

## **THE CONSTITUTION - SECTION 4**

### **4 FULL COUNCIL**

#### **4.1 Introduction**

The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Executive. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

#### **4.2 The Policy Framework**

The Policy Framework means the following plans and strategies:

Council Plan

Local Transport Plan

Well-being Plan (Public Services Board)

Plans and alterations which together comprise the Development Plan

Welsh Language Scheme

Youth Justice Plan

Housing Strategy

Rights of Way Improvement Plan

#### **4.3 The Well-being Plan (Public Services Board)**

This replaces the Single Integrated Plan which replaced four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

#### **4.4 The Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 15 for how the Council can change the Policy Framework or Budget referred to it for approval by the Executive.)

#### **4.5 Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval

of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

#### **4.6 Functions of the Full Council**

Only the Full Council will exercise the following functions:

- 4.6.1 adopting and changing the Constitution;
- 4.6.2 approving or adopting the Single Integrated Plan, Policy Framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;
- 4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 14 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget;
- 4.6.4 appointing and removing the Leader;
- 4.6.5 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.6 changing the name of the area or conferring the title of freedom of the County Borough;
- 4.6.7 making or confirming the appointment of the Head of Paid Service;
- 4.6.8 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills;
- 4.6.9 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- 4.6.10 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
- 4.6.11 appointing representatives to outside bodies unless the appointment has been delegated by the Council.

## **4.7 Membership**

4.7.1 All Members of the Council shall be Members of Full Council.

4.7.2 Substitution is not possible at meetings of the Council.

4.7.3 Chairing the Council

4.7.3.1 The Councillor elected annually by the Council as its chair will be called the "Mayor".

4.7.3.2 The Mayor will cease to be Mayor if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They continue to act as Mayor after an election until their successor has been appointed.

4.7.4 Role and Function of the Mayor

The Mayor of the Council and in his/her absence, the Deputy Mayor will have the following roles and functions:

4.7.4.1 Ceremonial Role

The Mayor of the Council:

4.7.4.1.1 is the civic leader of Wrexham County Borough;

4.7.4.1.2 promotes the interests and reputation of the Council and Wrexham County Borough as a whole and acts as an ambassador for both; and

4.7.4.1.3 undertakes civic, community and ceremonial activities and fosters community identity and pride

4.7.4.2 Responsibilities of the Mayor

4.7.4.2.1 to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;

4.7.4.2.2 to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the Community;

4.7.4.2.3 to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive and Committee Chair to account;

4.7.4.2.4 to promote public involvement in the Council's activities;

4.7.4.2.5 to be the conscience of the Council; and

4.7.4.2.6 to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

#### **4.8 Council Meetings**

There are three types of Council meeting:

4.8.1 the annual meeting;

4.8.2 ordinary meetings; and

4.8.3 extraordinary meetings.

#### **4.9 Rules of Procedure and Debate**

The Council Procedure Rules contained in the Sections below will apply to meetings of the Full Council.

#### **4.10 Council Procedure Rules - Annual Meeting of the Council**

##### **4.10.1 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 March, April or May. The annual meeting will:

- 4.10.1.1 elect a person to preside if the Mayor and Deputy Mayor of the Council is not present;
- 4.10.1.2 elect the Mayor of the Council;
- 4.10.1.3 elect the Deputy Mayor of the Council;
- 4.10.1.4 approve the minutes of the last meeting;
- 4.10.1.5 receive any announcements from the Mayor and/or the Head of Paid Service;
- 4.10.1.6 elect the Leader of the Council, except where the Leader was appointed for a period of four years at the initial annual meeting of the Council;
- 4.10.1.7 to agree the number of Members to be appointed to the Executive;
- 4.10.1.8 appoint the Scrutiny Committees, a Standards Committee and such other committees and sub-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 Section 13 of this Constitution);

- 4.10.1.9 agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Section 13 of this Constitution);
  - 4.10.1.10 approve a programme of ordinary meetings of the Council for the year; and
  - 4.10.1.11 consider any business set out in the notice convening the meeting.
- 4.10.2 Selection of Councillors on Committees and Outside Bodies  
At the annual meeting, the Council meeting will:
- 4.10.2.1 decide which committees and sub-committees to establish for the municipal year;
  - 4.10.2.2 decide the size and terms of reference for those committees;
  - 4.10.2.3 decide the allocation of seats to political groups in accordance with the political balance rules;
  - 4.10.2.4 make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

#### **4.11 Ordinary Meetings**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

- 4.11.1 elect a person to preside if the Mayor and Deputy Mayor are not present
- 4.11.2 receive any declarations of interest from Members;
- 4.11.3 receive any petitions;
- 4.11.4 receive questions from and provide answers to the public in relation to matters which in the opinion of the Mayor are relevant to the Council's functions;
- 4.11.5 deal with questions from Members in accordance with Rule 4.19;
- 4.11.6 consider motions;
- 4.11.7 approve the minutes of the last meeting;
- 4.11.8 receive any announcements from the Mayor;

- 4.11.9 receive a report from the Leader and receive questions and answers on the report;
- 4.11.10 receive a report from the Executive Board and receive questions and answers on the report;
- 4.11.11 receive reports from the Council's committees and receive questions and answers on those reports;
- 4.11.12 receive reports about and receive questions and answers on the business of joint arrangements and external organisations; and
- 4.11.13 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive Board in relation to the Council's Budget and Policy Framework, Single Integrated Plan and reports of the Scrutiny Committees.

## **4.12 Extraordinary Meetings**

### **4.12.1 Calling Extraordinary Meetings**

The Proper Officer may call Council meetings in addition to ordinary meetings. Those listed below may request the Proper Officer to call additional Council meetings:

- 4.12.1 the Council by resolution;
- 4.12.2 the Mayor of the Council;
- 4.12.3 any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **4.12.2. Business**

The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc., except that the Mayor may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

## **4.13 Time, Place and Duration of Meetings**

### **4.13.1 Time and Place of Meetings**

The time and place of meetings will be determined by the Chief Officer Governance & Customer and notified in the summons.

#### 4.13.2 Duration of Meetings

At an ordinary meeting of the Council, when three hours have elapsed after the commencement of the meeting, the Mayor shall adjourn immediately after the disposal of the item of business being considered at the time. Remaining business will be considered at a time and dated fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### 4.14 Notice of and Summons to Meetings

The Chief Officer Governance & Customer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 14. At least three clear days before a meeting, the Chief Officer Governance & Customer will send a summons signed by him/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.

#### 4.15 Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor should instead be read as reference to the chair of that committee or sub-committee.

#### 4.16 Quorum

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Mayor 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 Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### 4.17 Remote Attendance

Remote attendance is permitted at all meetings, committees and sub-committees provided that those participating are able to speak to and be heard by each other and in meetings which are webcast to also be able to see and be seen by each other.

#### 4.18 Petitions from the Public

##### 4.18.1 Submission of petition to Member

At the request of a Member an original petition submitted by the Member to the Chief Officer Governance & Customer 5 clear working days before an ordinary meeting of the Council may be formally presented to the Mayor at the meeting. The Mayor will formally receive the petition on behalf of the Council and confirm how the petition will be dealt with.

- 4.18.2            Scope of petition  
The Chief Officer Governance & Customer may reject a request for formal submission of a petition at a Council meeting if it:
- 4.18.2.1            is not about a matter for which the Council has a responsibility or which affects the County Borough;
  - 4.18.2.2            is defamatory, frivolous or offensive;
  - 4.18.2.3            is substantially the same as a previous petition which has been submitted at a meeting of the Council in the past six months;
  - 4.18.2.4            involves judicial or quasi-judicial matters;
  - 4.18.2.5            requires the disclosure of confidential or exempt information.

#### **4.19 Questions by the Public**

- 4.19.1**            General
- 4.19.1.1. Members of the public may ask questions of Members of the Executive Board at ordinary meetings of the Council.
  - 4.19.1.2 The total time allocated for questions by the public should be limited to 30 minutes.
- 4.19.2            Order of Questions  
Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.
- 4.19.3            Notice of Questions  
A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Officer Governance & Customer by 5pm five clear working days (i.e. excluding weekends and bank holidays) before the day of the meeting. Each question must give the name and address of the questioner.
- 4.19.4            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.
- 4.19.5            Scope of Questions  
The Chief Officer Governance & Customer may reject a question if it:



- 4.19.5.1 is not about a matter for which the Council has a responsibility or which affects the County Borough;
- 4.19.5.2 is defamatory, frivolous or offensive;
- 4.19.5.3 is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- 4.19.5.4 requires the disclosure of confidential or exempt information.
- 4.19.6 Record of Questions
- 4.19.6.1 The Chief Officer Governance & Customer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.
- 4.19.6.2 Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.
- 4.19.7 Asking the Question at the Meeting
- The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor 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.
- 4.19.8 Supplementary Question
- A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds set out in Rule 4.19.5 above.
- 4.19.9 Written Answers
- Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer within 10 working days of the meeting.
- 4.19.10 Reference of Question to the Executive Board or a Committee
- Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive Board or the

appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

#### **4.20 Questions by Members**

- 4.20.1 **On Reports of the Executive Board or Committees**  
A Member of the Council may ask the Leader or the Chair of a Committee any question without notice directly arising from an item of the report of the Executive Board or a Committee, when that item is being received or is under consideration by the Council
- 4.20.2 **Questions on Notice at Full Council**  
Subject to Rule 4.20.4, a Member of the Council may ask:
- 4.20.2.1 the Mayor;
  - 4.20.2.2 a Member of the Executive Board;
  - 4.20.2.3 the chair of any committee or sub-committee;
  - 4.20.2.4 a question on any matter in relation to which the Council has powers or duties or which affects Wrexham County Borough.
- 4.20.3 **Questions on Notice at Committees and Sub-Committees**  
Subject to Rule 4.20.4, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County Borough and which falls within the terms of reference of that committee or sub-committee.
- 4.20.4 **Notice of Questions**  
A Member may ask a question under Rule 4.20.2 or 4.20.3 if either:
- 4.20.4.1 they have given at least 3 clear working days' notice in writing of the question to the Chief Officer Governance & Customer; or
  - 4.20.4.2 the question relates to urgent matters, they have the consent of the Mayor or Member to whom the question is to be put and the content of the question is given to the Chief Officer Governance & Customer by 10 a.m. on the day of the meeting.
- 4.20.5 **Maximum Number of Questions**  
A Member may ask only one question under Rule 4.20.2 or 4.20.3 except with the consent of the Mayor, chair of the committee or sub-committee. The maximum number of questions that may be asked at any meeting of the Full Council is 5 and if the number of questions exceeds 5 the questions to

be asked shall be determined by ballot to be conducted by the Chief Officer Governance & Customer.

- 4.20.6 **Order of Questions**  
Questions of which notice has been given under Rule 4.20.2 or 4.20.3 will be listed on the agenda in the order determined by the Mayor, chair of the committee or sub-committee.
- 4.20.7 **Content of Questions**  
Questions under Rule 4.20.2 or 4.20.3 must, in the opinion of the Mayor or chair:
- 4.20.7.1 contain no expressions of opinion;
  - 4.20.7.2 relate to matters on which the Council has or may determine a policy;
  - 4.20.7.3 not relate to questions of fact.
- 4.20.8 **Response**  
An answer may take the form of:
- 4.20.8.1 a direct oral answer at the meeting;
  - 4.20.8.2 where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - 4.20.8.3 where the reply cannot conveniently be given orally, a written answer circulated within ten working days to the questioner.
- 4.20.9 **Supplementary Question**  
A Member asking a question under Rule 4.20.2 or 4.20.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.
- 4.20.10 **Length of Speeches**  
A Member asking a question under Rule 4.20.2 or 4.20.3 and a Member answering such a question may speak for no longer than 5 minutes unless the Mayor consents to a longer period.
- 4.20.11 **Time Allowed for Questions at Council Meetings**
- 4.20.11.1 The time allowed for consideration of questions submitted under Rule 4.20.2 shall not, without the consent of the Council, exceed twenty minutes.
  - 4.20.11.2 At the conclusion of the answer to the question under consideration at the expiry of twenty minutes (or such longer period to which the Council has consented) from the time when the

first questioner started to speak, the Mayor shall conclude that item.

4.20.11.13 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

#### 4.21 Motions on Notice

##### 4.21.1 Notice

Except for motions which can be moved without notice under Rule 4.22 and in cases of urgency, written notice of every motion, must be delivered to the Chief Officer Governance & Customer 10 working days before the Council meeting at which it is to be considered. Motions received will be entered in a book open to public inspection.

##### 4.21.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order determined by the Mayor.

##### 4.21.3 Scope

(a) Motions must be about matters for which the Council has a responsibility or which affect the wellbeing of the administrative area of the Council.

(b) If the subject matter of any motion of which notice has duly been given comes within the province of the Executive Board or any Committee or Committees it shall, upon being moved and seconded, stand referred without discussion to the Executive Board, Committee or Committees for consideration and report. Provided that the Mayor may, if he/she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at this it is brought forward.

##### 4.21.4 Motion to Remove the Leader

4.21.4.1 A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least two political groups. See Section 6.3.2.

4.21.4.2 In order for such a motion to be carried it must have the support of at least two thirds of those Members voting and present in the room at the time the question was put.

4.21.4.3 A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

4.21.5 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

4.21.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 40 minutes. At the conclusion of the speech being delivered at the expiry of 40 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chair shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

4.21.6.1 if the speech to be concluded is a speech proposing a motion, the Mayor shall allow the motion to be formally seconded (without comment);

4.21.6.2 if the speech to be concluded is a speech moving an amendment, the Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and

4.21.6.3 otherwise, the Mayor shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

## **4.22 Motions without Notice**

The following motions may be moved without notice:

4.22.1 to appoint a Chair of the meeting at which the motion is moved;

4.22.2 in relation to the accuracy of the minutes;

4.22.3 to change the order of business in the agenda;

4.22.4 to refer something to an appropriate body or individual;

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

4.22.6 to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;

- 4.22.7 to withdraw a motion;
- 4.22.8 to amend a motion;
- 4.22.9 to proceed to the next business;
- 4.22.10 that the question be now put;
- 4.22.11 to adjourn a debate;
- 4.22.12 to adjourn a meeting;
- 4.22.13 to suspend a particular Council Procedure Rule;
- 4.22.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- 4.22.15 to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4; and
- 4.22.16 to give the consent of the Council where its consent is required by this Constitution.

#### **4.23 Rules of Debate**

- 4.23.1 **No Speeches until Motion Seconded**  
No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- 4.23.2 **Right to Require Motion in Writing**  
Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed.
- 4.23.3 **Secunder's Speech**  
When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- 4.23.4 **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 5 minutes without the consent of the Mayor save for:-
  - (a) a Member moving a motion who may speak for no longer than 10 minutes;
  - (b) one opposition speaker to a motion who may speak for no longer than 10 minutes.

- 4.23.5 When a Member may Speak Again  
A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 4.23.5.1 to speak once on an amendment moved by another Member;
  - 4.23.5.2 to move a further amendment if the motion has been amended since he last spoke;
  - 4.23.5.3 if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
  - 4.23.5.4 in exercise of a right of reply;
  - 4.23.5.5 on a point of order; and
  - 4.23.5.6 by way of personal explanation.
- 4.23.6 Amendments to Motions
- 4.23.6.1. An amendment to a motion must be relevant to the motion and will either be:
- 4.23.6.1.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - 4.23.6.1.2 to leave out words;
  - 4.23.6.1.3 to leave out words and insert or add others; or
  - 4.23.6.1.4 to insert or add words
  - 4.23.6.1.5 as long as the effect of 4.23.6(a)(ii) to 4.23.6(a)(iv) is not to negate the motion.
- 4.23.6.2 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 decided.
- 4.23.6.3 If an amendment is not carried, other amendments to the original motion may be moved.
- 4.23.6.4 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.
- 4.23.6.5 After an amendment has been carried, the Mayor will read out the amended motion before accepting any

further amendments, or if there are none, put it to the vote.

4.23.7 Alteration of Motion

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

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

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

4.23.8 Withdrawal of Motion

A Member may withdraw a motion which he has 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.

4.23.9 Right of Reply

4.23.9.1 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.

4.23.9.2 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.

4.23.9.3 The mover of the amendment has no right of reply to the debate on his amendment.

4.23.10 Motions which may be Moved During Debate

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

4.23.10.1 to withdraw a motion;

4.23.10.2 to amend a motion;

4.23.10.3 to proceed to the next business;

4.2.10.4 that the question be now put;

4.23.10.5 to adjourn a debate;

4.23.10.6 to adjourn a meeting;



4.23.10.7 to exclude the public and press in accordance with the Access to Information Procedure Rules; and

4.23.10.8 to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4.

4.23.11 Closure Motions

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

4.23.11.1.1 to proceed to the next business;

4.23.11.1.2 to ask that the question be now put;

4.23.11.1.3 to adjourn a debate; or

4.23.11.1.4 to adjourn a meeting.

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

4.23.11.3 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.

4.23.11.4 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 will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.23.12 Point of Order

A point of order is a request from a Member to the Mayor to rule on an alleged irregularity in the procedure of the meeting. A Member 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 Member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Mayor on the matter will be final.

4.23.13 Personal Explanation

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 Mayor on the admissibility of a personal explanation will be final.

#### **4.24 Previous Decisions and Motions**

##### **4.24.1 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 fifteen Members, except in the case of new information becoming available.

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

#### **4.25 Voting**

##### **4.25.1 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.

##### **4.25.2 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.

##### **4.25.3 Method of Voting**

Unless a recorded vote is demanded under Rule 4.25.4 the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

##### **4.25.4 Recorded Vote**

If ten 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.

##### **4.25.5. Right to Require Individual Vote to be Recorded**

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.

##### **4.25.6 Ballot**

If ten Members present at the meeting demand it, the voting will take place by ballot. The Mayor will announce the numerical result of the ballot immediately the result is known.

#### 4.25.6.1 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.

### **4.26 Minutes**

#### 4.26.1 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.

#### 4.26.2 No Requirement to Sign Minutes of Previous Meeting 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.

#### 4.26.3 Form of Minutes

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

### **4.27 Record of Attendance**

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.

### **4.28 Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rule 4.30 (Disturbance by Public).

### **4.29 Members' Conduct**

#### 4.29.1 Standing to Speak at Meetings

When a Member speaks at Full Council he/she must, if able to, stand and address the meeting through the Mayor. If more than one Member stands, the Mayor 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.

- 4.29.2 Mayor Standing  
When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.
- 4.29.3 Member not to be Heard Further  
If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- 4.29.4 Member to Leave the Meeting  
If the Member continues to behave improperly after such a motion is carried, the Mayor 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.
- 4.29.5 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.

#### **4.30 Disturbance by Public**

- 4.30.1 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.
- 4.30.2 Clearance of Part of Meeting Room  
If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

#### **4.31 Filming and Use of Social Media During Meetings**

Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.

#### **4.32 Suspension and Amendment of Council Procedure Rules**

- 4.32.1 Suspension  
All of these Council Rules of Procedure except Rule 4.21.5, 4.25.5 and 4.26.2 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. Rule 4.21.5 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those Members present and voting.
- 4.32.2 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.

### **4.33 Application of these Rules of Procedure**

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Executive Board.

### **4.34 Appointment of Substitute Members on Council Bodies**

4.34.1 The substitution rules will not apply to meetings of the Executive Board, the Standards Committee, the Governance and Audit Committee, the Planning Committee nor the Appointments Committee.

4.34.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.

4.34.3 The Chief Officer Governance & Customer will allow a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.

4.34.4 In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.

4.34.5 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.

4.34.6 Substitute Members may attend meetings in that capacity only:

4.34.6.1 to take the place of the ordinary Member for whom they are designated substitute;

4.34.6.2 where the ordinary Member will be absent for the whole of the meeting; and

4.34.6.3 where the ordinary Member or that Member's political group has notified the Chief Officer Governance & Customer of the intended substitution in writing by 4 p.m. on the working day prior to the relevant meeting.