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## **PART 4 - PROCEDURAL RULES**

### **SECTION A**

#### **COUNCIL PROCEDURE RULES**

##### **1. Annual Meetings - Timing and Business**

##### **1.1 Annual Meeting of the Council following the ordinary election of councillors**

Following the ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors.

This Annual Meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) receive the report of the Returning Officer (as appropriate);
- (v) approve the minutes of the last meeting;
- (vi) receive apologies for absence;
- (vii) receive any announcements from the Mayor and/or the Head of the Paid Service;
- (viii) elect the Leader for a four year term of office;
- (ix) appoint at least one scrutiny committee and such other committees and working groups 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, Table 1 of this Constitution);
- (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 Table 3 of this Constitution);
- (xi) consider any business set out in the notice convening the meeting, including motions and questions

## 1.2 Annual Meeting in other years

In any other years, the annual meeting will take place in March, April or May and will conduct the business set out at 1.1 above with exception of the election of the Leader.

## 1.3 Establishment of and Appointment to Committees and Working Groups of Council

At all Annual Meetings, the Council will:

- (i) decide which committees and working groups of Council to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees and working groups of Council;
- (iii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and working group of Council;
- (v) appoint to those committees and working groups of Council on the nomination of the Party Group Leaders except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader;

(Note: whilst committees will ordinarily consist of Members, the Council may appoint committee members who are not members of the Council except where the committee concerned deals with the control or regulation of the Council's finances or of its area);

- (vi) appoint chairmen and vice chairmen of the committees and working groups of Council.

## 2. Ordinary meetings

Ordinary Meetings will usually be held ~~at approximately nine week intervals in~~ July, October, December, February and April. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive apologies for absence;
- (iv) receive any declarations of interest from members;

- (v) receive any announcements from the Mayor, the Leader, Members of the Executive or the Head of the Paid Service;
- (vi) present retirement and long service awards (if any) to employees of the Council;
- (vii) receive questions or presentations from the public, consistent with the Public Speaking Rules at Part 4 of this Constitution;
- (viii) receive, debate and respond to any petitions presented in accordance with the Petition Scheme at Part 4 of this Constitution;
- (ix) deal with any business from the last Council meeting;
- (x) receive questions from Members and provide answers in accordance with Rule 11;
- (xi) receive notice of any changes to the membership of Committees made by the Chief Executive in accordance with the wishes of the political groups;
- (xii) consider the appointment of a Chairman of a Committee either as a result of the change in membership of Committees or following a vote of no confidence by a Committee in accordance with Scrutiny Committees and Committees, Sub Committees and Other Bodies Procedure Rules at Part 4;
- (xiii) at the appropriate meeting, set the Council Tax for the coming year and at that meeting receive a statement of the Council's financial position by the Leader;
- ~~(xiv) at an appropriate meeting, to receive and debate a State of the Borough address by the Leader;~~
- (xv) receive and consider all other reports, minutes and recommendations of the Leader, individual Portfolio Holders, the Executive and committees;
- (xvi) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xvii) consider motions in accordance with Rule 12;
- (xviii) consider any other business specified in the summons to the meeting;
- (xix) receive a report on key decisions taken outside policy and budget by reason of special urgency;

- (xx) permit Members to ask questions and receive answers from the Leader or specific Portfolio Holders in Executive Question Time;
- (xxi) make decisions in relation to those items considered at the meeting which are no longer to be regarded as exempt.

### **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:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer;
- (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 days of the presentation of the requisition; and
- (v) a Scrutiny Committee, if it so resolves, where it believes that a decision by the Leader, individual Portfolio Holder or the Executive was not wholly within budget or policy.

#### **3.32 Business**

In order to preserve the use of extraordinary meetings for debates concerning one-off, major matters the business which can be conducted at extraordinary meetings will be confined to a single item/the item(s) of business for which it has been called, with no consideration of previous minutes or reports from committees etc.

### **4. Time and place of meetings**

The time and place of meetings will be determined by the Chief Executive and notified in the summons. Meetings will normally be held in the Council Chamber at Surrey Heath House and will commence at 7.00 pm.

### **5. Notice of and summons to meetings**

- 5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Local Government Act 1972 and the Access to Information Procedure Rules.
- 5.2 At least five 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~~, unless a meeting is convened at less notice and this requirement cannot be met.

5.3 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.

## **6. Cancellation of a Meeting**

6.1 The Chief Executive may, after consultation with the Mayor, cancel a scheduled meeting if, in his/her opinion, there is insufficient business to justify calling it.

6.2 Once a meeting has been called in accordance with Rule 5 above, the meeting will not be cancelled unless it is impractical to hold such a meeting. The Chief Executive, after consultation with the Mayor, may rule that the meeting is cancelled and will advise all councillors and interested parties.

## **7. Chair of meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor.

## **8. Quorum**

8.1 The quorum at a meeting of the Council is ten. If, after thirty minutes from the notified start time of the meeting, a quorum is not present, the business will be adjourned to a fixed date and time, or to the next Ordinary Meeting.

8.2 If during any meeting of the Council the Mayor, after counting the number of members present, declares that there is not a quorum present, the meeting will be adjourned.

8.3 When voting on a motion to remove the Leader of the Council, the quorum required is at least three quarters of the total number of members of the Council.

## **9. Duration of meeting**

9.1 At 10.00pm the Mayor must ask the members present whether they wish to adjourn the meeting immediately, conclude the business of the evening by 10.30pm or adjourn to a different date. The meeting must adjourn no later than 10.30pm.

9.2 The Council will only suspend this Standing Order on rare occasions when circumstances justify doing so. The motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

## **10. Public Participation and Petitions**

10.1 Members of the public and public groups and bodies may, at ordinary meetings, ask questions of members or make presentations in accordance with the Council's Public Speaking Rules set out at Part 4 of the Constitution.



10.2 Petitions at Council Meetings will be received, debated and responded to in accordance with the Petitions Scheme (Part 4 of the Constitution).

## **11. Questions by members**

### **11.1 Questions on notice at full Council**

Subject to Rule 11.2, a member of the Council may ask:

- the Mayor;
- the Leader or a member of the Executive; or
- the chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough of Surrey Heath. Where the question meets the requirements of 11.2 below, the ~~Executive~~ Head of Corporate Legal & Democratic Services will give a copy of each question to every councillor attending the meeting.

### **11.2 Notice of questions**

A member may only ask a question under Rule 11.1 if either:

- (a) they have given notice in writing of the question to the Chief Executive to arrive no later than 5 pm three clear working days before the meeting; or

(Note: if the Council meeting is on a Wednesday, the question must be received by 5.00 pm on the Thursday preceding the meeting providing there are no Bank Holidays in this period.)

- (b) the question relates to urgent matters, they have the consent of the Mayor to the question being put and the content of the question is given to Chief Executive by 10.00 am on the day of the meeting.

### **11.3 Response**

The question will be put and answered without discussion. An answer given may be given:

- (a) by reference to published material of the Council or that which is readily available to the members; or
- (b) in writing.

The question and the written response will be circulated to Councillors by no later than 2.00pm on the day of the Council meeting.

### **11.4 Supplementary question**

- (a) A member asking a question under Rule 11.1 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply and the answer will be given as in 11.3 above.
- (b) If an answer to the supplementary question is to be made in writing, the answer must be circulated to all members of the Council by e-mail.

#### **11.5 On Minutes of the decisions made by the Leader, Portfolio Holders, Executive or Committees**

A member of the Council may ask the Leader or the chairman of a committee any question without notice upon an item of the minutes of the decisions of the Leader, individual Portfolio Holders, the Executive or a committee when that item is being received or under consideration by the Council.

#### **11A. Leader's Question Time**

- 11A.1 The purpose of Leader's Question Time is to allow Members to ask questions of the Leader which relate to his/her area of responsibility.
- 11A.2 The Leader, will respond to questions from Members each meeting.
- 11A.3 The Leader may respond orally, by reference to published material or that which is readily available to the members, or in writing. The Questions will be put and answered without debate.
- 11A.4 The total time allocated to Leader's Question Time will be no more than 20 minutes.

#### **12. Motions on Notice**

##### **12.1 Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion, must be received by the Chief Executive at least seven clear days before the meeting, and be signed by the councillor(s) giving the notice.

(Note - seven clear days does not included the day of the meeting i.e. If the Council meeting is on a Wednesday the motion must be received by 5 p.m. on the Friday two weeks before the meeting providing there are no Bank Holidays in this period.)

##### **12.2 Motion set out in agenda**

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

### 12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough of Surrey Heath

Motions shall contain no more than 350 words. Any amendments to motions shall contain no more than 150 additional words.

### 12.4 Improper, Out of Order or Not Relevant Motions

If the Chief Executive receives a notice of motion and entertains any doubt as to whether the motion is

- (i) improper;
- (ii) unlawful;
- (iii) out of order;
- (iv) ~~or~~ not relevant to a matter for which the Council has a responsibility or which affects the Borough of Surrey Heath; or
- (v) requesting action which has financial implications that are outside the approved budget and where the budgetary implications have not been addressed in the motion

he or she must consult the Mayor before inserting or rejecting it. A motion rejected in this manner must not be inserted in the agenda except upon the written request of 10 members of the Council, at which point the Chief Executive will accompany the motion with a written report containing the relevant advice councillors need to take into consideration. The mover of the motion will have the right to accompany this report with a written explanation of their reasons for moving the motion.

Where a motion is received and the action requested is substantially similar to the action requested in a motion already received and accepted for inclusion on an agenda, the motion will be rejected by the Chief Executive after consultation with the Mayor.

### 12.5 Motions not Moved at the Meeting

The Council will treat as withdrawn any motion not moved, either by the member who gave notice or by some other councillor on their behalf, at the meeting at which it appears on the summons, unless its postponement is agreed. A motion must be seconded before any debate can take place.

### 12.6 Reference of or Dealing with Motions

Any motion the subject matter of which comes within the province of the Leader, individual Portfolio Holder, the Executive or any committee(s) may be

referred without discussion to the Leader, Portfolio Holder or body concerned, or any other body, for consideration and report or be dealt with at the meeting at which it is moved if the Mayor considers it would be advantageous to do so.

### 12.7 **Notice of Reference of Motion**

The councillor who has moved the motion must be notified by the **Executive Head of Corporate-Legal & Democratic Services** of the meetings of the body to which it has been referred, and has the right to attend the meeting(s) and to explain the motion.

### 12.8 **Limit on Number of Motions**

No councillor must have more than two notices of motion on the same agenda.

### 12.9 **Motion to Replace Leader**

- (a) A notice of motion to replace the Leader of the Council must state why the signatories consider the Leader should be removed and be signed by 10 members of the Council and received by the Chief Executive at least five clear days before the meeting.
- (b) Subject to the provisions relating to the quorum required when voting on such a motion (see Rule 8.2 above), at any meeting of the full Council, a councillor may propose that "the Council has no confidence in the Leader". The question shall, after debate, be put and, if carried by at least two-thirds of those councillors present, the Leader shall be removed from office.
- (c) If the Council passes a resolution to remove the Leader from office, a new Leader will be elected at the meeting at which the Leader is removed from office.

## 13. **Motions without notice**

The following motions may be moved without notice:

- (a) to appoint a chairman for that meeting or the remainder of the meeting;
- (b) in relation to the accuracy of the minutes of the Council;
- (c) to change the order of business in the agenda;
- (d) to receive the minutes and adopt recommendations of the Leader, individual Portfolio Holders, the Executive, committees or officers;
- (e) to refer, or refer back, a matter to an appropriate body or individual, providing it does not seek to amend or rescind a decision taken using delegated authority;

- (f) in relation to the consideration of an item on the agenda, but the motion must be relevant to that item, not introduce any new subject matter and not seek to amend or rescind a decision taken using delegated authority;
- (g) to appoint a body or a person to a body, arising from an item on the summons for the meeting;
- (h) to withdraw a motion;
- (i) to extend the time limit for speeches
- (j) to amend a motion;
- (k) to proceed to the next business;
- (l) that the question be now put;
- (m) to adjourn a debate;
- (n) to adjourn a meeting;
- (o) to suspend one or more Council Procedure Rule, except for Rules 17.5 and 18.2;

(Note: where the Council wishes to allow freer debate and remove restrictions relating to officers and consultants speaking, councillors speaking more than once, the time limit on speaking and the requirement to stand, Rules 14.6, 14.7 and 21.1 need to be suspended.)

- (p) to exclude the public and press under Section 100A(2) and Section 100A(4) of the Local Government Act 1972 and in accordance with the Access to Information Rules;
- (q) to not hear further a member named under Rule 21.5 or to exclude them from the meeting under Rule 21.6;
- (r) to give the consent of the Council where its consent is required by this Constitution; and
- (s) to carry out a statutory duty or power of the Council not delegated by law or the Constitution to the Leader which, in the opinion of the Mayor, is of an urgent nature.

## **14. Rules of debate**

### **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. When seconding a motion or amendment, the member will speak immediately after the member proposing the motion or amendment.

#### 14.2 Right to require motion in writing

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

#### 14.3 ~~Secunder's speech~~

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

#### 14.4 Content of Speech

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

#### 14.5 Length of speech

Except with the consent of the Mayor:

(a) in respect of motions moved with notice (Rule 12 above), the mover of the motion may not speak for more than 8 minutes and the seconder 5 minutes

(b) subject to (c), in respect of motions moved without notice (Rule 13 above), the mover and the seconder of the motion may not speak for more than 3 minutes each

(c) in respect of motions moved in accordance with Rule 13 (j) during consideration of the item setting the Annual Budget, the mover of an amendment to a motion may not speak for more than 8 minutes and the seconder 5 minutes

(d) any other member speaking during a debate may not speak for more than 3 minutes, except during consideration of the item setting the Annual Budget where they may not speak for more than 5 minutes.

#### 14.6 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 (Rule 14.10);
- (e) to raise a point of order (Rule 14.1~~3~~);
- (f) by way of personal explanation (Rule 14.1~~3~~4).

(For this purpose, each separate minute of the decisions of the Leader, individual Portfolio Holder, the Executive, committee, sub-committee or joint committee, or group of minutes being taken together will be regarded as a separate motion.)

#### 14.7 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.
- (c) Notice of intention to move a further amendment, and the nature thereof, may, at the discretion of the Mayor be given before a vote is taken on the amendment before the meeting.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) 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.
- (f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 14.8 Alteration of motion

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

#### 14.9 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the Council and the seconder. The Council'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.

#### 14.10 Right of reply

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

(d) A councillor exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this will be final.

#### 14.11 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules 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 Mayor on the matter will be final.

#### 14.12 Right to 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



or correct an earlier statement. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### 14.1~~31~~ **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) by the mover, to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of a motion;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) to adjourn a debate;
- (g) to adjourn a meeting;
- (h) to suspend one or more Council Procedure Rules;
- (i) to refer the subject of the debate to the Executive, a committee or to an officer for report;
- (j) to exclude the public and press under Section 100A(4) of the Local Government Act 1972 accordance with the Access to Information Rules; and
- (k) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

#### 14.1~~42~~ **Closure motions**

(a) A member may move, without comment, the following procedural motions at the end of a speech of another member:

- (a) to proceed to the next business;
- (b) to take an immediate vote;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

(b) On the seconding of any of the above procedural motions, the Mayor will proceed as follows:

##### **Next Business**

- (i) If the Mayor considers the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put to the vote the motion to move to the next business.

#### **An Immediate Vote**

- (ii) If the Mayor considers the item has been sufficiently discussed, he/she will put to the vote the motion to move to an immediate vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her original motion to the vote.

#### **Adjourn a Debate**

- (iii) If the Mayor considers the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he/she will put to the vote the motion to adjourn the debate without giving the mover of the original motion the right of reply.

#### **Adjourn a Meeting**

- (iv) If the Mayor considers the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he/she will put to the vote the motion to adjourn the meeting without giving the mover of the original motion the right of reply.

#### **(c) Relevance to the Question and No Amendments**

A Member moving the adjournment of the debate or the meeting must confine his/her observations to that question and no amendment can be proposed to that motion unless it relates to the time of adjournment.

#### **(d) Adjourned Debate**

On resuming an adjourned debate, the Member who moved the adjournment is entitled to speak first. Thereafter, the normal rules of debate will apply.

#### **(e) Second Motion to Adjourn Meeting**

A second motion to adjourn the meeting cannot be made within a period of thirty minutes from the first motion unless moved by the Mayor.

#### **~~14.13 Point of order~~**

~~A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules 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 Mayor on the matter will be final.~~

#### ~~14.14 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 Mayor on the admissibility of a personal explanation will be final.~~

### ~~15. State of the Borough of Surrey Heath debate~~

#### ~~15.1 Calling of debate~~

~~The Leader may call a State of the Borough of Surrey Heath debate annually on a date to be agreed with the Mayor.~~

#### ~~15.2 Form of debate~~

~~The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity.~~

#### ~~15.3 Chairing of debate~~

~~The debate will be chaired by the Mayor.~~

#### ~~15.4 Results of debate~~

~~The results of the debate will be:~~

- ~~(i) disseminated as widely as possible within the community and to agencies and organisations in the area; and~~
- ~~(ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.~~

### **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 the notice of motion is signed by at least 10 members.

#### **16.2 Motion similar to one previously rejected**

A motion or amendment, which in the opinion of the Chief Executive, after consultation with the Mayor, is in similar terms to one which 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 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## 17. Voting

### 17.1 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.

### 17.2 Mayor's casting vote

- (a) If there are equal numbers of votes for and against, the Mayor will have a second or casting vote.
- (b) If the Mayor fails to vote when the main vote is taken, an equality of a vote cannot be achieved by the Mayor casting an original vote and following that action with a casting vote. The Mayor's casting vote may be used whether or not the Mayor has already voted.
- (c) In the event of a tied vote, the proposer of the matter under debate shall have the opportunity of making a further speech of no more than 3 minutes. A further vote will then immediately be taken. If deadlock has not been broken, the Mayor must cast a vote in favour of the status quo. The status quo will usually be interpreted as the motion falling.  
Where there is a tied vote on the appointment to a position, if relevant the Mayor will vote in favour of the current incumbent, but will otherwise have a free vote.

### 17.3 Show of hands

Except where a vote is being taken at a budget decision meeting or unless a ~~roll call~~recorded vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting."

### 17.3A Budget Decision Meeting

Immediately after any vote on the budget is taken at the budget decision meeting, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

### 17.4 ~~Roll Call~~Recorded Vote

If, before the Mayor begins to take a vote, three members present at the meeting demand it, the names for and against the motion or amendment or abstentions from voting will be taken down in writing and entered into the minutes.

Where the facility is available, this vote will be conducted electronically.

Where this is not possible, Eeach member present will be called by name and asked to indicate whether they are voting in favour of, or against the motion or amendment or abstaining from voting.

#### **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 recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

#### **17.6 Voting on appointments**

If there are more than two people nominated for any position to be filled by the Council and there is no clear majority of the votes cast in favour of one person, then the candidate who received the fewest votes must be eliminated from the voting and a fresh vote taken. This process will, if necessary, continue until a majority of votes has been cast in favour of one person.

Where there is only one candidate, they will be elected.

### **18. Minutes**

#### **18.1 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.

#### **18.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

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

#### **18.3 Form of minutes**

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

### **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.

## **20. Exclusion of public**

Members of the public and press may only be excluded either in accordance with Section 100A(4) of the Local Government Act 1972 and the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

## **21. Members' conduct**

### **21.1 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.

### **21.2 Standing to speak**

When a member speaks they must stand and address the meeting through the Mayor.

### **21.3 Mayor to decide order of speaking**

If two or more councillors indicate their wish to speak, the Mayor will decide the order of speaking.

### **21.4 Only one councillor to stand**

While a councillor is speaking, all other councillors must remain seated and silent unless rising to a point of order or in personal explanation.

### **21.5 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, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **21.6 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.

### **21.7 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.

## **22. Disturbance by public**

### **22.1 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 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 Mayor may call for that part to be cleared.

## **23. Suspension and amendment of council procedure rules**

### **23.1 Suspension**

All of these Council Procedure Rules except Rule 17.5 and 18.2 may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting.

### **23.2 Amendment**

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

## **24. Interpretation of Council Procedure Rules**

The ruling of the Mayor as to the application of any of the Council Procedure Rules, or as to any proceedings of the Council, must not be challenged at that meeting of the Council.

## **25. ~~Council Procedure Rules to be given to Members~~**

~~25.1—A printed copy of these Procedure Rules will be provided to each Member.~~

~~25.2—Any amendment to these Procedure Rules will be notified in writing to every Member within 10 working days from the date of the meeting at which the amendment is approved by the Council.~~