

# Part 4

## RULES OF PROCEDURE: COUNCIL

### Application to committees and sub-committees

1. All of the council rules of procedure apply to meetings of Full Council. Only paragraph 48 applies to meetings of the cabinet. Only paragraphs 15 – 41; ~~94 95 – 118~~~~119~~; ~~123-120~~ – 130~~3~~; 132~~5~~; 137~~40~~; 140~~3~~ - 145~~8~~ apply to meetings of committees and sub-committees.

### Annual meeting of the Council

2. 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 (Local Government Act 1972, Schedule 12, paragraph 2).
3. The annual meeting will:
  - elect a person to preside if the Chairman of Council is not present
  - elect the Chairman of Council (Local Government Act 1972, s.4)
  - elect the Vice-Chairman of Council
  - approve the minutes of the last meeting
  - receive any announcements from the Chairman and/or head of the paid service
  - in an election year, elect the Leader
  - appoint at least one overview and scrutiny committee, a standards committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the council nor are cabinet functions (as set out in part 3 of this constitution) (Local Government and Housing Act 1989, s.15)
  - 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)
  - approve a programme of ordinary meetings of the council for the year and
  - consider any business set out in the notice convening the meeting.

### Election of Chairman, Vice-Chairman and Leader of the Council

4. The election of the Chairman and the election of the Vice-Chairman shall be the

first and second items of business respectively transacted at the annual meeting of the council (Local Government Act 1972 s.4 and s.5).

5. The election of the Chairman, Vice-Chairman and Leader shall be determined by a show of hands unless at least 10 Councillors request a secret ballot which shall be conducted by the person presiding in accordance with the following procedure:

- the person presiding at the meeting shall invite nominations for Chairman, Vice- Chairman and Leader from those present at the meeting
- a Councillor's name must be proposed and seconded to be eligible
- a Councillor shall not be nominated in his or her absence for the position of Chairman, Vice-Chairman or Leader without his or her written consent
- the Chairman, Vice-Chairman or Leader shall be elected from among the Councillors duly nominated unless any Councillor nominated withdraws his or her name, in which case the election shall be from among the remaining nominees
- the Chairman, Vice-Chairman or Leader shall be elected by the vote of a majority of those Councillors present and voting (Local Government Act 1972 s4(3))
- each Councillor shall vote by writing the name of one of the Councillors nominated upon a ballot paper which shall then be placed in the ballot box
- when, in the opinion of the person presiding at the election, each Councillor present has had a reasonable time in which to vote, the ballot box should be delivered to the person presiding whereupon the voting shall be deemed to have been completed except that this shall not preclude the person presiding from exercising his or her casting vote in accordance with the final bullet of this section
- the ballot papers shall then be counted by the person presiding at the election
- if only one Councillor is nominated, the person presiding shall declare that member elected as Chairman, Vice-Chairman or Leader as the case may be; and if two members are nominated the member receiving the vote of the majority of those members present and voting shall be declared elected (Local Government Act 1972, Schedule 12, paragraph 39)
- if more than two Councillors are nominated, the person presiding shall announce the name of the Councillor with the smallest number of votes and that name shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the name of the Councillor receiving the smallest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two names remain which shall be submitted to the final vote

- in the event of an equality of votes in any of the ballots, the person presiding shall give a casting vote and where there are three or more members with an equal number of votes the person presiding shall give a casting vote to each of such members except one (Local Government Act 1972, Schedule 12, paragraph 39).

### **Selection of Councillors to serve on committees and outside bodies**

6. At the annual meeting, the council will:
  - decide which committees to establish for the municipal year
  - decide the size and terms of reference for those committees
  - decide the allocation of seats and substitutes to political groups in accordance with the political balance rules (Local Government and Housing Act 1989 s.15(1))
  - receive nominations of Councillors to serve on each committee and
  - appoint to those committees
  - Appointments to outside bodies will be made by the Leader of Council, Cabinet, Area Boards or a meeting of group leaders as appropriate.

### **Ordinary meetings**

7. Ordinary meetings of the council will take place in accordance with a programme decided by council. Ordinary meetings will:
  - elect a person to preside if the Chairman and Vice-Chairman are not present
  - elect a Leader if there is a vacancy
  - approve the minutes of the last meeting
  - receive any declarations of interest from members
  - receive any announcements from the Chairman, Leader, members of the cabinet, committee chairmen or the head of paid service
  - receive questions from and provide answers to members of the council and the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting
  - deal with any business from the last council meeting
  - receive reports from the cabinet and the council's committees and receive questions and answers on any of those reports
  - receive reports about and receive questions and answers on the business of joint arrangements and external organisations
  - consider motions and
  - consider any other business specified in the summons to the meeting, including consideration of proposals from the cabinet in relation to the

council's budget and policy framework and reports of the overview and scrutiny committees for debate.

8. Councillors wishing to ask a question in relation to the reports of the Swindon and Wiltshire Fire Authority are required to give written notice (including details of the question) to the Proper Officer no later than five clear working days before the council meeting.

### **Extraordinary meetings**

#### Calling extraordinary meetings

9. Those listed below may request the Proper Officer to call council meetings in addition to ordinary meetings:
  - the council by resolution
  - the Chairman of the Council (Local Government Act 1972, Schedule 12, paragraph 3(1))
  - the monitoring officer or the head of paid service (Local Government and Housing Act 1989 s.4 and s.5) and
  - any five members of the council if they have signed a requisition and presented it to the Chairman of the Council 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 (Local Government Act 1972, Schedule 12, paragraph 3(2)).
10. The notice for any extraordinary meeting must specify the business proposed to be transacted at the meeting with no consideration of previous minutes or reports from committees.

### **Appointment of substitute members of committees and sub-committees**

#### Allocation

11. As well as allocating seats on committees, the council will allocate seats in the same manner for substitute members.

#### Number

12. For each committee, the council will appoint up to a maximum of four substitutes for each political group which holds seats on that committee.

#### Powers and duties

13. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

#### Substitution

14. Substitute members may attend meetings in that capacity only:

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- to take the place of the ordinary member for whom they are the designated substitute
- where the ordinary member will be absent for the whole of the meeting and
- after notifying the Proper Officer before the start of the meeting of the intended substitution.

#### Declaration of disclosable pecuniary interests

15. Where a member has declared a pecuniary interest in an item on an agenda, they must withdraw from the meeting in their capacity as a councillor for the duration of that item, and not speak or vote on the item with the exception of exercising their right to speak as a member of the public.

#### Time and place of meetings

16. The time and place of meetings will be determined by the Proper Officer and notified in the summons (Local Government Act 1972, Schedule 12, paragraphs 1(4) and 2(2)).

17. With the exception of an extraordinary meeting requisitioned by Councillors in accordance with paragraph 9, the Proper Officer may cancel a meeting in the under mentioned circumstances following consultation with the Chairman and giving reasonable notice of its cancellation:

- Inclement weather
- Where there is reason to believe the meeting would not be quorate
- Insufficient business for the meeting to be viable
- Other reasonable unforeseen circumstances

#### Notice of and summons to meetings

18. The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Part 5 of this Constitution (Access to Information Procedure Rules). At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post to every member of the council, or leave it at their usual place of residence. 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 (Local Government Act 1972, Schedule 12, paragraph 4).

#### Chair of meeting

19. The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

## Quorum

20. The quorum of a meeting will be one quarter of its total voting membership, subject to a minimum number of three voting members. During any meeting if upon request the Chairman 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 Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting (Local Government Act 1972, Schedule 12, paragraph 6).

## Public participation at meetings

21. The council welcomes public participation from anyone who lives, works or studies in Wiltshire, or who has a direct connection to a service provided by the council. Public participation can take the form of presenting petitions, making statements or asking questions.

22. This rule applies to council and committee meetings other than planning committees. Paragraphs 47 – 49 refer to the application of this rule at cabinet, planning committees and area boards.

## **Petitions**

23. The council has adopted a Petitions Scheme which is set out in Part 4A of this Constitution. This sets out the purpose of a petition, the eligibility criteria and relevant thresholds for making petitions, the procedure and review mechanisms.

## **Statements**

24. Up to three speakers are permitted to speak for up to 3 minutes each on any agenda item although this may be extended at the Chairman's discretion.

25. Those wishing to make a statement must register to do so at least 10 minutes prior to the meeting by contacting Democratic Services.

26. Statements must be relevant to the powers and duties of the council and be clear and concise. A statement must not:

- be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
- relate to any non determined planning or licensing application
- name or identify individual service users, members of staff or members of staff of partner agencies

## **Questions**

27. At ordinary meetings of council, questions can be asked of the Chairman of Council, members of cabinet and Chairmen of committees, or chairmen of Committees (at committee meetings). The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at

the Chairman's discretion.

#### Notice of questions

28. No person or organisation may submit more than two questions at any one meeting. No question may be sub-divided into more than two related parts.
29. Questions must be delivered in writing or by electronic mail to the Proper Officer no later than 5pm four clear working days before the meeting. This means that for a meeting held on a Tuesday, questions must be received by 5pm Tuesday of the preceding week (less any intervening bank holiday). The period of notice is to allow sufficient time for a response to be formulated.
30. In exceptional circumstances and in cases of urgency the Chairman may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
31. Notice of each question must include the name and address of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

#### Scope of questions

32. The question must be relevant to the powers and duties of the council and be clear and concise. A question will be rejected where it:
  - does not relate to a matter for which the local authority has a responsibility or which affects the council's administrative area
  - is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
  - relates to any non determined planning or licensing application
  - requires the disclosure of confidential or exempt information
  - names or identifies individual service users, members of staff or members of staff of partner agencies
  - is considered by the Chairman to be inappropriate for the particular meeting.
33. The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
34. Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection. Time permitting the questioner will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 32. For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph 29 above.

#### At the meeting

35. Questions will be dealt with in order of receipt subject to the Chairman's

discretion to group together questions on the same or similar subject.

36. The Chairman may choose to take questions as read. However, if a questioner wishes to ask his or her question at the meeting, he or she will be given up to three minutes to ask each question. If the questioner prefers, the question may be asked on his or her behalf by his or her local division member if the local division member consents to this. If the questioner is not able to be present at the meeting and has not made arrangements for someone else to ask the question, the Chairman may ask the question on the questioner's behalf or indicate that a written reply will be given.
37. Subject to time constraints, questions which are submitted by the deadline will be answered at the meeting. However, the Chairman in consultation with the Monitoring Officer may refer a question to officers for a direct written response if they consider the question can be most appropriately handled in that way. Where a question is dealt with in this way, the questioner will be advised of this and provided with a response where possible within five working days of the meeting copied to all members of the council.
38. The relevant member of the Council or another member on their behalf will aim to provide a response in advance of, or at, the meeting and this will be followed up by a written copy of the response being sent to the questioner where possible within five working days of the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within five working days of the meeting.
39. Any questions which cannot be dealt with during the time allocated for questions will be dealt with by a written response sent to the questioner where possible within five working days of the meeting and copied to all members of the council.

#### Supplementary questions

40. For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given. The Chairman may reject the supplementary question on the grounds listed in paragraph 32 above (reasons for rejection). The person to whom the question has been put or another member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

#### Form of response

41. A response may take the following forms:
  - a direct oral answer,
  - where the answer is contained within a publication of the council or in any report or minutes by reference to those documents
  - a written reply



### No debate on questions

42. Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to council, cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

### Circulation of questions and responses

43. Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman, Leader of the Council and to the member of council to whom the question is to be put and any other relevant councillors.
44. Copies of questions received in accordance with these rules will be provided to all councillors or members of the committee as appropriate prior to the meeting.
45. Copies of responses where available, will be circulated to councillors two days before the meeting unless this is not possible due to exceptional circumstances.

### Record of questions

46. The minutes of the meeting shall record the name of the questioner (in respect of an organisation, the name of the organisation and the questioner's position within the organisation), the subject matter, and the name of the person replying.

### Application at Planning Committees, Cabinet and Area Boards

47. In respect of public participation at the Strategic Planning Committee and Area Planning Committees, please refer to the Planning Code of Good Practice for Members of Wiltshire Council Protocol. (Protocol 4 to this constitution)
48. In respect of public participation at Cabinet meetings, please refer to Part 7- Cabinet Procedure Rules.
49. In respect of Area Boards where public engagement is welcomed and encouraged throughout the meeting, please refer to any procedure rules and guidance as issued from time to time by the Leader.

### Councillors' Questions

50. A member of the Council may ask the Leader of the Council, any other member of the Cabinet or Chairman of a committee or sub-committee any question without notice on a report of the Cabinet, Cabinet member or a committee or sub-committee when that report is being received or under consideration by the Council.

## Questions on notice

51. In respect of council meetings, a member of the council may ask

- the Chairman of Council
- Leader of the Council
- Cabinet member
- Chairman of a committee
- as appropriate, a question on any matter in relation to which the council has powers or duties or which affects the Council's administrative area at all ordinary meetings on matters which are not included in a report to the council.

52. In respect of committee meetings, a member of the council may ask a question of the Chairman of the committee a question on any matter in relation to the powers and duties of that committee at all ordinary meetings on matters which are not included in a report to that committee.

53. In the case of extraordinary meetings of council and committees, questions must relate to the subject(s) under consideration at the extraordinary meeting.

## Notice of questions

54. In order to be guaranteed of receiving a written response prior to the meeting, questions Questions must be delivered in writing or by electronic mail to the Proper Officer or their designated representative no later than 5pm ~~four~~ nine clear working days before the meeting. This means that for a meeting held on a Tuesday, questions must be received by 5pm Tuesday ~~of the preceding~~ week ~~two weeks prior~~ (less any intervening bank holiday). The period of notice is to allow sufficient time for a written response to be formulated.

55. Any question received between the deadline in paragraph 54 and no later than 5pm four clear working days before the meeting, may only receive a verbal response at the meeting. This means for a meeting held on a Tuesday, questions must be received by 5pm Tuesday of the preceding week (less any intervening bank holiday). Any questions received after this date will be received at the next meeting.

56. In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full or written reply will be given at the meeting.

57. Notice of each question must include the name of the member asking the question and to whom the question is to be put and be listed in priority order.

## Scope of questions

58. The question must be relevant to the powers and duties of the Full Council/committee and be clear and concise. A question will be rejected where it:

- does not relate to a matter for which the Council/committee has a responsibility or which affects the council's administrative area
- is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
- relates to any non determined planning or licensing application
- requires the disclosure of confidential or exempt information
- names or identifies individual service users, members of staff or members of staff of partner agencies

considered by the Chairman to be inappropriate for the particular meeting.

59. The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

60. Where a question is rejected on the above grounds, the councillor shall be advised of the reasons for rejection. Time permitting, the councillor will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph ~~57-58~~ (reasons for rejection). For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph ~~54-55~~ above.

## At the meeting

61. ~~No more than 20 questions will be answered at the meeting. Any question which receives a verbal response will also receive a written response from the appropriate member no later than five clear working days after the meeting and copied to all councilors or members of the committee as appropriate and also attached to the minutes.~~

62. ~~Questions will be received in the order of receipt per member, but a member may not ask a second question until all other first questions from other members have been dealt with. The same principle applies to third and subsequent questions Questions will be dealt with in order of receipt subject to the Chairman's discretion to group together questions on the same or similar subject.~~

63. ~~The Chairman may choose to take questions as read. However, if a councillor wishes to ask his or her question at the meeting, he or she will be given up to three minutes to ask each question. If the councillor is not able to be present at the meeting, he or she can nominate another councillor to ask the question on his or her behalf. Questions will be taken as read. If no alternative~~a~~ councillor is nominated, not present to receive an answer to their~~

~~question in the event they were to receive a verbal response,~~ the Chairman may ask the question on the councillor's behalf or indicate that a reply will be given in writing ~~where possible~~ within five working days of the meeting.

~~The relevant member of the council or another councillor on their behalf will aim to provide a response in advance of, or at, the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the councillor where possible within five working days of the meeting and copied to all councillors or members of the committee as appropriate.~~

#### Supplementary question

64. For each question submitted, a councillor will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given, subject to the limit of 20 questions presented at the meeting in paragraph 61. The Chairman may reject the supplementary question on the grounds listed in paragraph 57-58 above (reasons for rejection).

65. The person to whom the question has been put or another councillor on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the councillor where possible within five working days of the meeting.

#### Form of response

66. A response may take the following forms:

- a direct oral answer, unless the question has been submitted nine clear working days prior to the meeting
- where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents
- a written reply

#### No debate on questions

67. Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to council, cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

#### Circulation of questions and responses

68. Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman of Council or committee as appropriate, Leader of the Council and the member of council to whom the question is to be put and any other relevant councillors.

69. Copies of questions received in accordance with these rules will be provided to

all councillors or members of the committee as appropriate prior to the meeting.

70. Copies of responses where available, will be circulated to councillors two days before the meeting unless this is not possible due to exceptional circumstances.

71. Copies of all questions and responses will be attached to the minutes of the meeting.

#### Record of questions

72. The minutes of the meeting shall record the name of the councillor asking the question, the subject matter, and the name of the councillor replying.

#### **Motions on notice**

##### Notice

73. Except for motions which can be moved without notice under paragraph 94, written notice of every motion signed by at least two members of council must be delivered to the Proper Officer no later than ten clear working days before the date of the meeting. This is to ensure that where appropriate a report is prepared to assist Council in its consideration of the motion.

74. In exceptional circumstances and in cases of urgency, the Chairman may accept motions without the full period of notice having been given.

75. Delivery can be by electronic means provided that the Proper Officer is satisfied that it has been sent by the councillors concerned.

76. Notices of motion may be moved at the Annual Meeting or any ordinary meeting of the Council.

77. Notices of motion may be moved at extra-ordinary meetings of the Council but only if the notice of motion relates to the subject matter of that extra-ordinary meeting.

78. There is no limit on the number of notices of motion that may be submitted to each meeting. However, the Chairman will apply this rule in the context of the length of the agenda to ensure proper conduct of the business to be transacted.

##### Scope

79. Motions must be clear and concise and be about matters for which the council has a responsibility or which affect the council's administrative area.

- Motions will be rejected where they:
- do not relate to a matter for which the council has a responsibility or which affect the council's administrative area or those living in that area

- are defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
- relate to any non determined planning or licensing application
- name or identify individual service users, members of staff or members of staff of partner agencies
- considered by the Chairman to be inappropriate for the particular meeting or undermines the purposes of the constitution.

80. The Chairman's ruling on rejection of a motion will be final following consultation with the Monitoring Officer.

81. Where a motion is rejected, the councillors concerned will be advised as soon as possible giving reasons for rejection. Where time permits, the councillors concerned may submit an amended motion which will be considered afresh against the criteria in paragraph 77 above. For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph 71 above.

#### Recording of motions

82. On receipt of notices of motion received in accordance with these rules, the Proper Officer will enter the details of the motion and the time and date of receipt in a book. This book shall be open for inspection by members of the public during normal office hours.

83. Motions received in accordance with these rules will be listed on the agenda in the order in which notice was received subject to the Proper Officer's discretion to group together motions on the same or similar subject, unless the councillors giving notice state in writing that they propose to move it to a later meeting or withdraw it.

#### At the meeting

84. The Chairman will invite the proposer, or one of the councillors, who has given notice of the motion to move the motion. Where these councillors are not available at the meeting, the motion can be moved and seconded by any other councillors.

85. A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.

86. Once moved and seconded at the meeting, the councillor proposing the motion will be given up to five minutes in which to present his or her motion.

87. The Chairman will give the relevant cabinet member an opportunity to respond

to the motion giving him or her up to five minutes in which to do so.

88. On considering a notice of motion and subject to paragraphs 88-93 below, the following options shall then be open to the council:

- debate the motion and vote on it
- refer it to an appropriate member body with or without debate
- refer it to the Leader of Council with or without debate

89. The Chairman will move that the motion either be debated on the day or referred to the appropriate member body. This will be seconded by the Vice-Chairman of Council or in his or her absence, another member of the council and put to the vote without discussion. On the question of referring the motion to an appropriate member body, the only amendment the Chairman will accept is to which member body the motion should be referred.

90. If the motion relates to a function exercisable only by the council then the council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of the Council.

91. If the motion relates to a function that has been delegated to another member body then the council will vote without debate on whether to refer the motion to that member body.

92. If referred to another member body that member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already members of that body in order to present their motion but will not be able to vote unless they have voting rights. The member body must report back to the council as soon as practicable by way of the minutes of that meeting.

93. If the notice of motion is referred to another member body following debate at council, a summary of the debate at council together with any recommendation will be taken into account by the member body when considering the motion.

94. If the notice of motion relates to an executive function, the motion will be referred to the Leader of the Council. The Leader will write to the proposers of the motion with a copy to all members of the council, advising them what steps he or she proposes to take.

95. Any decision of council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 13.2 of this Constitution.

#### Motions without notice

96. The following motions may be moved without notice:

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- to appoint a Chairman of the meeting at which the motion is moved
- in relation to the accuracy of the minutes
- to change the order of business in the agenda
- to refer something to an appropriate body or individual
- to appoint a committee or member arising from an item on the summons for the meeting
- to receive reports or adoption of recommendations of committees or officers and any resolutions following from them
- to withdraw a motion
- to amend a motion
- to proceed to the next business
- that the question be now put
- to adjourn a debate
- to adjourn a meeting
- to suspend a particular council procedure rule capable of being suspended
- to exclude the public and press in accordance with the access to information procedure rules
- not to hear further a member named under paragraph 144 or to exclude them from the meeting under paragraph 145
- to give the consent of the council where its consent is required by this constitution.

## **Rules of debate**

### No speeches until motion seconded

97. Once the mover has moved a proposal and explained its purpose, the motion must be seconded before any speeches may be made.

### Right to require motion in writing

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

### Seconder's speech

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

### Content and length of speeches

100. Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.



### When a Councillor may speak again

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

- to speak once on an amendment moved by another member
- to move a further amendment if the motion has been amended since he/she last spoke
- 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)
- in exercise of a right of reply
- on a point of order
- by way of personal explanation.

### Amendments to motions

102. An amendment to a motion must be relevant to the motion and will be one of the following:

- to refer the matter to an appropriate body or individual for consideration or reconsideration;
- to leave out words;
- to leave out words and insert or add others or;
- to insert or add words
- as long as the effect of the amendments is not to negate the motion.

103. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

104. If an amendment is not carried, other amendments to the original motion may be moved.

105. 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.

106. 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.

### Alteration of motion

107. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

108. A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

109. Only alterations which could be made as an amendment may be made.

#### Withdrawal of motion

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

#### Right of reply

111. 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.

112. 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.

113. The mover of the amendment has no right of reply to the debate on his or her amendment.

#### Motions which may be moved during debate

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

- to withdraw a motion
- to amend a motion
- to proceed to the next business
- that the question be now put
- to adjourn a debate
- to adjourn a meeting
- to exclude the public and press in accordance with the Access to Information Procedure Rules and
- not to hear further a member named under paragraph 144, or to exclude them from the meeting under paragraph 145.

#### Closure motions

115. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:

- to proceed to the next business
- that the question be now put
- to adjourn a debate or
- to adjourn a meeting.

116. If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

117. If a motion that the question be now put is seconded and the Chairman 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 mover of the original motion a right of reply before putting his/her motion to the vote.

118. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman 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 mover of the original motion the right of reply.

#### Point of order

119. A Councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these council rules of procedure or the law. The Councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

#### Personal explanation

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

### ~~State of Wiltshire debate~~

#### ~~Calling of debate~~

~~The Leader will call a state of Wiltshire debate annually on a date and in a form to be agreed with the Chairman.~~

#### ~~Form of debate~~

~~The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of Wiltshire debate.~~

#### ~~Chairing of debate~~

~~The debate will be chaired by the Chairman of the Council.~~

## Results of debate

The results of the debate will be:

~~disseminated as widely as possible within the community and to agencies and organisations in Wiltshire~~

~~presented to the Overview and Scrutiny Management Committee meeting considered by the Leader in proposing the budget and policy framework to the council for the coming year.~~

## **Previous decisions and motions**

### Motion to rescind a previous decision

121. A motion or amendment to rescind a decision made at a meeting of council within the past six months cannot be moved unless the notice of motion is signed by at least 10 Councillors (or a quarter of the members of a committee).

### Motion similar to one previously rejected

122. A motion or amendment in similar terms to one that has been rejected at a meeting of council in the previous six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members (or a quarter of the members of a committee). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **Voting**

### Majority

123. Unless this constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put (Local Government Act 1972, Schedule 12, paragraph 39(1)).

### Chairman's casting vote

124. If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote (Local Government Act 1972, Schedule 12, paragraph 39(2)).

## Show of hands Affirmation

125. Unless a ballot or recorded vote is ~~demanded taken~~ under paragraphs ~~128 125~~ and ~~129126~~, the Chairman will take the vote by ~~show of hands, or if there is no dissent,~~ by the affirmation of the meeting.

## Ballots

126. The vote will take place by ballot if 10 members (or a quarter of the members of a committee) present at the meeting demand it or at the Chairman's discretion. The Chairman will announce the numerical result of the ballot immediately the result is known.

### Recorded vote

127. With the exception of the following paragraph, if 10 Councillors (or a quarter of the members of a committee) present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in the minutes. A demand for a recorded vote will override a demand for a ballot.
128. Recorded votes shall be taken on all decisions in respect of setting the authority's budget and determining the level of council tax to be levied. The names for and against the motion or amendment or abstaining from voting on these matters will be recorded into the minutes.

### Right to require individual vote to be recorded

129. Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting (Local Authorities (Standing Orders) Regulations 1993, Schedule 2, paragraph 1(1)).

### Voting on appointments

130. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **Minutes**

### Signing the minutes

131. The Chairman will sign the minutes of the proceedings at the next suitable meeting (Local Government Act 1972, Schedule 12, paragraph 41(1)). The Chairman 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.

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

132. 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.

### Form of minutes

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

### Record of Attendance

134. All Councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance (Local Government Act 1972, Schedule 12, paragraph 40).

#### Exclusion of Public

135. Members of the public and press may be excluded only either in accordance with the Access to Information Rules in Part 5 of this constitution (Local Government Act 1972 s.100A and Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 reg 4) (2)) or paragraph 147 (disturbance by public).

#### Councillors' attendance

136. Subject to paragraph 139, if a member of the council fails throughout a period of six consecutive months from the date of his or her last attendance to attend any meeting of the council, he or she shall, unless the failure was due to some reason approved by the council before the expiry of that period, cease to be a member of the council (Local Government Act 1972 s.85(1)).

137. Attendance as a member at a meeting of any committee, sub-committee, area board, panel or working party of the council, or at a meeting or any joint committee, joint board or other body by whom for the time being any functions of the council are being discharged, or which was appointed to advise the council on any matter relating to the discharge of its functions and attendance as the council's representative on an outside body shall be deemed to be attendance (Local Government Act 1972 s.85(2)).

138. Any person (not being a member of the council) appointed by the council or a committee to serve on a committee, sub-committee or panel who is absent from all meetings of such committee, sub-committee or panel for a continuous period of six months except for some reason approved by the committee, sub-committee or panel before the expiry of that period shall at the end of that period cease to be a member of that committee, sub-committee or panel.

139. If a member of the cabinet fails throughout a period of six consecutive months from the date of his or her last attendance, to attend any meeting of the cabinet, he or she shall, unless the failure was due to some reason approved by the council before the expiry of that period, cease to be a member of the council (Local Government Act 1972 s.85(2A)).

#### Standing to speak

140. When a Councillor speaks at Full Council he/she must stand and address the meeting through the Chairman. If more than one Councillor stands, the Chairman will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### Chairman standing

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

### Councillor not to be heard further

142. If a Councillor persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business, the Chairman may move that the Councillor not be heard further. If seconded, the motion will be voted on without discussion.

### Councillor to leave the meeting

143. If the Councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### General disturbance

144. If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary (Public Bodies (Admission to Meetings) Act 1960 s.1(8)).

## **Disturbance by public**

### Removal of member of the public

145. If a member of the public interrupts proceedings, or their behavior or attire is deemed by the Chairman to cause offence, the Chairman will warn the person concerned. If they continue to interrupt or continue to cause offence, the Chairman will may order their removal from the meeting room (Local Government Act 1972 s.100A(8)) following consultation with the Monitoring Officer or their designated representative.

### Clearance of part of meeting room

146. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared (Local Government Act 1972 s.100A(8)).

## **Suspension and amendment of Council procedure rules**

### Suspension

147. All of these Council rules of procedure except paragraphs 131 and 133 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 be only for the duration of the meeting (Local Government Act 1972, Schedule 12, paragraph 42).

### Amendment

148. 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.