

# Part 4

## Rules of Procedure: Council

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## 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 [49-16.27](#) and [141-23.10](#) apply to meetings of the Cabinet. Only paragraphs [14-477.4-16.21](#); [51-7417.1-17.24](#); [98-13219.1-22.8](#); [134-13723.2-23.6](#); [14023.9](#); [147-14824.1-24.2](#) apply to meetings of Committees and Sub-Committees.

### 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 ~~elect~~ appoint 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 the Paid Service;  
~~in an election year, elect the Leader;~~
  - 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 ~~the Full~~ Council nor are Cabinet functions (as set out in Part 3 of this Constitution) (Local Government and Housing Act 1989, s.15);
  - 2.2.7 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 approve a programme of ordinary meetings of the Council for the year; and  
[2.2.9](#) consider any business set out in the notice convening the meeting.  
[2.2.10 in an election year:](#)  
[2.2.10.1 elect the Leader;](#)

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

- 3.1 The election of the Chairman and the ~~election~~ 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. ~~which~~ 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's ~~name~~ must be proposed and seconded to be eligible;
  - 3.2.3 a Member shall not be nominated in ~~his or her~~ their absence for the position of Chairman, Vice-Chairman or Leader without ~~his or her~~ 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 his or her~~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 39s4(3));
- 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 his or her~~their~~ casting vote in accordance with ~~the final bullet of this section~~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 smallest lowest number of votes and that ~~name Member~~ shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the ~~name of the~~ Member receiving the smallest lowest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two ~~names 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(1));
  - 4.1.4 receive nominations of Members to serve on each committee and appoint to those Committees
  - 4.1.5 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. Ordinary meetings will:
  - 5.1.1 elect a person to preside if the Chairman and Vice-Chairman are not present;

- 5.1.2 elect a Leader if there is a vacancy;
- 5.1.3 approve the minutes of the last meeting;
- 5.1.4 receive any declarations of interest from Members;
- 5.1.5 receive any announcements from the Chairman, Leader, Members of the Cabinet, committee chairmen or the head of paid service;
- 5.1.6 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;
- 5.1.7 deal with any business from the last Council meeting;
- 5.1.8 receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- 5.1.9 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 5.1.10 consider motions; and
- 5.1.11 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the overview and scrutiny Committees for debate.

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 ~~five~~Four clear working days before the Council meeting.

## 6. Extraordinary meetings

### Calling ~~an~~ extraordinary meetings

- 6.1 Those listed below may request the Proper Officer to call Council meetings in addition to the scheduled ordinary meetings:
- 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~~Monitoring officer~~Officer~~ or the ~~head~~Head of ~~the paid~~Paid service~~Service~~ (Local Government and Housing Act 1989 s.4 and s.5); ~~and/or~~
  - 6.1.4 any five Members ~~of the Council~~ if they have signed a requisition and presented it to the Chairman of the Council and ~~he/she~~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 ~~up to~~ a maximum of four substitutes for each political group which holds seats on that committee.

## Powers and duties

- 7.3 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

- 7.4 Substitute Members may attend meetings in that capacity only:
- 7.4.1 to take the place of the ordinary Member for whom they are the designated substitute;
  - 7.4.2 where the ordinary Member will be absent for the whole of the meeting; and
  - 7.4.3 after notifying the Proper Officer before the start of the meeting of the intended substitution.

## **8. Declaration of disclosable pecuniary interests**

- 8.1 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 Member 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.

## **9. Time and place of meetings**

- 9.1 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).
- 9.2 With the exception of an extraordinary meeting requisitioned by Members in accordance with paragraph 96, the Proper Officer may cancel a meeting in the event of the below circumstances under mentioned circumstances following consultation with the Chairman and giving reasonable notice of its cancellation:
- 9.2.1 Inclement weather;
  - 9.2.2 Where there is reason to believe the meeting would not be quorate;
  - 9.2.3 Insufficient business for the meeting to be viable;
  - 9.2.4 Other reasonable unforeseen circumstances.

## **10. Notice of and summons to meetings**

- 10.1 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). 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. 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).

## 11. Chair of meeting

11.1 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.

## 12. Quorum

12.1 The quorum of any meeting will be one quarter of its total voting Membership, subject to a minimum number of three voting Members. If ~~D~~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~~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).

## 13. Public participation at meetings

13.1 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.

13.2 This rule applies to Council and committee meetings other than planning Committees. Paragraphs ~~48—50~~16.25-16.27 refer to the application of this rule at Cabinet, planning Committees and area boards.

## 14. Petitions

14.1 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.

## 15. Statements

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

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

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

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



## 16. Public Questions

16.1 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 or chairmen~~Chairman 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

16.2 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.

16.3 In order to be guaranteed ~~of receiving receipt of~~ a written response prior to the meeting questions must be delivered in writing or by ~~electronic mail~~email to the Proper Officer 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.

16.4 Any questions received between ~~5pm four clear working days before the meeting and 5pm two clear working days the deadline in paragraph 29 and no later than 5pm two clear working days~~ before the meeting, may only receive ~~a verbal~~an oral response at the meeting. Any questions received after ~~this date~~5pm two clear working days before the meeting will be received at the next meeting

16.5 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~~they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.

16.6 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

16.7 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:

16.7.1 does not relate to a matter for which the ~~local authority~~Council has a responsibility or which affects the Council's administrative area;

16.7.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;

16.7.3 relates to any non-determined planning or licensing application;

16.7.4 requires the disclosure of confidential or exempt information;

16.7.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;

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

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

16.9 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 ~~33~~16.7. For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraphs ~~29-30~~16.3-16.4.

#### At the meeting

- 16.10 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.
- 16.11 The Chairman may choose to take questions as read. However, if a questioner wishes to ask ~~his or her~~their 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~~their behalf by ~~his or her~~their local division Member if ~~the local division Member~~they consents to this.
- 16.12 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.
- 16.13 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.
- 16.14 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 to all Members.
- 16.15 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. ~~and copied to all Members of the Council.~~

#### Supplementary questions

- 16.16 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.
- 16.17 The Chairman may reject the supplementary question on the grounds listed in paragraph ~~33~~16.7 above (reasons for rejection).
- 16.18 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

- 16.19 A response may take the following forms:
- 16.19.1 a direct oral answer;
  - 16.19.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
  - 16.19.3 a written reply.

#### No debate on questions

- 16.20 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~~ Committee by way of a motion which shall be moved, seconded and voted on without discussion.

#### Circulation of questions and responses

- 16.21 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.
- 16.22 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.
- 16.23 Copies of responses where available, will be circulated to Members two days before the meeting unless this is not possible due to exceptional circumstances.

#### Record of questions

- 16.24 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

- 16.25 In respect of public participation at the Strategic Planning Committee and Area Planning Committees, ~~please refer to the~~ provisions set out in the Planning Code of Good Practice for Members of Wiltshire Council Protocol. (Protocol 4 to this constitution) will apply.
- 16.26 In respect of public participation at Cabinet meetings, ~~please refer to~~ the provisions set out in Part 7- Cabinet Procedure Rules will apply.
- 16.27 In respect of Area Boards, where public engagement is welcomed and encouraged throughout the meeting, ~~please refer to any 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.

## **17. Members' Questions**

- 17.1 A Member of the Council may ask the Leader ~~of the Council~~, or any other Member of the Cabinet ~~or, the~~ Chairman of a ~~committee~~ Committee or ~~subSub-committee~~ Committee any question without notice on a report of the Cabinet, Cabinet Member or a ~~committee~~ Committee or ~~subSub-committee~~ Committee when that report is being received or under consideration by ~~the~~ Full Council.

#### Questions on notice

- 17.2 ~~In respect of~~ At ordinary meetings of Full Council meetings, a Member of the Council may ask a question of:
- 17.2.1 ~~the Chairman of Council;~~
  - 17.2.2 the ~~Leader of the Council;~~
  - 17.2.3 a ~~Cabinet Member; or~~
  - 17.2.4 ~~Chairman of a~~ committee Committee or Sub-Committee;
- ~~as appropriate, a question~~ on any matters 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.
- 17.3 In respect of an ordinary ~~committee~~ Committee or Sub-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~~ Committee at all ordinary meetings on matters which are not included in a report to that ~~committee~~ Committee or Sub-Committee.
- 17.4 In the case of extraordinary meetings ~~of Council and Committees~~, questions must relate to the subject(s) under consideration at ~~the extraordinary~~ that meeting.

#### Notice of questions by Members

- 17.5 In order to be guaranteed of receiving a receipt of written response prior to the meeting, questions must be delivered in writing or by ~~electronic mail~~ 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.
- 17.6 Any question received between 5pm nine clear working days before the meeting and the deadline in paragraph 55 and no later than 5pm four clear working days before the meeting, may only receive a verbal an oral 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 deadline will be received at the next meeting.
- 17.7 In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where ~~he or she is~~ 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.
- 17.8 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

- 17.9 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:
- 17.9.1 does not relate to a matter for which the Council/~~committee~~ Committee has a responsibility or which does not affects the Council's administrative area;
  - 17.9.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
  - 17.9.3 relates to any non-determined planning or licensing application;
  - 17.9.4 requires the disclosure of confidential or exempt information;
  - 17.9.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;
  - 17.9.6 ~~Where a question submitted~~ 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.
  - 17.9.7 is considered by the Chairman to be inappropriate for the particular meeting.
- 17.10 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
- 17.11 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 ~~59~~ 17.9 (reasons for rejection). For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph ~~55-56~~ 17.5-17.6 above.

#### At the meeting

- 17.12 No more than 20 supplementary questions will be answered at the meeting. Any question which receives a verbal 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.
- 17.13 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.
- 17.14 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

- 17.15 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 ~~62~~ 17.12. The Chairman may reject the supplementary question on the grounds listed in paragraph ~~59~~ 17.9 above (reasons for rejection).

17.16 Subject to paragraph ~~63~~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.

17.17 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 Member where possible within five working days of the meeting.

#### Form of response

17.18 A response may take the following forms:

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

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

17.18.3 a written reply.

#### No debate on Member questions

17.19 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

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

17.21 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.

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

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

#### Record of Member questions

17.24 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.

### **18. Motions on notice**

#### Notice

18.1 Except for motions which can be moved without notice under paragraph 95~~19~~, 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.

- 18.2 In exceptional circumstances and in cases of urgency, the Chairman may accept motions without the full period of notice having been given.
- 18.3 Delivery can be by electronic means provided that the Proper Officer is satisfied that it has been sent by the Members concerned.
- 18.4 Notices of motion may be moved at the Annual Meeting or any ordinary meeting of ~~the~~ Full Council.
- 18.5 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.
- 18.6 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

- 18.7 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:
  - 18.7.1 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;
  - 18.7.2 are defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
  - 18.7.3 relate to any non-determined planning or licensing application;
  - 18.7.4 name or identify individual service users, Members of staff or Members of staff of partner agencies; or
  - 18.7.5 are considered by the Chairman to be inappropriate for the particular meeting or undermines the purposes of the constitution.
- 18.8 The Chairman's ruling on rejection of a motion will be final following consultation with the Monitoring Officer.
- 18.9 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 ~~78~~18.7. For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph ~~72~~18.1.

#### Recording of motions

- 18.10 On receipt of notices of motion received in accordance with these rules, the Proper Officer will enter-record the details of the motion and the time and date of ~~receipt in a book~~. This book-record shall be open for inspection by Members of the public during normal office hours.
- 18.11 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 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 ~~to at~~ a later meeting or withdraw it.

#### At the meeting

18.12 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.

18.13 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.

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

18.15 The Chairman will give the relevant Cabinet Member an opportunity to respond to the motion giving ~~him or her~~them up to five minutes in which to do so.

18.16 On considering a notice of motion and subject to paragraphs ~~92-97~~18.18-18.23 below, the following options shall then be open to the Council:

18.16.1 debate the motion and vote on it;

18.16.2 refer it to an appropriate Member body with or without debate;

18.16.3 refer it to the Leader ~~of Council~~ with or without debate.

18.17 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~~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.

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

18.19 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.

18.20 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.

18.21 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.



18.22 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~~they proposes to take.

18.23 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.

## 19. Motions without notice

19.1 The following motions may be moved without notice:

19.1.1 to ~~appoint~~elect a Chairman of the meeting at which the motion is moved;

19.1.2 in relation to the accuracy of the minutes;

19.1.3 to change the order of business in the agenda;

19.1.4 to refer something to an appropriate body or individual;

19.1.5 to appoint a committee or Member arising from an item on the summons for the meeting;

19.1.6 to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;

19.1.7 to withdraw a motion;

19.1.8 to amend a motion;

~~19.1.9 to proceed to the next business;~~

~~19.1.10~~19.1.9 that the question be now put;

~~19.1.11~~19.1.10 to adjourn a debate;

~~19.1.12~~19.1.11 to adjourn a meeting;

~~19.1.13~~19.1.12 to suspend a particular Council procedure rule capable of being suspended

~~19.1.14~~19.1.13 to exclude the public and press in accordance with the access to information procedure rules;

~~19.1.15~~19.1.14 not to hear further a Member named under paragraph ~~4454~~23.15 or to exclude them from the meeting under paragraph ~~446~~23.16;

~~19.1.16~~19.1.15 to give the consent of the Council where its consent is required by this constitution.

## 20. Rules of debate

### No speeches until motion seconded

20.1 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

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

### Secunder's speech

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

### Content and length of speeches

- 20.4 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

- 20.5 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 20.5.1 to speak once on an amendment moved by another Member;
  - 20.5.2 to move a further amendment if the motion has been amended since he/shethey last spoke;
  - 20.5.3 if his/hertheir first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/shethey spoke was carried);
  - 20.5.4 in exercise of a right of reply;
  - 20.5.5 on a point of order;
  - 20.5.6 by way of personal explanation.

### Amendments to motions

- 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

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

- 20.7 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.
- 20.8 If an amendment is not carried, other amendments to the original motion may be moved.
- 20.9 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.
- 20.10 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 motions or amendments

- 20.11 A Member may alter a motion or amendments of which he/shethey ~~has~~ have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

20.12 A Member may alter a motion or amendments which ~~he/she~~they ~~has~~have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

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

#### Withdrawal of motion

20.14 A Member may withdraw a motion which ~~he/she~~they ~~has~~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

20.15 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.

20.16 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.

20.17 The mover of the amendment has ~~the~~no right of reply as the penultimate speaker, prior to the mover of the original motion, at the end of~~the~~ the debate on ~~his or her~~their amendment.

#### Motions which may be moved during debate

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

20.18.1 to withdraw ~~a~~the motion;

20.18.2 to amend ~~a~~the motion;

~~20.18.3 to proceed to the next business;~~

~~20.18.4~~20.18.3 that the question be now put;

~~20.18.5~~20.18.4 to adjourn a debate;

~~20.18.6~~20.18.5 to adjourn a meeting;

~~20.18.7~~20.18.6 to exclude the public and press in accordance with the Access to Information Procedure Rules ~~and; or~~

~~20.18.8~~20.18.7 not to hear further a Member named under paragraph ~~44~~23.15, or to exclude them from the meeting under paragraph ~~44~~23.16.

#### Closure motions

20.19 A Member may move, without comment, the following motions at the end of a speech of another Member:

~~to proceed to the next business;~~

20.19.1 that the question be now put;

20.19.2 to adjourn ~~a~~the debate or;

20.19.3 to adjourn a meeting.

~~20.20~~ 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.

~~20.21~~ 20.20 If a motion that the question be now put is seconded and the Chairman thinks considers the item has been sufficiently discussed, he/she/they will put the procedural motion to the vote. If it is passed he/she/they will give the mover of the original motion a right of reply before putting his/her/their motion to the vote.

~~20.22~~ 20.21 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, he/she/they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.  
Point of order

~~20.23~~ 20.22 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 he/she/they considers it has been broken. The ruling of the Chairman on the matter will be final.

#### Personal explanation

~~20.24~~ 20.23 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.

## **21. Previous decisions and motions**

### Motion to rescind a previous decision

21.1 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 ~~40~~ ten Members (or a quarter of the Members of a committee).

### Motion similar to one previously rejected

21.2 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 ~~40~~ 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.

## **22. Voting**

### Majority

22.1 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

- 22.2 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

- 22.3 Unless a ballot or recorded vote is taken under paragraphs ~~128 and 129~~22.4-22.7, the Chairman will take the vote by the affirmation of the meeting.

### Ballots

- 22.4 The vote will take place by ballot if ~~10~~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

- 22.5 With the exception of the paragraph ~~130~~22.6, if ~~10~~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.
- 22.6 Recorded votes shall be taken on all decisions of Full Council in respect of:
- 22.6.1 Setting the authority's budget and determining the level of Council tax to be levied;
  - 22.6.2 Policy Framework Items;
  - 22.6.3 Member Motions; and
  - 22.6.4 other substantive issues.
- 22.7 The names for and against the motion or amendment or abstaining from voting on these matters will be recorded and attached to the minutes.

### Right to require individual vote to be recorded

- 22.8 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

- 22.9 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.

## 23. Minutes

### Signing the minutes

- 23.1 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

- 23.2 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

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

### Record of Attendance

- ~~23.4~~ All Members 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).

- ~~23.4~~~~23.5~~ 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.

### Exclusion of the Public

- ~~23.5~~~~23.6~~ 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

- ~~23.6~~~~23.7~~ Subject to paragraph ~~140~~~~23.9~~, if a Member of the Council fails throughout a period of six consecutive months from the date of his or hertheir 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)).

~~23.7~~23.8 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)).

~~23.8~~23.9 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))

~~23.9~~23.10 If a Member of the Cabinet fails throughout a period of six consecutive months from the date of ~~his or her~~their last attendance, to attend any meeting of the Cabinet, ~~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(2A) and s.85(2B)).

#### Standing to speak

~~23.11~~ When a Member speaks at Full Council ~~he/she~~they must stand unless exempted by the Chairman~~and address the meeting through the Chairman.~~

~~23.10~~23.12 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

~~23.11~~23.13 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

~~23.14~~ When a Member of the Council speaks they must address the Council through the Chairman.

#### Member not to be heard further

~~23.12~~23.15 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

~~23.13~~23.16 If the Member continues to behave improperly after ~~such~~ 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

~~23.14~~23.17 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as ~~he/she~~they think~~s~~consider necessary (Public Bodies (Admission to Meetings) Act 1960 s.1(8)).

## **24. Disturbance by the public**

### Removal of Member of the public

24.1 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

24.2 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)).

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

### Suspension

25.1 All of these Council rules of procedure except paragraphs ~~131-22.8~~ and ~~133-23.1~~ 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

25.2 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 ~~the~~Full Council.

## Schedule 1 – Part 4 A Wiltshire Council Petitions Scheme

### 1. Petitions

- 1.1 The council recognises that petitions are one way in which the people can let it know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council **within 10 working days of receipt.**
- 1.2 Anyone who signs a petition must meet the following **eligibility requirements:**
- 1.2.1 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.**
  - 1.2.2 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 are.** For the petition to be noted at a meeting of an Area Board, it requires a **minimum of 10 signatures.**
- 1.3 Any acknowledgement will set out what the council plan 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.
- 1.4 Paper petitions can be sent to: **Democratic Services, Wiltshire Council, County Hall, Bythesea road, Trowbridge, BA14 8JN**
- 1.5 Wiltshire Council welcomes petitions submitted electronically. To aid this process an e-Petitions facility is available at <https://cms.wiltshire.gov.uk/mgEPetitionListDisplay.aspx> or by following a link from the [Petitions Homepage](#).
- 1.6 This facility allows e-Petitions to be created, signed and submitted only by registering with the council, using a valid email address. Electronic petitions hosted via other websites can be sent to [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) for consideration by Democratic Services.
- 1.7 **If your petition has been signed by a number equivalent to at least 1% (approximately 4,700 people) of the total population of Wiltshire it will also be scheduled for a Council debate** (more information is contained in the section below on **How will the council respond to petitions?**).
- 1.8 If this is the case the council will let you know the date of the meeting when it will be heard. These meetings take place at least four times a year, dates and times can be found [here](#).
- 1.9 If you would like to present your petition to the council, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services on 01225 718214/ 01722 434560, or [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)., at least ten working days before the meeting and an officer will talk you through the process.
- 1.10 Alternatively, if your petition does not have sufficient signatures to trigger a debate at Full Council you may wish to discuss what other options are available or referring the petition

to a select committee. Please contact Democratic Services and they will talk you through your options.

- 1.11 Or if your issue is a local one and falls within the remit and powers of the Area Boards you may wish to present your petition at an [Area Board](#). See Part 3 – Section 4.17 of Wiltshire Council's Constitution, for more information on the remit and powers of Area Boards. **The council has set a nominal threshold of 1% of the total population of the area covered by the area board to trigger a formal debate at an Area Board.** However, any petition received for an Area Board will be discussed with the appropriate Chairman and the appropriate action taken.
- 1.12 A map showing Area Boards Petition Thresholds is available at Part 4B of the Constitution.
- 1.13 So no matter the nature of or number of signatories to your petition, you will be kept informed of how the council proposes to deal with it and the action to be taken. The council remains convinced of the need for local discretion and flexibility in the way petitions are managed. Petitions that trigger the thresholds will of course be referred to Full Council or to an Area Board as appropriate.
- 1.14 There will however be local discretion and flexibility in dealing with any other petitions. Discussions will take place with the relevant Cabinet member or appropriate Area Board Chairman to determine the most appropriate way of dealing with the petition. The options may include referring the matter to the Cabinet or the appropriate Area Board, or any of those options listed in the section below on **How will the council respond to Petitions?**

## **2. What are the Guidelines for Submitting a Petition?**

- 2.1 Petitions submitted to the council must include:
  - 2.1.1 a clear and concise statement covering the subject of the Petition. It should state what action the petitioners wish the council to take; and
  - 2.1.2 the name, address and signature of any person supporting the petition.
- 2.2 Petitions should be accompanied by contact details, including an address of the Petition organiser. This is the person the council will contact to explain how they will respond to the petition.
- 2.3 The contact details of the petition organiser will not be placed on the council's website. If the petition does not identify a petition organiser, the council will contact the first named signatory to the petition to agree who should act as the petition organiser.
- 2.4 For further information see the [What information should my Petition contain?](#) And [What is not suitable for a Petition?](#) Information pages on Wiltshire Council's website.
- 2.5 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum the council may need to deal with your petition differently – if this is the case the council will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, they will write to you to explain the reasons.

### 3. What will the Council do when it receives my Petition?

- 3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what the council plan to do with the petition and when they can expect to hear from them again. It will also be published on the council's website.
- 3.2 If the council can do what your petition asks for, the acknowledgement may confirm that the council has taken the action requested and the petition will be closed.
- 3.3 If the petition has enough signatures to trigger a debate, then it will be referred to a meeting of Full Council or an Area Board and the acknowledgement will confirm this and tell you when and where the meeting will take place.
- 3.4 If the petition is dealt with in a different way of it the petition needs more investigation, the council will tell you the steps they plant to take.
- 3.5 If the petition applies to a [planning](#) or [licensing](#) application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as [Council Tax Banding](#) and [Non-Domestic Rates](#), other procedures apply.
- 3.6 Further information on all these procedures and how you can express your views is available through the links above and [Wiltshire Council's Website](#).
- 3.7 To ensure that people know what the council is doing in response to petitions received, the details of all petitions submitted will be published on the council's website, except in cases where this would be inappropriate. Whenever possible the council will also publish all correspondence relating to the petition (all personal details will be removed)
- 3.8 When you sign an e-petition you can elect to receive this information by email. The council will not send you anything that is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. You can change what information you receive and keep in touch with the progress of a petition at any time by contacting Democratic Services on 01225 718214/ 01722 434560, or [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk).

### 4. How will the Council respond to Petitions?

- 4.1 The council's response to a petition will depend on what a petition 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 considering the petition at a Full Council meeting;
  - 4.1.3 holding an inquiry into the matter;
  - 4.1.4 undertaking research into the matter;
  - 4.1.5 holding a public meeting;
  - 4.1.6 holding a consultation;
  - 4.1.7 holding a meeting with the petitioners;
  - 4.1.8 referring the petition for consideration by one of the council's select committees\*
  - 4.1.9 calling a referendum

#### 4.1.10 writing to the petition organiser setting out the council's views about the request in the petition

(\*The Council's [Select Committees](#) perform the overview and scrutiny function with the council where Councillors are responsible for scrutinising the work of the council – in other words, the select committee has the power to hold council's decision makers to account.)

- 4.2 In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in the petition.
- 4.3 If your petition is about something over which the council has no direct control (for example the local railway or hospital) the council will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. See the [Wiltshire Family of Partnerships](#) page for more details on our partnership working arrangements.
- 4.4 If the council is not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then they will set out the reasons for this in writing. If the petition is of a sufficient size to trigger a debate at a Full Council meeting then a representative of the partner organisation will be invited to attend the meeting to assist with the debate.
- 4.5 You can find more information on the services for which the council is responsible for on the [Council's Website](#). If your petition is about something that a different council is responsible for the council will consider what the best method for responding is. This might consist of simply forwarding the petition on to the relevant council, but could involve other steps. In any event the council will always notify you of the action they have taken.

### 5. Full Council Debates

- 5.1 If the petition is of sufficient size to trigger a debate at Full Council the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The council will endeavour to consider the petition at its next schedule meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 5.2 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by the councillors for a maximum of 15 minutes. In addition to your petition the council may also consider the view of Cabinet or Cabinet Member. If you would like you also have the opportunity to answer questions or clarify issues for the Councillors.
- 5.3 The council will decide how to respond to the petition at this meeting. The council may decide to take the action the petition requests, not to take the action requested for reason put forward in the debate or to commission further investigations into the matter, for example by a relevant committee.

- 5.4 Where the issue is one on which the Council's Cabinet are required to make the final decision, the council will decide whether to make recommendations to inform that decision.
- 5.5 The petition organiser will receive written confirmation of the decision. This confirmation will also be published on the council's website.
- 5.6 Alternatively, and if timing permits, the petition may be referred to the Cabinet for its views so that at the Full Council meeting those views can be considered alongside the petition and a final decision made.

## **6. e-Petitions**

- 6.1 Wiltshire Council welcomes petitions submitted electronically. To aid this process we have developed an e-Petitions facility which is available at <https://cms.wiltshire.gov.uk/mgEPetitionListDisplay.aspx> or by following a link from the [Petitions Homepage](#).
- 6.2 This facility allows e-Petitions to be created, signed and submitted only by registering with the council, using a valid email address.
- 6.3 Electronic petitions hosted via other websites can be sent to [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) for consideration by Democratic Services.
- 6.4 e-Petitions are subject to the same guidelines as paper petitions. The petition organiser will need to provide the council with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of twelve months.
- 6.5 When you create an e-petition, it may take up to five working days before it is published online. This is because the council must check that the content of your petition is suitable before it is made available for signature.
- 6.6 If the council feels they cannot publish your petition for some reason, they will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within ten working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 6.7 When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper submission, you will receive an acknowledgement within ten working days.
- 6.8 If you would like to represent your e-petition to a meeting of Full Council, please contact Democratic Services on 01225 718214/ 01722 434560, or [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) within ten working days of receipt of the acknowledgement.
- 6.9 A petition acknowledgment and responses will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

6.10 Petitions submitted electronically but not through the e-petition facility will be dealt with in accordance with the provisions for paper petitions.

## **7. How do I 'sign' an e-Petition?**

7.1 You will see all the e-petitions currently available for signature at the e-Petitions page.

7.2 When you sign an e-petition you will be asked to provide your name, postcode and a valid email address. When you have submitted this information, you will be sent an email to the address provided.

7.3 This email will include a link which you must click to confirm the email address is valid.

7.4 Once this step has been completed you 'signature' will be added to the petition.

7.5 People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

## **8. What can I do if I feel that my petition has not been dealt with properly?**

8.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that one of the council's [Select Committees](#) review the steps the council has taken in response to your petition.

8.2 It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

8.3 It is important to emphasise here that the review process is concerned with whether the steps taken by the council in its response to the petition were adequate – that is, did the council follow the correct procedure to reach its decision, not if the response was not what was wanted.

8.4 The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.

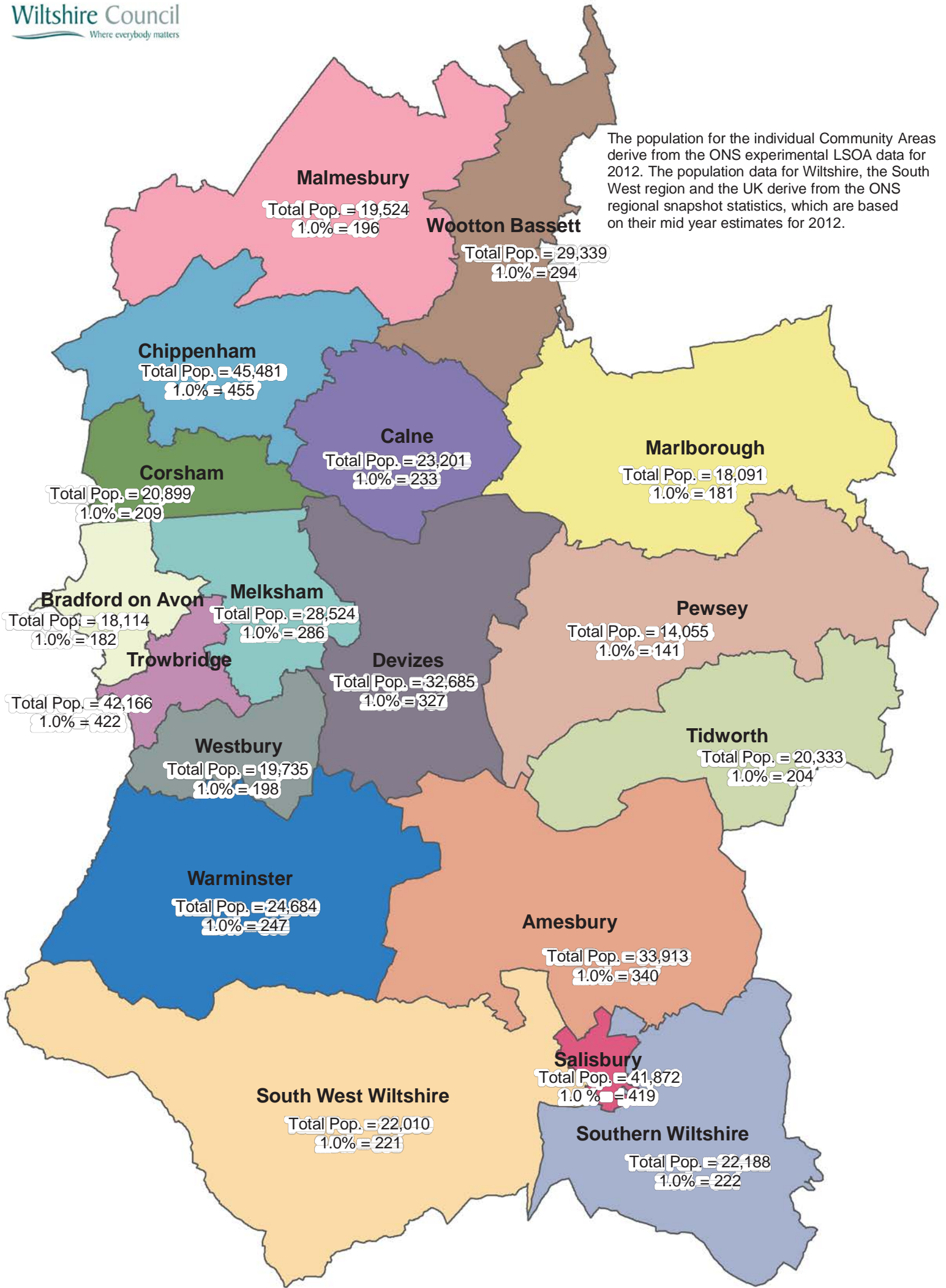
8.5 Should the committee determine that the council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include an investigation, making recommendations to Cabinet and arranging for the matter to be considered at a Full Council meeting.

8.6 If the select committee feels that it may have a conflict of interest by virtue of any previous involvement in the petition in question, the council can arrange for a different committee to deal with your request.

8.7 Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results will also be published on the council's website.



The population for the individual Community Areas derive from the ONS experimental LSOA data for 2012. The population data for Wiltshire, the South West region and the UK derive from the ONS regional snapshot statistics, which are based on their mid year estimates for 2012.



## **Part 4C: 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. Councillors 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.