

COUNCIL PROCEDURE RULES

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Reference:

Schedule 12, Local Government Act 1972

Sections 8 and 20, Local Government and Housing Act 1989

Local Government Act 2000

DETR Guidance on New Council Constitutions - Modular Constitutions

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1 ANNUAL MEETING OF THE COUNCIL

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 March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Chief Executive;
- (vi) elect the Leader where the Leader's term of office is due to end by virtue of Section 44E(3) of the Local Government Act 2000;
- (vii) receive the Leader's report on the number of Members to be appointed to Cabinet, the names of the Members appointed including the Member appointed to act as Deputy Leader, the allocation of Cabinet portfolios, and the delegation of executive functions to the Cabinet as a whole, an individual Cabinet Member, a committee of the Cabinet, an officer, an area committee, joint arrangements or another local authority;
- (viii) agree the committees to be established for the municipal year to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 Table 3 of this Constitution), and decide the size and terms of reference for those committees;

Note: The Council is required to appoint at least one Overview and Scrutiny Committee, a Standards Committee and a Licensing Committee (Licensing Act 2003) and may appoint other Committees to discharge the functions of the Council set out in Part 3 of the Constitution.
- (ix) agree the allocation of seats to political groups in accordance with the political balance rules;
- (x) appoint the Chair, Deputy Chair and members of Scrutiny Panels, a Standards Committee and such other committees as the Council has established. The Chair and Deputy Chair of a Scrutiny Panel should not be a member of the same political group as the Member of the Cabinet

with special responsibility for that portfolio area. The Chair of the Audit Committee shall not be a Member of the Cabinet;

- (xi) appoint substitute Members of Scrutiny Panels and Committees (where substitutes are allowed);
- (xii) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xiii) approve a programme of ordinary meetings of the Council for the year;
- (xiv) appoint representatives to serve on outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet; and
- (xv) consider any other business set out in the Summons convening the meeting.

2 ORDINARY MEETINGS

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

2.2 The order of business of ordinary meetings will be:

- (a) to elect a person to preside if the Mayor and Deputy Mayor are not present;
- (b) to approve the minutes of the last meeting;
- (c) to receive any declarations of interest from Members;
- (d) to deal with any business expressly required by statute to be done before any other business or such other business as the Mayor agrees shall be dealt with before any other business;
- (e) to receive any announcements from the Mayor and/or the Chief Executive;
- (f) to receive petitions, if any, presented by Members of the Council;
- (g) to answer any questions asked by members of the public under Council Procedure Rule 12;
- (h) to answer any questions asked by Members of the Council under Council Procedure Rule 13;

- (i) to deal with any business from the last Council meeting or which has been referred to the Council for approval under the call-in procedure;
- (j) to receive and approve, as necessary, any recommendations from the Cabinet and the Council's committees and receive questions and answers on any of those reports or recommendations;
- (k) to consider motions in the order in which they have been received; and
- (l) consider any other business specified in the summons to the meeting and business not specified but which the Mayor considers to be urgent.

2.3 Except for items (i) to (iv) inclusive, the order of the above items of business may be changed either at the discretion of the Mayor or by resolution of the Council.

3 THE MEETING TO SET THE COUNCIL TAX

A meeting of the Council to set the Council Tax will take place on a date agreed by the Council. The order of business will be:-

- (i) to elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) to receive any announcements from the Mayor and/or the Chief Executive;
- (iii) to receive any declarations of interest from Members;
- (iv) to receive a report on precepts received;
- (v) to receive a report on levies received;
- (vi) to receive the recommendation of the Cabinet for a General Fund Revenue Budget to enable the Council to make the statutory calculations for setting the Council Tax;
- (vii) to set the Council Tax.

4 EXTRAORDINARY MEETINGS

4.1. Calling extraordinary meetings.

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the monitoring officer; and

- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4.2. Business

The only items of business which will be considered at extraordinary meetings of the Council will be the items for which the meeting has been called or which the Mayor considers to be urgent.

5 COUNCIL MEETING AS A COMMITTEE

5.1. Calling meetings

A meeting of the Council meeting as a Committee can be called by either the Cabinet or a Council Committee passing a resolution which identifies the business and contains a statement of reasons in support of the request.

5.2. Time and place of meetings

The time and place of meetings of the Council meeting as a Committee will be determined by the Head of Democratic and Partnership Services in consultation with the Mayor.

5.3. Business

The only item of business which will be considered at a meeting of the Council meeting as a Committee will be that requested in the resolution of the Cabinet or the Council Committee. The summons calling the meeting will specify the nature of the business and the reasons given for calling the meeting.

5.4. Chairing meetings

The Council meeting as a Committee will be chaired by the Mayor. In the absence of the Mayor, the Deputy Mayor will preside. In the absence of both Mayor and Deputy Mayor, a person appointed by the meeting will preside.

5.5. Procedure rules to apply

Council Procedure Rule 9 relating to quorum will apply to the Council meeting as a Committee which otherwise will operate in accordance with the Committee Procedure Rules.

6 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Democratic and Partnership Services and notified in the summons.

7 NOTICE OF AND SUMMONS TO MEETINGS

The Head of Democratic and Partnership Services 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 days before a meeting, the Head of Democratic and Partnership Services 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.

8 CHAIR OF MEETING

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

9 QUORUM

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

10 MINUTES

10.1. Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

10.2. No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that

paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

10.3. Form of minutes

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

11 PETITIONS

11.1 When presenting a petition a Member may speak for 2 minutes.

11.2 Petitions presented to the Council will be passed to the appropriate Chief Officer for action either under delegated powers or otherwise through Cabinet or the relevant Committee.

12 QUESTIONS BY MEMBERS OF THE PUBLIC

12.1. Questions on notice

(a) Subject to Rule 12.3 a member of the public may ask:

- a member of the Cabinet
- the Chair of any Committee/panel
- the Member nominated by a Joint Authority
- Council representatives on Joint Committees

a question on any matter for which the Council has responsibility or which affects the Borough.

(b) Questions under Rule 12.1(a) may not be asked:

- at the Annual Meeting of the Council
- at the meeting of the Council to set the Council Tax
- at a meeting of the Council during the period from the announcement of a General Election to polling day
- at a meeting of the Council during the period from the publication of the notice of election for the Council to polling day.

12.2. At the Council meeting

(a) The questioner will be invited to the Council meeting and will be asked to read out the question. In the event of the questioner not being

present, the Member answering the question shall read out the question.

- (b) A period of up to 30 minutes will be allowed at a Council meeting for dealing with questions asked by members of the public. Any questions not dealt with within that time will be responded to in writing and a copy of the reply will be sent to all Members of the Council and made available for public inspection.

12.3. Notice of questions

A member of the public may only ask a question under Rule 12.1(a) if:

- (a) they have given notice in writing of the question, which should not exceed 100 words, to the Head of Democratic and Partnership Services no later than seven days before the date of Council meeting; and
- (b) the question has not been rejected by the Head of Democratic and Partnership Services in consultation with the Mayor because it was:
- not about a matter for which the Council has responsibility or which affects the Borough
 - defamatory, frivolous, offensive or of a personal nature
 - substantially the same as a question asked within the last six months
 - about a matter which required the disclosure of exempt or confidential information
 - about a matter more properly dealt with under the Council's complaints procedure or by the Standards Board or the Local Government Ombudsman
 - about the merits of an application or other matter currently being considered by the Council or its officers in respect of which the Council is required to act under a quasi-judicial duty.

Any questions rejected by the Head of Democratic and Partnership Services are to be reported to the Standards Committee together with the reasons for rejection.

12.4. Response

- (a) An answer will be given orally at the Council meeting and written copies of the answer will be prepared for distribution to Party Group Rooms within seven days of the date of the Council meeting.

- (b) A Member may decline to answer a question or may ask another Member to answer on their behalf.

13 QUESTIONS BY COUNCILLORS

13.1. Questions on notice

- (a) Questions on notice may only be asked by a Member of the Council at an ordinary meeting of the Council.
- (b) A Member of the Council may ask the Leader a question on any matter in relation to the discharge of their role and responsibilities.
- (c) A Member of the Council may ask a Member of the Cabinet a question on any matter in relation to the discharge of their role and responsibilities.
- (d) A Member of the Council may ask the Chair of a Committee/Scrutiny Panel a question on any matter in relation to the discharge of the Committee's/Scrutiny Panels' role and responsibilities.
- (e) A Member of the Council may ask the relevant Member nominated for the purpose a question concerning the operation and functions, as they affect the Borough, of the:
 - (i) West Yorkshire Police Authority
 - (ii) West Yorkshire Fire and Civil Defence Authority
 - (iii) West Yorkshire Integrated Transport Authority
 - (iv) West Yorkshire Joint Services Committee

13.2. Notice of Questions

A Member of the Council may only ask a question under Rule 1 above if:

- (a) they have given notice in writing of the question to the Head of Democratic and Partnership Services by 0900 hours on the day before the Council meeting;
- (b) the question relates to urgent matters, they have the consent of the Mayor and the agreement of the person to whom the question is to be put and the content of the question is given to the Head of Democratic and Partnership Services by 0900 hours on the day of the meeting;

- (c) the question has not been rejected by the Head of Democratic and Partnership Services in consultation with the Mayor because it was:
- not about a matter which the Council had responsibility or which effects the Borough;
 - defamatory, obscene or personal;
 - substantially the same as a question asked within the last three months;
 - about a matter which required the disclosure of exempt or confidential information;
 - about a matter more properly dealt with under the Council's Complaints Procedures, the Code of Conduct for Members or by the Local Ombudsman;
 - about the merits of an application or other matter currently being considered by the Council or its officers in respect of which the Council is required to act under a quasi judicial duty.

13.3. Response

- (a) An answer may take the form of:
- (i) a direct oral answer;
 - (ii) where the desired information is in a publication of the Council, a Joint Authority or other published work, a reference to that publication; or
 - (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Members.
- (b) Written copies of the answer to the original question will be prepared for distribution to Party Group Rooms within seven days of the date of the Council meeting.
- (c) In the absence of a Cabinet Member, the Leader shall respond and in the absence of the Chair of a Committee/Scrutiny Panel, the Deputy Chair shall respond.

13.4. Supplementary Questions

A Member of the Council asking a question under Rule 13.1 above may ask one supplementary question at the meeting, without notice, to the Member to whom the question was asked. The supplementary question must arise directly out of the original question or the reply.

13.5. Question Period

- (a) A maximum period of thirty minutes will be allowed at the Council meeting for answering questions under this Rule.
- (b) The Mayor will have the discretion to extend the maximum period to enable a question to be answered having regard to the business to be considered at the Council meeting.
- (c) Where a question is not answered at the meeting the answer will be provided in writing to the Member asking the question and copied to all other Members of the Council within seven days of the date of the Council meeting.

14 MOTIONS ON NOTICE

14.1. Notice

Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by the Member or Members, must be delivered to the Head of Democratic and Partnership Services not later than eight clear days before the date of the meeting. These will be entered in a file open to public inspection.

14.2. Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. If a motion included on the agenda is not moved it will be treated as withdrawn.

14.3. Scope

Motions must be about matters for which the Council has a responsibility or which affect the district.

15 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;

- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or Member arising from an item on the summons for the meeting;
- (f) to receive minutes or approve recommendations of the Cabinet, committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council Procedure Rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Member named under Rule 24.3 or to exclude them from the meeting under Rule 24.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

16 RULES OF DEBATE

16.1. No speeches until motion seconded

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

16.2. Right to require motion in writing

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

16.3. Secunder's speech

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

16.4. Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes for a mover, 5 minutes for a seconder and 3 minutes in any other case without the consent of the Mayor.
- (b) This rule in so far as it relates to the time limits for speeches shall not apply in relation to a motion to recommend a General Fund revenue budget or a motion to make the calculations and set the amounts of the Council Tax or to elect a Mayor.

16.5. When a Member may speak again

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

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

16.6. Recommendations not approved in their entirety

- (a) Where the Council does not approve in their entirety the recommendations of the Cabinet or of any Committee, each recommendation shall be voted on individually.
- (b) The Mayor shall move each recommendation as amended in any earlier debate and the vote will be taken without further discussion or amendment.

16.7. Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others;
 - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to cancel the motion.
- (b) The Mayor will take amendments in the order in which he/she is given notice. 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 determined.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- (f) Once a recommendation has been dealt with by the Council no Member can raise the same issue again under any other recommendation before the Council at that meeting.

16.8. Alteration of motion

- (a) With the consent of the meeting a Member may alter a motion of which he/she has given notice. The meeting's consent or refusal 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 or refusal will be signified without discussion.

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

16.9. Withdrawal of motion

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

16.10. Right of reply

After all Members wishing to speak in a debate have been heard, rights of reply are to be exercised as follows:-

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) In any case where the mover of a motion (the subject matter of which is an executive function) is not the Leader, then the Leader shall have a right to comment on the motion immediately after the mover of the motion has replied or, if the right of reply is not exercised, at the close of the debate and before the motion is put to the vote provided the Leader has not previously spoken in the debate.
- (c) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (d) The mover of the amendment has a right of reply to the debate on his or her amendment.
- (e) The Cabinet Member with responsibility for the function under debate has a right to comment on the debate of any Cabinet item immediately before the mover of the original motion replies, unless the Cabinet Member has previously spoken in the debate.
- (f) In exercising a right of reply no new matter shall be introduced.

16.11. Motions which may be moved during debate

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

- (a) to withdraw a motion;

- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the time limit for speeches;
- (h) to not hear further a Member;
- (i) to exclude the public and press in accordance with the Access to Information Rules; and
- (j) to not hear further a Member named under Rule 24.3 or to exclude them from the meeting under Rule 24.4.

16.12. Closure motions

- (a) A Member who has not spoken in the debate may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the following persons the right of reply/comment before putting the motion or amendment being debated to the vote:
 - (i) the mover of the amendment;

- (ii) in the case of Cabinet Minutes the Cabinet Member with responsibility for the function under debate;
 - (iii) the mover of the original motion.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the right of reply.

16.13. Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. On rising, the Member must immediately indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

16.14. Personal explanation

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

17 PREVIOUS DECISIONS AND MOTIONS

17.1. Motion to rescind a previous decision

A motion under Rule 14 or amendment to a motion before the Council to rescind a decision made at a meeting of Council within the past six months cannot be moved unless in the case of a notice of motion it is signed by at least one third of the Members of the Council. Once the motion is dealt with no further similar motion may be moved within a further period of six months.

17.2. Motion similar to one previously rejected

A motion under Rule 14 or an amendment to a motion before the Council in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless in the case of a notice of motion it is signed by at least one third of the Members of the Council. Once the motion is dealt with, no one can propose a similar motion for six months.

- 17.3 If the Head of Democratic and Partnership Services receives a notice of motion which in his/her opinion contravenes Rule 17 the notice of motion will be included in the Council summons together with a statement of reasons why it is considered that the notice contravenes the Rule. The ruling of the Mayor shall be final.
- 17.4 The Cabinet or a committee making a recommendation to rescind a decision of the Council or in terms similar to one rejected by the Council within the past 6 months must include in its report the reasons for the recommendation.
- 17.5 This Rule shall not apply to a meeting called to approve the Council's annual budget and setting of the Council Tax.

18 VOTING

18.1. Majority

Unless this Constitution provides otherwise, all matters will be decided by a simple majority of those Members voting and present in the room at the time the question is put.

18.2. Mayor's casting vote

If there are equal numbers of votes for and 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.

18.3. Show of hands

Unless a recorded vote is demanded under Rule 18.4, the Mayor will take the vote by show of hands.

18.4. Recorded vote

If 10 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

18.5 Right to require individual vote to be recorded

Where any Member requests after the vote is taken, and before the Mayor moves to the next item of business, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained

from voting. No protest or expression of dissent shall be recorded in the Minutes.

19 VOTING ON APPOINTMENTS

- 19.1 If there is one position to be filled and there are two or more people nominated for that position, a vote will be taken and the name of the person with the least number of votes is taken off the list. This process is repeated until such time as there is a clear majority of votes for one person. No further nominations will be considered during the voting process.
- 19.2 If there is more than one position to be filled and more people are nominated for those positions than there are positions to be filled, a vote will be taken and the name of the person with the least number of votes is taken off the list, and a new vote taken. This process is repeated until a person has a clear majority of votes for one of the positions to be filled. The process is then repeated for the next position until all positions are filled. No further nominations will be considered during the voting process.

20 REPORTS BY THE LEADER AND CABINET MEMBERS

- 20.1 At each ordinary meeting of the Council:
- (a) the Leader shall report in writing on the discharge of their role and responsibilities since the last meeting;
 - (b) each Cabinet Member shall report in writing on the discharge of their roles and responsibilities since the last meeting.
- 20.2 The written reports provided by the Leader and Cabinet Members shall be circulated to each Member of the Council no later than the Friday before the date of the Council meeting.
- 20.3 The time allowed for the Leader and each Cabinet Member to present their report or comment at the Council meeting will be limited to a maximum of five minutes. In the absence of a Cabinet Member the Leader will present the Cabinet Member's report.
- 20.4 Any Member of the Council may ask the Leader or a Cabinet Member a question without notice, or comment on their report or any current issue at the Council meeting. A Member may speak for a maximum of three minutes in asking a question or making a comment, and may speak more than once on any report.

20.5 The maximum time allowed for questions and comments on a report of the Leader or a Cabinet Member will be twenty minutes. The Mayor will have the discretion to extend the maximum period if the Mayor considers that adequate opportunity has not been provided to ask questions or comments having regard to the number of Members who have indicated that they wish to speak on a particular report.

21 QUESTIONS WITHOUT NOTICE TO CHAIRS OF SCRUTINY PANELS AND COMMENTS

2.1 At each ordinary meeting of the Council any Member of the Council may ask:

- (a) the Chair, or in their absence the Deputy Chair, of a Scrutiny Panel a question without notice about the discharge of the Scrutiny Panel's role and responsibilities;
- (b) the Chair, or in their absence the Deputy Chair, of a Committee a question without notice about the discharge of the Committee's role and responsibilities.

2.2 A maximum period of thirty minutes will be allowed at the Council meeting for answering questions under this Rule. The Mayor will have the discretion to extend the maximum period to enable a question to be answered having regard to the business to be considered at the Council meeting.

22 RECORD OF ATTENDANCE

The names of all Members present during the whole or part of a meeting shall be recorded.

23 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 25 (Disturbance by Public).

24 MEMBERS' CONDUCT

24.1. Standing to speak

When a Member speaks at Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a

Member is speaking unless they wish to make a point of order or a point of personal explanation.

24.2. Mayor standing

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

24.3. Member not to be heard further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may direct that the Member be not heard further.

24.4. Member to leave the meeting

If the Member continues to behave improperly after such a direction, the Mayor may direct that either the Member leaves the meeting or that the meeting is adjourned for a specified period.

24.5. General disturbance

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

25 DISTURBANCE BY PUBLIC

25.1. Removal of member of the public

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

25.2. Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared or may adjourn the meeting for as long as he/she considers necessary.

26 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

26.1. Suspension

All of these Council Rules of Procedure except Rule 10.2 and 18.5 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

26.2. Amendment

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

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Reference:

Schedule 12, Local Government Act 1972

Sections 8 and 20, Local Government and Housing Act 1989

Local Government Act 2000

DETR Guidance on New Council Constitutions - Modular Constitutions