

**Wiltshire Council
Constitution
Part 4
Rules of Procedure:
Council**

Contents

1.	Application to Committees and Sub-Committees	3
2.	Annual meeting of the Council	3
3.	Election of Chairman, Vice-Chairman and Leader of the Council	3
4.	Selection of Members of the Council to serve on Committees and Outside Bodies	4
5.	Ordinary meetings	4
6.	Extraordinary meetings	5
7.	Appointment of substitute members of committees and sub-committees	5
8.	Declaration of disclosable pecuniary interests and other interests	6
9.	Time and place of meetings	6
10.	Notice and summons to meetings	6
11.	Chair of meeting	7
12.	Quorum	7
13.	Public participation at meetings	7
14.	Petitions	7
15.	Statements	7
16.	Public Questions	8
17.	Member of the Council's' Questions	10
18.	Motions on Notice	13
19.	Motions without Notice	15
20.	Rules of debate	16
21.	Previous decisions and motions	19
22.	Voting	19
23.	Minutes	20
24.	Disturbance by the public	22
25.	Suspension and amendment Council procedure rules	23
	Schedule 1 – Part 4A Wiltshire Council Petitions Scheme	24
	Schedule 2 – Part 4B Guidance on Amendments to Motions	28

PART 4 - RULES OF PROCEDURE: COUNCIL

1. Application to Committees and Sub-Committees

- 1.1 All of the Council rules of procedure apply to meetings of Full Council. Only paragraphs 16.27 and 23.10 apply to meetings of the Cabinet. Only paragraphs 7.1-16.21; 17.1-17.24; 19.1-22.8; 23.2-23.6; 23.9; 24.1-24.2 apply to meetings of Committees and Sub-Committees.

Commented [EK1]: Numbering will be double checked once document approved and formatted, to ensure same sections are covered by any new numbering

2. Annual meeting of the Council

- 2.1 In a year when there is an ordinary election of Members, the annual meeting will take place within 21 days of the retirement of the outgoing Members. In any other year, the annual meeting will take place in March, April or May (Local Government Act 1972, Schedule 12, paragraph 2).
- 2.2 The annual meeting will:
- 2.2.1 elect a person to preside if the Chairman of Council is not present;
 - 2.2.2 elect the Chairman of Council (Local Government Act 1972, s.4);
 - 2.2.3 ~~appoint~~ elect the Vice-Chairman of Council (Local Government Act 1972, s.5);
 - 2.2.4 approve the minutes of the last meeting;
 - 2.2.5 receive any announcements from the Chairman and/or Head of Paid Service;
 - 2.2.6 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 Full Council nor are Cabinet functions (as set out in Part 3 of this Constitution) (Local Government and Housing Act 1989, s.15);
 - ~~2.2.6~~ 2.7 appoint chairmen and vice-chairmen of committees, as set out in Part 3 of this constitution;
 - ~~2.2.7~~ 2.8 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);
 - ~~2.2.8~~ 2.9 approve a programme of ordinary meetings of the Full Council for the year; and
 - ~~2.2.9~~ 2.10 consider any business set out in the notice convening the meeting.
 - ~~2.2.10~~ in an election year;
 - ~~2.2.11~~ 2.10 elect the Leader;

Commented [EK2]: Already the case, but not specified

3. Election of Chairman, Vice-Chairman and Leader of the Council

- 3.1 The election of the Chairman and the appointment 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).
- 3.2 The election of the Chairman, Vice-Chairman and Leader shall be determined by a show of hands unless at least 10 Members request a secret ballot. Where a secret ballot is requested it shall be conducted by the person presiding in accordance with the following procedure:

- 3.2.1 the person presiding at the meeting shall invite nominations for Chairman, Vice-Chairman and Leader (as appropriate) from those present at the meeting;
- 3.2.2 a Member must be proposed and seconded to be eligible;
- 3.2.3 a Member shall not be nominated in their absence for the position of Chairman, Vice-Chairman or Leader without their written consent;
- 3.2.4 the Chairman, Vice-Chairman or Leader shall be elected from among the Members of the Council duly nominated unless any Member nominated withdraws their name, in which case the election shall be from among the remaining nominees;
- 3.2.5 the Chairman, Vice-Chairman or Leader shall be elected by the vote of a majority of those Members present and voting (Local Government Act 1972 Schedule 12, paragraph 39);
- 3.2.6 each Member shall vote by writing the name of one of the Members nominated upon a ballot paper which shall then be placed in the ballot box;
- 3.2.7 when, in the opinion of the person presiding at the election, each Member 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 their casting vote in accordance with 3.2.11;
- 3.2.8 the ballot papers shall then be counted by the person presiding at the election;
- 3.2.9 if only one Member 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(2));
- 3.2.10 if more than two Members are nominated, the person presiding shall announce the name of the Member with the lowest number of votes and that Member shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the Member receiving the lowest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two Members remain which shall be submitted to the final vote;
- 3.2.11 in the event of an equality of votes in any of the ballots, the person presiding shall give a second or casting vote and where there are three or more Members with an equal number of votes the person presiding shall give a second casting vote to each of such Members except one (Local Government Act 1972, Schedule 12, paragraph 39(2)).

4. Selection of Members to serve on Committees and outside bodies

- 4.1 At the annual meeting, the Council will:
 - 4.1.1 decide which Committees to establish for the municipal year;
 - 4.1.2 decide the size and terms of reference for those Committees;
 - 4.1.3 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);
 - 4.1.4 receive nominations of Members to serve on each committee and appoint to those Committees
 - 4.1.5 ~~Agree that~~ Appointments to outside bodies will be made by the Leader of Council, Cabinet, Area Boards or a meeting of group leaders as appropriate.

5. Ordinary meetings

5.1 Ordinary meetings of the Council will take place in accordance with a programme decided by Council.

5.1.2 Ordinary meetings will:

5.1.1.1 elect a person to preside if the Chairman and Vice-Chairman are not present;

5.1.2.2 elect a Leader if there is a vacancy;

5.1.3.3 approve the minutes of the last meeting;

5.1.4.4 receive any declarations of interest from Members;

5.1.5.5 receive any announcements from the Chairman, Leader, Members of the Cabinet, eCommittee eChairmen or the HHead of pPaid Sservice;

5.1.6.6 receive questions from and provide answers to Members of the Council and the public ~~on any matters in relation to which the Council has powers or duties or which affects the Council's administrative area, which are not included in a report to the Council in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;~~

5.1.7.7 deal with any business from the last Council meeting;

5.1.8.8 receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;

5.1.9.9 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

5.1.10.10 consider motions ~~on notice;~~ and

5.1.11.11 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's B-budget and Ppolicy fFramework and reports of the Qoverview and Sscrutiny Committees for debate.

Commented [EK3]: For consistency - aligns to rules on public participation further down

Commented [EK4]: For clarity

~~5.2 Members wishing to ask a question in relation to the reports of the Dorset and Wiltshire Fire Authority are required to give written notice (including details of the question) to the Proper Officer no later than Four clear working days before the Council meeting.~~

Commented [EK5]: No requirement for different deadline - people can submit to regular deadlines, and either be referred to Fire Authority or an answer as appropriate

6. Extraordinary meetings

Calling an extraordinary meeting

6.1 Those listed below may request the Proper Officer to call Council meetings in addition to the scheduled ordinary meetings:

~~6.1~~

6.1.1 the Council by resolution;

6.1.2 the Chairman of the Council (Local Government Act 1972, Schedule 12, paragraph 3(1));

6.1.3 the Monitoring Officer or the Head of Paid Service (Local Government and Housing Act 1989 s.4 and s.5); or

6.1.4 any five Members if they have signed a requisition and presented it to the Chairman of the Council and the Chairman 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)).

6.2 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.

7. Appointment of Substitute Members of Committees and Sub-Committees

Allocation

7.1 As well as allocating seats on Committees, the Council will allocate seats in the same manner for substitute Members.

Number

7.2 For each Committee, the Council will appoint ~~a maximum of up to~~ four named substitutes for each political group which holds seats on that Committee.

~~7.2.3~~ For any Sub-Committees, the establishing Committee will be able to appoint any or all members of that Committee as substitutes, subject to any specific rules in their terms of reference.

Commented [EK6]: For avoidance of doubt

Powers and duties

~~7.3~~ 7.4 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.

Notification of Substitution

~~7.4~~ 7.5 Substitute Members may attend meetings in that capacity only:

~~7.4.1~~ 7.5.1 to take the place of the ordinary Member for whom they are the designated substitute;

~~7.4.2~~ 7.5.2 where the ordinary Member will be absent in their capacity as a committee member for the whole of the meeting; and

~~7.4.3~~ 7.5.3 where notification of the intended substitution has been given in writing to the Proper Officer before the start of the meeting by the member who is to be substituted, or by their group leader. Exceptionally, in cases of urgency, such notification may be made verbally in person or by telephone to the Proper Officer and confirmed subsequently in writing.

~~7.5.4~~ 7.5.4 The Proper Officer for these purposes is the Democratic Services Officer supporting the meeting.

~~7.4.4~~

Commented [EK7]: To clarify people can attend in another capacity even if giving apologies for their committee attendance - eg so they can speak only as local member. Is included in guidance on substitutions already

Declaration of disclosable pecuniary interests and other interests

8.1 Where a Member has declared a disclosable pecuniary interest in an item on an agenda, they must withdraw from the meeting room for the duration of that item, and not speak or vote on the item unless a dispensation has been granted.

8.2 Part 12 of the Constitution, Code of Conduct, sets out details of when a Member may remain in the room or speak if they have declared other types of interest.

Commented [EK8]: Link to new Code

8. Time and place of meetings

8.1 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) (annual meeting) and 2(2) (all other meetings of the Council)).

8.2 With the exception of an extraordinary meeting requisitioned by Members in accordance with paragraph 6, the Proper Officer may cancel a meeting in the event of the below circumstances following consultation with the Chairman, or in their absence the Vice-Chairman, and giving reasonable notice of its cancellation:

8.2.1 Inclement weather;

8.2.2 Where there is reason to believe the meeting would not be quorate;

8.2.3 Insufficient business for the meeting to be viable;

8.2.4 Other reasonable unforeseen circumstances.

Commented [EK9]: in case Chairman uncontactable

9. Notice of and summons to meetings

9.1 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).

9.2 ~~For Full Council~~ 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, or if the Member has consented, via email.

Commented [EK10]: For clarity

~~9.4.3~~ 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 as amended by The Local Government (Electronic Communications) (England) Order 2015).

10. Chair of meeting

10.1 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.

11. Quorum

11.1 The quorum of any meeting will be one quarter of its total voting Membership, subject to a minimum number of three voting Members. If during any meeting, 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 they do not fix a date, the remaining business will be considered at the next ordinary meeting (Local Government Act 1972, Schedule 12, paragraph 6).

12. Public participation at meetings

12.1 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.

12.2 This rule applies to Council and most committee meetings ~~other than planning Committees~~. Paragraphs 16.25-16.27 refer to the application of this rule at Cabinet, ~~P~~lanning Committees and ~~a~~Area ~~b~~Boards.

13. Petitions

13.1 The Council has adopted a Petitions Scheme which is set out in Part 4A of this Constitution.

~~13.1~~13.2 This sets out the purpose of a petition, the eligibility criteria and relevant thresholds for making, submitting or presenting petitions, and the procedure and review mechanisms for petitions.

Commented [EK11]: For clarity

14. Statements

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

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

14.3 Statements must be relevant to the powers and duties of the Council and be clear and concise. A statement must not:
14.3.1 be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
14.3.2 relate to any non-determined planning or licensing application;
14.3.3 name or identify individual service users, Members of staff or Members of staff of partner agencies.

15. Public Questions

15.1 At ordinary meetings of Full Council, questions can be asked of the Chairman of Council, Members of Cabinet and Chairmen of Committees. At meetings of Committees questions can be asked of the Chairman.

~~15.1~~15.2 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

~~15.2~~15.3 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.

~~15.3~~15.4 In order to be guaranteed receipt of a written response prior to the meeting questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm four clear working days before the meeting. The period of notice is to allow sufficient time for a response to be formulated.

~~15.4~~15.5 Any questions received between 5pm four clear working days before the meeting and 5pm two clear working days before the meeting, may only receive an oral response at the meeting. Any questions received after 5pm two clear working days before the meeting will be received at the next meeting

~~15.5~~15.6 In exceptional circumstances and in cases of urgency the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.

~~15.6~~15.7 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

~~15.7~~15.8 The question must be relevant to the powers and duties of the Council, ~~or the Committee to which the question has been submitted~~, and be clear and concise. A question will be rejected where it:

~~15.7.4~~15.8.1 does not relate to a matter for which the Council/~~Committee~~ has a responsibility or which affects the Council's administrative area;

~~15.7.2~~15.8.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;

~~15.7.3~~15.8.3 relates to any non-determined planning or licensing application;

~~15.7.4~~15.8.4 requires the disclosure of confidential or exempt information;

~~15.7.5~~15.8.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;

~~15.7.6~~15.8.6 is considered by the Chairman to be inappropriate for the particular meeting.

~~15.8~~15.9 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

15.10 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 16.7.

15.11 For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraphs 16.3-16.4.

15.12 If a ~~question has been submitted to a Committee at which it is not relevant, it may be referred to an appropriate Member, Officer, or Committee for a direct response.~~

15.13 In the case of ~~extraordinary meetings, questions must relate to the subject(s) under consideration at that meeting.~~
15.9

Commented [EK12]: That is, a question to committee X must relate to responsibilities of committee X

Commented [EK13]: So public are directed appropriately

Commented [EK14]: Already the case only extraordinary meetings only items relative to the business may be transacted. For avoidance of doubt

At the meeting

~~15.10~~15.14 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.

~~15.11~~15.15 The Chairman may choose to take questions as read. However, if a questioner wishes to ask their question at the meeting, ~~he or she~~ they will be given ~~up to three minutes~~ one minute to ask each question as it has been submitted. If the questioner prefers, the question may be asked on their behalf by their local division Member if they consent to this.

Commented [EK15]: To allow someone to read out their question without taking the same time as a statement, which are limited in number

~~15.12~~15.16 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.

~~15.13~~15.17 Subject to time constraints, questions which are submitted by the deadline~~s~~ will be answered at the meeting. However, the Chairman in consultation with the ~~Monitoring Proper~~ 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.

~~15.14~~15.18 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. A copy of the response will be ~~provided~~ provided be made available to all Members.

Commented [EK16]: Will be included with minutes or supplements, so does not need to be direct

~~15.15~~15.19 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. A copy of the response will be provided to all Members.

Supplementary questions

~~15.16~~15.20 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.

~~15.17~~15.21 The Chairman may reject the supplementary question on the grounds listed in paragraph 16.~~7-8~~ above (reasons for rejection). A supplementary question may not include an additional preceding statement.

Commented [EK17]: To emphasise purpose is to ask a follow up to the question response.

~~15.18~~15.22 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if ~~he or she~~ they ~~are~~ 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

~~15.19~~15.23 A response may take the following forms:

~~15.19.1~~15.23.1 a direct oral answer;
~~15.19.2~~15.23.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
~~15.19.3~~15.23.3 a written reply.

No debate on questions

~~15.20~~15.24 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 Full 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

~~15.21~~15.25 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 Members.

~~15.22~~15.26 Copies of questions received in accordance with these rules will be provided to all Members or Members of the ~~C~~committee as appropriate prior to the meeting.

~~15.23~~15.27 Copies of responses where available, will be circulated to Members ~~the two~~ days before the meeting unless this is not possible due to exceptional circumstances.

Record of questions

~~15.24~~15.28 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

~~15.25~~15.29 In respect of public participation at the Strategic Planning Committee and Area Planning Committees, the provisions ~~set out~~referenced in the Planning Code of Good Practice for Members of Wiltshire Council Protocol. (Protocol 4 to this constitution) will apply.

~~15.26~~15.30 In respect of public participation at Cabinet meetings, to the provisions set out in Part 7- Cabinet Procedure Rules will apply.

~~15.27~~15.31 In respect of Area Boards, ~~where~~ public engagement is ~~welcomed and~~ encouraged throughout the meeting. ~~The~~ procedure, rules and guidance are at the discretion of the Chairman subject to any guidance as issued from time to time by the Leader.

16. Members' Questions

16.1 A Member of the Council may ask the Leader, or any other Member of the Cabinet, the 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 Full Council.

Questions on notice

- 16.2 At ordinary meetings of Full Council, a Member of the Council may ask a question of:
- 16.2.1 the Chairman
 - 16.2.2 the Leader
 - 16.2.3 a Cabinet Member; or
 - 16.2.4 Chairman of a Committee or Sub-Committee;
- on any matters in relation to which the Council has powers or duties or which affects the Council's administrative area which are not included in a report to the Council.
- 16.3 In respect of an ordinary Committee or Sub-Committee meeting, a Member of the Council may ask a question of the Chairman on any matter in relation to the powers and duties of that Committee on matters which are not included in a report to that Committee or Sub-Committee.
- 16.4 In the case of extraordinary meetings, questions must relate to the subject(s) under consideration at that meeting.

Notice of questions by Members

- 16.5 In order to be guaranteed of receipt of written response prior to a Full Council meeting, questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm nine clear working days before the meeting. The period of notice is to allow sufficient time for a written response to be formulated.
- 16.6 Any question received between 5pm nine clear working days before the meeting and no later than 5pm four clear working days before the meeting, may only receive an oral response at the meeting. Any questions received after this deadline will be received at the next meeting.
- 16.7 In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full or written reply will be given at the meeting.

~~16.7~~ 16.8 For Committee meetings, the same timescales as set out for public questions would apply.

- ~~16.8~~ 16.9 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

- ~~16.9~~ 16.10 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:
- ~~16.9.1~~ 16.10.1 does not relate to a matter for which the Council/Committee has a responsibility or which does not affect the Council's administrative area;
 - ~~16.9.2~~ 16.10.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - ~~16.9.3~~ 16.10.3 relates to any non-determined planning or licensing application;

Commented [EK18]: To be clear members may submit questions to committees without the same deadlines as for full council, which are longer

- ~~46.9.4~~16.10.4 requires the disclosure of confidential or exempt information;
- ~~46.9.5~~16.10.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;
- ~~46.9.6~~16.10.6 relates solely to operational issues unless the Member does not receive a response from the relevant head or service or director, or has not received a response they consider satisfactory.
- ~~46.9.7~~16.10.7 is considered by the Chairman to be inappropriate for the particular meeting.

~~46.10~~16.11 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

16.12 Where a question is rejected on the above grounds, the Member shall be advised of the reasons for rejection. Time permitting, the Member will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 17.9 (reasons for rejection).

~~46.11~~16.13 For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph 17.5-17.6 above.

At the meeting

~~46.12~~16.14 No more than 20 supplementary questions will be answered at ~~the a~~ meeting. Any question which receives an oral 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 Members or Members of the committee as appropriate and also attached to the minutes.

~~46.13~~16.15 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 subject to the Chairman's discretion.

~~46.14~~16.16 Questions will be taken as read. If a Member is 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 Member's behalf or indicate that a reply will be given in writing within five working days of the meeting.

Supplementary question

~~46.15~~16.17 For each question submitted, a Member 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 17.12. The Chairman may reject the supplementary question on the grounds listed in paragraph 17.9 above (reasons for rejection). A supplementary question may not include an additional preceding statement.

~~46.16~~16.18 Subject to paragraph 17.13, Members should indicate prior to a meeting if they do not wish to ask a supplementary question to ensure that submitted question does not count toward the limit of 20 to be received at the meeting.

Commented [EK19]: As above, to emphasise the need to ask a follow up

~~16.17~~16.19 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if ~~he or she~~they is able to do so at the time. If this is not possible, a written response will be provided to the Member where possible within five working days of the meeting.

Form of response

~~16.18~~16.20 A response may take the following forms:

~~16.18.1~~16.20.1 a direct oral answer, unless the question has been submitted nine clear working days prior to the meeting;

~~16.18.2~~16.20.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;

~~16.18.3~~16.20.3 a written reply.

No debate on Member questions

~~16.19~~16.21 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 Member questions and responses

~~16.20~~16.22 Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman of Council or ~~committee~~Committee as appropriate, the Leader and the Member of Council to whom the question is to be put and any other relevant Members.

~~16.21~~16.23 Copies of questions received in accordance with these rules will be provided to all Members or Members of the committee as appropriate prior to the meeting.

~~16.22~~16.24 Copies of responses where available, will be circulated to Members ~~two~~ ~~days~~the day before the meeting unless this is not possible due to exceptional circumstances.

~~16.23~~16.25 Copies of all questions and responses will be attached to the minutes of the meeting ~~unless already published prior to the meeting.~~

Record of Member questions

~~16.24~~16.26 The minutes of the meeting shall record the name of the Member asking the question, the subject matter, and the name of the Member replying.

17. Motions on notice

Notice

17.1 Except for motions which can be moved without notice under paragraph 19, written notice of every motion signed by at least two Members of Council must be delivered to

Commented [EK20]: If included in a supplement no need to attach to minutes

the Proper Officer or their designated representative 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.

- 17.2 In exceptional circumstances and in cases of urgency, the Chairman may accept motions without the full period of notice having been given.
- 17.3 Delivery can be by electronic means provided that the Proper Officer is satisfied that it has been sent by the Members concerned.
- 17.4 Notices of motion may be moved at the Annual Meeting or any ordinary meeting of Full Council.
- 17.5 Notices of motion may be moved at extraordinary meetings of the Council but only if the notice of motion relates to the subject matter of that extra-ordinary meeting.
- 17.6 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

- 17.7 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:
 - 17.7.1 do not relate to a matter for which the Council has a responsibility or which do not affect the Council's administrative area or those living in that area;
 - 17.7.2 are defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 17.7.3 relate to any non-determined planning or licensing application;
 - 17.7.4 name or identify individual service users, Members of staff or Members of staff of partner agencies; or
 - 17.7.5 are considered by the Chairman to be inappropriate for the particular meeting or undermines the purposes of the constitution.
- 17.8 The Chairman's ruling on rejection of a motion will be final following consultation with the Monitoring Officer.
- 17.9 Where a motion is rejected, the Members concerned will be advised as soon as possible giving reasons for rejection. Where time permits, the Members concerned may submit an amended motion which will be considered afresh against the criteria in paragraph 18.7.

- 17.10 For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph 18.1.

17.11 A motion may contain preamble or introductory text to provide context and explanation to the action or resolution which is proposed. For the avoidance of doubt, when moved at the meeting only the formal resolution or action requested would be moved unless stated otherwise by the mover.

Recording of motions

Commented [EK21]: Proposed for clarity - some might support a resolution even if they do not agree with all the preamble text, which is the mover's own reasoning for the resolution.

However, the mover may still choose to move the entire text, eg including text about 'Council notes, Council believes X'

Therefore only the text which is specifically moved would be capable of amendment, and only the text moved would be included in the minutes as the resolution if passed - ergo someone supporting the resolution would not be endorsing preamble text, if that was not moved

~~47.10~~17.12 On receipt of notices of motion received in accordance with these rules, the Proper Officer will record the details of the motion and the time and date of receipt. This record shall be open for inspection by Members of the public during normal office hours.

~~47.11~~17.13 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 Members giving notice state in writing that they propose to move it at a later meeting or withdraw it.

At the meeting

~~47.12~~17.14 The Chairman will invite the proposer, or one of the Members, who has given notice of the motion, to move the motion. Where these Members are not available at the meeting, the motion can be moved and seconded by any other Members. ~~The Cabinet Member will also have the opportunity to respond to points raised during the debate, before the mover of the motion exercises their right of reply.~~

Commented [EK22]: Moved to appropriate section not deleted

~~47.13~~17.15 A notice of motion must be moved at the meeting, and 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.

~~47.14~~17.16 Once moved and seconded at the meeting, the Member proposing the motion will be given up to five minutes in which to present their motion.

~~47.15~~17.17 The Chairman will give the relevant Cabinet Member an opportunity to respond to the motion giving them up to five minutes in which to do so. ~~The Cabinet Member will also later have the opportunity to respond to points raised during the debate, if one occurs, prior to the mover of the motion exercising their right of reply.~~

Commented [EK23]: Moved, with addition specifying only if debate does occur

~~47.16~~17.18 On considering a notice of motion and subject to paragraphs 18.18-18.23 below, the following options shall then be open to the Council:

- ~~47.16.1~~17.18.1 debate the motion and vote on it;
- ~~47.16.2~~17.18.2 refer it to an appropriate Member body with or without debate;
- ~~47.16.3~~17.18.3 refer it to the Leader with or without debate.

~~47.17~~17.19 The Chairman will move ~~that the motion either be debated on the day or referred to the appropriate Member body~~ one of the options above. This will be seconded by the Vice-Chairman, or in their 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.

Commented [EK24]: Clearer

~~47.18~~17.20 If the motion relates to a function exercisable only by Full Council, then Full Council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of Full Council.

~~47.19~~17.21 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.

~~17.20~~17.22 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.

~~17.21~~17.23 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.

~~17.22~~17.24 If the notice of motion relates to an executive function, the motion will be referred to the Leader. The Leader will write to the proposers of the motion with a copy to all Members of the Council, advising them what steps they propose to take.

~~17.23~~17.25 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.

18. Motions without notice

18.1 The following motions may be moved without notice:

- 18.1.1 to elect a Chairman of the meeting at which the motion is moved;
- 18.1.2 in relation to the accuracy of the minutes;
- 18.1.3 to change the order of business in the agenda;
- 18.1.4 to refer something to an appropriate body or individual;
- 18.1.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- 18.1.6 to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- 18.1.7 to withdraw a motion;
- 18.1.8 to amend a motion;
- 18.1.9 that the question be now put;
- 18.1.10 to adjourn a debate;
- 18.1.11 to adjourn a meeting;
- 18.1.12 to suspend a particular Council procedure rule capable of being suspended
- 18.1.13 to exclude the public and press in accordance with the access to information procedure rules;
- 18.1.14 not to hear further a Member named under paragraph 23.15 or to exclude them from the meeting under paragraph 23.16;
- 18.1.15 to give the consent of the Council where its consent is required by this constitution.

19. Rules of debate

No speeches until motion seconded

19.1 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

- 19.2 Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to them before it is discussed.

Seconder's speech

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

Content and length of speeches

- 19.4 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 Member may speak again

- 19.5 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 19.5.1 to speak once on an amendment moved by another Member;
 - 19.5.2 to move a further amendment if the motion has been amended since they last spoke;
 - 19.5.3 if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - 19.5.4 in exercise of a right of reply;
 - 19.5.5 on a point of order;
 - 19.5.6 by way of personal explanation.

Amendments to motions

- 19.6 An amendment to a motion must be relevant to the motion and will be one of the following:
- 19.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - 19.6.2 to leave out words;
 - 19.6.3 to leave out words and insert or add others or;
 - 19.6.4 to insert or add words

so long as the effect of the amendments is not to negate the motion. The ruling of the Chairman, following consultation with the Monitoring Officer or their designated representative, on effect of the amendment will be final.

- 19.7 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, resolved.~~ This would not prevent the mover or the meeting consenting to altering the proposed amendment, for example in response to a suggestion raised during debate, in accordance with 20.11-20.12, as a friendly alteration to their motion or amendment.

Commented [EK25]: For clarity - standard rule that chairman's position is final

Commented [EK26]: For clarity - emphasising the ability of 'friendly amendments' within the current rules

- 19.8 If an amendment is not carried, other amendments to the original motion may be moved.
- 19.9 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.
- 19.10 After an amendment has been carried, the Chairman if appropriate will read out the amended motion before accepting any further amendments, or if there are none, putting the substantive motion to the vote.

Alteration of motions or amendments

- 19.11 A Member may alter a motion or amendments of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 19.12 A Member may alter a motion or amendments which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 19.13 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

- 19.14 A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent 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.

Right of reply

- 19.15 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.
- 19.16 If an amendment is moved, the mover of the original motion will be asked if they wish to accept the amendment as part of their motion, if the seconder of the motion also consents. They will indicate this without a speech or discussion. The mover of the original motion will then ~~has~~ have the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

- 19.17 The mover of the amendment has the right of reply as the penultimate speaker, prior to the mover of the original motion, at the end of the debate on their amendment.

Motions which may be moved during debate

- 19.18 When a motion is under debate, no other motion may be moved except the following procedural motions:
- 19.18.1 to withdraw the motion;
 - 19.18.2 to amend the motion;
 - 19.18.3 that the question be now put;

Commented [EK27]: Reflects actual practice - this is to give an opportunity to cabinet member/mover to accept something as a friendly amendment, whilst retaining that they cannot speak further until the close of debate in their right of reply

- 19.18.4 to adjourn a debate;
- 19.18.5 to adjourn a meeting;
- 19.18.6 to exclude the public and press in accordance with the Access to Information Procedure Rules; or
- 19.18.7 not to hear further a Member named under paragraph 23.15, or to exclude them from the meeting under paragraph 23.16.

Closure motions

- 19.19 A Member may move, without comment, the following motions at the end of a speech of another Member:
- 19.19.1 that the question be now put;
 - 19.19.2 to adjourn the debate or;
 - 19.19.3 to adjourn a meeting.
- 19.20 If a motion that the question be now put is seconded and the Chairman considers the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.
- 19.21 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

- 19.22 A Member 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 Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

Personal explanation

- 19.23 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 Chairman on the admissibility of a personal explanation will be final.

20. Previous decisions and motions

Motion to rescind a previous decision

- 20.1 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 ten Members (or a quarter of the Members of a committee).

Motion similar to one previously rejected

20.2 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 ten 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.

21. Voting

Majority

21.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those Members 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

21.2 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)).

Affirmation

21.3 Unless a ballot or recorded vote is taken under paragraphs 22.4-22.7, the Chairman will take the vote by the affirmation of the meeting.

Ballots

21.4 The vote will take place by ballot if ten 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

21.5 With the exception of the paragraph 22.6, if ten Members (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.

Commented [EK28]: As with other para references, will be checked once document reformatted to ensure correct reference to refer to same section as previously

21.6 Recorded votes shall be taken on all decisions of Full Council in respect of:

21.6.1 Setting the authority's budget and determining the level of Council tax to be levied;

21.6.2 Policy Framework Items;

21.6.3 Member Motions on Notice, including any proposed amendments to the motions; and

21.6.4 other substantive significant issues as determined by the Chairman following consultation with the Proper Officer.

Commented [EK29]: To be clear that not just the final vote on a motion would be recorded, but any amendment that may be accepted or defeated

21.7 The names for and against the motion or amendment or abstaining from voting on these matters will be recorded and attached to the minutes.

Commented [EK30]: No change from current practice for Chairman to discuss with Proper Officer prior to the meeting, and announce prior to each vote at council. Wording for clarity

If there was any disagreement 10 members could still demand a recorded vote

Right to require individual vote to be recorded

- 21.8 Where any Member 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

- 21.9 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. The person presiding unless stated otherwise in the Constitution will have a casting vote if there is a tie for the least number of votes, or if there is a tie for the final two people nominated.

Commented [EK31]: This is included simply because Part 3 includes a different procedure for AB chairs and the person presiding is an officer who has no casting vote

22. Minutes

Signing the minutes

- 22.1 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

- 22.2 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

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

Attendance, exclusions and other matters

Record of Attendance

- 22.4 All Members present during the whole or part of a meeting must sign their names on the attendance sheets, where one is used, before the conclusion of every meeting to assist with the record of attendance (Local Government Act 1972, Schedule 12, paragraph 40).
- 22.5 A record will be kept of when a Member of the Council leaves the meeting at any time before the meeting is closed or adjourned.

Members' attendance

Commented [EK32]: Moved, not new

- 22.6 Subject to paragraph 23.9, if a Member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, ~~he or she~~they 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)).
- 22.7 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)).
- 22.8 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. (Local Government Act 1972 s102 (2-4))
- 22.9 If a Member of the Cabinet fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Cabinet, they 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) and s.85(2B)).
- 22.10 For the avoidance of doubt, virtual attendance at a meeting does not count toward form attendance for the purposes of the Local Government Act 1972.

Commented [EK33]: Reflects legal position

Exclusion of the Public

- 22.622.11 Members of the public and press may only 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).

Members' attendance

Commented [EK34]: Moved not deleted

- ~~22.73.1 Subject to paragraph 23.9, if a Member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, he or she~~they~~ 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)).~~
- ~~22.83.1 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)).~~

~~22.03.1 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. (Local Government Act 1972 s102 (2-4))~~

~~22.103.1 If a Member of the Cabinet fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Cabinet, they 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) and s.85(2B)).~~

Standing to speak

~~22.11~~ 22.12 When a Member speaks at Full Council they must stand unless exempted by the Chairman.

~~22.12~~ 22.13 If more than one Member stands, the Chairman 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.

Chairman standing

~~22.13~~ 22.14 When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

Addressing the Chair

~~22.14~~ 22.15 When a Member of the Council speaks they must address the Council through the Chairman.

Member not to be heard further

~~22.15~~ 22.16 If a Member persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business, the Chairman may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

~~22.16~~ 22.17 If the Member continues to behave improperly after a motion under paragraph 23.15 is carried, the Chairman may move that either the Member 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

~~22.17~~22.18 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary (Public Bodies (Admission to Meetings) Act 1960 s.1(8)).

23. Disturbance by the public

Removal of Member of the public

23.1 If a Member of the public interrupts proceedings, or their behaviour 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 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

23.2 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)).

24. Suspension and amendment of Council procedure rules

Suspension

24.1 All of these Council rules of procedure except paragraphs 22.8 and 23.1 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

24.2 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 Full Council.

Schedule 1 – Part 4A Wiltshire Council Petitions Scheme

1. Petitions

- 1.1 A petition is any communication which is signed by or sent to the Council on behalf of a number of people. This includes both written and electronic petitions (“e-petitions”).
- 1.2 The Council has set up a [Petitions Homepage](#) to provide further information and guidance to Members and the public.

2. Receipt and Registration

- 2.1 In order to be received all petitions must:
 - 2.1.1 contain the name and contact details of the petition organiser. Only the name of the organiser will be published;
 - 2.1.2 contain a clear and concise statement of the concern, and what action the petitioners wish the Council to take;
 - 2.1.3 be relevant to the role and responsibility of the Council;
 - 2.1.4 contain at least ten names or signatures, or at least 25 names or signatures to be reported or presented to Full Council;
 - 2.1.5 those names to be accompanied by a postcode and house number for paper petitions, and full address and email address for electronic petitions. Only the name and postcode will be displayed in any Council report;
 - 2.1.6 Not be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 2.1.7 Not name or identify individual service users, members of staff or members of staff of partner agencies
- 2.2 Anyone who signs a petition must meet the following eligibility requirements:
 - 2.2.1 For a petition to be presented to Full Council, signatories must be aged 13 or above, live, work or study in Wiltshire, or have a direct connection to the service which is the subject of the petition. For the petition to be noted at Full Council it requires a minimum of 25 signatures.
 - 2.2.2 For a petition to be presented to an Area Board, signatories must be aged 13 or above, live, work or study within the relevant community area. For the petition to be noted at a meeting of an Area Board, it requires a minimum of 10 signatures.
- 2.3 Petitions in respect of non-determined planning or licensing applications will not be covered by this petitions scheme, and will be referred to the relevant service as formal representations. Petitions in respect of statutory petitions or on matters with existing right of appeal such as Council tax banding and non-domestic rates, are covered by other procedures.

3. Submission and Acknowledgement

- 24.1 Paper petitions can be sent to: Democratic Services, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN.
- 24.2 A Wiltshire Council e-Petitions facility to allow the creating, signing and submission of e-petitions is available at [this link](#). This requires registration with the Council using a valid email address. The Council will review the content of the petition and approve it to go live within five working days.
- 24.3 The Council will accept e-petitions hosted on other sites, which can be sent to committee@wiltshire.gov.uk for consideration. The same eligibility requirements will apply.
- 24.4 All petitions provided to the Council will receive an acknowledgement within 2 working days of receipt, and a substantive response of how the Council will respond to the petition within 15 working days of receipt. If that is not possible, an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent.
- 24.5 Any response will set out what the Council plans to do with the petition. The Council will treat something as a petition if it is identified as such, or it seems that it is intended to be a petition.
- 24.6 The local Members will be informed of any petition and response for a petition relating to matters within their Area Board.

4. Council Response

- 4.1 The Council's response to a petition will depend on what it asks for and how many people have signed it, but may include one or more of the following:
- 4.1.1 taking the action requested in the petition;
 - 4.1.2 referring the petition to the relevant Council department for consideration in consultation with the relevant cabinet member and/or local member;
 - 4.1.3 referring the petition to the relevant Area Board Chairman;
 - 4.1.4 referring the petition to Full Council, a Committee or the Cabinet;
 - 4.1.5 consider the petition as a consultation response if received during a consultation period;
 - 4.1.6 holding an inquiry into the matter;
 - 4.1.7 undertaking research into the matter;
 - 4.1.8 holding a public meeting;
 - 4.1.9 holding a consultation;
 - 4.1.10 holding a meeting with petitioners;
 - 4.1.11 calling a referendum;
 - 4.1.12 writing to the petition organiser setting out the Council's views about the request in the petition;
 - 4.1.13 other suitable action.

- 4.2 If more than one petition is received on a similar subject matter the Chairman may determine that they be considered by the Council as a single matter and taken together.
- 4.3 A petition will not normally be considered for presentation or debate where it is received within six months of another petition being considered by the Council on the same matter. In exceptional circumstances the Chairman, after consultation with the Monitoring Officer, may determine that the context of the matter has materially changed since the initial consideration and agree to reconsider the matter for presentation or debate.
- 4.4 If a petition is received immediately before an election or referendum it may be necessary to deal with the petition differently, in which case the petition organiser will be contacted to discuss the course of action.
- 4.5 Actions taken on any validly received petition will be reported to Full Council to note.

5. Presentation of Petitions

- 4.1 Petitions may be presented to Full Council provided they have received 25 signatures, if requested by the petition organiser.
- 4.2 Petitions may be presented to Cabinet or to a Committee, including Area Boards, if they have received ten signatures and are relevant to the remit of the Committee, and if requested by the petition organiser.
- 4.3 The petition organiser should submit their petition to Democratic Services at least ten clear working days before a meeting to ensure the petition is relevant to the remit of Council, or a Committee and to be registered.
- 4.4 Petitions submitted without notice at any meeting will be received by the Democratic Services Officer present to be registered and dealt with at the next meeting, if appropriate.
- 4.5 In these instances, the petition organiser will have up to three minutes to speak and the matter would not be debated. The petition will be taken as a public statement and recorded. Up to two other public speakers will be invited to speak for up to three minutes each.

6. Full Council Debates

- 6.1 If a petition has been signed by at least 5000 people and is validly received, upon request of the petition organiser it will also be scheduled for a Council debate.
- 6.2 Any petition which is to be debated must be submitted and acknowledged at least ten working days before the Full Council meeting at which it will be debated.
- 6.3 The petition organiser will be invited to speak for up to five minutes. Up to two other public speakers will be invited to speak for up to three minutes each.
- 6.4 The relevant Cabinet Member will then respond to the petition.

- 6.5 The Chairman of the Council will then move a motion relating to the petition for Full Council to debate.
- 6.6 The period for debate on any petition or grouped series of petitions will normally be 30 minutes, not including the contribution of the Cabinet Member in response or Group Leaders.
- 6.7 Members will be limited to contributions of three minutes each during a Full Council debate on a petition.

7. Area Board Debates

- 7.1 If relevant to the remit and powers of an Area Board a petition may be presented or debated at that Area Board.
- 7.2 Any petition with more than ten signatures may be considered for debate at an Area Board. This would be granted at the discretion of the Chairman of the Area Board if submitted and acknowledged at least ten working days before the meeting. Any valid petition with more than 50 signatures submitted and acknowledged at least ten working days before a meeting will be granted a debate if requested by a petition organiser.
- 7.3 The arrangements for a debate will be at the discretion of the Chairman of the Area Board, subject to consultation with the Monitoring Officer or their representatives and considering the remit and powers of the Area Board.

8. Complaints

- 8.1 If a petition organiser considers that their petition has not been dealt with properly, they may submit a complaint to the council's Complaints Service.
- 8.2 Any complaint should be made within twenty working days from the Council response to the petition organiser.
- 8.3 Any complaint must set out in what way it is considered that the petition has not been dealt with properly. Any review undertaken would consider whether the steps taken by the Council in response to the petition were adequate, not whether the decision on how to respond to the petition was correct.

Schedule 2 – Part 4B Guidance on Amendments to Motions

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph 20.6 provides:

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

20.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;

20.6.2 to leave out words;

20.6.3 to leave out words and insert or add others or;

20.6.4 to insert or add words

so long as the effect of the amendment is not to negate the motion.

2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
 - 3.1. the overriding principle of fairness in the conduct of the Council's business;
 - 3.2. the amendment is relevant to the motion;
 - 3.3. the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
 - 3.4. The content of the proposed amendment is proportionate to the original motion in nature and extent;
 - 3.5. The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Members are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.