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## STANDARDS COMMITTEE (SMDC) AGENDA

**Date:** Friday, 26 July 2024

**Time:** 10.00 am

**Venue:** The Council Chamber, Moorlands House, Stockwell Street, Leek

18 July 2024

1. Apologies for absence, if any.
1. Apologies for absence, if any.
2. Declarations of interest, if any:
  - Disclosable Pecuniary Interest;
  - Other interests.
3. To approve as a correct record the Minutes of the previous meeting. **(Pages 3 - 4)**
4. Urgent items of business, if any (24 hours notice to be provided to the Chairman).
5. Review of Council Meeting Procedure Rules **(Pages 5 - 24)**
6. Exclusion of the Press and Public

### **The Chair to move:-**

"That pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or nature of the proceedings whereby it is likely that exempt information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the paragraphs indicated."

7. To approve as a correct record the Exempt Minutes of the previous meeting. **(Pages 25 - 26)**
8. Complaint Monitoring Report **(Pages 27 - 32)**

**MARK TRILLO**  
**EXECUTIVE DIRECTOR AND MONITORING OFFICER**

Membership of Standards Committee (SMDC)

Councillor A Church (Chair)

Councillor B Emery

Councillor C Jebb

Councillor G Taylor

Councillor C Wood

Councillor W Rogers

Mr P Carnall

Councillor I Herdman (Vice-Chair)

Councillor E Fallows

Councillor M Spooner

Councillor P Wilkinson

Mr L Jackson

Mr J Berrisford

## **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

### **STANDARDS COMMITTEE (SMDC) DECISIONS**

**FRIDAY, 17 NOVEMBER 2023**

PRESENT: Councillor A Church (Chair)

Councillors Mr J Berrisford, E Fallows, I Herdman, Mr L Jackson, C Jebb, Councillor W Rogers, M Spooner, P Wilkinson and C Wood

IN ATTENDANCE: Councillor(s) C Atkins

APOLOGIES: Councillors B Emery, G Taylor and Mr P Carnall

11 **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING.**

RESOLVED:

That the minutes of the meeting held on 21 July 2023 be approved as a correct record and signed by the Chair.

Councillors observed a minute's silence in memory of Mr Harry Mawdsley (Independent Person) who had recently passed away.

The Committee welcomed Mr John Berresford (Substitute Independent Person) and Cllr Leslie Jackson (Parish Representative) to the meeting.

12 **DECLARATIONS OF INTEREST, IF ANY:**

There were no declarations of interest.

13 **LOCAL GOVERNMENT OMBUDSMAN ANNUAL LETTER**

The report advised members of the content of the Ombudsman's Annual Letter for the period April 2022 – March 2023. The Local Government Ombudsman's Annual Review Letter summarised complaints and enquiries received by it in relation to the Council. The letters were published on the Ombudsman's website together with specimen data used to inform the Ombudsman's Annual Report.

RESOLVED:

That the content of the Ombudsman's Annual Letter (included at Appendix A to the report) be noted.

14 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED:

## **Standards Committee (SMDC) - 17 November 2023**

That, pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or the nature of the proceedings whereby it is likely that confidential information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100 I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the Paragraphs indicated.

15 **TO APPROVE AS A CORRECT RECORD THE EXEMPT MINUTES OF THE PREVIOUS MEETING.**

RESOLVED:

That the exempt minutes of the meeting held on 21 July 2023 be approved as a correct record and signed by the Chair.

16 **STANDARDS COMPLAINTS MONITORING REPORT**

Members were presented with information regarding complaints made under the Code of Conduct in the period since the committee previously met. This included complaints made against nine parish/town councillors and one former district councillor.

RESOLVED:

That the report be noted.

The meeting closed at 10.20 am

\_\_\_\_\_  
Chairman

## STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

### Standards Committee

26 July 2024

<b>TITLE:</b>	<b>Council Meetings Procedure Rules and Delegations to Officers</b>
<b>PORTFOLIO HOLDER:</b>	<b>Councillor Mike Gledhill - Leader</b>
<b>CONTACT OFFICER:</b>	<b>Linden Vernon – Head of Democratic Services</b>
<b>WARDS:</b>	<b>Non-Specific</b>

### Appendix A – Council Meeting Procedure Rules

#### 1. Reason for the Report

- 1.1. To present to Members proposals to revise the Council Meeting Procedure Rules and update the delegations to officers following consideration by the Constitution Review Working Party.

#### 2. Recommendation

- 2.1. That Council approves the revised Council Meeting Procedure Rules and delegations to officers.

#### 3. Executive Summary

- 3.1 In accordance with Article 15 of the Constitution the Working Party is tasked with reviewing the workings of the Constitution to ensure it remains relevant and up-to-date. Since its initial adoption the Constitution has been reviewed in entirety and consequential updates have frequently been made as a result of changes to legislation. However, as a matter of good practice, it is recommended that elements are reviewed periodically to ensure that the Constitution remains fit for purpose.
- 3.2 It is suggested that the Council Meeting Procedure Rules be reviewed due to their importance to the Council's decision making process. The Constitution Review Working Party met on 24 April 2024 to consider potential amendments which have also subsequently been reviewed by political group leaders. The

proposed amendments to these Rules are provided in Appendix A to this report (highlighted by tracked changes).

3.3 It is also proposed to amend the delegations to officers, contained in Part 3 Table 7 of the Council's Constitution. This is to clarify and confirm that the delegations to include any officers and officer roles employed by another authority including, in particular the Council's strategic partner, High Peak Borough Council. All recommendations proposed by the Working Party are required to be presented to Full Council for formal approval.

#### **4. How this report links to Corporate Priorities**

4.1 Aim 2 - Use resources effectively and provide value for money. Objective - Strong and effective democratic processes.

**Mark Trillo**  
**Executive Director (Governance and Regulatory Services)**  
**and Monitoring Officer**

#### **Background Papers**

Council Meeting Procedure Rules  
(attached – Appendix A)

#### **Contacts**

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# Council Meeting Procedure Rules

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# Council Meeting Procedure Rules

## Rule No. 1 – Meetings of the Council

### Annual Meeting

- 1.1 The Annual meeting of the Council shall be held -
  - (a) in a year of ordinary elections of Councillors to the Council, on the eighth day after the day of retirement of Councillors or such other day within the twenty-one days immediately following the day of retirement as the Council may fix;
  - (b) in any other year, on such day in the month of March, April or May as the Council may fix.
- 1.2 The annual meeting in a year following the ordinary election of Councillors shall:
  - (a) elect the Leader of the Council;
  - (b) receive the Leader's report on the appointment of Members to serve on the Cabinet and their respective portfolio responsibilities.
- 1.3 In this and other years, the annual meeting will:
  - (a) elect a person to preside if the Chairman or Vice-Chairman is not present;
  - (b) elect the Chairman of the Council;
  - (c) elect the Vice-Chairman of the Council;
  - (d) approve the minutes of the last meeting;
  - (e) receive any announcements from the Chairman, Leader and/or Proper Officer;
  - (f) appoint Members of the Council to serve on the Overview and Scrutiny Panels, Committees, Panels and working groups of the Council in accordance with political balance rules and appoint Chairs and Vice Chairs as necessary;
  - (g) appoint representatives to outside bodies and partnerships;
  - (h) the Chair and Vice-Chair of a Committee or Panel shall continue in office until the appointment of their respective successors;
  - (i) the person presiding at any meeting shall have a second or casting vote in the event of equality of voting;
  - (j) agree any amendments to the Scheme of Delegation or Terms of Reference which the Constitution determines it is for the Council to agree (in accordance with Article 14);
  - (k) approve a programme of ordinary meetings of the Council, and where appropriate the Assembly, for the year;
  - (l) consider any business set out in the notice convening the meeting.
- 1.4 Selection of Councillors on Committees and Outside Bodies  
At the annual meeting, the Council will:
  - (a) decide which Committees to establish for the municipal year;
  - (b) decide the size and terms of reference for those Committees;
  - (c) decide the allocation of seats on committees [and in accordance with Rule 21.6 substitutes] to Political groups in accordance with the Political balance rules;
  - (d) receive nominations of Councillors to serve on each Committee and outside body; and
  - (e) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council to the Cabinet.



## **Rule No. 2 – Ordinary Meetings**

- 2.1 In addition to the annual meeting of the Council and any meetings convened by the Chairman of the Council, the Statutory Officers or by Members of the Council, meetings for the transaction of general business shall be held on such occasions as may be agreed by the Council.
- 2.2 The annual meeting and ordinary meetings of the Council for the transaction of general business shall be held at Moorlands House, Leek, on the agreed date.
- 2.3 If on the day of the meeting the business of the Council has not been completed within 3 hours then the meeting shall be adjourned and reconvened at the Council's discretion within the course of the following seven days.
- 2.4 In the absence of both Chairman and Vice-Chairman, those Members present will choose one of their number to preside at the meeting, and that person shall have the powers of the Chairman of the Council in relation to the conduct of the meeting.

## **Rule No. 3 – Order of Business**

- 3.1 Subject to what follows, the order of business at every meeting of the Council will be:-
  - (a) to choose a person to preside if the Chairman and Vice-Chairman are absent;
  - (b) to approve as a correct record and sign the Minutes of the last meeting of the Council or Assembly;
  - (c) urgent items of business (24 hours notice to be provided to the Chairman);
  - (d) to receive any declarations of interest from Members;
  - (e) to deal with any item required by statute to be done before any other item;
  - (f) to receive any announcement, from the Chairman, Leader, or Proper Officer;
  - (g) The Chairman may formally receive a petition and will advise the Council to which Overview and Scrutiny Panel it will be passed for consideration or, alternatively, advise that it be discussed and dealt with at the Committee or Cabinet Meeting where such a course of action would be convenient and conducive to the despatch of business;
  - (h) to dispose of business (if any) remaining from a previous meeting;
  - (i) to consider and debate any recommendations from the Cabinet, Overview and Scrutiny Panels, Committees and Officers for the determination of Full Council;
  - (j) to consider notices of motions;
  - (k) to answer any questions under Rule 10.
  - (i) other business, if any, specified in the summons.
- 3.2 The order of business (with the exception of items (a), (b) and (d)) may be altered by the Chairman of the Council, or by a resolution following a motion moved, seconded and put to the meeting without debate or in circumstances permitted in these rules where the Council meets as an Assembly.
- 3.3 In order to allow sufficient time for consideration of urgent items of business such requests, save in exceptional circumstances, should be raised with the relevant Committee Chairman at least 24 hours in advance of the meeting.

## **Rule No. 4 – Extraordinary Council Meetings**

- 4.1 Those listed below may request the Proper Officer to call Extraordinary Council meetings in addition to ordinary meetings:
  - (a) the Council by resolution;
  - (b) the Chairman of the Council;

- (c) the Head of Paid Service, Monitoring Officer or Chief Finance Officer; and
- (d) any six Members of the Council, if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within five working days of the presentation of the requisition. The business to be transacted must be a matter where the Council has power or duties or which specifically affects the District.

4.2 Any request made under Rule 4.1 shall specify the item or items of business for which the Extraordinary Meeting of the Council is to be called.

4.3 **Business**

The business to be conducted at an Extraordinary Meeting of the Council shall comprise:

- (a) to choose a person to preside if the Chairman and Vice-Chairman are absent or otherwise unable to preside;
- (b) to consider the matters to which the request made under Rule 4.1 relates;
- (c) to consider other business (if any) specified in the Summons.

**Rule No. 5 – Time and Place of Extraordinary Council Meetings**

5.1 The time and place of extraordinary meetings will be determined by the Proper Officer in consultation with the Chairman, taking into account the views of Group Leaders, and notified in the summons.

**Rule No. 6 – Notice of and Summons to Meetings**

6.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Proper Officer will send a summons signed by him/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.

**Rule No. 7 – Quorum**

7.1 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately for fifteen minutes. If there is not then a quorum the remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

**Rule No. 8 – Motions on Notice**

8.1 A motion not listed in Rule 9 must be given in writing to the Proper Officer by 5.00 pm AT LEAST SIX CLEAR WORKING DAYS (that is, not counting the day of the meeting or the day of delivery) before the relevant meeting, and be signed by the Member(s) giving the notice.

8.2 The Proper Officer shall:

- (a) date and number each notice of motion on receipt of it;
- (b) set out in the summons for the Council meeting all motions which comply with the requirements of Paragraph (1) of this Rule in the order they have been received, unless the Member has in writing either withdrawn it or stated a wish to move it at a later meeting.

- 8.3 Motions must relate to matters where the Council has powers or duties or which specifically affect the District.
- 8.4 The Council will treat as withdrawn any motion not moved at the meeting at which it appears upon the summons, unless its postponement is agreed.
- 8.5 Any motion, the subject matter of which comes within the terms of reference of the Cabinet, an Overview and Scrutiny Panel or any Committee(s) may, and in the case of the Cabinet shall:
- (a) be referred without discussion to the Cabinet, Overview and Scrutiny Panel or Committee of the Council as appropriate; or
  - (b) be referred without discussion to such other Committee(s) as the Council may decide; or
  - (c) be dealt with at the meeting at which it is moved if the Chairman of the Council considers that it would be convenient and helpful to do so unless it relates to the taking of a decision or action by the Cabinet in which case it must be referred to the Cabinet.
- 8.6 The Member who has moved the motion must be notified by the Proper Officer of the meeting(s) of the Cabinet, Overview and Scrutiny Panel or Committee to which it has been referred, and has the right to attend the meeting(s) and to explain the motion.

#### **Rule No. 9 – Motions without Notice**

- 9.1 The following motions may be moved without notice:
- (a) to appoint a Chairman of the meeting at which the motion is moved;
  - (b) in relation to the accuracy of minutes;
  - (c) to change the order of business on the agenda;
  - (d) to refer an item to the Cabinet or Overview and Scrutiny Panel or Committee;
  - (e) to receive reports or adopt recommendations of the Cabinet, Overview and Scrutiny Panels, Committees or Officers and any resolutions following from them;
  - (f) to withdraw a motion;
  - (g) to amend a motion;
  - (h) to proceed to the next business;
  - (i) that the question be now put;
  - (j) to adjourn a debate;
  - (k) to adjourn the meeting;
  - (l) to suspend a particular Council Procedure Rule (in accordance with Rule number 26);
  - (m) to exclude the public and press in accordance with the Access to Information Rules
  - (n) to not hear further a member under Rule (14.24) or to exclude them from the meeting under Rule 14.25(a);
  - (o) to give the consent of the Council where its consent is required by the Constitution;
  - (p) that the meeting continue beyond three hours in duration in accordance with Rule 2.3.

### **Rule No. 10 - Questions**

- 10.1 A Member of the Council may ask a question as part of a debate where the matter under discussion is one for decision by the Council, but this shall not relate to resolved decisions that have been made by Committees under delegated powers.
- 10.2 A Member of the Council may, on giving at least three clear working days notice (excluding the day the question is submitted, the day of the Council meeting, weekends and bank holidays) in accordance with Procedure Rule 11.3 in writing to the Proper Officer, ask the Chair of any Committee or the Leader/Cabinet Member within whose province the matter falls, any question relating to decisions of the Cabinet, Portfolio Holder, Scrutiny Panel or any Committee. By way of an example where Full Council meetings take place on a Wednesday, the question should be submitted by the end of the previous Thursday. A Member may ask no more than one question at any meeting of the Council.
- 10.3 Every question asked under Procedure Rule 10.2 above shall be put and answered without discussion, but the Member asking the question may put ~~up to two~~ a supplementary questions arising out of the answer he/she has been given to his/her original question.
- 10.4 The Member to whom the question or supplementary is put may:
- (a) answer the question orally and directly;
  - (b) by reference to published material;
  - (c) in writing which shall be circulated to all Members by 11.00am on the day of the Council meeting
- 10.5 A supplementary verbal question may either be given a verbal answer at the meeting or may be given a written reply after the meeting, which will in that case be circulated to all Members.
- 10.6 Notwithstanding this procedure rule a Member may at any time submit a question in writing to the Leader of the Council or other Cabinet portfolio holder in respect of their area of responsibility for which a written response will ordinarily be provided within three clear days (excluding weekends and bank holidays).

### **Rule No. 11 - Giving of Notice by Members**

- 11.1 Any notice that must be given in writing under these Procedure Rules must be sent to the Proper Officer in one of the following ways, to reach him by the specified time:
- by post;
  - by hand;
  - by e-mail.
- 11.2 If more than one Member needs to give the notice then either all Members need to sign a joint notice or sign individual notices or all Members need to send individual e-mails to the Proper Officer. The notices will only be regarded as valid once they are received by the Proper Officer.
- 11.3 Weekends and all days that the Council offices are closed for business shall not be included in calculating the required notice period.

### **Rule No. 12 - Minutes**

- 12.1 The Chairman of the Council will move that the Minutes of the Council or Assembly be approved as a correct record.
- 12.2 Only the accuracy of the Minutes may be discussed and then only by motion. As soon as any motion has been disposed of (or if no motion is moved) the Chairman will sign the Minutes subject to any amendment set out in any motion approved by the Council.
- 12.3 Minutes shall be submitted to and signed at the next following meeting of the Council or Assembly unless that next meeting is an extraordinary meeting.

### **Rule No. 13 – Reports and Recommendations of Cabinet, Overview and Scrutiny Panels and Other Committees**

- 13.1 All recommendations of the Cabinet, Portfolio Holders, Panels and Committees shall become items for consideration on the next Ordinary Council agenda.
- 13.2 Each recommendation of the Cabinet, Panels and Committees that is on the Council agenda shall be introduced by the appropriate Lead Councillor (in the case of the Cabinet) or Chair of the Panel/Committee.

### **Rule No. 14 – Rules of Debate**

#### **Respect for Chairman**

- 14.1 When the Chairman rises during a debate, any Member then standing must immediately stop speaking and sit down, and the Council must be silent.

#### **Standing when Speaking**

- 14.2 A Member, when speaking, must normally stand and address the Chairman.

#### **Chairman to Decide Order of Speaking**

- 14.3 If two or more Members rise or indicate their wish to speak, the Chairman will call on one to speak and the other (or others) must then sit.

#### **Only One Member to Stand**

- 14.4 While a Member is speaking, all other Members must remain seated and silent UNLESS rising to a point of order or in personal explanation.
- 14.5 No Member (except to rise on a point of order or personal explanation) may interrupt the speech of another Member. No Member may impute motives or use offensive expressions to any Member of the Council or Council Officer.

#### **Motion Procedure**

- 14.6 Before a motion can be discussed at a Council meeting:
  - (a) it must be proposed and seconded;
  - (b) if the Chairman so requires, it must be put in writing by the proposer and handed to the Chairman;
  - (c) a Member, when seconding a motion may reserve his/her right to speak until later in the debate.

#### **Content of Speech**

- 14.7 A Member's speech must be directed solely to that matter under discussion and should not repeat comments already made to the meeting.

### **Length of Speech**

- 14.8 (a) a Member may not speak for more than five minutes  
(b) the Leader or a Cabinet Member may not speak for more than ten minutes  
(c) the Chair of an Overview and Scrutiny Panel or other Committee when moving a report of their Panel or Committee may not speak for more than ten minutes.

The Chairman may agree to extend the above time limits if he/she believes it will aid the debate.

### **When a Member May Speak Again on a Motion**

- 14.9 A Member who has spoken on any motion must not speak again EXCEPT:
- (a) to speak once on an amendment moved by another Member;
  - (b) if the motion has been amended since the Member last spoke, to move a further amendment;
  - (c) if the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not that amendment was carried;
  - (d) in exercise of a right of reply given by paragraphs 21 or 22 of this Rule;
  - (e) on a point of order or by way of personal explanation (in accordance with Paragraph 23 of this Rule);
  - (f) to move or speak on a procedural motion.

### **Debate on Motions**

- 14.10 Only one motion may be moved and discussed at a time. No further motion may be moved until the first motion has been disposed of.
- 14.11 The Chairman of the Council may permit two or more motions to be discussed together if this is likely to help the proper conduct of the Council's business BUT each motion must be voted upon separately.
- 14.12 If a motion is lost a further and different motion may be moved.

### **Motions Which May Be Moved During Debate**

- 14.13 When a motion is being debated, the only other motions which may be moved (either singly or combined and with any necessary added words) are:
- (a) to amend the motion;
  - (b) to adjourn the meeting;
  - (c) to adjourn the debate;
  - (d) to move on to the next business;
  - (e) to put the question immediately to the vote;
  - (f) not to hear a Member further;
  - (g) by the Chairman of the Council to require a Member to leave the meeting;
  - (h) to exclude the public and press from the Meeting in accordance with the Access to Information Rules;
  - (i) to suspend one or more Procedure Rules;
  - (j) to extend the time limit for speeches;
  - (k) to give any consent required by these Rules.

### **Closure Motions**

- 14.14 At the conclusion of a speech of another Member, a Member may move without comment that:
- (a) the debate be adjourned;

- (b) the meeting be adjourned;
- (c) the Council proceed to the next business; or
- (d) the question be put.

If the Motion is seconded the Chairman of the Council shall proceed as follows if in his/her opinion the question before the meeting has been sufficiently discussed:

- (i) in the case of a motion under (a), (b) or (c) above, invite the mover of the original motion to reply and then put the closure motion to the vote or;
- (ii) in the case of a motion under (d) above, put the closure motion to the vote.

14.15 If the motion is carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

#### **Amendments to Motions**

- 14.16 (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) 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 moved and seconded, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **Alteration of Motion**

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

#### **Withdrawal of Motion by Proposer**

14.18 A motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the Council signified without discussion.

14.19 No Member may speak on a motion or amendment after the proposer has asked to withdraw it UNLESS permission has been refused.

#### **Right of Reply - Proposer of Motion Only**

14.20 The proposer of a motion has the right to reply at the close of the debate.

**At the close of a debate on an amendment:**

- 14.21 (a) the proposer of the original motion has the right to reply;  
(b) the proposer of the amendment has no further right to reply.

**Personal Explanation and Points of Order**

- 14.22 (a) A personal explanation shall be confined to some material part of an earlier speech by the Member and on which a misunderstanding has occurred.  
(b) A point of order is a request by a Member to the Chairman of the Council to rule on an alleged irregularity in the application of the constitution of or the procedure in the meeting.  
(c) A Member may rise on a personal explanation or a point of order at any time and is entitled immediately to address the Chairman of the Council on the matter; but -  
(i) the Member who raises a point of order must specify immediately a procedure rule or statutory provision, and say how it has been broken or infringed;  
(ii) in either case the Member's speech must be confined to the personal explanation or point of order.  
(d) The ruling of the Chairman of the Council on a personal explanation or point of order is final and is not open to discussion.

**Disorderly Conduct**

- 14.23 If the Chairman of the Council considers a Member's conduct disorderly and so states to the Council, then the Chairman of the Council or any other Member may move "Not to hear a particular Member further" and, if seconded, the motion shall be put to the vote without discussion. Disregarding the ruling of the Chairman of the Council, wilfully obstructing its proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- 14.24 If the Member's disorderly conduct continues after the motion has been carried, the Chairman of the Council shall either:-  
(a) move to require the Member to leave the meeting in which case the motion shall be put to the vote without seconding or discussion; or  
(b) adjourn the meeting of the Council to an appropriate time.
- 14.25 The Chairman of the Council may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to the meeting.

**Voting**

- 14.26 Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is put.
- 14.27 Members will vote by either a show of hands or use of electronic voting equipment; but:  
(a) if a Member so requests before the Chairman of the Council begins to take the vote, and the request is supported by another Member (who will show his/her support by seconding the request);  
(i) the Proper Officer or his/her representative will call the name of each Member;  
(ii) the Member will respond, for or against the motion or abstain; and  
(iii) the Proper Officer or his/her representative will record each Member's response.



- (b) where any Member so requires immediately after a vote has been taken, the minutes must record that Member's vote for or against or abstention;
- (c) In the event of an equality of votes the Chairman shall have a second or casting vote.

#### **Rule No 15. Disturbance by Members of the Public**

15.1 If a Member of the public interrupts the proceedings at any meeting the Chairman shall issue a warning. If the interruption continues the Chair shall order their removal. In case of general disturbance in any part of the chamber open to the public the Chairman of the Council shall order that part to be cleared.

#### **Rule No. 16 – Motions Affecting Persons Employed by the Council**

16.1 If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any Council employee, the Council must not discuss it until it has considered whether to exclude the public under Section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985.

#### **Rule No. 17 – Rescinding an Earlier Resolution**

17.1 No Member may move a motion or amendment which would have the effect of rescinding any resolution of the Council passed within the previous six months or which would have the same effect as one which has been rejected within the previous six months unless notice has been given as required by Rule 8 and such notice is signed by at least nine other Members. This procedure may not be used if it has been used in the previous six months to try to rescind the same earlier resolution and the motion was rejected.

17.2 This Procedure Rule does not apply to a recommendation submitted by the Cabinet, a Committee or an Overview and Scrutiny Panel to the Council but it does apply to any amendment moved at a Council Meeting in respect of such a recommendation.

#### **Rule No. 18 – Voting on Appointments**

18.1 Where there are three or more persons nominated for any one position to be filled by the Council, and of the votes given there is not an overall majority 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, until a majority of votes is given in favour of one person. Alternatively for appointments to chair/vice-chair positions or to outside bodies, a ballot of members may be taken.

18.2 Where there are two or more positions to be filled and more persons are nominated than there are positions, then those gaining the most number of votes in descending order shall be appointed to the respective positions.

#### **Rule No. 19 – Leader of the Council, Cabinet and Portfolio Holders**

19.1 The Council's Cabinet shall comprise the Leader of the Council and the Cabinet.

19.2 The Cabinet shall comprise the Members of the Council appointed by the Leader under paragraph 19.3 below. The Cabinet shall not exceed ten Members and shall not be a Committee of the Council.

- 19.3 The Council shall elect the Leader of the Council in accordance with Council Meeting Procedure Rule 1.2(a) from amongst the Members of the Council and may at any time remove the Leader from office in accordance with this Constitution.
- 19.4 The Leader shall allocate to Cabinet Members the portfolio(s) relating to the Council's functions as he/she may determine.
- 19.5 The Leader shall designate one Member of the Cabinet as Deputy Leader.
- 19.6 The Leader of the Council, or in his/her absence the Deputy Leader, shall chair meetings of the Cabinet (see also Cabinet Procedure Rules).

**Rule No. 20 - Committees**

- 20.1 The Committees set out below shall be the Standing non-Scrutiny Committees of the Council and the numbers of Members thereof:-
  - (a) Planning Applications Committee (14)
  - (b) Licensing and Regulatory Committee (12)
  - (c) Standards Committee (9)
  - (d) Appeals Board (12)
  - (e) Licensing Sub-Committee - any 3 of 12 Members of the Licensing and Regulatory Committee.
  - (f) Audit and Accounts Committee (9)

- 20.2 The following shall be the Overview and Scrutiny Panels/Committees of the Council with the memberships shown:-

Name	Membership
1. Resources Overview and Scrutiny Panel	14
2. Service Delivery Overview and Scrutiny Panel	14
3. Community Overview and Scrutiny Panel	14
4. Finance and Performance Committee	10
5. Growth and Economy Committee	10
6. Health and Wellbeing Committee	10

- 20.3 The Council may appoint such Committee(s) 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 the Constitution) and which is or are:
  - (a) for the purpose of making an appointment under Rule 4 of the Officer Employment Rules; or
  - (b) for the purpose of discharging functions of the Council which are not executive functions; or
  - (c) for the purpose of reviewing or scrutinising one or more specified areas of the Council's functions.

Such appointment (other than under sub-paragraph (a)) shall ordinarily be made at the Annual Meeting of the Council and Rule 1 of these Procedure Rules applies to such appointment whenever made.

- 20.4 (a) Except as provided for in paragraph 20.2 and 20.3 no Committee or Overview and Scrutiny Panel shall be established other than by the Council, but the Overview and Scrutiny Panels and Committees may appoint special Sub-Committees or Working Groups for a specified task and finish time-limited purpose and comprising such number of Members as the Overview and Scrutiny Panel or Committee shall decide and may dissolve such special Sub-Panels or Committees.
- (b) Such special Sub-Panels or Committees shall report to the Overview and Scrutiny Panel or Committee in question and shall not have power to transact any business other than in accordance with their terms of reference.
- 20.5 (a) Overview and Scrutiny Panels and special Sub-Panels or Committees appointed by Overview and Scrutiny Panels under the Overview and Scrutiny Panel Procedure Rules of this Constitution have no delegated powers to exercise any decision making function on behalf of the Council.
- (b) Non-Executive Committees shall have such powers as may be delegated by the Council but special Sub-Committees appointed by non-executive Committees shall not have delegated powers unless the Council so resolves.
- 20.6 Subject to any statutory provision the Council may, at any time, dissolve an Overview and Scrutiny Panel, Committee or special Sub-Panel or Committee or alter the number of Members on it.
- 20.7 Membership of Overview and Scrutiny Panels or Committees etc.
- (a) No member of the Cabinet shall be eligible for appointment to, or membership of, any Overview and Scrutiny Panel or special Sub-Panel of an Overview and Scrutiny Panel.
- (b) The Council shall appoint Members of the Council to serve on Overview and Scrutiny Panels and Committees.
- (c) The exercise of the power to make an appointment is subject to any relevant statutory provisions relating to political balance.
- (d) The power to make any appointment under this paragraph also carries the power to remove an appointee from the office or appointment to which he was appointed.
- 20.8 Subject to paragraph 20.7(d):
- (a) an appointment to a Committee shall ordinarily be for a period expiring at the next Annual Meeting of the Council.
- (b) no appointment under sub paragraph (a) above shall be for a period which expires after the ordinary day of retirement of District Councillors.
- 20.9 Paragraphs 20.7 and 20.8 apply to the filling of any vacancy which occurs on the Committees or on the various other bodies on which the Council is entitled to appoint representatives as it applies to the making of appointments thereunder provided that if such vacancy occurs within six months before the ordinary day of retirement of District Councillors next following then such vacancy, need not be filled. If a vacancy occurs more than 6 months before the ordinary retirement of District Councillors and is the result of a resignation or a councillor otherwise ceasing to be a district councillor then such vacant position shall remain unfilled until the next meeting of the Council following the election of a new councillor to the seat.
- 20.10 Chairs of Committees/Panels etc.

- (a) The Chairs and Vice-Chairs of Overview and Scrutiny Panels and the Chair and Vice-Chair of each Committee shall be elected by the Council at the Annual Meeting of the Council from amongst the Members of the Council who are Members of the Committee/Panel in question.
- (b) In the event of any office of Chair or Vice-Chair becoming vacant during the year the vacancy shall be filled by the Council at their meeting next following that vacancy arising and in the absence of an appointed vice-chair.
- (c) Pending the appointment by the Council of a Chair to a vacancy, the Chief Executive, after consultation with the Chairman of the Council, the Leader of the Council, and the Political Group Leaders, shall have power to appoint a temporary Chair to that vacancy to hold office until the next following meeting of the Council.
- (d) The Chair of any Sub-Panel or Committee shall be appointed by the Committee from which the Sub-Committee is derived.
- (e) Unless he/she ceases to be a Member of the Council for any reason the Chair of a Committee shall continue in office until the appointment of his/her successor.

#### **Rule No. 21 – Appointment of Substitute Members of Committees and Sub Committees**

21.1 The Council has resolved to allow substitutes, subject to members having received appropriate training for the Planning Applications Committee and the Licensing and Regulatory Committee. With regards to the Planning Applications Committee each political group of the Council may confirm one named substitute, ordinarily at the Annual Council meeting.

21.2 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.

21.3 Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are designated substitute;
- (b) where the ordinary Member will be absent for the whole of the meeting; and
- (c) after notifying the Monitoring Officer/Chair/Vice-Chair before the commencement of the meeting of the intended substitution;
- (d) where a substitute Member and the appointed Member are present, the substitute Member must withdraw.

21.4 In accordance with the Local Government Act 2000, there will be no substitutes or co-opted Members to the Cabinet.

#### **Rule No. 22 – Record of Attendances**

22.1 The names of the Members present at a Meeting of the Council shall be recorded by officers.

**Rule No. 23 – Exclusion of the Public**

- 23.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules attached to this Constitution or Rule 15 (Disturbance by Public).

**Rule No. 24 – Interest of Members in Matters**

- 24.1 Any Member who has a personal interest in any matter must promptly disclose that interest, but may remain, speak and vote, unless the interest is also a prejudicial interest, in which case the Member must withdraw and take no part in the decision making process.
- 24.4 The District Council has adopted the Code of Conduct for Members. On accepting office all Councillors are required to declare that they will observe the Code (copy enclosed Part 5 of this Constitution).

**Rule No. 25 – Variation and Revocation of Procedure Rules**

- 25.1 Any motion to add to, vary or revoke Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next Ordinary Meeting of the Council.
- 25.2 The Cabinet, in consultation with the Monitoring Officer, Standards Committee and Constitution Review Working Party, shall prepare for the consideration of the Council, any alterations in the Procedure Rules or any additions thereto.

**Rule No. 26 – Suspension and Amendment of Council Procedure Rules**

- 26.1 Subject to paragraph (26.2) any of the preceding Rules, except Rule No. 25, may be suspended so far as regards any item of business at the meeting where its suspension is moved.
- 26.2 A motion to suspend Procedure Rules shall not be moved without notice (i.e. under Procedure Rule No. 9) unless there shall be present at least one half of the whole number of the Members of the Council. Suspension can only be for the duration of the meeting.

**Rule No. 27 – Interpretation of Procedure Rules**

- 27.1 The ruling of the Chairman of the Council as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

**Rule No. 28 – Custody of Seal and Sealing of Documents**

- 28.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Chief Executive.

- 28.2 The Common Seal of the Council shall not be affixed to any documents unless the sealing has been authorised by a resolution of the Council or Cabinet, Committee or Sub-Committee or Employee to which the Council has delegated its powers in this behalf, but a resolution of the Council (or of the Cabinet, a Committee or Sub-Committee where that body has the power authorising it to do anything) shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
- 28.3 The seal shall be attested by the persons present at the sealing, namely the Chairman or Vice-Chairman of the Council and the Chief Executive or Executive Director and Monitoring Officer, and an entry of every sealing shall be made and consequently numbered in a book kept for the purpose and shall be signed by a person who has attested the seal.

#### **Rule No. 29 – Authentication of Documents for Legal Proceedings**

- 29.1 Where any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Chief Executive or Executive Director and Monitoring Officer unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

#### **Rule No. 30 – Assembly Meetings**

- 30.1 Those listed below may request the Proper Officer to call Assembly meetings in addition to ordinary meetings of the Council:
- (a) the Council by resolution;
  - (b) the Chairman of the Council;
  - (c) the Leader of the Council;
  - (d) the Head of Paid Service, Monitoring Officer or Chief Finance Officer; and
  - (e) any six Members of the Council, if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within five working days of the presentation of the requisition.
- 30.2 Any request made under Rule 30.1 shall specify the item or items of business for which the Assembly meeting is to be called.
- 30.3 Business
- The business to be conducted at an Assembly Meeting shall comprise:
- (a) to choose a person to preside if the Chairman and Vice-Chairman are absent or otherwise unable to preside;
  - (b) to suspend Council Procedure Rules in accordance with Rule 26, with the exception of:
    - (i) Disorderly Conduct (Rules 14.24)
    - (ii) Voting (Rules 14.27)
    - (iii) Disturbance by Members of the Public (Rule 15)
    - (iv) Record of Attendance (Rule 22)
    - (v) Interpretation of Procedure Rules (Rule 27)
  - (c) to consider the matters to which the request made under Rule 30.1 relates;
  - (d) to consider other business (if any) specified in the Summons.

- 30.4 Public, Experts, Consultants and Partner Organisations may be invited to attend Assembly meetings to participate in the debate, but may not vote .
- 30.5 The Proper Officer may arrange the Assembly meeting at any suitable venue within the District on any appropriate day/time.
- 30.6 The Chairman may conduct the meeting in any way he/she feels appropriate in order to enhance debate.
- 30.7 The Assembly is a meeting of the full Council and has the power to decide any issue which remains a Council function.

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of the Local Government Act 1972.

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