

HIGH PEAK BOROUGH COUNCIL

Report to the Constitution Sub-Committee

29th February 2016

TITLE:	Review of the Council and Committee Procedure Rules
EXECUTIVE COUNCILLOR:	Councillor Emily Thrane – Finance & Corporate Services
OFFICER:	Linden Vernon – Senior Officer – (Governance & Member Support)
WARDS:	Non-Specific

Appendices attached: Appendix A – Revised Council and Committee Procedure Rules

1. Reason for the Report

- 1.1 To present for the consideration of members of the Sub-Committee revised Council and Committee Procedure Rules.

2. Recommendation

- 2.1 That the Sub-Committee considers and recommends revised Council and Committee Procedure Rules for approval by the Audit & Regulatory Committee.

3. Executive Summary

- 3.1 The Authority's Council and Committee Procedure Rules have not been reviewed as a whole for some time. It is therefore considered appropriate to review this part of the Constitution. The proposed alterations are shown by the tracked changes given in **Appendix A** to this report. These include detailed provisions for the arrangement of extraordinary Council meetings and other consequential amendments (e.g. the requirement for a recorded vote relating to the annual approval of the Council's budget and Council Tax precept).

4. **Options and Analysis**

- 4.1 The Sub-Committee may accept the revised procedure rules as proposed or make amendments.

5. **Implications**

5.1 Community Safety - (Crime and Disorder Act 1998)

None.

5.2 Workforce

None.

5.3 Equality and Diversity/Equality Impact Assessment

None.

5.4 Financial Considerations

None.

5.5 Legal

The proposed changes ensure that the Council's procedure rules continue to meet statutory requirements.

5.6 Sustainability

None.

5.7 Internal and External Consultation

The recommendations of the Constitution Sub-Committee will be reported to the Audit and Regulatory Committee.

5.8 Risk Assessment

Not applicable.

Mark Trillo

Executive Director (People) and Monitoring Officer

COUNCIL AND COMMITTEE PROCEDURE RULES

1. Annual Meetings
2. Election of Leader
3. Ordinary [and Extraordinary](#) Meetings
4. Quorum
5. Order of Business
6. Motions Requiring Notice
7. Motions Not Requiring Notice
8. Questions by Members
9. Questions by the Public
10. Rules of Debate
11. Closure Motions and Budget Motions
12. Voting
13. Disorderly Conduct
14. Petitions
15. Suspension and Variation
16. Committees
17. Declarations of Interest
18. Interpretation and Applicability

MEETINGS OF FULL COUNCIL

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.
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 Executive and their respective portfolio responsibilities.
3. The date of **Ordinary meetings** of the Council will be decided at the Council's Annual Meeting. These dates may be changed or meetings cancelled by the Monitoring Officer with the agreement of the Mayor and in consultation with the Leader of the Council.

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3.1 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 Mayor;
- (c) The Leader of the Council
- (d) the Head of Paid Service,
- (e) 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 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 affects the Borough.

3.2 Any request made under Rule 3.1 shall specify the item or items of business for which the Extraordinary Meeting of the Council is to be called.

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

- (a) to choose a person to preside if the Mayor and Deputy Mayor are absent or otherwise unable to preside;
- (b) to consider the matters to which the request made under Rule 3.2 relates;
- (c) to consider other business (if any) specified in the Summons.

3.4 The time and place of extraordinary meetings will be determined by the Proper Officer in consultation with the Mayor, taking into account the views of the Leader of this Council, and notified in the summons.

4. **Quorum** If there are not at least 11 members present, the Mayor will adjourn the meeting to a specified time and date.

5. The **order of business** at the Council will be as follows:

- (a) If necessary, the appointment to the Chairman
- (b) Apologies for absence
- (c) Declarations of Interests
- (d) Minutes of the previous meeting
- (e) Mayor's announcements
- (f) Electors' Questions
- (g) Members' questions
- (h) Motions concerning the decisions of the Executive or a committee
- (i) Motions of which notice has been given

No discussion will take place upon the minutes of the Council except upon their accuracy.

The Mayor can re-order the agenda if he/she feels this would facilitate business and will sign the Minutes of the previous meeting at the next meeting.

6. A member may submit one **Notice of Motion**. The Leader may submit two. Notice **must** be given in writing, by fax or by electronic mail to the Monitoring Officer by 5 pm at least 10 clear working days (not including public holidays) before the meeting. The Monitoring Officer will record the date and time of receipt and this information will be open to inspection by any person. The names of both the proposer and a seconder must be included in the Notice.

Motions for which notice has been given will be listed in the agenda in the order in which they were received. The member who gave notice may withdraw it in writing.

Motions must be about matters for which the Council has responsibility or which affect its area.

7. **Notice** shall not be required for motions

- (a) Concerning the election of the Mayor, the appointment of the Deputy Mayor or the appointment of a person to preside at the meeting, the accuracy of minutes of the Council, the order of business, or
- (b) Proposing appointments to decision making bodies, receipt of minutes and approval of any recommendations, amendments to motions, leave to withdraw motions, adjourning the meeting or exclusion of the public, or
- (c) Under Rule 10 (closure of debate), 12 (that a named member be not further heard) or 17 (suspension of the Rules).

8. **Questions by Members**

8.1 If written notice by fax or electronic mail is given to the Monitoring Officer by 5.00 pm four clear days (not including public holidays) before the Council Meeting, a member of the Council may ask the Leader of the Council, 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

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8.2 The question will be put and answered without discussion.

8.3 Answers shall be in writing and circulated to all members of the Council.

8.4 If the information is in a publication of the Council or other published work, a reference to that publication will be deemed a sufficient answer.

8.5 A member asking a question under this Rule 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.

9. **Questions by the Public**

General

9.1 Members of the public who are on the register of electors for High Peak may ask questions of members of the Executive at ordinary meetings of the Council. The maximum period of time for questions by the public at a

Council Meeting shall be 15 minutes. This may be extended at the Mayor's discretion.

Order of Questions

- 9.2 Questions will be asked in the order in which they were received, except that the Mayor may group together similar questions.

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Notice of Questions

- 9.3 A question may only be asked if notice has been given in writing or by fax or electronic mail to the Monitoring Officer no later than 5.00 pm five clear working days before the Council Meeting. The notice must give the name and address of the questioner and the name of the member of the Council to whom the question is to be put.

Number of Questions

- 9.4 At any one meeting no person may submit more than one question, and no more than one question may be asked on behalf of one organisation.

Scope of Questions

- 9.5 The Monitoring Officer may reject a question if it is not about a matter for which the Council has a responsibility, or which does not affect the Borough; is defamatory, frivolous or offensive; is substantially the same as a question which has been put at a meeting of the Council in the past six months; or requires the disclosure of confidential or exempt information.

Asking the Question at the Meeting

- 9.6 The Mayor will invite the questioner to put the question to the member named in the notice. If the questioner who has submitted a written question is unable to be present, he/she may ask the Mayor to put the question on his/her behalf. In the absence of the questioner, the Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given, or decide that the question will not be dealt with.

Supplementary Question

- 9.7 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds set out above.

Written Answers

- 9.8 Any questions not answered at the end of the time allocated for questions by the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

Reference of Question to the Executive or a Committee

- 9.9 Unless the Mayor decides otherwise, no discussion will take place on any question. Any member may move that a matter raised by a question be referred to the Executive or the appropriate Committee or Sub-Committee for further consideration. Once seconded, such a motion will be voted upon without discussion.

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Record of Questions

- 9.10 The Monitoring Officer will keep a record, open to public inspection, of all public questions received and will immediately send a copy of the question to the member to whom it is to be put.

Rejected questions will include reasons for the rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting. The Monitoring Officer will be responsible for sending to the questioner a copy of the answer provided at the Council Meeting as soon as practicable after the Council Meeting.

10. Rules of Debate

- 10.1 Members shall stand when speaking and address the Mayor, unless otherwise directed by the Mayor.
- 10.2 Whenever the Mayor stands all members shall sit and the Council shall be silent.
- 10.3 If two or more Members wish to speak the Mayor shall call each one to speak in turn ordinarily giving the other(s) a later opportunity to speak.
- 10.4 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 10.5 The proposer of a motion may alter it with the consent of the Council which may be inferred without a vote.

10.6 When a motion is under debate no other motion shall be moved except one of the motions specified in Rule 7 (Motions for which no notice is required).

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10.7 No speech may exceed five minutes except with the consent of the Mayor.

10.8 A member may speak again on a point of order or in personal explanation. A point of order shall relate only to an alleged breach of a Rule or statutory provision and the member must specify the nature of the breach. A personal explanation shall be confined to a relevant earlier statement that has been misunderstood.

10.9 The proposer and seconder of the motion have a right of reply at the close of the debate on the motion or on any amendment. Any other member may only speak a second time in a debate under Rule 11 (closure motions) or with the permission of the Mayor.

10.10 An amendment shall be relevant to the motion and shall not merely negate or be negative to it. It shall either refer a matter to the Executive or a committee; or insert, add, alter or leave out words from the motion. A further amendment shall not be moved while an amendment is being considered. The proposer of the original motion has a right of reply on the amendment. The proposer of the amendment has no right of reply on it.

10.11 The ruling of the Mayor under this Rule shall not be open to discussion.

11. Closure Motions and Budget Motions

11.1 At the conclusion of a speech, another member may move that the question be now put or the meeting or debate be adjourned (closure motions). If this closure motion is seconded, the Mayor may rule that the matter should be discussed further on this occasion or shall put the closure motion to the vote. In the case of a debate closed by a motion that the question be now put the right of reply of the mover of the original motion will then be exercisable.

11.2 No motion or amendment to propose a precept shall be considered unless it contains sufficient detail within it to justify the precept moved. In determining whether or not a particular motion or amendment is in order the Mayor shall have regard to:

- i) the advice of relevant officers;
- ii) information available within the motion or amendment concerning proposed reductions or increases in service estimates, or proposed measures which would reduce expenditure or increase income, or

- the government grant implications of the level of expenditure proposed; and
- iii) any other relevant matter.

12. **Voting**

12.1a When a vote is to be taken the Mayor shall call for a show of hands or, [with the exception of votes relating to the annual approval of the council's budget and Council Tax precepts \(as required by the Local Authorities \(Standing Orders\) \(England\) \(Amendment\) Regulations 2014\)](#), if one quarter of members present and voting stand, a recorded vote. If there is a recorded vote a record of those voting for and against will be kept and any member present but not declaring their vote shall be recorded as abstaining.

[12.1b For votes relating to the annual approval of the Council's budget and Council Tax precepts, the provisions for a recorded vote will take place automatically.](#)

12.2 Any member can ask for their vote to be recorded in the minutes provided the request is made immediately after the vote has been taken.

12.3 Where three or more persons are nominated for any position and there is not a majority in favour of any one person, the person having the least number of votes shall be disregarded and a fresh vote taken and so on until there is a majority in favour of one person.

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

13. **Disorderly Conduct**

13.1 If at a meeting any member of the Council persistently disregards the ruling of the Mayor/Chairman by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council the Mayor/Chairman or any other member may move "that the member named be not further heard" and the motion, if seconded, shall be put and determined without discussion.

13.2 If misconduct by the member continues the Mayor/Chairman shall move that the member named shall be excluded from the meeting and the motion, if seconded, shall be put and determined without discussion.

13.3 If a member of the public interrupts the proceedings at any meeting the Mayor/Chairman shall warn the person. If the interruption continues the

Mayor/Chairman shall order the person to leave the meeting. In the case of a general disturbance in any part of a meeting open to the public, the Mayor/Chairman shall order that those causing the disturbance leave the meeting.

- 13.4 The Mayor/Chairman may, if the disturbance interferes with the business of the meeting, adjourn or suspend a meeting for such period as the Mayor/Chairman considers appropriate.

14. **Petitions**

- 14.1 Petitions submitted under the Council's Petition Scheme attached as Appendix A to these procedure Rules will receive an acknowledgement from the Council within 10 working days of receipt.

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- 14.2 That acknowledgement will set out what the Council plans to do with the petition.

- 14.3 If a petition contains more than 4,000 signatures it will be considered at the next available meeting of Full Council, unless the petition is asking for a senior council officer to give evidence at a public meeting.

- 14.4 The petition organiser will be allowed 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

- 14.5 The Council will decide how to respond to the petition at this meeting. The Council may decide to deal with the petition in the following manner:

- (a) To take the action the petition requests;
- (b) Not to take the action requested for reasons put forward in the debate;
- (c) To commission further investigation into the matter, for example by the relevant Select Committee.

- 14.6 If the issue is one on which the Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

[Please refer to the Petition Scheme at **Appendix A** for full details.]

15. **Suspension and Variation**

- 15.1 Subject to paragraph 2 of this Rule any of the preceding Rules, except Rules 12.1b and 12.2 may be suspended so far as regards any business of the meeting where suspension is moved.

15.2 A motion to suspend the Rules shall not be moved without notice unless at least one half of the whole number of the members of the Council are present.

15.3 Any motion to add to, vary or revoke any Rule, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

16. COMMITTEES

16.1 When appointing to a committee, other than a Select Committee, the Council may also appoint the Chairman and Vice Chairman who in each case must be a member of the Council.

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16.2 Whenever

- (a) the Council is required to review the allocation of seats on Committees between political groups, or
- (b) the Council resolves to carry out such a review, or
- (c) a Committee is required to review the allocation of seats between political groups on an ad hoc Sub-Committee

the Monitoring Officer shall submit a report to the Council or Committee, showing what allocation of seats would, in his/her opinion, best meet the requirements of the Local Government and Housing Act 1989.

16.3 In the light of such a report, the Council or Committee, as the case may be, shall determine the allocation of seats to political groups.

16.4 Whenever an appointment of a voting member of a Committee or Sub-Committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, the Monitoring Officer shall make or terminate the appointment accordingly.

16.5 A member of a committee may appoint any other member of his/her Group to be a **substitute** member in his/her place on a committee or sub-committee (provided they have received any required training), with the exception of the Standards Committee and the Executive or where there are quasi-judicial issues.
They will be accepted onto the Committee with power to speak and vote.

The substitute member must inform the Chairman of their capacity as substitute at the start of the meeting and will remain for the whole of the meeting except where there is a genuine reason for leaving early.

The Protocol for substitutes set out in 'Rights and Responsibilities' in Part 5 of the Constitution must be followed. (Note: no member may act as a substitute on the Development Control Committee or Licensing Committee/Sub-Committee unless they have received the appropriate training).

- 16.6 The **quorum** of a committee or sub-committee is one quarter of those present and voting and not less than two.
- 16.7 The Chairman of a committee may call a **special meeting** at any time. A quarter of the members of a committee may require the Monitoring Officer to call a special meeting. The requisition must be in writing setting out the business to be considered. The special meeting will only consider the business so set out. All meetings of committees shall be summoned by the Monitoring Officer.
- 16.8 A copy of the **agenda** for every meeting shall be posted on the web site and on the intranet and sent [electronically](#) to all members of the committee.
- 16.9 With the consent of the Chairman, a **ward member** may attend any committee open to the public and may speak (but not vote) on any matter of which they have knowledge that will help the committee with its deliberations. The Chairman's decision on this is final.
- 16.10 Any **three members** of a committee may ask that an item be placed on the agenda provided the Monitoring Officer receives written notice at least 10 clear working days before the date of the meeting. Any item must be within the functions and terms of reference of that committee and the Monitoring Officer's decision on this is final.

17. **Declarations of Interest**

- 17.1 A Member shall declare any interest they may have on any matter before the Committee at the beginning of the meeting or immediately it becomes apparent, giving brief details of the interest and completing the Declaration of Interests Form that will be kept with the Committee papers.

N.B. Members are expected to be familiar with and consult the Code of Conduct and seek the advice of the Monitoring Officer in cases of doubt.

18. **Applicability and Interpretation**

- 18.1 Rules 11 (voting), 12 (disorderly conduct), 13 (petitions) 16 (declarations of interest) and 17 (interpretation) shall **apply to meetings of all Council**

committees, sub- committees and to the Executive with any necessary adaptation.

Some committees and the Executive have their own rules and these will take precedence if there is a conflict.

- 18.2 The ruling of the Mayor/Chairman as to the application and meaning of any Rule shall not be challenged at any meeting.