

## Council Procedure Rules Index

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**Comment [a1]:** This will no longer be a regular item on the agenda but will be used as and when required

**Comment [a2]:** 'Committee Chairmen' removed as this function is rarely utilised

**Comment [a3]:** This was debated and reviewed and a flow chart added to provide clarity

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## **Warwick District Council Council Procedure Rules**

(Each Item defines which meetings it shall apply to within the text)

### **1. Meetings of the Council**

Meetings of the Council, Executive, Committees or Sub-Committees will normally be held at 6.00 p.m. (or, by exception at other times, determined by the Chairman of the meeting) on such day or days as may be determined by the Chairman of the meeting, at the Town Hall or Riverside House, Royal Leamington Spa (or such other venue as may be agreed by the Chairman of the meeting).

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 in May.

### **2. Chairman of Meeting**

- (1) Any power or duty of the Chairman in relation to the conduct of a meeting of the Council, the Executive, Committee or Sub Committee may be exercised by the person who will preside or is presiding at the meeting.
- (2) Vice-Chairmen will only be appointed for Council, Planning, Licensing and Regulatory and Standards Committees. A deputy Leader will be appointed for the Executive.
- (3) If both the Chairman, and the Vice-Chairman of the Planning, Licensing and Regulatory or Standards Committees, or the Leader and Deputy Leader are absent from a meeting, the members present will choose one of their number to chair the meeting.
- (4) If the Chair of a Committee or the Leader arrives at a meeting after it has started, they will be invited to preside over the meeting after any item under discussion on their arrival has been disposed of.

### **3. Quorum of Meetings**

Council: The quorum will be a quarter of the membership subject to a minimum of 16.

Executive: The quorum will be a quarter of the membership subject to a minimum of four.

Committees (excluding Standards Committee): The quorum will be a quarter of the membership subject to a minimum of four.

Licensing & Regulatory Panels & Housing Appeal Review Panels: The quorum will be three.

Sub Committees: The quorum will be a quarter subject to a minimum of three members.

Standards Committee: The quorum for a meeting of Standards Committee will be amended to as follows:

- (1) for the conduct of general business the quorum will be a quarter of the membership subject to a minimum of four; and
- (2) for the conduct of business directly relating to one or more parish or town councils, the quorum will be a quarter of the membership subject to a minimum of four as provided in (1) above, with the added requirement that at least one parish/town member must also be present when matters relating to parish/town councils or their members are being considered.

If at any stage during the meeting the number of members present falls below the quorum, the meeting will be adjourned immediately. The balance of the agenda will be considered either at the next meeting or at a special (reconvened) meeting.

#### 4. Order of BUSINESS

**Comment [a4]:** This has been tidied up for ease of understanding

- (1) The order of business at every meeting of the Council other than the annual meeting will be:
  - (a) To choose a person to preside if the Chairman and Vice-Chairman are absent
  - (b) To deal with any business required by statute to be done before any other business
  - (c) Apologies for absence
  - (d) declarations of interest
  - (e) To approve as a correct record and sign the minutes of the last meeting of the Council
  - (f) To deal with any business expressly required by statute to be done
  - (g) To receive such communications as the Chairman or the Chief Executive may wish to present to the Council
  - (h) Chairman's announcements
  - (i) Public Interest Debate – this will be added to the agenda if needed
  - (j) Petitions
  - (k) Notices of Motion
  - (l) Public submissions
  - (m) Leader's and Portfolio Holders' Statements
  - (n) Questions to Portfolio Holders & the Leader of the Council
  - (o) To dispose of business, if any, remaining from the last meeting
  - (p) To receive and consider the minutes of the Executive and any recommendations from committees
  - (q) To consider items, notice of which have been given under Procedure Rule 6 in the order in which notice has been received
  - (r) Other business, if any, specified in the summons
  - (s) To authorise the sealing of documents so far as the Council's authority is required.
- (2) The order of business at the Annual Meeting will be:
  - (a) To choose a person to preside if the Chairman and Vice-Chairman are absent
  - (b) To elect the Chairman of the Council
  - (c) To elect the Vice-Chairman of the Council
  - (d) To approve the minutes of the last meeting of the Council
  - (e) To appoint the Leader of the Executive (as set out in Procedure Rule 19)
  - (e) To note the members to be appointed to the Executive

**Comment [a5]:** See comment a1 above

**Comment [a6]:** See comment a2 above

- (f) To appoint the Committees
  - (g) To consider any business set out in the notice convening the meeting
- (3) With the exception of (2)(a) to (d) the order of business at normal meetings and at the Annual Meeting may be varied by:
- (a) the Chairman at their discretion, or
  - (b) a resolution passed on a motion moved under Procedure Rule 13 (15) (c) and duly seconded, which will be moved and put without discussion.
- (4) Where in relation to any meeting of the Council the next meeting is called under paragraph 3 of Schedule 12 of the Local Government Act 1972, (special meeting) the next following meeting of the Council (not called under that paragraph 3) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of that Schedule (signing of minutes).

## 5. Public Interest Debate

- (1) The Council welcomes suggestions for topics of debate by any individual and any suggestions will be considered by Group Leaders and a debate can be held following agreement by all Group Leaders and Chairman.
- (2) Group leaders will meet as required to discuss any requests and to decide the topics on which debates will take place at the coming two or three meetings. Following this a request will be submitted to the Chairman to include the item on a forthcoming agenda. This will include requesting representatives on significant outside bodies to make reports on the activities of those bodies.
- (3) At the Council meeting, excluding the Annual Council Meeting and additional meetings arranged to consider specific items of business, a maximum of one hour can be allocated for debates.
- (4) External contributors can be invited to participate by general agreement of all Group Leaders
- (5) The Chairman of the Council is authorised to agree the format and length of this item of business on a meeting by meeting basis, taking into account the amount of other business to be considered.
- (6) During the debates, relevant officers can be asked for clarification and information about the issues under consideration but their opinions on the issues under debate will not be requested.

**Comment [a7]:** This has been amended to allow the item to be used if requested

## 6. Notices of Motion

- (1) Any Member of the Council may give notice of a motion to a meeting of the Council, the Executive or a committee.
- (2) Notice of every motion must be by e-mail or in writing, signed by the member, or by 10 members in the case of motions submitted under Procedure Rule 16, and delivered at least nine clear days before the next meeting of the Council, the Executive or committee they wish it to be considered at, to the office of the Chief Executive.

- (3) Every motion must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.
- (4) The Chief Executive will set out in the agenda for every meeting of the Council, the Executive or committee any motions of which notice have been given in the order in which they have been received unless the member giving the notice intimates in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.
- (5) If a motion set out in the agenda is not moved either by the member who gave notice of it or by some other member on their behalf, it will, unless postponed by consent of the Council, the Executive or committee, be treated as withdrawn and will not be able to be moved without fresh notice.
- (6) If the subject matter of a motion submitted to the Council comes within the terms of reference of the Executive or any committee, it will, upon being moved, and seconded, stand referred without discussion to the Executive or that committee for consideration and report. However, the Council may, by a simple majority, allow the motion to be dealt with at the meeting at which it is brought forward.

#### **7. Notices of Item for an Agenda**

- (1) Any member of the Council may give notice that they require an item to be placed on an agenda of the Council, the Executive or a committee.
- (2) Notice of every item must be by e-mail or in writing, signed by the member and delivered at least nine clear days before the next meeting of the Council, the Executive or committee they wish it to be considered at, to the office of the Chief Executive.
- (3) Every item must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.
- (4) The Chief Executive will set out in the agenda for every meeting of the Council, the Executive or committee all items of which notice has been given in the order in which they have been received.
- (5) The member who placed the item will be permitted to address the meeting as set out in Council procedure Rule 24(1), thereafter the debate on the item will be at the discretion of the Chairman of the meeting.

#### **8. Leader's and Portfolio Holders' Statements**

- (1) At every Council meeting, excluding the Annual Council Meeting and additional meetings arranged to consider specific items of business, the Leader of the Council and Portfolio Holders will be given the opportunity to report on any issues within their remits which they consider to be of importance, for the Council's information.
- (2) A question and supplementary question will be permitted at the meeting on each statement reported to Council.

**Comment [a8]:** This process has been amended to allow questions to be asked on the night and has removed Committee Chairmen from the order

## 9. QUESTIONS

At each Council meeting, excluding additional meetings arranged to consider specific items of business, a period of up to one hour will be allocated for questions to the Leader of the Council and Portfolio Holders. The Chairman of the Council will have discretion to extend question time according to the amount of business to be considered at the meeting overall.

This is in addition to the normal rights of any Councillor to ask a question without notice about an item in any report which is under consideration at the meeting.

### (1) Questions to Portfolio Holders and Leader

Questions must relate to the exercise of any of the functions of the Council.

Any Councillor may ask one or more questions of the Leader provided it relates to the business of the Council. No prior notice of any question is required.

The questions can be circulated to all Councillors before the meeting and unless the contents would involve disclosure of exempt or confidential information shall normally be made public.

### (2) Power to Reject Questions

The Chairman of the Council, after consultation with the Chief Executive, and acting reasonably has the power to exclude any question which

- (a) has already been answered;
- (b) is not relevant to Council business; or
- (c) the Chairman considers unsuitable

### (3) Procedure at the meeting

Questions will normally be taken in the order in which they were received but the Chairman of the Council will have the discretion to group the questions by subject matter. The questioner will be invited to ask the question and the relevant Councillor will be invited to reply.

Subject to any time limit imposed by the Chairman of the Council,

- (a) the questioner may ask one supplementary question; and
- (b) one further question may be asked by any other member

The questions and summary of the answers given at the meeting will be recorded in the minutes.

### (4) Form of Answer

Answers may be either a direct oral answer or by reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

Written answers given following the meeting will be circulated to all

Councillors and, unless the contents would involve disclosure of exempt or confidential information, shall normally be made public.

A copy of any written answers will be attached as an Appendix to the minutes of the meeting unless the answer would involve disclosure of exempt or confidential information

## **10. Petitions**

The Petitions Scheme will be applied for the consideration of petitions.

## **11. Minutes**

- (1) The Chairman (or the Leader in the case of the Executive) will put the motion that the minutes of the meeting of ..... held ....day of ..... be approved as a correct record.
- (2) No discussion will take place on the minutes, except on their accuracy. Any question of their accuracy must be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chairman will sign the minutes.

## **12. Record of Attendance**

Every member of the Council attending a meeting of the Council, the Executive, committee or sub-committee must sign their name in the attendance book or sheet provided for that purpose.

## **13. Rules of Debate for MEETINGS**

(Those marked \* will also apply to all meetings and if unmarked only apply to Council)

### **\*(1) Institution of Debate**

A motion or amendment cannot be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Procedure Rule 6, it will, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

### **\*(2) Seconder's Speech**

A member when seconding a motion or amendment may, if they then declares their intention to do so, reserve their speech until a later period of the debate.

### **(3) Only one member to stand at a time**

A member when speaking must stand and address the Chairman. If two or more members rise, the Chairman will request one to speak, the other(s) must then sit. While a member is speaking, the other members must remain seated, unless rising to a point of order or in a personal explanation.

**Comment [a9]:** This process was debated and some wording simplified



- \* (4) Content and length of speeches (See also Council Procedure Rule 13 15(h))
- (a) A member must direct their speech to the matter under discussion or to a personal explanation or to a point of order.
  - (b) No speech will exceed ten minutes except by consent of the Chairman of the Council, Executive or Committees.

(5) When a member may speak again

A member who has spoken on any motion must not speak again whilst it is the subject of debate except:

- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since they last spoke, to move a further amendment;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- (d) in exercise of a right of reply given by paragraph (9) or (11) of this Procedure Rule;
- (e) on a point of order; or
- (f) by way of personal explanation.

\* (6) Amendments to motion

- (a) An amendment must be relevant to the motion and be a deletion or addition of words which do not have the effect of negating the motion or the reference of the matter to an appropriate body or individual for consideration or reconsideration.
- (b) Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If any amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the substantive motion in place of the original motion and will become the motion on which any further amendment may be moved.
- (d) after an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

\* (7) Alteration of motion

A member may, with the consent of the meeting, signified without discussion:

- (a) alter a motion of which they have given notice, or

- (b) with the further consent of their seconder, alter a motion which they have moved,

If (in either case) the alteration is one which could be made as an amendment to it.

**\*(8) Withdrawal of motion**

A motion or amendment may be withdrawn by the proposer with the consent of their seconder, and no member may speak on it after it has been withdrawn.

**\*(9) Right of reply**

Subject to paragraph 11 (9) (b) of this procedure rule below, the closure of a motion will be with the following speakers

- Portfolio Holder (Unless proposer or seconder with reserved right to speak)
- Secunder (if reserved right to speak)
- Proposer

Then the vote will be taken.

A reply under this paragraph must be confined to matters raised in the debate. The mover of an amendment will have a right to reply at the close of the debate immediately before the proposer of the original motion.

This Procedure Rule will not apply to meetings of the Planning, Licensing, Regulatory and Standards Committees.

**\*(10) Motions which may be moved during debate**

When a motion is under debate no other motion can be moved except the following:

- (a) to amend or withdraw the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) under Procedure Rule 15 (1) that a member be not further heard;
- (g) by the Chairman under Procedure Rule 15 (1) that a member do leave the meeting;
- (h) a motion under Section 100 (A) of the Local Government Act 1972, to exclude the public and press.

**\*(11) Closure motions**

A member may move without comment at the conclusion of a speech of another member; 'That the Council proceed to the next business'. 'That the question be now put'. 'That the debate be now adjourned', or 'That the Council do now adjourn', on the seconding of which the Chairman will proceed as follows:

- (a) on a motion to proceed to the next business; they will put the motion to the vote after giving the mover of any amendment before the meeting and the mover of the original motion (in that order) a right of reply;
  - (b) on a motion that the question be now put; they will first put to the vote the motion that the question be now put and, if it is passed, then give the mover of any amendment before the meeting and the mover of the original motion their rights of reply under paragraph (9) of this Procedure Rule before putting the motion to the vote; or
  - (c) on a motion to adjourn the debate or the meeting; they will put the motion to the vote after giving the mover of any amendment and the mover of the original motion their rights of reply.
- \*(12) A member may raise a point of order or personal explanation at any time. A point of order may relate only to an alleged breach of a Procedure Rule or statutory provision and the member must specify the Procedure Rule and the way in which they consider it has been broken. 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.
- \*(13) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation will not be open to discussion.
- (14) Whenever the Chairman rises during a debate a member then standing must resume their seat and the Council must be silent.
- \*(15) The following motions and amendments may be moved without notice:
- (a) Appointment of a Chairman of the meeting at which the motion is made.
  - (b) Motions relating to the accuracy of the minutes.
  - (c) That an item of business specified in the summons have precedence.
  - (d) Reference to a committee.
  - (e) Appointment of the Executive or a committee or its members, occasioned by an item mentioned in the summons to the meeting.
  - (f) Adoption of the Executive or committee minutes or reports of officers and any consequent resolutions.
  - (g) That leave be given to withdraw a motion.
  - (h) Extending the time limit for speeches.
  - (i) Amendments to motions.
  - (j) That the Council proceed to the next business.
  - (k) That the question be now put.
  - (l) That the debate be now adjourned.
  - (m) That the Council do now adjourn.
  - (n) Suspending Procedure Rules, in accordance with Article 16 of the Constitution.
  - (o) Motion under section 100 A of the Local Government Act, 1972, to exclude the public and press by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.
  - (p) That a member named under Procedure Rule 15 be not further heard or do leave the meeting.

- (q) Inviting a member to remain under Procedure Rule 29 (1)
- (r) Giving consent of the Council where the consent of the Council is required by these Procedure Rules.
- (s) That a committee or member be appointed arising from an item on the summons for the meeting.

#### (16) Call-In Procedure

When a decision of the Executive has been referred to the Council under the call-in procedure, the rules of debate will be as follows and if not stated, Council Procedure Rule 11 will be followed:

- (a) A member may raise for discussion any aspect of the issue which is the subject of the call-in.
- (b) Where further action or an amendment to the decision taken by the Executive is proposed, a motion can be moved by a member which, if agreed, will be forwarded to the Executive to make the final decision. (If the original decision is then subsequently confirmed by the Executive, it cannot be subject to the call-in procedure again. If the decision, or wording of the decision is changed by the Executive in any way, then it becomes a new decision and can be subject to the call-in procedure).
- (c) At the conclusion of the debate on the motion, the Leader or relevant Portfolio Holder will have the right to reply immediately before the proposer of the motion.

A flow chart explaining the Rules of Debate is attached as Appendix A to this document.

**Comment [a10]:** This is a new addition

#### 14. Motions Affecting Persons Employed by the Council

If any question arises at a meeting of the Council, the Executive or a committee to which the public (including the press) are admitted on the appointment, promotion, dismissal, salary, superannuation or conditions of service, or on the conduct of any person employed by the Council, the question will not be discussed until the public and the press have been excluded by resolution. Unless the Council, Executive or committee decide otherwise by resolution.

#### 15. Disorderly Conduct

- (1) If the Chairman of a meeting of the Council, a committee, sub-committee or the Leader considers that a member of the Council is acting improperly in any way they may put to the vote without further discussion, that the member be no longer heard and if the misconduct continues that the member leave the meeting.
- (2) If the Chairman of a meeting of the Council, committee, subcommittee or the Leader considers the orderly conduct of the business is not reasonably possible then they may adjourn the meeting.

The action of improper behaviour by a Member would include the participation of a Member in an item at a meeting when they have not been party to the consideration of all discussions for that item, therefore affecting proper consideration of an item and natural justice.

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

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

#### **16. Rescission of Preceding Resolution**

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, can be proposed unless the notice given under Procedure Rule 6, bears the names of at least ten members of the Council. When any such motion or amendment has been disposed of by the Council, it will not be open to any member to propose a similar motion within a further period of six months.

Provided that this Procedure Rule will not apply to motions moved under a recommendation of the Executive or a Committee, to Council.

#### **17. Voting**

- (1) Voting at meetings of the Council, the Executive and committees will be by the show of hands and in the case of an equality of votes the Chairman (or Leader in the case of the Executive) will have the casting vote.
- (2) Any member present may, before the vote is taken with the support of two other members, require that the voting be recorded in the minutes so as to show whether each member present gave their vote for or against the question or abstained from voting.
- (3) Where immediately after a vote is taken any member so requires there must be recorded in the minutes of the proceedings of the meeting whether the member cast their vote for or against the question or abstained from voting.
- (4) At the annual budget setting and Council Tax meeting, a recorded vote will be taken in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

If a decision taken at a meeting of the Executive is not carried unanimously, a record will be made in the minutes of those members who voted against or abstained.

#### **18. Voting on Appointments**

Where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes will be struck off the list and a fresh vote be taken, and so on until a majority of votes is given in favour of one person.

#### **19. Appointment of Leader**

- (1) The Council will appoint the Leader for a four-year period.
- (2) In the case of a vacancy arising a further appointment will be made for the remainder of the term.
- (3) This Procedure Rule will not prevent the Council from appointing a new Leader at any time.

(The Leader of the Executive will be a member of the Executive and Employment Committee as one of their political group's representatives.)

## **20. Appointment of Committees**

(20.1) The Council will appoint such committees as are necessary to carry out the work of the Council, subject to any statutory provision and;

- (a) will not appoint any member to a committee for a period later than the next Annual Meeting of the Council;
- (b) will not appoint the Chairman of the Council or Vice-Chairman of the Council to Standards Committee, or a member of the Executive to an Overview and Scrutiny Committee or the Standards Committee;
- (c) may at any time dissolve or alter the membership of a committee;
- (d) Overview and Scrutiny Committees will have the discretion to appoint non-Councillors to sit on the Committee but without voting powers;
- (e) will make alterations at subsequent meetings of the Council during the year, where appropriate;
- (f) will appoint the Leader of the Executive to the Employment Committee as one of their political group's representatives; and
- (g) Members of Planning, Licensing and Regulatory Committee and Housing Appeals Review Panels should receive appropriate training prior to them sitting on the Committee.

(20.2) The Leader shall:

- (a) appoint two but no more than nine Councillors to the Executive (the Executive shall comprise of no more than ten members including the Leader); and
- (b) Not appoint either the Chairman or the Vice-Chairman of the Council to the Executive.

## **21. DECISIONS OF THE EXECUTIVE**

- (a) A summary of the decisions taken at meetings of the Executive will normally be published on the next working day following the meeting.
- (b) Subject to (d) below, decisions made under delegated powers at a meeting of the Executive will become effective at 5.00 pm on the fifth clear working day after the publication of the summary of decisions of that meeting. This five clear day period is known as the Call-in period.
- (c) If the Executive decision is made by a Portfolio Holder or is a Key Decision made by an officer, a summary of the decision will be published the day following the decision being made, and will become effective at 5.00 pm on the fifth clear working day after publication. The procedure from d) onwards will then apply.
- (d) If during the Call-in period, the Chief Executive receives from three, or more, non-Executive members of the Council, an objection to a decision, the members must supply in writing their reasons for the objection. This can be in the form of a letter or email. The decision then becomes a 'called-in' decision.
- (e) Any called-in decision will not become effective, but will be referred to the next meeting of the Overview and Scrutiny Committee.
- (f) The Overview and Scrutiny Committee will then decide whether the matter should be referred back to the Executive, on to Council or to take no further action. **A flowchart explaining the Call-In Procedure is attached as Appendix B.**
- (g) If all of the non-Executive members who called in the decision of the

**Comment [a11]:** The wording of this section has been reviewed and simplified – the process has not been changed

**Comment [a12]:** This is a new addition

Executive, are dissatisfied with the decision of the Overview and Scrutiny Committee, they must give notice to the Chief Executive in writing, within three clear working days of the Overview and Scrutiny Committee, stating their reasons for their dissatisfaction. This notice can be in the form of a letter or electronic mail. The Executive decision will then be referred to Council.

- (h) If the decision is referred to the Executive by the Overview and Scrutiny Committee, there will be a separate report on the agenda with the heading 'Call-In Item'.
- (i) If for any reason the Executive are unable to reach a decision on the called-in item, and it is deferred, this 'Call-in Item' heading will then appear on every Executive agenda until the decision has either been confirmed or amended.
- (j) If the original decision is confirmed by the Executive, it cannot be subject to the call-in procedure again. If the decision or wording of the decision is changed by the Executive in any way, then it becomes a new decision and can be subject to the call-in procedure.
- (k) If a called-in decision is referred to the Executive by the Overview and Scrutiny Committee, the Overview and Scrutiny Committee can not pass comment on it again when commenting on Executive agenda items.
- (l) If a decision is referred to the next meeting of Council by the Overview and Scrutiny Committee, or the non-Executive members who called the decision in are dissatisfied with the decision of the Overview and Scrutiny Committee, it will appear under a separate agenda item of 'Call-In Item' and the procedure as set out in Councilor Procedure Rule 13 (16) will apply. It will also be followed by details of the item with an extract from the relevant Executive minute attached.
- (m) If for any reason Council are unable to refer the called-in decision back to the Executive, and it is deferred, this 'Call-in Item' heading will then appear on every Council agenda until it has done so.
- (n) Council does not have the power to change the decision of the called-in item. The only power Council has is to debate the Executive decision either pass comments, which will be taken into account by the Executive during the re-consideration of the original decision, or to take no further action.

If there is not a meeting of the Overview and Scrutiny Committee, Executive or Council scheduled within 8 weeks of the specified timeframe, a special meeting will be convened for consideration of this item only. If the decision is of particular urgency, a special meeting will be convened anyway so the decision can be dealt with as soon as possible.

The Called-in item will also continue to appear on the Forward Plan until the decision has either been confirmed or amended by the Executive.

## **22. Substitution of Members**

- (1) Subject to Procedure Rule 18, each political group may nominate, and the Council will appoint, a named Councillor(s) of the Council who will act as a substitute(s) (with full right of discussion and voting) for any member(s) of the group who is a member of the relevant committee (except Standards Committee) and who is unable to attend a particular meeting.
- (2) If there are two or more members of the Council who are not members of a political group they may nominate and the Council will appoint a named Councillor(s) of the Council who will act as a substitute(s) (with full rights of discussion and voting) for them at any meeting of a committee of which they are a member, which they are unable to attend. Save as

- provide above.
- (3) Notification of the name of the substitute and of the member being substituted must be given in writing or by e-mail to the Chief Executive by the Group Leader, or a Councillor nominated by them, five hours before the start of the meeting.
  - (4) Substitutes for Planning, Licensing and Regulatory Committees and Housing Appeals Review Panels must have undertaken relevant training for this role before sitting on the Committee.

### **23. Selection of Chairman and Vice-Chairman of the Council**

The Executive will each year recommend, in principle, to the Annual Meeting of the Council a person or persons for consideration for election as the next Chairman and Vice-Chairman of the Council.

### **24. Attendance at the Executive and Committees**

- (1) Where a motion or petition stands referred to the Executive or a committee or is submitted directly to the Executive or a Committee or an item is placed on an agenda in accordance with Procedure Rule 7 the member who moved the motion, sponsored the petition or gave notice of the item will, if they are not a member of the Executive/committee, have notice of the meeting of the Executive/ committee at which it is proposed to consider the motion, petition or item and will have the right to attend the meeting and explain the motion petition or item.
- (2) The Chairs of Overview and Scrutiny Committees will be able to speak if their Committee is making a recommendation or comment to the Executive.
- (3) Any members wishing to attend meetings of the Executive or committees to speak on matters relating to their ward will be entitled to do so, excluding Planning Committee where the Councillor will need to register to register in accordance with the Planning Committee procedure.
- (4) Any member of the Executive wishing to attend meetings of Overview and Scrutiny Committees and to speak on items will be entitled to do so.
- (5) Any members wishing to attend meetings of the Executive or committees of which they are not members whether such meetings are open to the public and press or not, will be entitled to do so but without any right to take part in the proceedings except under Procedure Rule 22 (1) (2) (3) or (4) or by leave of the Leader or Chairman which will not be unreasonably withheld, subject to such attendance not contravening any legal requirement, the Code of Conduct or any local procedure and excluding Planning Committee where the Councillor will need to register to speak as per the Planning Committee procedure.
- (6) Any members wishing to attend meetings of the Licensing and Regulatory Committee of which they are not members will be entitled to do so but without any right to take part in proceedings, except by leave of the Chairman subject to such attendance not contravening the Code of Conduct or any local procedure. This entitlement will not extend to the discussion of any exempt information under Part 1, Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006 or the decision making process. In those circumstances, however, non-committee members shall be entitled to an explanation of the decision as soon as is reasonably practicable after the meeting.
- (7) The political groups not represented by formal membership of the Executive will be given the right to send one observer each, to the Executive meetings with full speaking but not voting rights.



## **25. Agenda Papers**

Every meeting of the Council, the Executive, committees and Sub-Committees will be convened by the Chief Executive five clear working days before a meeting (other than a special meeting called as a matter of urgency).

## **26. Urgent Items**

If an urgent item needs to be considered the following procedure will need to be followed:

- Council, Committees or Sub-Committees:

Consent is needed from the Chairman of the respective meeting.

- Executive

Consent is needed from the Chief Executive, following consultation with the Group Leaders and Scrutiny Committee Chairmen.

The reason for the need for an urgent item to be considered at a meeting will be recorded in the minutes of that meeting.

## **27. Special Meetings**

- (1) A special meeting of the Council will be called on the requisition of the Council by resolution, the Chairman, the Monitoring Officer or any five members.
- (2) A special meeting of the Executive, Committees or sub-committee will be called on the requisition of either the Leader or the Chairman or of a fifth of the whole number of the Executive committee, or sub-committee submitted in writing or by e-mail to the Chief Executive. The notice of the special meeting will set out the business to be considered and no business other than that set out in the notice will be considered at that meeting.

The reason for the need for special meeting will be recorded in the minutes of the meeting.

## **28. Inspection of Documents**

- (1) A member of the Council may, for the purposes of their duty as such member but not otherwise, on application to the Chief Executive, inspect any document which has been circulated for consideration by the Executive, a committee, sub-committee or by the Council, and if copies are available, will on request be supplied with a copy of such a document. This Procedure Rule will not preclude the Chief Executive or any solicitor to the Council from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.
- (2) All reports made to, or minutes of, the Executive, a committee, or sub-committee will be open for inspection by any member of the Council during office hours.
- (3) These rights of members are in addition to any other statutory rights which they may possess by virtue of the Local Government (Access to Information) Act 1985 and any subsequent amending regulations.

## **29. Interest of Members in Contracts and Other Matters**

- (1) If any member of the Council has any pecuniary interest within the meaning of the mandatory Code of Conduct adopted by the Council in any contract, proposed contract or other matter of any kind, that member must leave the meeting room while the contract, proposed contract, or other matter is under consideration by the Council, the Executive, committee or a sub-committee unless:
  - (a) dispensation has been granted by the Standards Committee; or
  - (b) the contract, proposed contract or other matter is under consideration by the Council as an item of the minutes of the Executive, committee, sub-committee and is not itself the subject of debate.
- (2) Any such withdrawal or invitation to remain must be recorded after the meeting in a register kept for the purpose by the Monitoring Officer.

## **30. Variation and Revocation of Procedure Rules**

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

## **31. Suspension of Procedure Rules**

- (1) Any of these Procedure Rules except 4(4) and 17(3) may be suspended for any business at a meeting of the Council, the Executive or a committee, where its suspension is moved; and
- (2) A motion to suspend Procedure Rules must specify the business to which the motion related and, if carried, will cease to have effect upon the conclusion of that business.

## **32. Interpretation of Procedure Rules**

The ruling of the Chairman for the meeting on the interpretation of any of these Procedure Rules, will not be challenged at any meeting of the Council, the Executive, committee or sub-committee.

## **33. Recording of Meetings**

The decision to record a meeting(s) of Council, the Executive, a Committee or Sub-Committee will be down to the individual body.

At present only Planning and Licensing and Regulatory Committees have resolved to record all of their meetings.

## **34. Public Speaking**

The Council welcomes public participation at meetings and members of the public will always be permitted to speak at any meeting of Council, the Executive, a Committee or Sub-Committee meeting as long as the correct procedures for registering are followed.

## **35. Local Procedures/Job Role**

Each Committee will be entitled to produce its own procedure rules and job roles that build upon and enhance the Council Procedure Rules and these will be

annexed to, but not form part of, the Constitution.

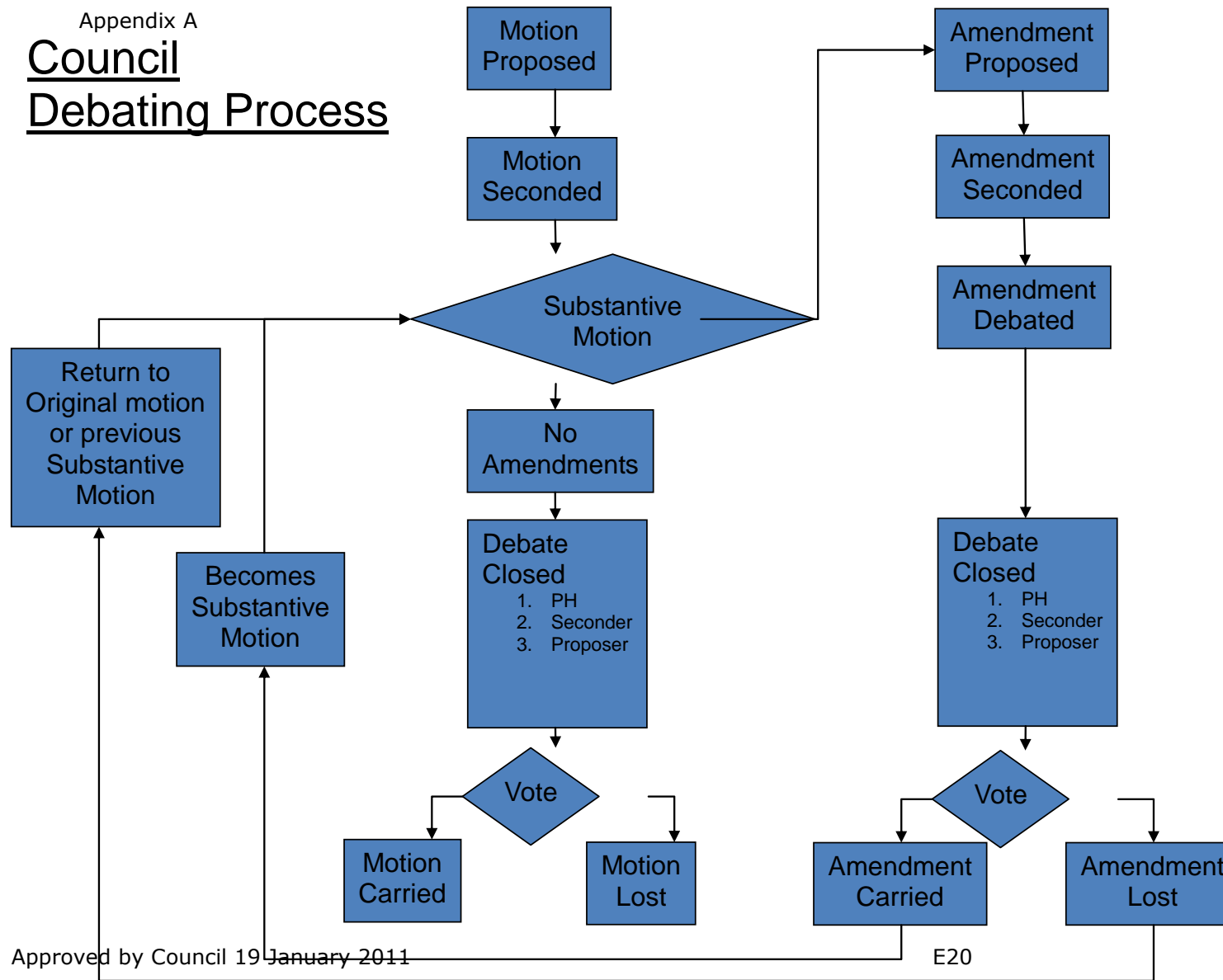
### **36. Disclosable Pecuniary Interests**

That any Councillor with a disclosable pecuniary interest must declare that interest in any relevant item at a meeting, and leave the room for the duration of that item, unless a dispensation has been granted by the Standards Committee.

If a member fails to do this, it will be considered as disorderly conduct and the Chairman will move that the Member leave the meeting as set out in procedure rule (15)

Appendix A

# Council Debating Process



## The Call-in Procedure

