

PART 4

COUNCIL RULES OF PROCEDURE

Rules of Procedure

Council Procedure Rules

INTRODUCTION

1963 MODEL STANDING ORDERS

Most sets of procedural standing orders still reflect the contents of the Model Standing Orders – Proceedings and Business of Local Authorities (2nd Edition) issued by the then Ministry of Housing and Local Government in 1963 and reprinted by HMSO in 1973. This contained suggested forms of standing orders concerning:

- *Meetings of the Council, quorum, order of business, motions, rules of debate, voting and interests of members and officers in contracts;*
- *Staff appointments (contained in Officer Employment Rules in Part 6 of this Modular Constitution);*
- *The Council seal and authentication of documents contained in Article 12 of alternative arrangements and Article 13 of Executive forms of this Modular Constitution;*
- *Inspection of documents and land by members (contained in Article 2 of this Modular Constitution);*
- *Committees;*
- *Variation, revocation, suspension, interpretation and publication of standing orders.*

SCHEDULE 12 OF THE LOCAL GOVERNMENT ACT 1972

Schedule 12 sets out various minimum requirements which procedural rules should reflect. Reference should be made to the schedule itself, but in summary it provides that:

- *The annual meeting must be held between 8 and 21 days after the retirement of Councillors in an election year, and in March to May in other years;*
- *Any five members can requisition an extraordinary meeting if the chairman fails to do so;*
- *At least five clear days notice must be given of meetings and a summons must be sent by post or left at the usual place of residence of every member;*
- *Quorum for a meeting is one quarter of the membership;*

- *Decisions are to be made by simple majority voting, with a casting vote to the chairman;*
- *The names of members at a meeting must be recorded; and*
- *Minutes must be recorded in a book of loose leaf pages and signed at the next suitable meeting.*

1993 MANDATORY STANDING ORDERS

Sections 8 and 20 of the Local Government and Housing Act 1989 empower the Secretary of State to make regulations requiring Councils to adopt standing orders on:

- *Staff appointment and dismissal; and*
- *The regulation of Council proceedings and business, in particular the requisition of meetings, review by full Council of Committee decisions and voting.*

The Secretary of State has exercised these powers to make the Local Authorities (Standing Orders) Regulations 1993. These require the adoption of standing orders concerning:

- the appointment of chief officers and disciplinary action (regulation 2 and part 1 of schedule 1) (contained in Officer Employment Rules);*
- the powers of the independent person in the case of disciplinary action against the Head of Paid Service (regulation 3) (contained in Officer Employment Rules);*
- the recording of votes (regulation 4 and schedule 2); and*
- the signing of minutes.*

POLITICAL ASSISTANT MANDATORY STANDING ORDERS

- In addition, under section 9(5) of the 1989 Act, where their members were divided into different Political Groups, Councils are required to make standing orders;*
- prohibiting the making of an appointment of a political assistant to a political group until such posts have been allocated to all groups qualifying for one (contained in Officer Employment Rules);*
- prohibiting the allocation of such a post to a Group which did not qualify for one (contained in officer Employment Rules); and*
- prohibiting the allocation of more than one post to any Group (contained in Officer Employment Rules).*

LOCAL GOVERNMENT ACT 2000 MANDATORY STANDING ORDERS

The Secretary of State has made further regulations requiring the adoption of standing orders on the following:

- (a) *restricting the involvement of members in the appointment of officers to that of the Head of Paid Service, chief officers, deputy chief officers, assistants to Political Groups and the mayor's assistant in all forms of Executive except for the Mayor and Council Manager form (contained in Officer Employment Rules);*
- (b) *restricting the involvement of members in the appointment of officers to that of the Council Manager, assistants to Political Groups and the Mayor's assistant in Mayor and Council Manager forms of Executive (contained in Officer Employment Rules);*
- (c) *requiring the agreement of the Executive to officer appointments made by members in all forms of Executive arrangements (contained in Officer Employment Rules);*
- (d) *giving the Cabinet five working days to revise a plan proposed to the full Council which the full Council wishes to modify (contained in Budget and Policy Framework Rules);*
- (e) *permitting the full Council to determine such a plan if not revised by the Cabinet, by a simple majority (in Leader form of Executive) or two-thirds majority (in mayoral forms of Executive) (contained in Budget and Policy Framework Rules);*
- (f) *extending the protection from dismissal enjoyed by the Head of Paid Service to the Monitoring Officer and Chief Finance Officer (contained in Officer Employment Rules); and*
- (e) *withdrawing such protection from a Head of Paid Service who is a Council Manager (contained in Officer Employment Rules).*

Unless otherwise stated, references to the Chairman mean the Mayor in Boroughs with Leader and Cabinet Executives and alternative arrangements.

DECLARATION OF INTEREST

Some local authorities now have a specific item requiring declaration of interests early on the agenda for Council and Committee meetings. This procedure should be considered in the context of their approach to integrating ethical standards into their practice.

MODULAR PROCEDURAL RULES

The text that follows provides Council Procedure Rules in modular form. Because of their length they are prefaced by a table of contents for ease of reference.

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year where 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 are not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) elect the Sheriff;
- (v) receive any announcements from the Mayor;
- (vi) Any other business set out on the agenda;

The Annual Meeting may be adjourned and reconvened to consider the following business:-

- (vii) approve the minutes of the last meeting;
- (viii) Elect the Leader;
- (ix) Agree the number of members to be appointed to the Cabinet and appoint those members;
- (x) Appoint Scrutiny Committees, a Standards Committee, a Planning Committee, a Licensing Committee and such other appointments as the Council considers appropriate;
- (xi) Agree the scheme of delegation to Committees and Officers as set out in Part 3 of this Constitution;
- (xii) Confirm a schedule of meetings for the authority; and
- (xiii) Consider any urgent business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the adjourned Annual Meeting, the Council meeting will also:-

- (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
- (v) outside body; and
- (vi) 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 Cabinet.

2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme confirmed at the Council's Annual Meeting. Ordinary meetings will:

- (i) elect a person to preside if the Mayor or Deputy Mayor are not present to act as Chairman;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, Leader or the Head of the Paid Service;
- (v) receive questions from, and provide answers to, the public in relation to questions asked in accordance with the Council's procedures;
- (vi) receive petitions from the public and members of the Council in accordance with the Council's procedures;
- (vii) receive reports referred to in the agenda from the Cabinet and the Council's Committees and debate as appropriate;
- (viii) consider motions in accordance with the Council's procedures;
- (ix) consider any other business specified in the summons to the meeting; and
- (x) consider Councillors questions in accordance with the Council's procedures.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may request the Head of Legal and Democratic Services to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor or in his absence, the Deputy Mayor;
- (iii) the Monitoring Officer for purposes specified in the Local Government and Housing Act 1989;
- (vii) any five members 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

Extraordinary meetings of the Council shall only deal with the business set out in the summons.

4. APPOINTMENT OF SUBSTITUTE MEMBERS TO COMMITTEES, SUB-COMMITTEES, ADVISORY GROUPS, OVERVIEW GROUPS ETC.

- 4.1 (i) The Political Groups on the Council may substitute Members at meetings of Overview Groups, Advisory Groups, Scrutiny Committees, Sub-Committees, Working Parties, Panels and Forums provided that in the case of Scrutiny Committees and Sub Committees such substitutes are not Members of the Cabinet.
- (ii) The Political Groups on the Council may substitute Members at meetings of the Planning and Licensing Committees but only from within the list of named substitutes nominated by each Group who have received appropriate training.
- (iii) No substitute shall be permitted at meetings of the Standards Committee or Area Committees.
- (iv) The substitutions under (i), (ii) and (iii) above shall be on the basis of not less than two hours notice of substitution being given to the Head of Legal and Democratic Services in the case of afternoon and evening meetings and not less than one hours notice in the case of morning meetings.

4.2 Powers and duties

Substitute members will have all the powers and duties of any ordinary member but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.3 Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notifying the Head of Legal and Democratic Services in accordance with 4.1 above.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Head of Legal and Democratic Services will 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 Legal and Democratic Services will send a summons signed by him or her by post to appropriate members of the Council or leave it at their usual place of residence. 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.

7. CHAIR OF MEETING

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

8. QUORUM FOR COUNCIL MEETINGS ONLY

The quorum of a Council meeting will be one quarter of the whole number of members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the

remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

MAJORITY VOTE TO CONTINUE

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 4 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. 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 of the Leader at ordinary meetings of the Council in accordance with the procedure approved by the Council set out in Appendix 2 of these Rules. The Leader may nominate the deputy Leader or Cabinet Portfolio Holder to reply.

10.2 Time Limit

The time occupied for dealing with questions by the public should not exceed 30 minutes.

10.3 Order of questions

Questions will be asked in the order that they were received by the Head of Legal and Democratic Services, except that similar questions may be grouped together.

10.4 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 Head of Legal and Democratic Services no later than 8 clear days before the day of the meeting – not counting weekends, Bank Holidays, the day on which the question is received, nor the day of the meeting. Each question must be to the Leader of the Council who may delegate someone else to give the answer.

10.5 Number of questions

At any one meeting no person may submit more than one question and no individual may submit more than 2 questions in any 6 month period.

10.6 **Scope of questions**

The Head of Legal and Democratic Services 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 defamatory, frivolous 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.

10.7 **Record of questions**

The Head of Legal and Democratic Services will enter each question in a book open to public inspection and will send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

10.8 **Asking the question at the meeting**

The Chairman will invite the questioner to put the question to the Leader or the member to reply. 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 and indicate that a written reply will be given.

10.9 **Supplemental question**

A questioner who has put a question in person may also put one supplementary question without notice to the member 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 10.6 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-attendance of the person to whom it was to be put, will be dealt with by a written answer.

11. QUESTIONS BY MEMBERS

11.1 Questions on notice at full Council

Subject to Rule 11.3, a member of the Council may ask:

- The Leader
- The Chairman of any Committee
- One of the members appointed to the Dorset Police Authority or the Dorset Fire and Rescue Service
- The Cabinet Portfolio Holder

a question on any matter in relation to which the Council has powers or duties or which affects the area. Each question will be circulated in writing to Members before the start of each Council meeting and will be read out at the meeting by the Chief Executive.

11.2 Questions on notice at Cabinet, Committees and Sub-Committees

Subject to Rule 11.3, a member of the Council may ask the Chairman of the Cabinet, a Committee or Sub-Committee a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of the Cabinet, Committee or Sub-Committee.

11.3 Notice of questions

A member may only ask a question under Rule 11.1 or 11.2 if either:

- (a) they have given at least 8 clear working days notice in writing (not counting weekends, Bank Holidays, the day on which the question is received nor the day of the meeting) of the question to the Head of Legal and Democratic Services; or
- (b) the question relates to urgent matters and they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Head of Legal and Democratic Services by 5 pm on the working day before the meeting.

11.4 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication;

- (c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (d) An interim answer may be given where (c) above applies.

11.4.1 **Supplementary questions**

A member asking a question under Rule 11.1 or 11.2 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.

12. **MOTIONS**

12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by a member, must be delivered to the Head of Legal and Democratic Services not later than 8 clear working days before the date of the meeting at which it is proposed to be moved, not counting weekends, Bank Holidays, the day on which the motion is received, nor the day of the meeting.

12.2 **Motion 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.

12.3 **Scope**

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

12.4 If the motion, notice of which is entered on the agenda, be not moved and seconded by members who have given the notice or by some other member, it shall be deemed to have lapsed and shall not be moved without further notice.

12.5 Motions for which notice has been duly given (other than motions under Rule 13), shall, upon being moved and seconded, stand referred without discussion to the Cabinet or a Committee or Overview or Advisory Group, unless the Council, by a majority vote, decide to deal with it at the meeting it was brought forward. Save that if the issue relates to a Cabinet function the Cabinet will consider the matter in the light of any views expressed by the Council and advise Members of its decision.

13. **MOTIONS 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 withdraw a motion;
- (f) to amend a motion;
- (g) to proceed to the next business;
- (h) that the question be now put;
- (i) to adjourn a debate;
- (j) to adjourn a meeting;
- (k) that the meeting continue beyond 4 hours in duration
- (l) to suspend a particular Council procedure rule:
- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) not to hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (o) to give the consent of the Council where its consent is required by this Constitution.

14. **RULES OF DEBATE**

14.1 **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.

No member shall speak unless called upon by the Mayor or Chairman.

14.2 Right to require motion in writing

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

14.3 Seconded's speech

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

14.4 Content and length of speeches

Speeches must be directed to the matter under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes without the consent of the Council or Committee save that the proposer of a motion may speak to it for not more than 5 minutes and in reply at the end of the debate for not more than 3 minutes.

14.5 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:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) in exercise of a right of reply;
- (d) on a point of order; and
- (e) by way of personal explanation.

14.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

As long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of although notice of a further amendment and the contents of it may be given.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) 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.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of Motion

- (a) A member 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 member 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.

14.8 Withdrawal of motion

A member 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 member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of Reply

- (a) 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.
- (b) 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:
- (c) The mover of the amendment has right of reply to the debate on his or her amendment, to be exercised immediately before (b) above.
- (d) Where a debate arises out of the "call in" procedure the Chairman of the Cabinet/Leader shall be allowed to speak for a second time immediately after (c) above and before (b) above.

14.10 Motions which may be moved during debate

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

- (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 4 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 member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member;
 - (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 Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman 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 Chairman 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.

14.12 Point of Order

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

14.13 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. The ruling of the Chairman on the admissibility of a personal explanation will be final.

15. STATE OF THE AREA DEBATE

15.1 Calling of debate

The Leader will call a state of the Area Debate at a special meeting of the Council to be held on a date to be specified by the Leader each year.

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. This may include holding workshops and other events prior to or during the state of the area debate.

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 one third of the members of the Council.

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 given in accordance with Rule 12 and is signed by at least a third of members. Once the motion or amendment is dealt with, no-one can propose a similar motion or amendment for six months. The ruling of the Head of Legal and Democratic Services as to similarity shall be final.

17. **VOTING**

17.1 **Majority**

Unless this Constitution or the law 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.

17.2 **Chairman's casting vote**

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

17.3 **Show of hands**

Unless a recorded vote is demanded under Rule 17.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 **Recorded vote**

If a quarter of the 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.

17.5 **Right to require individual vote to be recorded**

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

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.

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

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

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.

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 of 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 form and order the Chairman put them.

19. RECORD OF ATTENDANCE

19.1 Apologies for absence shall be recorded in the minutes.

20. EXCLUSION OF PUBLIC

20.1 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).

20.1 **Matters affecting employees and children**

Where at a meeting of the Council or Cabinet, or any Committee, Sub-Committee or Overview Group or Advisory Group which is open to the public and press, an item of business is likely to involve the disclosure of information relating to:-

- (a) a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under the Council; or
- (b) the adoption, care, fostering or education of any particular child

A resolution to exclude the press and the public under S.100A(4) of the Local Government Act 1972 shall be moved forthwith by the Chairman, seconded and put without debate.

21. **MEMBERS' CONDUCT**

21.1 **Standing to speak**

When a member speaks at full Council they must stand, unless the Chairman permits otherwise, and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

21.2 **Chairman standing**

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

21.3 **Member not to be heard further**

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

21.4 **Member to leave the meeting**

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

21.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman 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 Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

22.2 Clearance of part of meeting room

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

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rule 17.5 and 18.2 may be suspended by motion on notice or without notice if at least two thirds of the number of members of the Council are present. Suspension can only be for the duration of that meeting.

23.2 Amendment

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

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5-9, 11-14, 16-18, 20-24 (but not Rule 21.1) apply to meetings of Committees, Sub-Committees, Overview Groups or Advisory Groups.

25. QUORUM FOR MEETINGS OTHER THAN COUNCIL

The quorum of every meeting other than Council shall be one third of the Councillors comprising that body except in the case of the Standards Committee where the quorum shall be two independent persons together with one Councillor, Appeal and Appointments panels three and the Licensing Committee and the Planning Committee five or more Councillors at all times.

26. MEETINGS OF COMMITTEES

The Chairman of any Committee may instruct the Head of Legal and Democratic Services to summon a meeting whenever desirable. A meeting may also be called if one quarter of the whole number of a Committee (but not

fewer than three members) requisition a meeting through the Head of Legal and Democratic Services.

27. PROPORTIONALITY: ALLOCATION OF SEATS

27.1 Wherever the Council is required to review the allocation of seats on Committees between Political Groups, or the Council resolves to carry out such a review, the Head of Legal and Democratic Services shall in consultation with the Party Group Leaders, submit a report to the Council showing what allocation of seats would, in his opinion, best meet the requirements of section 15(4) of the Local Government and Housing Act 1989 and in the light of such a report, the Council shall determine the allocation of seats to Political Groups.

27.2 Whenever an appointment of a voting member of a Committee falls to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Head of Legal and Democratic Services shall make or terminate the appointment accordingly upon being given not less than 10 days notice of the wishes of the Group and he shall forthwith inform all Councillors accordingly.

28. SUBSTITUTIONS

28.1 The Political Groups on the Council may substitute Members at meetings of Overview Groups, Advisory Groups, Scrutiny Committees, Sub Committees, Working Parties, Panels and Forums provided that in the case of Scrutiny Committees and Scrutiny Sub-Committees such substitutes are not Members of the Cabinet.

28.2 The Political Groups on the Council may substitute Members at meetings of the Planning and Licensing Committees but only from within the list of named substitutes nominated by each Group who have received appropriate training.

28.3 No substitute shall be permitted at meetings of the Standards Committee or Area Committees.

28.3 The substitutions shall be on the basis of not less than two hours notice of substitution being given to the Head of Legal and Democratic Services in the case of afternoon and evening meetings and not less than one hours notice in the case of morning meetings.

29. APPOINTMENT OF SUB-COMMITTEES

29.1 Any Committee or Overview Group or Advisory Group may appoint Sub-Committees, Working Parties or Groups for such purposes within its terms of reference as may be specified by it and the functions of any such Sub-Committee, Working Party or Group shall be set out at that time together with any delegated powers.

29.2 Any Committee of the Council or Overview Group or Advisory Group may for the purpose of aiding the decision making process determine its own way of working including the holding of Select Committee type of hearings, investigative hearings, interview witnesses, visit areas or locations both within or outside Poole and if no decision is being made may meet informally.

30. **CHAIRMANSHIP OF COMMITTEES**

The Chairman and Vice-Chairman of any of the Committees set out in the list of Committees (para. 36) to these Rules shall be members of the Council.

31. **ATTENDANCE AT MEETINGS**

Members of the Council may attend meetings of the Cabinet, any Committee, Sub-Committee, Overview Group or Advisory Group but unless they are members of that body shall not be allowed to vote, nor (except with the consent of the Chairman or at least two thirds of Members present at that body) take part in discussion or debate and may not attend the Standards Committee or any Regulatory Board, Panel or Appointments Panel whilst in confidential session without the consent of the Committee or Panel. Cabinet members shall not attend meetings of Scrutiny Committees when such Committees are scrutinising decisions in which that member was involved unless they are invited to do so for the purposes of giving information or assistance.

32. **CONFIDENTIAL AND EXEMPT INFORMATION MATTERS**

32.1 Any report or document or part of report or document which in the opinion of the Head of Democratic Services is not likely to be considered at a meeting open to the Press and Public, shall if he or she thinks fit be marked "Confidential" "Not for Publication" and a statement added specifying the category of information by virtue of which the Press and Public are likely to be excluded during consideration of that item.

32.2 A Member shall not disclose without the permission of the Council, the Cabinet or Committee or Overview Group or Advisory Group:

(a) the content of any document marked "Confidential, not for publication" pursuant to Rule 31.1 or of any other document known to contain confidential information or exempt information which has not become public in the ordinary course of the meeting; or

(b) particulars of any items of business transacted with members of the Press and Public excluded unless or until those particulars have been made public or authorised to be made public by the Council, the Cabinet, Committee, Overview Group or Advisory Group.

32.3 Any report or other document sent in accordance with Rule 32.1 shall not be regarded as having become public until such time and except in such manner as the Council, the Cabinet or a Committee, Overview Group or Advisory Group, either generally or in respect of any particular matter shall decide.

32.4 The Cabinet or any Committee, Overview Group or Advisory Group shall be empowered to decide by resolution to instruct the Head of Legal and Democratic Services to send any report whether confidential or otherwise to all Members or certain Members only of the Council.

33. **STAFF MATTERS**

33.1 Subject to 33.2 and 33.9 below the function of appointments and dismissal of and taking disciplinary action against, a member of staff of the Authority must be discharged, on behalf of the Council by the Head of Council's Paid Service or by an officer nominated by him.

33.2 Paragraph 33.1 above shall not apply to the appointment or dismissal of or disciplinary action against:-

- (a) The Head of the Council's Paid Service;
- (b) A Policy Director;
- (c) The Monitoring Officer;
- (d) The Chief Financial Officer;
- (e) A Service Unit Head.

33.3 Where a Committee, Sub-Committee or officer is discharging on behalf of the Authority the function of the appointment or dismissal of an officer designated as the Head of the Paid Service, the Council must approve that appointment before an offer of appointment is made to him or her or as the case may be must approve that dismissal before that dismissal is given to him or her.

33.4 Where a Committee or Sub-Committee of the Council is discharging on behalf of the Council the function of the appointment or dismissal of any officer referred to in 33.2 (a), (b), (c), (d) and (e) above at least one member of the Cabinet must be a member of that Committee or Sub-Committee.

33.5 In paragraph 32 "appointor" means in relation to the appointment of a person as an officer of the Authority, the Authority or where a Committee, Sub-Committee or officer is discharging the function of appointment on behalf of the Authority that Committee, Sub-Committee or officer as the case may be.

33.6 An offer of an appointment as an officer referred to in 33.2 above must not be made by the appointor until:-

- (a) the appointor has notified the Head of Legal and Democratic Services of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

- (b) the Head of Legal and Democratic Services has notified every member of the Cabinet of:-
 - (i) the name of the person to whom the appointor wishes to make the officer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the Head of Legal and Democratic Services; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Chairman of the Cabinet on behalf of the Cabinet to the Head of Legal and Democratic Services; and
- (c) Either:-
 - (j) the Chairman of the Cabinet has, within the period specified in the notice under 33.6(b)(iii) above notified the appointor that neither he/she nor any other member of the Cabinet has any objection to the making of the offer;
 - (ii) the Head of Legal and Democratic Services has notified the appointor that no objection was received by him within that period from the Chairman of the Cabinet; or
 - (i) the appointor is satisfied that any objection received from the Chairman of the Cabinet within that period is not material or is not well-founded.

33.7 In paragraph 33 “dismissor” means, in relation to the dismissal of an officer of the Authority, the Council or, where a Committee, Sub-Committee or another officer is discharging the function of dismissal on behalf of the Authority, that Committee, Sub-Committee or other officer as the case may be.

33.8 Notice of the dismissal of an officer referred to in 33.2 above must not be given by the dismissor until:-

- (a) the dismissor has notified the Head of Legal and Democratic Services of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the Head of Legal and Democratic Services has notified every member of the Cabinet of:-
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Head of Legal and Democratic Services;

(iii) the period within which any objection to the dismissal is to be made by the Chairman of the Cabinet on behalf of the Cabinet to the Head of Legal and Democratic Services; and

(c) Either:-

(i) the Chairman of the Cabinet has within the period specified in the notice under 33.8(b)(iii) above notified the dismissor that neither he/she nor any other member of the Cabinet has any objection to the dismissal;

(ii) the Head of Legal and Democratic Services has notified the dismissor that no objection was received by him/her within the period from the Chairman of the Cabinet; or

(iii) the dismissor is satisfied that any objection received from the Chairman of the Cabinet within that period is not material or is not well-founded.

33.9 Nothing in paragraph 33.1 above shall prevent any person from serving as a member of any Committee or Sub-Committee established by the Authority to consider an appeal by:-

(a) any person against any decision relating to the appointment of that other person as a member of staff of the Authority; or

(b) a member of staff of the Authority against any decision relating to the dismissal of or taking disciplinary action against that member of staff.

33.10 In respect of disciplinary action against the Head of the Council's Paid Service its Monitoring Officer and its Chief Finance Officer, except action described in 33.11 below may be taken by the Council or by a Committee, a Sub-Committee, a Joint Committee on which the Authority is represented or any other person acting on behalf of the Authority other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (Investigation of Alleged Misconduct).

33.11 The action mentioned in 33.10 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action and any such suspension must be on full pay and terminate not later than the expiry of two months beginning on the day on which the suspension takes effect.

33.12 The designated independent person must be such person as may be agreed between the Authority and the relevant officer or, in default of such agreement, nominated by the Secretary of State.

33.13 The designated independent person:-

- (a) may direct:-
 - (i) that the Authority terminate any suspension of the relevant officer;
 - (ii) that any such suspension must continue after the expiry of the period already given
 - (iii) that the terms on which any such suspension has taken place must be varied in accordance with the direction; or
 - (iv) that no steps (whether by the Authority or any Committee, Sub-Committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the relevant officer other than steps taken in the presence, or with the agreement, of the designated independent person are to be taken before a report is made under sub-paragraph (d) below.
- (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Authority has power to authorise him/her to inspect.
- (c) may require any member of staff of the Authority to answer questions concerning the conduct of the relevant officer.
- (d) Must make a report to the Authority:-
 - (i) stating his/her opinion as to whether (and, if so, the extent to which) the evidence he/she has obtained supports any allegation of misconduct against the relevant officer; and
 - (ii) recommending any disciplinary action which appears to him/her to be appropriate for the Authority to take against the relevant officer; and
- (e) must no later than the time at which he makes his report under (d) above send a copy of the report to the relevant officer.

33.14 The Council must pay reasonable remuneration to a designated independent person appointed by the Authority and any costs incurred by him/her in, or in connection with, the discharge of his/her functions under paragraph 33.

34. DRAFT PLANS AND STRATEGIES (See Article 4.01)

34.1 Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and following consideration of that draft plan or strategy the Council has any objections to it the Council must take the action set out in 34.2.

34.2 Before the Council:-

- (a) amends the draft plan or strategy;
- (b) approves, or the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy

it must inform the Chairman of the Cabinet of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Cabinet to re-consider, in the light of those objections the draft plan or strategy submitted to it.

34.3 Where the Council gives instructions in accordance with 34.2 above it must specify a period of at least 5 working days beginning on the day after the date on which the Chairman of the Cabinet receives the instructions on behalf of the Cabinet within which the Chairman of the Cabinet may:-

- (a) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy") with the Cabinet's reasons for any amendments made to the draft plan or strategy to the Council for the Council's consideration; or
- (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

34.4 When the period specified by the Council referred to in 34.3 has expired the Council must, when:-

- (a) amending the draft plan or strategy, or if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required is to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy.

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Chairman of the Cabinet submitted to the Council, or informed the Council of within the period specified.

35. FINANCIAL CALCULATIONS

35.1 Subject to 35.5 where before the 8th February in any financial year the Authority's Cabinet submits to the Council, for its consideration in relation to the following financial year:-

- (a) Estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992.
- (b) estimates of other amounts to be used for the purposes of such calculation.
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in 35.2.

35.2 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance 1992, it must inform the Chairman of the Cabinet of any objections which it has to the Cabinet's estimates or amounts and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

35.3 Where the Council gives instructions in accordance with 35.2 it must specify a period of at least 5 working days beginning on the day after the date on which the Chairman of the Cabinet receives the instructions on behalf of the Cabinet within which the Chairman of the Cabinet may:-

- (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts") which have reconsidered in accordance with the Council's requirements with the Cabinet's reasons for any amendments made to the estimates or amounts to the Council for the Council's consideration; or
- (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for such a disagreement.

35.4 When the period specified by the Council referred to in 35.3 has expired the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or

issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Cabinet's reasons for those amendments;
- (c) any disagreement that the Cabinet has with any of the Council's objections; and
- (d) the Cabinet's reasons for that disagreement

which the Chairman of the Cabinet submitted to the Council, or informed the Council of, within the period specified.

35.5 35.1 to 35.4 shall not apply in relation to:-

- (a) calculations or substitute calculations which an Authority is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

36. LIST OF COMMITTEES

Scrutiny Committees
Planning Committee
Licensing Committee
Employment and Employee Appeals Committee

37. PETITIONS BY THE PUBLIC

Members of the public may submit a petition to Council, the Cabinet, Planning Committee or Transportation Advisory Group in accordance with the Council's procedures set out in Appendix I of these Rules.

APPENDIX 1

PETITIONS/REPRESENTATIONS PROCEDURE

1. Any member of the public may present a petition to the Council, the Cabinet, the Planning Committee and the Transportation Advisory Group strictly in accordance with the following arrangements:-
 - (i) Petitions shall be presented at the appropriate time on the Council or Cabinet agenda to coincide with the presentation of petitions by elected members. Public petitions to be taken first;
 - (ii) a period of up to 15 minutes be allowed for the presentation of petitions by the public;
 - (iii) only members of the public who are resident within the Borough shall be permitted to present petitions;
 - (iv) each member of the public shall be limited to one petition only per meeting unless submitting petitions on the same subject;
 - (v) not less than 8 clear working days notice shall be given to the Head of Legal and Democratic Services of the wish to present a petition;
 - (vi) the Head of Legal and Democratic Services shall be authorised to agree the order of presentation of petitions;
 - (vii) every petition shall relate to a topic that is relevant to Poole and must fall within the powers and duties of the Council as determined by the Head of Legal and Democratic Services;
 - (viii) no matters of a personal or confidential nature shall be permitted to be received by way of petition;
 - (ix) no topic shall be entertained by way of petition if it has been the subject of the same or similar views to a petition in the preceding 6 months;
 - (x) a petition shall only be presented by a member of the public if it contains at least 100 signatories or more of residents in the Borough;
 - (xi) any persons requiring a petition to be presented shall nominate a spokesperson to read and present the petition and the name and address of such spokesperson shall be notified to the Head of Legal and Democratic Services at the time when notification of the petition is given i.e. not less than 8 clear working days notice before the meeting. The spokesperson shall be a resident in the Borough;
 - (xii) a spokesperson shall be permitted not more than 2 minutes to read and present the petition; and

- (xiii) no petitions shall be permitted at the Council meeting preceding a Borough, Parliamentary or European election.
2. The following arrangements regarding petitions/representations to the Planning Committee shall apply:-
- (i) representations on planning applications, tree work applications and objections to Tree Preservation Orders shall be received on a properly structure basis;
 - (ii) representatives both from the objectors and the applicants or agent shall be entitled to speak to the Planning Committee with no more than two representatives from each side being permitted to speak;
 - (iii) each side shall be permitted to speak on the application for no more than five minutes with requests to make representations to the Planning Committee only being accepted if, prior to the start of the Committee, not less than 24 hours notice has been given to the Head of Legal and Democratic Services;
 - (iv) (ii) and (iii) above only apply to applications of a complex or controversial nature within the established criteria for referring applications to Planning Committee; and
 - (v) Members of the public wishing to submit petitions as provided for in the Council's Standing Orders to the Planning Committee, but not involved in making representations on a planning application, be heard with no more than two of the petitioners having signed the petition being permitted to speak for five minutes in total.
3. The following arrangements shall apply to petitions/representations to the Transportation Advisory Group:-

Petitions

1. Petitions on issues before the Transportation Advisory Group shall be received on a properly structured basis and a petition shall only be presented by a member of the public if it contains signatures from residents of the Borough.
2. Not less than 24 hours notice shall be given to the Head of Legal and Democratic Services of the intention to make oral representations in support of a petition.
3. Any person requiring a petition to be presented shall nominate up to 2 spokespersons to read and present the petition and the names and addresses of such spokespersons shall be notified to the Head of Legal and Democratic Services at the time when notification of the spokespersons is given i.e. not less than 24 hours before the meeting. The spokespersons shall be resident in the Borough.

4. Spokespersons shall be permitted not more than 5 minutes to read and present the petition.
5. Up to 2 persons nominated by the petitioners will be permitted to “engage” with Members of the Transportation Advisory Group to discuss the issue contained in the petition (maximum 5 minutes each).
6. No matters of a personal or confidential nature shall be permitted to be received.
7. The Head of Legal and Democratic Services shall be authorised to agree the order of the oral representation/petition.
8. Every petition shall relate to a topic that is relevant to the terms of reference for the Transportation Advisory Group as determined by the Head of Legal and Democratic Services.
9. No topic shall be entertained by way of petition if it has been the subject of the same or similar views to a petition in the preceding 6 months.

Representations

1. Oral representations on issues before the Transportation Advisory Group shall be received on a properly structured basis from a representative nominated by a group of residents or a recognised body/organisation based in Poole.
 2. Not less than 24 hours notice shall be given to the Head of Legal and Democratic Services of the wish to make oral representations.
 3. The Head of Legal and Democratic Services shall be authorised to agree the order of oral representations.
 4. Every oral representation shall relate to the topic which is being discussed by the Transportation Advisory Group.
 5. No matters of a personal or confidential nature shall be permitted to be received.
 6. A nominated representative shall be permitted not more than 5 minutes to give oral representations to the Transportation Advisory Group and there will be a maximum of 5 persons able to speak on each item (maximum 5 minutes each).
4. The above arrangements may be changed by the Council from time to time.

APPENDIX 2

PUBLIC QUESTION TIME AT COUNCIL AND CABINET MEETINGS

PROCEDURE

1. Procedure

- (a) A question from a member of the public to the Council or Cabinet must be from:-
- An elector for the Borough; or
 - A resident of the Borough; or
 - A person employed within the Borough; or
 - A person being an owner, partner or shareholder of a business operating in the Borough
- (b) The time occupied for dealing with questions under this procedure shall not, except with the consent of the meeting, exceed 30 minutes.
- (c) Questions, not exceeding 100 words, should be submitted in writing to the Head of Legal and Democratic Services and relate to the powers and duties of the Council as interpreted by the Head of Legal and Democratic Services.
- (d) Questions relating to a matter of a personal or confidential nature will not be accepted.
- (e) Questions shall be submitted to the Head of Legal and Democratic Services at least eight clear days before the Council or Cabinet meeting not counting weekends, Bank Holidays, the day on which the question is received nor the day of the meeting. A telephone number for daytime contact must be submitted with the question so that clarification may be sought from the questioner if necessary before the meeting.
- (f) Questions will be taken in strict date order as received by the Head of Legal and Democratic Services.
- (g) No questioner may pose more than one question per meeting nor submit more than two questions in any six month period.
- (h) The Head of Legal and Democratic Services shall have the discretion to amend or withdraw a question. In such circumstances the questioner will be advised of the reason for withdrawal and if possible consulted on any proposed amendment.
- (i) The Ward Councillor(s)/Group Leader will be alerted if a question is withdrawn so that, if appropriate, the matter may be addressed/raised in another forum.

- (j) Should questions be received on the same subject, the Head of Legal and Democratic Services shall have authority to condense the questions and will inform the questioners.
- (k) Questions may be referred from Council or Cabinet to other bodies for discussion.
- (l) The questions will be circulated in writing by the Head of Legal and Democratic Services to all Councillors attending the meeting, and the questioner will be invited to read out the text of the question.
- (m) The questioner will be invited to the meeting at which the question is to be considered.
- (n) Only one supplementary question will be permitted by the questioner, which may be answered or declined to be answered by the respondent or a written answer sent in due course. A supplementary question shall be limited solely for the purpose of clarifying the answer to the original question and not introduce new material.
- (o) The response to the question will be from the Mayor, the Leader of the Council, Deputy Leader of the Council or other designated Member of the Cabinet, and there shall be no discussion on the item.
- (p) All questions and answers (not supplementary questions and answers) read out at the meeting will be recorded in the minutes of the meeting.
- (q) If all questions cannot be dealt within the time allowed and a question is therefore excluded, the questioner can ask for a written response or for the question to be dealt with at the next appropriate meeting.
- (r) Should the questioner be unable to attend the meeting, a written response will be sent to the questioner following the meeting, by the Head of Legal and Democratic Services.
- (s) The ruling of the Chairman of the meeting on all matters of procedure and arrangements for dealing with questions shall be accepted without discussion by Councillors and questioners.
- (t) No questions be allowed at the Annual Meeting of the Council or a Council meeting immediately preceding a Borough, Parliamentary or European election.