to the public of the time and place of any meeting of Cabinet, a Committee or Sub-Committee in accordance with the Access to Information Procedure Rules. At least five clear days before any meeting of Cabinet, a Committee or Sub-Committee, the Assistant Director – Legal, Governance and Elections will send an agenda to every member of the Cabinet, Committee or Sub-Committee or leave it at their usual place of residence. The agenda 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. The sending of the agenda may be in an electronic form, or by means of a link sent electronically giving the Member access to the agenda in electronic form.

### **6. CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chair of Committees and Sub-Committees.

### **7. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Mayor counts the number of

Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **7A. RECORDING OF COUNCIL MEETINGS**

- (1) While a meeting of the Council, Cabinet, a Committee or Sub Committee is open to the public, any person attending is permitted to report on the meeting by filming, photographing or making an audio recording of proceedings at the meeting. They may also use any other means for enabling persons not present to see or hear proceedings at such a meeting as it takes place or later and may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
- (2) Should a person cause a disturbance at a meeting whilst reporting on the proceedings, for example by:
  - moving to areas outside the areas designated for the public without the consent of the Chairman,
  - making excessive noise in recording or setting up or re-siting equipment during the debate/discussion,
  - intrusive lighting and use of flash photography; or
  - asking for people to repeat statements for the purposes of Recording

then the provisions of rules 18 and 19 (Members' conduct and disturbance by the public) shall apply.

- (3) Nothing in this rule shall allow any person to report on any part of a meeting, without the consent of the meeting, whilst the public is excluded to allow it to debate confidential or exempt matters.

## **8. QUESTIONS AND COMMENTS**

- (1) A Member of the Council may give notice of a question or comment that they wish to be made at Council by submitting the question or comment in writing to the Chief Executive by 12 noon on the Friday before the Council meeting (in order to ensure that full answers may be provided) and request that the Mayor, a member of the Executive or the Chair of any Committee respond to the question or comment.
- (2) The question or comment must:-
  - a) relate to a function of the full Council meetings and be relevant to full Council meeting business; or

- b) relate to a minute or meeting of the Executive or a Committee; but
  - c) not relate to a function or decision of officers.
- (3) It shall be for the Head of Paid Service, in conjunction with the Monitoring Officer, to determine if the question or comment meets the criteria set out in Para 8(2) above.
- (4) The question or comment will be presented to Council by the Mayor and will not be the subject of debate.
- (5) A Member may not submit more than one comment or question to any one Council Meeting.
- (6) The maximum number of questions or comments which may be submitted to any one Council Meeting shall be five. In the event that more than five questions or comments are submitted, the questions and comments shall be allocated according to the order of receipt of the questions and comments
- (7) Every question or comment shall be put and answered or responded to by the relevant member of the Executive or Committee Chairman without discussion, but the person to whom a question or comment has been put, may decline to answer or respond.
- (8) The person responding will have up to 5 minutes per question or comment.
- (9) An answer may take the form of:-
- (a) a direct oral answer, followed up by a written answer where this is considered to be appropriate; or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council, within 14 calendar days of the meeting.
- (10) With the permission of the Mayor, an urgent question or comment may be put to the Mayor or a member of the Executive or the Chair of any Committee relating to urgent business, of which such notice has not been given; but a copy of any such question or comment shall be delivered to the Chief Executive not later than 10.00 a.m on the morning of the day of the meeting, with an explanation of why it is urgent.

## **9. MOTIONS ON NOTICE**

### **9.1. Notice**

Except for motions which can be moved without notice under Rule 10, written notice of every motion, signed by or sent by e-mail from the Member proposing to move it, and signed by or endorsed by e-mail by one other Member, must be delivered to the Head of Paid Service by 5.00pm not less than ten working days before the date of the meeting. Once this deadline has passed, these will be made available for public inspection and, when the agenda for the meeting is published, they will appear on the Council's website.

### **9.2. Motion set out in agenda**

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

### **9.3. Scope**

Motions must be about matters for which the Council has a responsibility, or which directly affect the borough. No motion may seek to take a decision in respect of a matter which is the responsibility of the Executive (other than to make a recommendation).

### **9.4. Number of Motions**

A Member may not submit more than one notice of motion to any one Council Meeting.

### **9.5. Motions Seeking to Negate or Vary a Decision**

No motion may seek to negate or vary a decision made by any of the Council's decision making bodies or under delegated powers during the preceding six months, or to circumvent a decision making process under way.

### **9.6. Limit on Number of Motions per Meeting**

The maximum number of motions which may be submitted to any one Council Meeting shall be five. In the event that more than five notices of motion are submitted, the motions shall be allocated according to the political balance of the Council.

### **9.7. Focus of Motions**

To be competent for debate, a motion must:-

- (a) deal with one subject only, and not attempt to give effect to two or more unrelated outcomes as if it were two or more motions
- (b) state a clear desired outcome in the form of an action the Council will take if the motion is carried
- (c) not involve a decision which is likely to:-

- (i) have budget implications for the Council, affecting the capital, revenue expenditure or income of the Council; or
- (ii) be significant in terms of its effects on communities, living or working in an area of the borough. In determining whether a decision is significant in terms of its effect on communities consideration should be given to:-
  - the number of residents/service users that will be affected in the Wards concerned;
  - whether the impact is short term, long term or permanent;
  - the impact on the community in terms of the economic, social and environmental well-being.

Any motion containing c (i) or c (ii) as outlined above, would be referred directly to the Executive without debate, prior to consideration by the Council at a later date.

#### **9.8 Referral of Motions to Cabinet etc**

If, in the opinion of the Chief Executive, a motion calls for a decision which is the responsibility of the Executive or another decision making body of the Council (or would be better served by referral to a Scrutiny Committee for review), it will be indicated as such on the agenda for the Council meeting and the motion will stand referred to that body without debate, and it shall be deemed to have been proposed and seconded at the Council meeting. The outcome of the consideration of the motion by the body to which it stands referred, shall be reported to a future meeting of the council.

#### **9.9 Offensive or frivolous wording in motions and amendments**

Motions and amendments must not:-

- The wording preceding a motion must not be more than 60 words;
- contain any offensive or frivolous wording; and
- contain any wording breach the Members Code of Conduct or the Protocol on Member/Officer Relations.

The Democratic Services Manager may, after consultation with the Member who has submitted a Notice of Motion or proposed amendment, amend the wording of the Motion either for the purpose of clarification or to ensure that it does not offend these requirements

#### **9.10 Absence of Member who has submitted a notice of motion**

A notice of motion or proposed amendment shall not be competent for debate by the Council if the Member who gave notice of his/her intention to move it is unable to do so because of his/her absence or otherwise.

If the Member who intended to second the motion is unable to do so because of his/her absence or otherwise; the Member who gave notice of his/her intention to move has the right to find another seconder on the night.

## **10. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) to change the order of business in the agenda;
- (c) to refer something to an appropriate body or individual, including the Cabinet, a Committee or Panel or a Council Officer;
- (d) to appoint a Committee or Member arising from an item on the agenda for the meeting;
- (e) to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (f) to withdraw a motion;
- (g) to proceed to the next business;
- (h) that the question be now put;
- (i) to adjourn a debate;
- (j) to adjourn a meeting;
- (k) to suspend a particular Council procedure rule;
- (l) to exclude the public and press in accordance with the Access to Information Rules;
- (m) to not hear further a Member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (n) to give the consent of the Council where its consent is required by this Constitution.

## **11. RULES OF DEBATE**

### **11.1 Motions and Amendments to be Proposed and Seconded**

No debate shall be held on any motion or amendment until it has been proposed and explained, and seconded but any motion which appears in full on the Agenda shall not be required to be read out in full at the meeting.

### **11.2 Motions and Amendments to be in Writing**

This rule was superseded by rule 9.1.

### **11.3 Debate of Motions**

The proposer of a motion may speak for up to ten minutes.

The seconder of a motion may speak for up to five minutes or reserve his/her right to speak until later in the debate on the motion (including the motion for the Council's budget).

Should the seconder of a motion reserve their right to speak, they may lose their right to reply, should an amendment be proposed and carried, making it a substantive motion.

Any Member (except the proposer of the motion) may speak on the motion once for up to five minutes. This would include Cabinet Members who support the Leader in his/her budget presentation

In relation to proposing the Council's budget, the Executive Leader is permitted to speak for the length of his presentation.

In relation to speaking on the Council's budget, the leader of the main opposition group is permitted to speak for 10 minutes and is allowed to speak after the Leader and Secunder have moved the original budget. Should the Secunder reserve the right to speak, then he/she will speak after the Leader.

#### **11.4 Motion Closing Speeches**

Prior to the proposer's closing speech, the seconder of a motion may make a closing speech of up to five minutes, only if he/she has previously reserved their right to speak and has not spoken during the debate on the motion.

The proposer of a motion may make a closing speech of up to five minutes (right to reply and summing up) immediately prior to the vote on the motion being taken.

#### **11.5 Amendments**

An amendment must be relevant to the original motion and seek to:-

- refer the matter to an appropriate body or individual for consideration or reconsideration, or
- remove, add or substitute words, but not to have the effect of negating the original motion.

If a Member proposes to move an amendment at a meeting in relation to any recommendation in a report to the meeting, or any notice of motion to be considered at the meeting, then notice of any such proposed amendment must be given in writing, signed by or sent by email from the member proposing the amendment and received by the Chief Executive before 12 noon on the day prior to the meeting. Upon receipt of any such notice from the Member concerned, the Chief Executive will inform Members by email of the proposed amendment. Should a Member wish to submit a further amendment to the proposed amendment, the Member will be required to serve notice of that proposed further amendment by 5 pm on the day prior to the meeting. Proposed amendments will be considered after the original motion has been proposed and seconded and before the general debate on the substantive (amended) motion, if the amendment has been carried. If notice of more than one proposed amendment is received the proposed amendments will be considered at the Council meeting in the

order that they were received. No amendment may be proposed until any previous amendment has been disposed of.

#### **11.6 Debate of Amendments:-**

- The proposer of an amendment may speak for up to five minutes.
- The seconder of an amendment may speak for up to five minutes.
- If the proposer of the original motion accepts the amendment, it shall become the substantive motion for debate.
- If the proposer of the original motion does not accept the amendment, Members shall vote on the amendment.
- No other Members shall debate the proposed amendment.

#### **11.7 Amendment Closing Speeches (this section has been deleted, see Council of 12 September 2018.)**

#### **11.8 Amendment Accepted, Carried or Lost**

Where an amendment has been accepted by the proposer of the original motion or carried having been put to the vote, the amended motion shall become the substantive motion.

The substantive motion will then be debated by Members (other than the proposer and seconder) prior to the substantive motion closing speeches.

The Mayor shall read out the new substantive motion prior to it being put to the vote.

Where an amendment has been lost having been put to the vote, debate shall return to the original motion, unless a further amendment has been proposed.

#### **11.9 Entitlement to Speak on each Motion and Amendment**

Any Member will be entitled to to speak once on each motion or the substantive motion.

However, only the proposer and seconder of an amendment will be allowed to speak on that amendment.

#### **11.10 Alteration and Withdrawal of Motion**

The proposer of a motion may alter or withdraw it with the consent of the meeting and the seconder, which shall be signified without discussion. Any such alteration may only be in a form which would be acceptable as an amendment under 11.5 above.

#### **11.11 Procedural Motions**

During a debate, Members may speak only in accordance with 11.1 to 11.10, with the exception of proposing a procedural motion as follows:-

- that the question now be put to the vote
- to adjourn the debate or meeting
- to exclude the public and press in accordance with the Access to Information Rules
- to not hear further a Member named under Rule 18.3 or to exclude them under Rule 18.4

Upon the proposal and seconding of a motion that the question now be put to the vote, the Mayor shall put the procedural motion to the vote. If it is carried, he/she shall give the proposer of the original motion a right of reply and then put the motion to the vote.

Upon the proposal and seconding of a motion to adjourn the debate or meeting, if the Mayor thinks the item has not been sufficiently discussed and is unlikely to be on that occasion, he/she shall put the procedural motion to the vote without giving the proposer of the original motion a right of reply.

#### **11.12 Points of Order**

A Member may at any time raise a point of order, relating only 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 breached. The Mayor will hear them immediately and his/her ruling on the matter will be final.

#### **11.13 Personal Explanation**

A Member may at any time request the Mayor to allow them to make a personal explanation, relating only to some material part of an earlier speech by that Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### **11.14 Speaking on a Motion**

A Member speaking on a motion must only speak on matters that directly relate to the motion. Should the proposer of a motion, or an amendment, not restrict his/her speech to matters that directly relate to the motion or amendment then the Mayor may warn the member concerned. Should the proposer of the motion or amendment fail to heed the warning of the Mayor in that regard then the Mayor may move that the motion or amendment be put to the vote. If seconded, the Mayor's motion will be voted on without discussion. If carried, the original motion or amendment will be voted on without discussion.

### **12. STATE OF THE AREA DEBATE**

#### **12.1 Calling of debate**

The Leader may call a state of the area debate annually and will be permitted to speak for the duration of the item.

## **12.2 Form of debate**

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include inviting speakers to present to the Council meeting for upto 5 minutes each.

The Executive Leader is permitted to speak for the length of his presentation.

## **12.3 Chairing of debate**

The debate will be chaired by the Mayor.

## **12.4 Results of debate**

The results of the debate will be:

- (i) filmed and placed on the Council's website; and
- (ii) considered by the Mayor in proposing the Budget and Policy Framework to the Council for the coming year.

# **13. PREVIOUS DECISIONS AND MOTIONS**

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

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 18 Members.

## **13.2 Motion similar to one previously debated**

A motion or amendment in similar terms to a motion or proposal that has been debated or decided or adopted at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 18 members or is moved by the Mayor. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

# **14. VOTING**

## **14.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

## **14.2 Mayor's casting vote**

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

## **14.3 Method of Voting**

Unless a recorded vote is demanded under Rule 14.4, the Mayor will take the vote by show of hands or by means of any electronic voting

system provided for the purpose, or if there is no dissent, by the affirmation of the meeting.

**14.4 Recorded vote**

If 10 Members present at the meeting demand it, the names for and against the motion or amendment will be recorded and entered into the minutes. Where available, this will be done by use of an electronic voting system.

**14.5 Right to require individual vote to be recorded**

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.

**14.6 Voting on appointments at the AGM**

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. Nominations for appointment to outside bodies must be received by 12 noon on the day of the meeting. Any nominations would not be shared prior to the meeting with the exception of the outside body report to the Annual Council Meeting.

See also 1.3(vi) for rules on subsequent changes.

**15. MINUTES**

**15.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy and this must be challenged at least five working days before the meetings. See also rule 15.4.

**15.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

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

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

**15.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

**15.4 Amendments to minutes**

Any challenge to the accuracy of the minutes of a previous meeting must be made in writing signed by or sent by email from the member proposing the amendment and received by the Chief Executive at least five working days before the meeting at which the minutes are to be considered. Any such challenge must:

- be made by a Member of the Council;
- be signed by or endorsed by email by one other member;
- only relate to the accuracy of the minutes;
- include a proposal as to how the minutes should be amended;
- provide a reason for the proposed amendment (restricted to 60 words and not containing any offensive or frivolous wording).

The Mayor, or Deputy Mayor in his/her absence, may agree such proposed amendment and the minutes of the previous meeting will be amended accordingly.

In the event of the Mayor, or Deputy Mayor in his/her absence, not agreeing such proposed amendment then the written challenge to the minutes (suitably redacted to ensure compliance with the requirements of this rule) shall be read out by the Mayor at the meeting and the proposed amendment will be deemed moved and seconded and shall be voted upon without any further discussion.

**16. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting will be recorded as present in the minutes. Where a Member is only present for part of a meeting, the point in the proceedings at which he or she arrives or leaves will be indicated.

**16A MEMBER TO LEAVE THE ROOM**

A Member who declares a prejudicial or disclosable pecuniary interest at a meeting shall leave the room where the meeting is held whilst any discussion or voting takes place on the item unless a dispensation has been granted to the Member or the Members' Code of Conduct otherwise allows

**17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

## **17A PROVISION TO CANCEL A MEETING**

The Chief Executive may cancel or postpone any meeting, in consultation with the Mayor or Chairman, prior to the issue of the agenda or subsequently, if there is no business to be transacted, or there are exceptional circumstances.

## **18. MEMBERS' CONDUCT**

### **18.1 Standing to speak**

When a Member speaks at full Council they must stand and address the meeting through the Mayor, unless they have difficulty standing for reasons of health or disability, in which case they may remain seated. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to raise a point of order or a point of personal explanation.

### **18.2 Mayor standing**

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

### **18.3 Member not to be heard further**

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

### **18.4 Member to leave the meeting**

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

### **18.5 General disturbance**

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

### **18.6 Standards of Dress**

Members standards of dress should be clean and appropriate to the meeting

## **19. DISTURBANCE BY PUBLIC**

### **19.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the public gallery or committee room as appropriate.

**19.2 Clearance of part of meeting room**

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

**20. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**20.1 Suspension (to remove this rule because provision can be made for this at 10(k))**

**20.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next available ordinary meeting of the Council, following approval by the Constitutional Working Group or Monitoring Officer, if the amendment is within his/her remit.

**21. APPLICATION TO CABINET, COMMITTEES AND SUB-COMMITTEES**

21.1 All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 4.2, 4.3, 16A and 19 apply to meetings of the Executive. Only relevant parts of Rules 4 - 7, 9, 10, 13, 14, 15, 16A, 17, 18 and 19 apply to meetings of Committees and Sub-Committees.

21.2 Rules 4.2 and 4.3 shall not apply to the Planning, Licensing, Regulation and Audit, Governance and Standards Committees when dealing with applications or other business to which statutory or legal processes apply.

Updated: September 2024