

# COUNCIL PROCEDURE RULES

## Introduction

The Council Procedure Rules (Democratic Standing Orders) deal with the operation, procedures and practices related to Council, Cabinet and Committee meetings. These rules include both statutory requirements and locally agreed procedures.

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## **1. ANNUAL MEETING OF THE COUNCIL**

### **1.01 Timing and Business**

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

The annual meeting shall:

- (i) elect a person to preside if the Mayor (Chair) or Sheriff and Deputy Mayor (Vice-Chair) of Council are not present;
- (ii) elect the Mayor (Chair) of Council;
- (iii) elect the Sheriff and Deputy Mayor (Vice-Chair) of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Head of Paid Service;
- (vi) receive any declarations of interests from Members;
- (vii) elect the Leader in years when an election has taken place;
- (viii) appoint at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, Table 1 of this Constitution);
- (ix) consider any business set out in the notice convening the meeting.

### **1.02 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council meeting shall:

- (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 [and substitutes] to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee; and
- (v) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

## **2. ORDINARY MEETINGS ORDER OF BUSINESS**

### **2.01 Programme of ordinary meetings**

The programme of ordinary meetings of the Council will be agreed at an ordinary meeting of Council on an annual basis.

[Note: The programme of ordinary meetings of the Council will normally cover at least an 18 month period]

### **2.02 Ordinary meetings shall:**

- (i) elect a person to preside if the Mayor (Chair) and Sheriff and Deputy Mayor (Vice-Chair) are not present;
- (ii) approve the minutes of the last meeting;
- (iii) deal with any business from the last Council meeting;
- (iv) receive any declarations of interest from Members;

- (v) receive oral supplementary questions from, and provide answers to, the public in who have submitted written questions in accordance with Rule 10 (Question by the Public);
- (vi) receive petitions and deputations from the public that have been notified in accordance with Rule 11 (Petitions and Deputations from the Public);
- (vii) receive any announcements from the Mayor, Leader, Members of the Cabinet, Overview and Scrutiny Committee Chair, Licensing and Enforcement Committee Chair, Planning Committee Chair, Audit and Governance Committee Chair or the Head of Paid Service (time limit 10 minutes in total);
- (viii) ~~receive oral supplementary questions from, and provide answers to, Members who have submitted written questions in accordance with Rule 12 (Question By Members), including Leader and Cabinet Members' Question Time and Questions to Chairs of Meetings~~ receive oral questions from Members, including Leader and Cabinet Members' Question Time and Questions to Chairs of Meetings;
- (ix) determine which items of business set out in the summons to the meeting shall be approved without discussion and which items require discussion: after which the Council shall approve those items that can be approved without discussion
- (x) an exception to the above rules will apply to the budget meeting of Council by the omission of Leader and Cabinet Members' Question Time, and Questions to Chairs of Meetings.

### **3. EXTRAORDINARY MEETINGS**

#### **3.01 Calling Extraordinary Meetings:**

Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:

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

The business transacted at an extraordinary meeting shall be restricted to the purpose for which the meeting has been called and shall not consider any other business.

### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND FORUMS**

The Council shall, at the Annual Meeting (with the exception of the Cabinet, Licensing and Enforcement Committee, and Planning Committee) appoint such Members as deputies as it feels necessary, subject to the following:

- (i) one appointed deputy may attend a meeting in place of a Member of that meeting;
- (ii) for the Planning Committee, any named Member from each party group may receive training on planning matters in accordance with the Planning and Development Code of Practice and may attend a meeting in place of a Planning Committee Member who is unable to attend;
- (iii) for the Licensing and Enforcement Committee, any named Member from each party group may receive training on licensing and enforcement matters in accordance with the Probity in Licensing Code of Practice and may attend a meeting in place of a Licensing and Enforcement Committee Member who is unable to attend;

- (iv) a deputy attending a meeting in the place of a Member of that meeting shall:
  - (a) be regarded as a Member of that meeting;
  - (b) be entitled to speak and vote on any matter before the meeting (subject to the requirements relating to Declarations of Interest);
- (v) that the Member or political group shall advise the Head of Paid Service of the name of the appointed deputy by 12 noon two clear working days prior to that meeting (to ensure the relevant papers are supplied to the substitute Member), provided that in the event of genuine emergencies, the Chair of the relevant meeting, after consultation with the Head of Paid Service, may approve a Member attending as a deputy without such notice being given.

## **5. TIME AND PLACE OF MEETINGS**

Ordinary meetings of Council shall commence at 18.30 hours.

The time and place of other meetings shall be determined by the Head of Paid Service and notified in the Summons.

## **6. DURATION OF MEETINGS**

The length of time of Council meetings shall be limited to three hours, but shall only be closed after three hours if a two-thirds majority of those Members in attendance vote to close the meeting. With the exception of the budget meeting of Council, if Members do not vote to close the meeting, the meeting will continue for a maximum of one hour and, at the conclusion of the fourth hour, the meeting will close and any remaining business will be void.

The length of time of other meetings (excluding Planning Committee, Licensing and Enforcement Committee and Audit and Governance Committee) shall be limited to two hours unless extended by a two-thirds majority of those Members in attendance.

## **7. NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Paid Service shall give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five *clear* working days before a meeting, the Head of Paid Service will send a Summons authenticated by him or her to every Member of the Council. The Summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **8. CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee and Sub-Committee meetings, references to the Chair also include the Chair of Committees and Sub-Committees.

## **9. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Members (unless specifically provided for in the terms of reference/constitution of a committee, etc.). During any meeting if the Chair 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 Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **10. QUESTIONS BY THE PUBLIC**

**10.01** Subject to the provisions of Rule 2 (Order of Business), at or as soon as reasonably possible after the commencement of business at ordinary meetings of the Council (except the annual meeting), the Cabinet, a Committee, (except the Planning Committee) or a Forum, a period of 15 minutes shall be provided for members of the public who live, work or study in Gloucester to put a maximum of three questions to the meeting.

The Head of Paid Service, in consultation with the Mayor, may reject a question if it:

- (i) Is not about a matter for which the local authority has responsibility or influence;  
or
- (ii) Is illegal, improper, defamatory, frivolous or offensive; or
- (iii) Is substantially the same as a question which has been put at a meeting of the Council, Cabinet or Committee in the past 6 months; or
- (iv) Requires the disclosure of confidential or exempt information; or
- (v) Is related to confidential staffing matters; or
- (vi) Is relating to the personal affairs or conduct of individual Members or Officers.

Questions may be edited as necessary by the Head of Paid Service, in consultation with the Mayor, to bring them into proper form and brevity.

Questions will ordinarily be added to the schedule in the order they are received, however, the order may be amended as necessary by the Head of Paid Service, in consultation with the Mayor, to group questions by subject.

### **10.02 Notice of Questions**

Member of the public may not ask questions unless a written copy of the question has been delivered to the Head of Paid Service, c/o Democratic Services, PO Box 2017, Pershore, WR10 9BJ (e-mail, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk)) by 12 noon, three clear working days before the meeting. Each question must be supported by the name and address of the questioner.

### **10.03 Response**

Responses to submitted questions will be published in a schedule at least 24 hours prior to the meeting and a copy sent to the member of the public who submitted the question.

Submitted questions and their responses shall normally be taken as read and not read out at the meeting, but a member of the public may ask one supplementary question to the same person as the original question.

### **10.04 Supplementary Questions**

Supplementary questions shall be invited in accordance with the order in the published schedule of questions. No notice has to be given for the supplementary question, but it must arise directly out of the original question or the reply given to that question. Supplementary questions must comply with the criteria set out in 10.01 and any that do not will not be answered.

If a member of the public who has submitted a question is unable to be present at the meeting, the original question and response shall be included in the minutes of the meeting and no supplementary question will be asked.

## **11. PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

**11.01** All petitions received, including e-petitions, shall be dealt with in accordance with the Council's published petitions scheme (Part 5 – Codes and Protocols). The provisions of this Rule do not apply to petitions that meet the threshold for a Council debate.

Subject to the provisions of Rule 2, after the period set aside for public questions as provided in Rule 10, at all ordinary meetings of the Council (except the annual meeting) the Cabinet, a Committee, (except the Planning Committee) or a Forum, a period of 15 minutes shall be provided for members of the public to present petitions or make deputations to the meeting **PROVIDED** that no such petitions or deputations shall be allowed in relation to:

- (i) matters relating to individual Council Officers; or
- (ii) matters relating to current or pending legal proceedings

Where any petition is presented or any deputation is made, the Mayor or the Chair shall allow only one person speak on the matter for a period not exceeding 3 minutes. Petitions may be presented by a local ward Member if the lead organiser/s prefer and the ward Member agrees, but deputations must be presented by a member of the public.

### **11.02 Notice of Petitions and Deputations**

A petition or deputation may not be presented at a meeting unless the subject matter and, in the case of a petition, number of signatories, has been provided to the Head of Paid Service, c/o Democratic Services, PO Box 2017, Pershore, WR10 9BJ (e-mail, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk)) by 12 noon, three clear working days before the meeting. Petitions and deputations must be supported by the name and address of at least one lead organiser.

The Mayor or Chair shall not allow a petition to be presented or a deputation made on the same issue, or substantially the same issue, to that presented or made at a previous meeting of the Council, the Cabinet, a Committee, or a Forum within the preceding six months, unless circumstances relating thereto have materially changed.

### **11.03 Response**

Where a petition is presented or a deputation is made:

- (i) at a Council meeting, the Mayor shall refer the matter to the appropriate Cabinet Member or Committee Chair to respond on behalf of the Council;
- (ii) at a Committee, or Forum meeting, the Chair shall respond.

Only one response shall be given to a petition or deputation and no debate shall be allowed on the petition, deputation or response.

At the discretion of the responding Cabinet Member or Committee Chair, the subject matter of the petition or deputation may be referred to a future meeting of the Council, the Cabinet, appropriate Committee, or Forum for consideration.

## 12. QUESTIONS BY MEMBERS

### 12.01 Leader and Cabinet Members' Question Time

That a period of ~~forty-five~~thirty minutes be set aside so that any Member of Council may ask the Leader of the Council or any Cabinet Member any question, ~~up to a maximum of 5 questions per Member,~~ upon:

- any matters relating to the Council's administration;
- relating to any report of the Cabinet appearing on the Council's summons;
- a matter coming within their portfolio of responsibilities.

Every question shall be put and answered without discussion provided that a Member may ask one related supplementary question.

Group Leaders, in order determined by Group size, shall have the opportunity to ask two questions and related supplementary questions first. Thereafter, other Members will be invited to ask one question and one related supplementary question by indicating their intention to the Mayor. Members will be permitted to ask a second question if there is time remaining after all those Members who have indicated have asked their first question and related supplementary question.

The Mayor, having consulted ~~the~~ the Head of Paid Service, ~~in consultation with the Mayor,~~ may ~~reject~~ direct that a question is not answered if it:

- (i) Is not about a matter for which the local authority has responsibility or influence; or
- (ii) Is illegal, improper, defamatory, frivolous or offensive; or
- (iii) Is related to confidential staffing matters; or
- ~~(iv)~~(v) Does not comply with the Members' Code of Conduct.

~~Group Leaders will have priority, with the first two questions they submit added to the schedule first and the order determined by Group size. Thereafter, questions will ordinarily be added to a schedule in the order they are received, however, the order may be amended as necessary by the Head of Paid Service, in consultation with the Mayor, to ensure that all Members have the opportunity to ask supplementary questions within the time available. The schedule of questions (without responses) will be circulated to all Members when the order of questions has been determined.~~

### 12.02 Questions To Chairs of Meetings

That a period of 15 minutes be set aside so that any Member of the Council may ask the Chair of a Committee any question ~~up to a maximum of 3 questions per Member,~~ upon any issue in respect of that Committee or in respect of an item shown in the minutes of the Committee after they have been approved by the relevant Committee. ~~Questions will ordinarily be added to a schedule in the order they are received, however, the order may be amended as necessary by the Head of Paid Service, in consultation with the Mayor, to ensure that all members have the opportunity to ask supplementary questions within the time available. The schedule of questions (without responses) will be circulated to all Members when the order of questions has been determined.~~

Every question shall be put and answered without discussion provided that a Member may ask one related supplementary question.

Members will be invited to ask one question and one related supplementary question by indicating their intention to the Mayor. Members will be permitted to ask a second question if there is time remaining after all those Members who have indicated have asked their first question and related supplementary question.

The Mayor, having consulted the Head of Paid Service, may direct that a question is not answered if it:

- (i) Is not about a matter for which the local authority has responsibility or influence;  
or
- (ii) Is illegal, improper, defamatory, frivolous or offensive; or
- (iii) Is related to confidential staffing matters; or
- (iv) Is relating to the personal affairs or conduct of individual Members or Officers
- (v) Does not comply with the Members' Code of Conduct.

### **12.03 Notice of Questions**

~~Members may not ask questions unless a written copy of the question has been delivered to the Head of Paid Service, c/o Democratic Services, PO Box 2017, Pershore, WR10 9BJ (e-mail, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk)) by 12 noon five clear working days before the meeting; or~~

~~The question relates to:~~

- ~~• A matter which the Chair decides is urgent;~~
- ~~• The Member to whom the question is addressed, has agreed; and~~
- ~~• Notification of the question has been given to the Head of Paid Service at least half an hour before the scheduled start of the meeting.~~

### **12.03 Answers To Oral Questions**

Any answer may take the form of:

- (a) a direct oral answer; or
- (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council and if not confidential, to the press.

### **12.04-05 Exempt or Confidential Information**

~~Unless a Member has first complied with 12.03, they shall not ask any questions or make any statement relating to any decision made by the Cabinet or other Council body, if the statement or decision relates to confidential or exempt information.~~

~~Before such a question is asked, the Mayor shall consider inviting the Council to resolve that the meeting, or part of it, shall not be open to members of the public.~~

If any oral question relates to or would result in the disclosure of exempt or confidential information, the Mayor shall consider inviting the Council to resolve that the meeting, or part of it, shall not be open to members of the public.

### **12.05 Response**



~~Responses to submitted questions will be published in a schedule at least 24 hours prior to the meeting.~~

~~Submitted questions and their responses shall normally be taken as read and not read out at the meeting, but a Member may ask one supplementary question to the same person as the original question.~~

### ~~12.06 Supplementary Questions~~

~~Supplementary questions shall be invited in accordance with the order in the published schedule of questions. No notice has to be given for the supplementary question, but it must arise directly out of the original question or the reply given to that question. Supplementary questions must comply with the criteria set out in 12.01 and any that do not will not be answered. If the supplementary question relates to any decision that relates to confidential or exempt information, then before asking the supplementary question, the Member shall inform the Mayor that is the case. Before the supplementary question is asked, the Mayor of the meeting shall consider inviting the full Council to resolve that the meeting, or part of it, shall not be open to members of the public.~~

## **13. MOTIONS ON NOTICE**

**13.01** Notice of every motion, other than a motion which under Rule 14 may be moved without notice, shall be given in writing, signed by the Member or Members of the Council giving the notice (or alternatively by electronic form, provided that the Head of Paid Service is satisfied with proof of identity), and delivered, by noon at least eight clear working days before the next meeting of the Council, to the Head of Paid Service by whom it shall be dated, numbered in the order in which it is received. No Member may either propose or second more than three (3) motions at a single meeting.

### **13.02 Motions To Be Set Out in Summons**

The Head of Paid Service shall set out in the summons for every meeting of the Council all Motions of which notice has been duly given in the order in which they have been received, unless the Member giving such a notice intimated in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.

### **13.03 Motion Not Moved**

If a motion set out in the Summons is not moved either by a Member who gave notice thereof or by some other Member it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

### **13.04 Scope of Motions**

Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the City.

If the motion relates to an executive function and whether or not it is discussed at full Council at that time,

13.05.01 The motion will be referred to Cabinet who will consider the matter in the light of any views expressed by the full Council and advise the full Council of its decision;  
or

13.05.02 Council may ask the Overview and Scrutiny Committee to consider the matter in the light of any views expressed by the full Council, following which the Overview and Scrutiny Committee will refer the motion to Cabinet, the Leader of the Council or the relevant Cabinet Member who will consider the matter in the light of any views expressed by full Council and the Overview and Scrutiny Committee and advise the full Council of its or their decision. Should the Overview and Scrutiny Committee not wish to consider the matter, it will be referred to Cabinet as set out in 13.05.01 above.

## 13.06 Motions Out of Order

If it shall appear to the Head of Paid Service that a motion, notice of which has been received, is not relevant to some matter in relation to which the Council has powers or duties or which affects the City, or is otherwise objectionable, the Head of Paid Service shall take the direction of the Chair as to whether or not it shall be placed on the Council summons, and the decision of the Chair thereon shall be final; but a Member may give oral notice of any motion which has been so ruled out of order, at the meeting at which it would have been submitted had it been on the Council summons, and, if the Council so direct, it shall be placed on the Council summons for the next meeting.

## 14. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the Summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for speeches;
- ~~(i) to amend a motion;~~
- ~~(j)(i)~~ to proceed to the next business;
- ~~(k)(j)~~ that the question be now put;
- ~~(l)(k)~~ to adjourn a debate;
- ~~(m)(l)~~ to adjourn a meeting;
- ~~(n)(m)~~ to suspend a particular Council procedure rule;
- ~~(o)(n)~~ to exclude the public and press in accordance with the Access to Information Rules
- ~~(p)(o)~~ to not hear further a Member named under Rule 22.03 or to exclude them from the meeting under Rule 22.04; and
- ~~(q)(p)~~ to give the consent of the Council where its consent is required by this Constitution.

## 15. RULES OF DEBATE

### 15.01 Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded and, ~~unless~~ notice has already been given in accordance with Rule 13 or this Rule respectively, ~~it has been put into writing and handed to the Chair before it is~~

~~further discussed or put to the meeting. Provided that an amendment to Committee minutes shall be moved only after questions under Rule 12.05 have been answered and before Members speak to the minutes.~~

In respect of Minutes of a Committee which are before the Council for consideration and which contain resolutions which have been taken under delegated powers, a Councillor may move that a particular Minute is referred back to the Committee for further consideration, provided that any resolution referred to in the Minutes has not already been implemented, and further provided that subsequent debate on the referral back be in accordance with these rules for debate at Council.

#### **15.02 Seconded's Speech**

A Member when seconding a motion or amendment may, when doing so, state an intention to reserve the seconding speech until a later period of the debate.

#### **15.03 Only One Member to Stand at a Time**

A Member shall rise and speak only when called upon so to do by the Chair. While a Member is speaking the other Members shall remain seated unless rising to a point of order or in personal explanation.

#### **15.04 Content and Length of Speeches and Questions**

Speeches of Members or questions shall be directed to the matter under discussion or to a personal explanation or to a point of order. No speech or question shall exceed three minutes in length except:

- (i) with the consent of the Council
- (ii) the proposer and seconder of a motion or amendment (limited to five minutes)
- (iii) the mover of a motion or the response by an opposition group leader regarding the annual budget statement or the annual work programme (no time limit).
- (iv) other speeches regarding the annual budget statement or the annual work programme (limited to five minutes)

#### **15.05 When a Member May Speak Again**

A Member who has spoken on any motion (save only to ask a question or questions) shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) if the motion has been amended since they last spoke, to move a further amendment;
- (c) if the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- (d) in exercise of a right of reply given by paragraph (15.11) or (15.13);
- (e) on a point of order;
- (f) by way of personal explanation.

#### **15.06 Amendments to Motions**

An amendment shall be relevant to the motion and shall be either:

- (a) to refer a subject of debate to the Cabinet or a Committee for consideration or reconsideration; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words;

but an amendment shall not have the effect of negating the motion before Council by being directly contradictory, or contrary to it, or by introducing a new motion. Where some parts of an amendment are negatory and others are not, provided that the spirit of the motion has not been changed by the deletion of the negatory element of the amendment, the remainder of the amendment shall be allowed to stand.

All Amendments (including to Motions on Notice and items of business set out in the summons) shall be given in writing, signed by the Member proposing the amendment (or alternatively by electronic form, provided that the Head of Paid Service is satisfied with proof of identity), and delivered, by noon ~~on the two working days~~ of before the relevant Council meeting, to the Head of Paid Service who will circulate all amendments received to Group Leaders no later than ~~3.00pm~~ noon on the ~~same~~ day of the meeting.

#### **15.07 Amendments to be Dealt with Singly**

Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

Provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

#### **15.08 Effect of Amendment if Carried or Lost**

If an amendment be lost, other amendments may be moved on the original motion, provided that no amendment shall be moved which is of the same, or substantially similar effect, to the amendment which has been lost. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved, provided such further amendment is not inconsistent, or incompatible, with the alteration of the original motion made by the amendment which has been carried.

#### **15.09 Alteration of Motion**

A Member may with the consent of the Council signify without discussion:

- (a) alteration of a motion of which they have given notice; or
- (b) with the further consent of the seconder alter a motion which the Member has moved;

if (in either case) the alteration is one which could be made as an amendment thereto.

#### **15.10 Withdrawal of Motion**

A motion or amendment may be withdrawn by the mover with the consent of the Member's seconder and of the Council, which shall be signified without discussion and

no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

### **15.11 Right of Reply**

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on the amendment which has been moved.

### **15.12 Motions which may be Moved During Debate**

When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion under Rule 15.06;
- (b) to proceed to next business under Rule 15.13(a) below;
- (c) that the question be now put under Rule 15.13(b) below;
- (d) to adjourn the debate or the meeting under Rule 15.13(c) below;
- (e) that the Member named be not further heard on the particular amendment or motion or at the meeting under Rule 22.03;
- (f) by the Chair that a Member do leave the meeting either generally or during consideration of the amendment or Motion before the meeting under Rule 22.04;
- (g) a motion under Section 100A(4) of the Local Government Act 1972, as amended, to exclude the public.

### **15.13 Closure Motions**

A Member may move without comment at the conclusion of a speech of another Member, 'That the Council proceed to the next business', 'That the question be now put', 'That the debate be now adjourned', or 'that the Council do now adjourn', on the seconding of which the Chair shall proceed as follows:

- (a) on a motion to proceed to next business: unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first give the mover of the original motion a right of reply, and then put to the vote the Motion to proceed to next business (no vote on the issue under debate);
- (b) on a motion that the question be now put: unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under paragraph 11 of this Rule before putting that Member's motion to the vote;
- (c) on a motion to adjourn the debate or the meeting: if in the Chair's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion the Chair shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion. The meeting shall stand adjourned until recalled under the Constitution.

### **15.14 Points of Order or Personal Explanation**

A Member may, with the consent of the Chair, rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of these Rules or statutory provisions and the Member shall

specify the Rule or statutory provision and the way in which it is considered it has been broken. A personal explanation shall be confined to correcting an incorrect statement about themselves or about what the Member has or is reported to have said.

#### **15.15 Chair's Ruling on Point of Order or Explanation to be Final**

The ruling of Chair on a point of order or on the admissibility of a personal explanation shall be final and not open to question.

#### **15.16 Respect for Chair**

Whenever the Chair rises during a debate a Member or Members then standing shall resume their seat(s) and the Council shall be silent.

#### **15.17 Powers of Chair**

At the Chair's discretion, such steps shall be taken as is considered necessary to ensure the proper and orderly conduct of the meeting and the efficient dispatch of business without infringing Members' democratic rights or freedom of speech.

### **16. PREVIOUS DECISIONS AND MOTIONS**

#### **16.01 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 ten Members or unless the motion arises from a recommendation to the Council from the Cabinet or a Committee.

#### **16.02 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 ten Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **17. URGENT ITEMS**

Where there is a need to consider items of urgent business which are not specified in the summons to meeting, the Member or Officer wishing to raise the same shall before the commencement of the meeting discuss the matter with the Mayor, the Group Leaders, the Head of Paid Service and the Monitoring Officer and the Mayor's decision as to whether to consider the item shall be conclusive.

### **18. VOTING**

#### **18.01 Majority**

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.

#### **18.02 Chair's Casting Vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

### **18.03 Show of Hands**

Unless a recorded vote is demanded under Rule 18.04, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **18.04 Recorded Vote**

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

### **18.05 Recorded Votes at Budget Council Meetings**

A recorded vote shall take place when the Council makes a calculation of the budget requirement or issues a Council tax precept under relevant sections of the Local Government Finance Act 1992. Such a vote shall be undertaken in accordance with Procedure Rule 18.04.

### **18.06 Right to Require Individual Vote to be Recorded**

Where any Member requests it immediately after a 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.

### **18.07 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.

## **19. MINUTES**

### **19.01 Signing the Minutes**

The Chair will sign the Minutes of the proceedings at the next suitable meeting. The Chair 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.

### **19.02 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

The business transacted at an extraordinary meeting is restricted to the purpose for which the meeting has been called (Rule 3.01 above). An extraordinary meeting is not, therefore, a suitable meeting for the purposes of Rule 19.01 and the signing of the minutes of the preceding meeting will be deferred to the following suitable meeting.

### **19.03 Form of Minutes**

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

### **19.04 No Protest Recorded in Minutes**

No protest or expression of dissent shall be entered in the Minutes of the Council.

## **20. RECORD OF ATTENDANCE**

The Policy and Governance Manager will record the names of all Members present during the whole or part of a meeting on the attendance sheets to assist with the record of attendance.

## **21. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

## **22. MEMBERS' CONDUCT**

### **22.01 Standing to Speak**

When a Member speaks at Full Council they must stand and address the meeting through the Chair. If more than one Member stands, the Chair 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.

### **22.02 Chair Standing**

Whenever the Chair rises during a debate a Member or Members then standing shall resume their seat(s) and the Council shall be silent.

### **22.03 Member not to be Heard Further**

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

### **22.04 Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Chair 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.

### **22.05 General Disturbance**

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

## **23. DECLARATIONS OF INTEREST**

### **23.01 Disclosable Pecuniary Interests**

Where a Member has a Disclosable Pecuniary Interest as defined by Regulations under the Localism Act 2011 or an "other" as described in paragraph 18 of the Councillor Code of Conduct, they will be required to declare that interest and remove themselves to the public gallery during discussion and voting on the item in which they have an interest. The Chair of any meeting at which such an interest is disclosed shall have discretion to exclude the Member from the meeting during the discussion and



voting on the item in which the Member has an interest if the Member's behaviour is considered by the Chair to be having an undue influence on or attempting to put pressure on the Members voting on that item.

## **24. DISTURBANCE BY PUBLIC**

### **24.01 Removal of a Member of the Public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order them to leave the meeting room. If the person concerned refuses to leave the room, the Chair will adjourn the meeting until proceedings are able to continue without further interruption.

### **24.02 Clearance of Part of Meeting Room**

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

## **25. RECORDINGS OF MEETINGS**

**25.01** Proceedings of the Council, the Cabinet and Committees may be recorded for broadcast live on the internet via the Council's website. Such meetings will be broadcast in full, excluding any confidential items which may need to be considered in the absence of the press and public.

**25.02** The Council supports the principles of openness and transparency and allows filming and recording at its meetings that are open to the public. These arrangements will operate in accordance with a protocol agreed by the Council and which is set out in Part 5 of the Constitution.

## **26. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **26.01 Suspension**

All of these Council Rules of Procedure except Rule 18.02 and 18.04 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting or for that part of the meeting identified in the motion.

### **26.02 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.

## **27. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 5-11, 14, 18-26 (but not Rule 22.01) apply to meetings of the Cabinet, Committees, Sub-Committees, Forums and Working Parties.

~~Rule 12 (but not Rule 12.02) also applies to meetings of the Cabinet as follows:  
(a) a period of fifteen minutes is allocated for Leader and Cabinet Members' Question Time~~

- ~~(b) notice of questions must be given by 12 noon three clear working days before the meeting~~  
~~(c) responses to submitted questions will be published by 12 noon on the day of the meeting.~~

## **27.01 Written Questions to Cabinet Members at meetings of the Cabinet**

Rule 12 does not apply to meetings of the Cabinet; instead, the following applies:

That a Member may submit up to five written questions to the Leader of the Council or any Cabinet Member upon:

- any matters relating to the Council's administration;
- relating to any report of the Cabinet appearing on the Council's summons;
- a matter coming within their portfolio of responsibilities.

The Head of Paid Service, in consultation with the Monitoring Officer, may reject a question if it:

- (i) Is not about a matter for which the local authority has responsibility or influence;  
or
- (ii) Is illegal, improper, defamatory, frivolous or offensive; or
- (iii) Is related to confidential staffing matters; or
- (iv) Is relating to the personal affairs or conduct of individual Members or Officers
- (v) Does not comply with the Members' Code of Conduct.

Written questions must be delivered to the Head of Paid Service, c/o Democratic Services, PO Box 2017, Pershore, WR10 9BJ (e-mail, democratic.services@gloucester.gov.uk) by 12 noon three clear working days before the meeting.

Unless a Member has first complied with the notice requirement, they shall not ask any questions or make any statement relating to any decision made by the Cabinet or other Council body, if the statement or decision relates to confidential or exempt information. Before such a question is asked, the Chair shall consider inviting the Council to resolve that the meeting, or part of it, shall not be open to members of the public.

Responses to written questions will be published in a schedule by 12 noon on the day of the meeting. Responses shall be taken as read and not read out at the meeting, but a Member may ask one related supplementary question. Supplementary questions shall be invited in accordance with the order in the published schedule. No notice has to be given of the supplementary question, but it must arise directly out of the original question or the reply given to that question. Supplementary questions must comply with the criteria set out above and any that do will not be answered.

A period of fifteen minutes will be set aside for Members to ask supplementary questions.

## **28. ORDER OF SENIORITY OF MEMBERS**

**28.01** Members of the Council shall rank in order of seniority as follows:

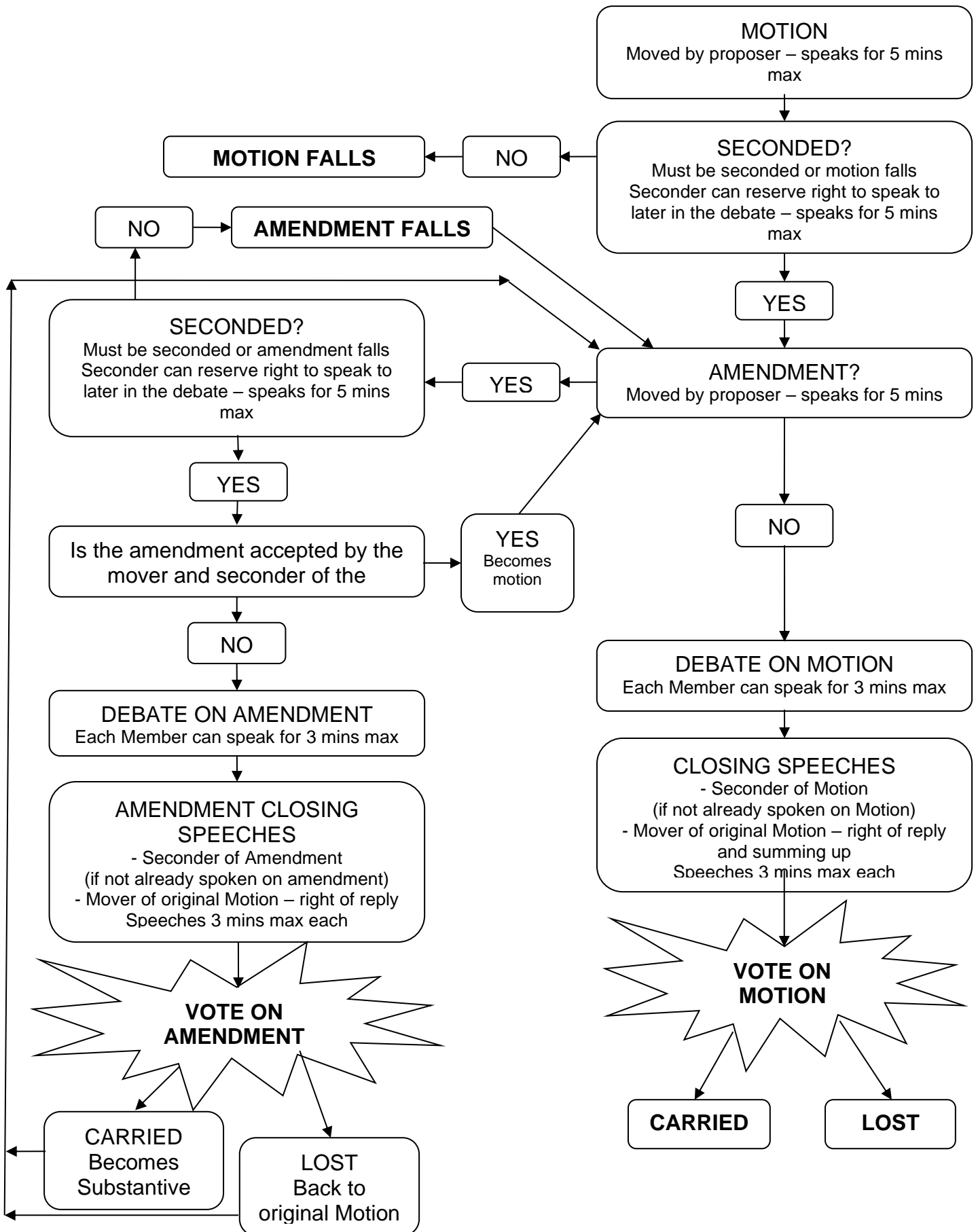
The Mayor

The Sheriff and Deputy Mayor

The Leader of the Council  
The Deputy Leader of the Council  
Cabinet Members (in alphabetical order)  
The Leaders of political groups

Thereafter according to the length of service with the Council (those with the same length of service being ranked in alphabetical order).

## 29. Council Debate Flowchart



### 30. Council Budget Flowchart

