

# **PART 4**

## **RULES OF PROCEDURE**

As @ Council 09/06/2010

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## **PART 4.1**

### **RULES OF PROCEDURE**

#### **(STANDING ORDERS)**

#### **COUNCIL PROCEDURE RULES**

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## PRELIMINARY DEFINITIONS

- (1) In these Council Procedure Rules, unless the context otherwise demands, the following terms have the meaning assigned to them:

"Authority" - Carmarthenshire County Council acting by any means which they may lawfully adopt;

"County" - County of Carmarthenshire;

"Chief Executive" - the person designated as such by the authority who shall also be the "head of the authority's paid service" under Section 4(1) of the Local Government and Housing Act, 1989;

"Chief Officer" - a person designated as such by the authority;

"Committee" - a committee of the authority;

"Director" - a person designated as such by the authority;

"The Leader of the Council" -the Leader – the executive leader elected by the County Council and as defined in section 11 (3) (a) of the Local Government Act 2000

Deputy Leader of the Council –the Deputy Leader - a member elected as such by the County Council to deputise for the Leader of the Council.

"Executive Board" - the Council's Executive as defined in section 11 of the Local Government Act 2000.

"Executive Board Members" the Leader and Deputy Leader of the Council and any Councillor appointed by the Leader of the Council pursuant to section 11 (3) (b) of the Local Government Act 2000 and notified by the Leader to the County Council..

"Executive Board Portfolio" - an area of County Council activity allocated by the Leader of the Council to an Executive Board Member and notified by the Leader to the Council.

*"the Local Councillor(s)" means the Councillor(s) for any electoral area(s) to which a Council matter under consideration relates.*

"Proper Officer" shall be taken to mean the officer appointed by the County Council for the purpose of this scheme, or in default of such appointment the Chief Executive/Head of Paid Service of the Council.

"Statutory Officer" means:

- (a) the Head of Paid Service in respect of the manner in which the co-ordination by the Council of the discharge of their different functions is co-ordinated, the number of staff required for the discharge of those functions, the organisation of those staff and the appointment and proper management of those staff
- (b) the Monitoring Officer in respect of any proposal, decision or omission which has given rise to or is likely to give rise to a breach of law or of any statutory code of practise, or maladministration
- (c) the Chief Finance Officer in respect of the proper administration of the Council's financial affairs

"Majority group" - a political group to which belong either -

- (a) more than half of the members of the Council; or
- (b) exactly half of the number of members of the Council, including the Chair;

"Meeting" - a meeting of the Council or a committee as the case may be;

"Member" - in relation to the Council, a member of the Council; in relation to any committee a person appointed as a member of that committee whether or not entitled to vote;

"Number of members" - in relation to the Council, the number of persons who may act at the time in question as members of the Council, and in relation to a committee or the number of persons who may act at the time in question as voting members of that body.

"Person Presiding" - the person entitled, or appointed to preside at any meeting;

"Political Group" - a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990 as amended by the (Amendment) Regulations of 1991 and 1993;

"the 1972 Act" - the Local Government Act 1972;

"the 1989 Act" - the Local Government and Housing Act 1989;

"the 2000 Act" - the Local Government Act 2000.

"Without Comment" - in relation to the moving, seconding or putting of a motion without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the motion.

"Working Day" - a weekday during which the offices of the Authority are normally open for business.

- (2) Unless the context otherwise requires, the singular includes the plural and the plural includes the singular;
- (3) Any reference in any Council Procedure Rule to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that Council Procedure Rule bearing that number.

## **CPR 1 - ANNUAL MEETING OF THE COUNCIL**

### **1.1 IN A YEAR WHERE THERE IS AN ORDINARY ELECTION OF COUNCILLORS**

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 meeting will take place on a date in May to be agreed by the Council.

The business to be transacted shall be as follows;-

- (a) elect a person to preside if the Chair of Council is not present;
- (b) elect the Chair of Council;
- (c) elect the Vice Chair of Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chair and/or Head of the Paid Service;
- (f) elect the Leader and Deputy Leader of the Council;
- (g) to be told by the Leader of the Council of the names of Councillors he/she has chosen to be members of the Executive Board;
- (h) appoint scrutiny committees, the Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (i) decide the size and terms of reference for those committees;
- (j) decide the allocation of seats to political groups in accordance with the political balance rules;
- (k) receive nominations of Councillors to serve on each committee and outside body; and
- (l) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council to a committee;
- (m) elect Chairs and Vice Chairs of Committees of the Council.
- (n) agree such parts of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution), and
- (o) consider any other business set out in the notice convening the meeting.

### **1.2 ANNUAL MEETING OF THE COUNCIL IN A YEAR WHERE THERE IS NO ELECTION OF COUNCILLORS**

In a year when there is no ordinary election of Councillors, the annual meeting will take place on a date in May to be agreed by the Council and the business to be transacted shall be as follows:-

- (a) receive any declarations of interest from members
- (b) elect a person to preside if the Chair of Council is not present;
- (c) elect the Chair of Council;
- (d) elect the Vice Chair of Council;

- (e) receive any announcements from the Chair , Leader and/or the Head of the Paid Service;
- (f) elect Chairs and Vice Chairs of Committees of the Council.
- (g) appoint members to fill vacancies on committees
- (h) consider any business set out in the notice convening the meeting that has been agreed by the Chief Executive in consultation with the Chair, as being in need of urgent consideration.(i.e. cannot be delayed until the next ordinary meeting of the Council)
- (i) If the Chair decides that an item of business not included in the agenda for the meeting sent with the summons for the meeting may be taken for reasons of urgency, that item shall, subject to any direction or resolution under paragraph (i), be taken at the end of the other items of business
- (j) The order of business in paragraphs (e) – (h) above may be varied by invitation of the Chair;

## **CPR 2 - ORDINARY MEETINGS**

(1) Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting.

(2) The order of business at every meeting of the Council shall be arranged by the Chief Executive so as to give priority to items requiring decisions. Items for consideration may include;-

- (a) in the absence of the Chair and Vice-Chair, to choose a member of the Council to preside;
- (b) receive any declarations of interest from members;
- (c) receive any announcements from the Chair, Leader, members of the Executive Board or the Head of Paid Service;
- (d) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (e) receive petitions;
- (f) deal with any business remaining from the last Council meeting;
- (g) to elect Chairs and Vice-Chairs of Committees in the event of a vacancy arising mid term.
- (h) receive reports from the Executive Board and the Council's committees and receive questions and answers on any of those reports;
- (i) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (j) consider motions of which notice has been given;
- (k) consider any other business specified in the summons to the meeting reports of the overview and scrutiny committees for debate;
- (l) appoint members to fill vacancies on committees;

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(3) The order of business in paragraphs (a-k) above may be varied by invitation of the Chair;

(4) If the Chair decides that an item of business not included in the agenda for the meeting sent with the summons for the meeting may be taken for reasons of urgency, that item shall, subject to any direction or resolution under paragraph (3), be taken at the end of the other items of business.

## **CPR 3 - EXTRAORDINARY MEETINGS**

### **3.1 CALLING EXTRAORDINARY MEETINGS**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings

the Council by resolution;

the Chair of the Council;

the Monitoring Officer; and

as many members of the Council as constitute a quorum of the Council if they have signed a requisition presented to the chairperson 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.

No business shall be transacted at any extraordinary meeting except such as shall be specified in the notice convening the meeting

This may include Notices of Motion; and

First Readings of major strategy and policy proposals by the Executive Board

## **CPR 4 - COMMITTEES – APPOINTMENT, MEMBERS, SUBSTITUTE MEMBERS AND ARRANGEMENTS FOR MEETINGS**

(1) Every person appointed as a voting member of a committee and every person appointed to exercise other functions in relation to a committee shall continue as such until the appointment is terminated by the authority

(2) The appointment of Chairs and Vice Chairs of Committees of the Council shall be undertaken by the Council at its Annual Meeting or at an ordinary meeting of Council should a vacancy arise mid term.

Nominations for Chairs or Vice Chairs of Committees should be delivered in writing or by electronic mail to the Chief Executive (for the attention of the Democratic Services Manager) no later than mid day 7 working days before the day of the meeting giving details of the proposer and seconder for each nomination. The nominations received will then be considered and voted upon by the Council in accordance with CPR 17.6

(3) In the absence of the Chair at a meeting of committee, the Vice-Chair shall preside

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(4) If the persons appointed under paragraph (2) of this Procedure Rule are absent, a meeting of a committee shall appoint, from among the voting members present, a person to preside at the meeting. The motion, and any amendments, shall be put to the meeting in accordance with Procedure Rule 17(6) (voting on appointment or election of members).

(5) A member of the Council who is not otherwise entitled to attend a committee meeting may do so but at such meeting he/she shall not be entitled to vote and may speak only –

(a) during the consideration of any motion of which notice in accordance with Procedure Rule 12 (motions on notice) has been given which he/she has moved or seconded at a meeting of the Council and which has been referred to that committee or which has been deemed to have been referred to that committee or meeting; or

(b) with the agreement of the person presiding at the meeting

(6) The Chair and the Leader of the Council may attend and speak at a meeting of a committee of which they are not voting members.

(7) Subject to there being sufficient business to be transacted, ordinary meetings of committees shall be convened in accordance with the diary of meetings approved by the Council. Chairs of Committees in consultation with members of their committees shall be entitled to agree variations to the arrangements for meetings.

(8) The person appointed to preside at meetings of a committee or, in his absence his deputy, may call a special meeting of the committee at any time.

(9) The membership of the Planning and Licensing Committees shall be changed by appointing members at the annual meeting of the Council following a County Council election. Appropriate training shall be provided for those committees and in the case of the Planning Committee only members who have attended appropriate training shall be appointed or be allowed to continue as members or to attend as a substitute member. Four nominated substitutes for each of the Independent, Labour and Plaid Cymru Groups will be allowed for the Planning Committee on the basis that each group will identify the two members who will be “first” substitutes with the other two attending meetings only if the “first” substitutes are unable to attend. Two nominated substitutes for each of the Independent, Labour and Plaid Cymru Groups will be allowed for the Departures Committee.

No substitution shall be allowed for members of the Licensing or Appeals Committees.

Any member of the Licensing Committee may act as a substitute member for one of the sub-committees of the Licensing committee referred to in Part 3 Table 3 of this Constitution.

(10) Subject to the foregoing paragraph (9), where an ordinary member of a committee will be absent for the whole of the meeting a political group shall be permitted to substitute any of its members from members of that same group, who are not already members of that particular Committee.

Where a member of a sub-committee of the Licensing Committee will be absent from any part of a meeting of that sub-committee, another member of the Licensing Committee who is not already a member of that particular sub-committee shall be appointed in his or her place.

(11) Executive Board members may not act as substitutes for members of scrutiny committees

(12) Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are substituting
- (b) after notifying the Chief Executive or his representative before the commencement of the meeting of the intended substitution.

(13) Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting

## **CPR 5 - TIME AND PLACE OF MEETINGS**

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

## **CPR 6 - NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least three clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **CPR 7 - CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee meetings, references to the Chair also include the Chair of a committee.

## **CPR 8 - QUORUM**

The quorum of a meeting of the Council, and any committee will be one third of the members rounded up with a minimum number of three. During any meeting if the Chair 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 Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **CPR 9 - DURATION OF MEETING**

### **CPR 9 1 DURATION OF MEETING**

If the business of the meeting has not been concluded within three hours of its commencement the Chair will draw attention to that fact and any member speaking must immediately sit down. The Chair will call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

### **9.2 MOTIONS AND RECOMMENDATIONS NOT DEALT WITH**

If there are other motions or recommendations on the agenda that have not been dealt with at this juncture, they shall be formally moved and seconded (together with any amendments) and voted upon in the usual way. No speeches will be allowed on these items.

### **9.3 RECORDED VOTE**

If a recorded vote is called for during this process it will be taken immediately.

### **9.4 MOTIONS WHICH MAY BE MOVED**

During the process set out in Rules 9.1–9.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

### **9.5 CLOSE OF THE MEETING**

When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.

# **CPR 10 - QUESTIONS FROM THE PUBLIC AND PRESENTATION OF PETITIONS**

## **PART A – PUBLIC QUESTIONS GENERAL**

### **10.1 MEMBERS OF THE PUBLIC**

Members of the public, provided that they are residents of the County, own a business located within the County or are employed within the County may ask questions of members of the Executive Board at ordinary meetings of the Council.

### **10.2 ORDER OF QUESTIONS**

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

### **10.3 NOTICE OF QUESTIONS**

(a) Subject to the paragraph (b) below a question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday 7 working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

(b) At meetings of Area Committees questions may be accepted from members of the public present at the meeting without written notice. So far as is possible the requirements of this Procedure Rule shall apply to such questions.

### **10.4 NUMBER OF QUESTIONS**

Normally at any one meeting no person may submit more than one question and no more than one such questions may be asked on behalf of one organisation.

### **10.5 SCOPE OF QUESTIONS**

The Chief Executive may reject a question if it:

(a) is not about a matter for which the county Council has a responsibility or which affects the County;

(b) is defamatory, frivolous or offensive;

(c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

(d) requires the disclosure of confidential or exempt information.

## **10.6 RECORD OF QUESTIONS**

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

## **10.7 ASKING THE QUESTION AT THE MEETING**

The Chair will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

## **10.8 SUPPLEMENTARY QUESTION**

A questioner who has put a question in person may also be allowed to put normally no more than one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.5 above. A written reply may be given if the information relevant to the response is not available.

## **10.9 WRITTEN ANSWERS**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

## **10.10 REFERENCE OF QUESTION TO THE EXECUTIVE BOARD OR A COMMITTEE**

Unless the Chair decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive Board or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

## **PART B – PRESENTATION OF PETITIONS**

**10.11** At a meeting of the Council any member of the Council or any local government elector of the County may, subject to paragraph (10.12) below, present to the Chair or other person presiding a written petition which is relevant to some matter in relation to which the authority have functions, or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them provided however that such written petition must be signed by not fewer than fifty registered electors of the County who are not members and that it has been delivered in writing to the Chief Executive no later than midday 7 working days before the day of the meeting.

**10.12** The presentation of a petition shall be limited to not more than five minutes, and shall be confined to reading out or summarising the prayer of the petition, indicating the number

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and description of the signatories, and making such further supporting remarks to the petition as the person presenting it shall think fit.

**10.13** The Chief Executive shall indicate the receipt of any request for presentation of a petition in the agenda of the meeting and petitions shall be presented in the order in which he received those requests.

**10.14** The Leader or the relevant Executive Board Member or committee Chair shall be entitled to make a brief response to the presentation.

**10.15** The petition shall be referred to the Executive Board, an Executive Board Member or the relevant Committee for consideration.

**10.16** The provisions of this Procedure Rule shall also apply to any committee but only to the extent that the subject matter of the petition falls within the terms of reference of that particular committee.

## **CPR 11 - QUESTIONS BY MEMBERS**

### **11.1 ON REPORTS OF THE EXECUTIVE BOARD OR COMMITTEES**

A member of the Council may ask the Leader or the Chair of a committee any question without notice upon an item of the report of the Executive Board or a committee when that item is being received or under consideration by the Council.

### **11.2 QUESTIONS ON NOTICE AT FULL COUNCIL**

Subject to Rule 11.4, a member of the Council may ask:

- (a) the Chair of the Council;
- (b) a member of the Executive Board; or
- (c) the Chair of any committee
- (d) a question on any matter in relation to which the Council has powers or duties or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them

### **11.3 QUESTIONS ON NOTICE AT COMMITTEES**

Subject to Rule 11.4, a member of a committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect area of the authority, or part of it, or the inhabitants of that area, or some of them and which falls within the terms of reference of that committee.

## **11.4 NOTICE OF QUESTIONS**

A member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) they have given at least 3 working days notice in writing of the question to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Chief Executive by 09.00 hours on the day of the meeting.

## **11.5 RESPONSE**

An answer may take the form of:

- (a) a direct oral answer;
- (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.

## **CPR 12 - MOTIONS ON NOTICE**

**12.1** Any members of the Council may give notice of not more than one motion for consideration at any meeting of the Council.

**12.2** The Leader of the Council may give notice of more than one motion for consideration at any meeting of the Council.

**12.3** Notice of every motion to be moved at a meeting of the Council other than a motion which, may be moved without notice, shall be given in writing, signed by the member or the members of the Council giving the notice and delivered in time to appear on the summons before the next meeting of the Council at the office of the Chief Executive. The notice shall state for which meeting of the Council it is given.

**12.4** The Chief Executive shall not accept any notice of motion which, by reason of any enactment or any provision in these Procedure Rules other than paragraph (12.9) below could not be considered at the meeting for which is given.

**12.5** The Chief Executive shall record the time and date at which every such notice is delivered to him. That record shall be open to the inspection of every member of the Council.

**12.6** The Chief Executive shall set out in the summons of the relevant Council meeting all motions of which notice has been duly given for that Council meeting in the order in which they have been received.

**12.7** Every motion shall be relevant to some matter in relation to which the authority have functions, or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them.

**12.8** A motion shall only be moved by a member by whom notice has been given, or by a member authorised by such a member.

**12.9** Where notice of a motion has been given for any meeting, and that motion is not moved (for whatever reason) the notice shall lapse, and the motion shall not be moved without further notice.

**12.10** Written amendments to Notices of Motion must be received by the Chief Executive 24 hours before the Council, signed by the mover and seconder and will be circulated in written form to all members at the Council meeting. No verbal amendments will be allowed.

**12.11** The Chief Executive shall in consultation with the Chair of Council refer, where appropriate Notices of Motions upon receipt to the Executive Board or the relevant Committee unless the content requires consideration by the Council.

## **CPR 13 - 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) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;

- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond three hours in duration
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

## **CPR 14 - RULES OF DEBATE**

(a) In all proceedings of the Council, the Executive Board and meetings of Committees the Welsh language and the English language shall have the same status and validity.

(b) All persons shall have the right when addressing the Council to speak in Welsh or English.

(c) Simultaneous translation facilities shall be provided at all meetings referred to in paragraph (a) above.

### **14.1 NO SPEECHES UNTIL MOTION SECONDED**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **14.2 RIGHT TO REQUIRE MOTION IN WRITING**

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.

### **14.3 SECONDER'S SPEECH**

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

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#### **14.4 CONTENT AND LENGTH OF SPEECHES**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed four minutes without the consent of the Chair.

#### **14.5 WHEN A MEMBER MAY SPEAK AGAIN**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### **14.6 AMENDMENTS TO MOTIONS**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words. as long as the effect of (ii) to (iv) is not to negate the motion.
- (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 by being voted upon.
- (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) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **14.7 ALTERATION OF MOTION**

(a) 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.

(b) Only alterations which could be made as an amendment may be made.

#### **14.8 WITHDRAWAL OF MOTION**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **14.9 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.

#### **14.10 MOTIONS WHICH MAY BE MOVED DURING DEBATE**

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

- (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) that the meeting continue beyond three hours in duration;

- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

#### **14.11 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, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(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.

#### **14.12 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.

#### **14.13 PERSONAL EXPLANATION**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

### **CPR 15 DEBATE ON THE LEADER'S ANNUAL REPORT (*NOTE: THIS CPR WAS DELETED BY COUNCIL AT ITS MEETING ON 11/10/06*)**

## **CPR 16 - PREVIOUS DECISIONS AND MOTIONS**

### **16.1 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 it is recommended by the Executive Board or a committee or notice in accordance with Procedure Rule 12 Motions on Notice has been given by as many members as would constitute a quorum of the Council.

### **16.2 MOTION SIMILAR TO ONE PREVIOUSLY REJECTED**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least as many members as would constitute a quorum of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **CPR.17 - VOTING**

### **17.1 MAJORITY**

Unless these rules provide 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.

### **17.2 CHAIR'S CASTING VOTE**

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.

### **17.3 SHOW OF HANDS**

Unless a recorded vote is demanded under Rule 17.4, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **17.4 RECORDED VOTE**

If 10 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes (but only in relation to meetings of Council).

### **17.5 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.

### **17.6 VOTING ON APPOINTMENT OF ELECTED MEMBERS TO POSITIONS TO BE FILLED BY THE AUTHORITY**

Where a vote is required on a motion to appoint or elect a member of the Council to a position to be filled by the authority and there are two or more members nominated for that

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position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

### **17.7 VOTING ON STAFF APPOINTMENTS**

Where a vote is required on a motion to appoint a person to any paid office of employment under the authority voting shall be by ballot and where there are two or more candidates for that appointment, their names shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

## **CPR 18 - MINUTES**

### **18.1 SIGNING THE MINUTES**

The Chair will sign the minutes of the proceedings at the next appropriate 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.

**18.2** 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 purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **18.3 FORM OF MINUTES**

**18.3.1** The decision records for executive decisions and minutes of Council and committee meetings will as appropriate record:-

- (a) the decision made
- (b) the date the decision was made
- (c) the reasons for that decision;
- (d) any personal interest declared;
- (e) any dispensation to speak granted by the authority's standards committee
- (f) any consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why

**18.3.2** In addition the minutes of Council and committee meetings will be proportionate to the matters under discussion. They will comprise a reasonably fair and coherent record of proceedings. Where the substance of the matter demands, they will contain in the preamble

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to each minute a brief summary of the matter under discussion and the principal points made during any debate without attributing views or opinions to any members by name.

**18.3.3** Where parts of the minutes are excluded because they refer to exempt information and the minutes available do not provide a reasonably fair and coherent record, a written summary will be provided which provides such a record without disclosing the exempt information.

**18.3.4** Minutes will contain all motions and amendments in the exact form and order the chair put them.

## **CPR 19 - RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **CPR 20 - 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 22 (Disturbance by Public).

## **CPR 21 - MEMBERS' CONDUCT**

### **21.1 STANDING TO SPEAK**

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

### **21.2 CHAIR STANDING**

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

### **21.3 MEMBER NOT TO BE HEARD FURTHER**

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.

### **21.4 MEMBER TO LEAVE THE MEETING**

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.

## **21.5 GENERAL DISTURBANCE**

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

## **CPR 22 - DISTURBANCE BY PUBLIC**

### **22.1 REMOVAL OF MEMBER OF THE PUBLIC**

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

### **22.2 CLEARANCE OF PART OF MEETING ROOM**

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

## **CPR 23 - SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **23.1 SUSPENSION**

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or, without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### **23.2 AMENDMENT**

Any motion to add to, vary or, revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **CPR 24 - APPLICATION TO COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive Board except CPR14(a-c). Only Rules 4–9, 11–14, 16–18 (but not rule 17.4), 20–24 (but not Rule 21.1) apply to meetings of committees and sub-committees of the Licensing Committee.