



Section A

COUNCIL PROCEDURE RULES

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

- (i) elect a person to preside if the Mayor or Deputy Mayor is not present;
- (ii) elect the Mayor;
- (iii) appoint the Deputy Mayor;
- (iv) Approve the minutes of the last meeting;
- (v) receive the report of the Mayor regarding his/her appointment of the Mayor's Chaplain for the civic year;
- (vi) receive any announcements from the Mayor and/or Chief Executive;
- (vii) elect the Leader of the Council;
- (viii) receive from the Leader the names of those Councillors to serve on the Cabinet;
- (ix) appoint the Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (x) 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);
- (xi) approve a programme of ordinary meetings of the Council and Committees for the year; and
- (xii) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body;
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council;
- (vi) appoint the chairmen and deputy chairmen of standing committees; and
- (vii) appoint or make nominations for appointment as appropriate to positions of non-executive director on the boards of Council owned companies.

2. ORDINARY MEETINGS

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

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Councillors;
- (iv) receive any announcements from the Mayor;
- (v) receive notification of requests from members of the public to address the Council in relation to matters which are on the agenda for business of the meeting;
- (vi) receive petitions in accordance with Rule 11.3
- (vii) receive reports from the Cabinet and the Council's committees where Council is required to ratify a recommended course of action;
- (viii) consider motions put forward by Councillors;
- (ix) receive minutes of the Cabinet and Council committees and allow for discussion, subject to prior notification, on the content of

those minutes;

- (x) 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 Scrutiny Committee for debate.

3. EXTRAORDINARY MEETINGS

3.1. Calling extraordinary meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer; and
- (iv) any five Councillors of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2. Business

The business of the extraordinary meeting will be specifically restricted to the item for which the meeting has been called, the minutes of the previous Council meeting, and no other items of business.

3.3. Change of Political Control

In the event of the political control of the Council changing during the course of the municipal year, an extraordinary meeting of the Council shall be called if the Leader of the new majority group gives notice to the Chief Executive requesting such a meeting. The meeting to be held within fourteen days of the request being received. The business to be transacted shall be the re-election of the Leader of the Council, the reporting of councillors appointed to the Cabinet by the Leader, and the re-appointment of Chairmen, Deputy Chairmen and Councillors of other Council Bodies.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

4.1 Allocation

As well as allocating seats on committees the Council will allocate seats for substitute Councillors. Substitute members must be selected from among those Councillors who would be entitled to sit on the Committee

in question. (The restrictions on certain Councillors sitting on particular committees are listed in the Responsibility for Functions - Full Council and its Committees section of Part 3 of this Constitution).

4.2. Number

For each committee where substitution is allowed the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee, up to a maximum of three. (To see if substitution is allowed see under the terms of reference for the committee in the Responsibility for Functions - Full Council and its Committees section of Part 3 of this Constitution).

4.3. Powers and duties

Substitute Councillors 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.

4.4. Substitution

Substitute Councillors may attend meetings in that capacity only:

- (i) to take the place of the Councillor for whom they are the designated substitute;
- (ii) where the Councillor will be absent for the whole of the meeting; and
- (iii) after notifying the Head of Local Democracy before the meeting or the Chairman at the commencement meeting of the intended substitution.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified on the agenda.

6. NOTICE OF AND AGENDA FOR MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Chief Executive will send an agenda signed by him or her by post to every Councillor or leave it at their usual place of residence. The agenda 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.

7. CHAIRMAN OF MEETING - THE MAYOR

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee meetings, references to the Mayor also include the Chairmen of Committees.

8. QUORUM

8.1 The quorum of a meeting will be one quarter of the whole number of the membership of that Body or two members, whichever is the greater.

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

See note under Rule 24(2) below as to the application of this rule to the Cabinet and certain Council bodies.

9. DURATION OF MEETING

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for four hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC

10.1 General

Members of the public may ask questions at ordinary meetings of the Cabinet and Council Committees (but excluding full Council meetings, meetings of the Planning Committee and Panels). Up to 15 minutes will be allowed for questions.

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by e-mail to the Chief Executive no later than 12 Noon two working days before the day of the meeting. Each question must give the name and address of the questioner and the body to which it is to be put.

10.4 Number of questions

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

10.5 Scope of questions

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is in furtherance of an individual's particular circumstances;
- is about any matter where there is a right of appeal to the courts, a tribunal or to a Government Minister;
- is about the appointment, promotion, dismissal, salary, superannuation, conditions of service of any person employed by the Council;
- is defamatory, frivolous, vexatious or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months, or
- requires the disclosure of confidential or exempt information.

10.6 Record of questions

The Chief Executive will place on record each question which will be open to public inspection and will immediately send a copy of the question to the Chairman of the Body to which it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Councillors who are members of the relevant Body and will be made available to the public attending the meeting.

The minutes of the meeting will record the fact that a question has been asked and by whom and indicate briefly the subject, but will not give details of the question or of the answer.

10.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Form of answer at the meeting

An answer may take the form of:-

- a direct verbal answer;
- or where the reply to the question cannot be reasonably be given verbally, a written answer given to the member of the public submitting the question and circulated to the members of the Body and to the public attending the meeting.

An answer may be given by the Chairman or another Councillor or Officer at the Chairman's discretion.

10.9 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor or officer who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

10.10 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-availability of sufficient information to respond, will be dealt with by a written answer.

11. PUBLIC RIGHT OF ADDRESS

11.1 Members of the Public

Members of the public who have formally requested in writing an opportunity to speak shall be allowed to do so subject to:-

- (a) The request being submitted to the Chief Executive by 12 noon two working days before the meeting, e.g. 12 noon on Monday before a meeting on the following Wednesday.
- (b) The request being in connection with a specific item on the agenda for the meeting within referred matters or motions.
- (c) Where a third party is involved, the applicant to speak will only be heard where the third party has been notified, in advance and given the opportunity to respond.
- (d) Normally only one speaker should be allowed to address the Council on any item but it would be open to the Council to allow more than one speaker in exceptional circumstances.

- (e) Speakers must be heard before the Council debates the item and can only be heard once, unless it is in response to a question from a Councillor.
- (f) No speech shall exceed three minutes except by consent of the Council.

The provisions set out in Rule 11.1 above will also apply to requests to speak at Cabinet and all other Council Bodies.

In the case of Planning and Licensing applications, additional provisions as set out in Rule 11.2 will apply. The provisions will not apply to sub-committees of the Licensing Act Committee when dealing with hearings under the Licensing Act 2003.

11.2 Planning and Licensing Applications

In the case of planning and licensing applications there are the following additional provisions:-

- (a) The primary facility to speak will be for objectors to or supporters, including applicants or their agents, of planning and licensing applications.
- (b) Objectors will only be allowed to speak where they have already submitted objections in writing, and must not introduce new objections when speaking.

11.3 Petitions – Full Council Debates

- (a) Some petitions may trigger debates at a Council meeting if they contain sufficient signatures within the Council's Petitions Scheme. In these cases, the subject will be set out in the meeting agenda.
- (b) Petitions may be presented to a Council meeting by petition organisers or a councillor on their behalf.
- (c) The spokesperson for the petition may speak for a maximum of five minutes.
- (d) The petition will be debated by councillors for a maximum of 15 minutes.
- (e) The council will decide how to respond to the petition and the petition organiser will be told, in writing, of the Council's decision.

11.4 Members of the Council

Members of the Council who wish to address Council Bodies, of which they are not a member, on agenda items of business, shall only be allowed to do so with advance notification to the Chairman of the Body concerned.

11.5 Mayor at Council Bodies

The Mayor shall have the right to attend and speak but not to vote at any meetings of all bodies established by the Council.

12. MATTERS REFERRED TO FULL COUNCIL AND OTHER MATTERS FOR DECISION

12.1 Definition

Items of business shall be referred to full Council where:-

- (a) The item of business falls outside the delegated authority of the Body concerned and is submitted to Council as a recommended course of action, or
- (b) The Body concerned decides via proposer, seconder and by majority vote to not exercise its delegated authority on a particular item of business, and refer the matter to Council for final decision.

Where an item is referred, a report shall be circulated with the Council agenda as supporting information.

12.2 Other matters for decision

In addition to referred matters, Council may also receive reports on other matters relating to their functions. These may be submitted in the name of a lead Member or Officer.

12.3 Procedure

- (a) The Mayor will call upon the Chairman or in his/her absence, the Deputy Chairman, or nominated member of the Body from which the matter has been referred or in respect to which the matters in the report relate, to introduce the matter and propose a course of action. The Mayor will then call for a seconder to the proposal.
- (b) When introducing the matter, the Chairman or nominated Member may call upon the relevant Officer to assist in this process.
- (c) When the proposal has been presented and duly seconded the

matter will be dealt with in accordance with Rule 13.6 (Procedure for Debate) and subsequent paragraphs of Rule 13 as appropriate.

- 12.4 Reports submitted under this rule are normally printed on yellow paper and hence referred to as "yellow sheet papers".

13. MOTIONS AT FULL COUNCIL MEETINGS

13.1 Notice of Motions

Except for motions which can be moved without notice under Rule 13.13, written notice of every motion, signed by the proposer, must be delivered to the Head of Local Democracy not later than 11.00am, 7 working days before the date of the next meeting. Motions sent via e-mail or fax will be acceptable.

13.2 Receipt of Motions

As soon as practicable following the deadline for the receipt of motions, the Head of Local Democracy shall notify the Group Leaders, Corporate Management Team and other relevant Officers of any motions received. Notification shall normally be by e-mail.

13.3 Motions set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

13.4 Scope

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

13.5 Briefing

The Mayor shall be briefed prior to the Council meeting by the Chief Executive and/or the Head of Local Democracy, Group Leaders shall be invited to attend the briefing which shall normally take place after 10.00 am on the morning of the Council meeting.

13.6 Procedure for Debate

Procedural note:

The following procedure for debating applies to Matters Referred to Full Council and Other Matters for Decision (see Rule 12 above) and Notices of Motion. The term "proposal" is used to refer to both referred and other matters and to motions. Alternative proposals (amendments) will

be dealt with as set out below and in accordance with Rule 13.11.

- (a) The Mayor will call upon the nominated member to put the proposal.
- (b) The Mayor will then call for a seconder.
- (c) The Mayor will call for members to submit any alternative proposals. All alternative proposals must be tabled at this stage.
- (d) The Mayor will then call for a seconder to any alternative proposals tabled.
- (e) The Mayor will call any members of the public who have made a formal request to speak on an item under debate to address the Council in accordance with Rule 11.1.
- (f) The Mayor will call the mover of the original proposal to speak and then in turn any member who has moved an alternative proposal.
- (g) The Mayor will call in turn other members, in no particular order who have indicated a wish to speak including the seconder of the original proposal and seconders of any alternative proposals.
- (h) At the end of the debate, the Mayor will invite the mover of the original proposal to respond before the vote is taken.
- (i) Where submitted, the vote will be taken on the first tabled alternative proposal.
- (j) If the vote is successful the Mayor shall declare the proposal carried and no further votes shall be taken.
- (k) If the vote is lost the Mayor will put to the vote in turn any other alternative proposals submitted.
- (l) On a successful vote the Mayor shall declare the proposal carried and no further votes shall be taken.
- (m) If all alternative proposals are lost the Mayor will put the original proposal to the vote and if successful it shall be carried and no further votes shall be taken.
- (o) Where a decision is required to be relayed to an external agency, this will be undertaken on the Council's behalf by the Head of Local Democracy and any responses to such decisions shall be circulated to all Councillors.

13.7 No speeches until proposal seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the proposal has been seconded. If no seconder is forthcoming, the matter will be closed and the meeting will proceed to the next item of business.

13.8 Right to require proposal in writing

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

13.9 Content and length of speeches

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 Council.

13.10 When a Councillor may speak again

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

- (d) as the mover of the original proposal (but not of an alternative proposal), to exercise the right to reply at the end of the debate and before a vote is taken in accordance with Rule 13.12.
- (e) on a point of order; and
- (f) by way of personal explanation.

13.11 Alternative Proposals (Amendments)

- (a) An alternative proposal must be relevant to the subject matter and can be a proposal to:
 - (i) refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) propose an alternative course of action
 - (iii) add, replace or leave out words;as long as the effect of (iii) is not to negate the original proposal.
- (b) All alternative proposals shall be moved and seconded prior to debate.
- (c) No further alternative proposals may be submitted by any of the speakers during the debate.

- (d) Where submitted the vote will be taken on any seconded alternative proposals first and only if defeated will be the original proposal be put to the vote.

13.12 Right of reply

- (a) The mover of a proposal has a right to reply at the end of the debate, immediately before a vote is taken.
- (b) The mover of an alternative proposal has no right of reply at the end of the debate.

13.13 Motions that may be put without notice

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the agenda for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond four hours in duration;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;

- (p) to not hear further a Councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13.14 Alteration of motion

- (a) A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.15 Withdrawal of motion

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

13.16 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond four hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and

- (i) to not hear further a Councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

13.17 Closure motions

- (a) A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
 - (i) To proceed to the next business;
 - (ii) That the question be now put;
 - (iii) To adjourn a debate; or
 - (iv) To adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.18 Point of order

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

13.19 Personal explanation

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

13.20 Officer Participation

Any Councillor may, if he/she considers it to be conducive to the conduct of any of the Council's business, request through the Mayor that an Officer be invited to contribute by way of advice, guidance or presentation, to any debate.

13.21 Cross Reference with other rules

The rules set out at 13.10, 13.11, 13.18 and 13.20 will also apply in respect of Matters Referred to Full Council (Rule 12) and Discussion on Minutes of Council Bodies (Rule 14).

14. DISCUSSION ON MINUTES OF COUNCIL BODIES

14.1 Submission and Notification

Items for discussion at Council meetings must be submitted to the Head of Local Democracy no later than 10.00am on the day of the meeting. The Head of Local Democracy will circulate a list of items raised for discussion prior to the start of the meeting.

14.2 Qualification

All items for discussion shall relate to a specific minute (other than those considered under referred matters) of a Council Body being submitted at the same meeting. In the event of an item being submitted which, in the opinion of the Mayor, in consultation with the Chief Executive, is not relevant the Mayor may rule that the item not be discussed.

14.3 Procedure

- (a) The Mayor will refer to the list of items for discussion submitted by Councillors in advance of the meeting.
- (b) The Mayor will call upon the Councillor who raised the item to make his/her speech.
- (c) The Mayor will then call in turn any other Councillors who have indicated a wish to speak.
- (d) If any Councillor makes a proposal to refer the item to the Cabinet or other Council Body and it is seconded, a vote will be taken and, if successful, the matter will be referred. Otherwise, the item is noted.
- (e) At the conclusion of items for discussion the Mayor will call for any Councillor to propose acceptance of all the minutes of Council Bodies, together with a seconder. The Council will then vote to accept the minutes.

15. STATE OF BOROUGH OF EASTBOURNE DEBATE

15.1 Calling of debate

The Leader of the Council may call a State of the Borough of Eastbourne debate annually on a date and in a form to be agreed with the Mayor.

15.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. The purpose of the debate will be to:-

- (a) focus on the key issues arising within the Council's area and amongst its communities;
- (b) firmly establish the Council in its role as community leader; and
- (c) assist the Council in engaging with the local community.

The debate should be outward looking rather than focused simply on issues faced by the Council itself. Representatives of other stakeholders and the public generally should be invited to participate.

15.3 Chairing of debate

The debate will be chaired by the Mayor.

15.4 Results of debate

The results of the debate will be:

- (i) Disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) Considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

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 14 Councillors.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless

the notice of motion or amendment is signed by at least 14 Councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. VOTING

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put.

17.2 Mayor's casting vote

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

Procedural note:

The Mayor may exercise a casting vote to break a deadlock when the vote would otherwise be tied. The Mayor may do so whether he/she has cast a vote or whether he/she previously abstained.

17.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Ballots

The vote will take place by ballot if two Councillors present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

17.5 Recorded vote

17.5a If two Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

17.5b Any decisions relating to setting the annual budget and council tax will be subject to a mandatory recorded vote and the names for and against motions and amendments or abstaining from voting will be taken down in writing and entered into the minutes.

17.6 Right to require individual vote to be recorded

Where any Councillor requests it immediately after the vote is taken,

their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.7 Voting on appointments

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.

18. MINUTES

18.1 Signing the minutes

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

18.2 No requirement to sign minutes of previous meetings at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

18.3 Form of minutes

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

19. RECORD OF ATTENDANCE

All Councillors present during the whole or part of a meeting will be recorded in the minutes as being in attendance.

20. EXCLUSION OF THE PUBLIC

20.1 Reason to Exclude

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

20.2 Issues affecting Persons Employed by the Council

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public shall be exercised.

21. COUNCILLORS' CONDUCT

21.1 Standing to speak

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

21.2 Mayor standing

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

21.3 Councillor not to be heard further

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

21.4 Councillor to leave the meeting

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

21.5 General disturbance

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

22. DISTURBANCE BY PUBLIC

22.1 Removal of member of the public

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

22.2 Clearance of part of meeting room

If there is general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

23. RECORDING, FILMING, BROADCASTING AND REPORTING OF COUNCIL AND COMMITTEE MEETINGS

23.1 With the knowledge of the Council, the public have the right to record, film, broadcast and report meetings of the Council that are open to the public, which includes the use of digital and social media recording tools such as twitter, blogging etc.

23.2 The Mayor will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting.

23.3 While those attending Council and Committee meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.

23.4 Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability from them doing so.

24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

24.2 Amendment

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

25. APPLICATION TO COUNCIL AND COMMITTEES

25.1 Council

All of the Council Rules of Procedure apply to meetings of full Council with the exception of Rules 4 and 10.

25.2 Cabinet and Committees

Only Rules 4.3, 4.4, 5 – 11 (but not Rule 11.3), 17 – 24 (but not Rule 21.1) apply to meetings of the Cabinet and Committees.

Rule 7 (Quorum) does not apply to meetings of the Cabinet and any sub-committee of the Licensing Act Committee where the quorum shall be not less than 3.