

## Section 4 – The Full Council

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## 1 Membership

All elected members of the Borough Council shall be Members of the Full Council.

## 2 Quorum and Frequency of meetings

- a) No business shall be transacted at a meeting of the Council, unless at least one quarter of the whole number of Members of the Council are present;
- b) If during any meeting of the Council the Mayor, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned;
- c) The consideration of any business not transacted shall stand adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if the Mayor does not fix a time, to the next ordinary meeting of the Council;
- d) Ordinary meetings will take place five times per annum. The Annual General Meeting will take place every year ordinarily in May.

## 3 Responsibility

Only the Council will exercise the following functions:

- a) adopting and amending the constitution;
- b) approving or adopting the plans and strategies that form the policy framework and the budget;
- c) subject to the urgency procedure contained in the Access to Information Rules in Section 18 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 not in accordance with the constitution or Financial Rules;
- d) electing the Leader of the Council at the post-election annual meeting;
- e) appointing members, Chairs and Vice-Chairs of other Council committees and bodies. Where the Council does not appoint the Chair or Vice-Chair of a body, the body itself may do so;
- f) electing the Mayor and Deputy Mayor;
- g) appointing a Youth Mayor;
- h) establishing committees and agreeing and amending the terms of reference, determining the powers they may exercise, determining their composition and making appointments to them, unless delegated elsewhere;
- i) removing the Leader of the Council by way of resolution by a simple majority. If the Council passes the resolution to remove the Leader then a new Leader is to be elected at the meeting in which the Leader is removed from office or at a subsequent meeting;
- j) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- k) adopting or amending the members' allowances scheme, having regard to

- the recommendations of an Independent Remuneration Panel, and determining allowances payable to Councillors;
- l) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
  - m) confirming the appointment of the Chief Executive and Head of Paid Service;
  - n) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
  - o) deciding whether or not to delegate non-executive functions to another local authority or to accept delegations from another Council;
  - p) approving, varying or revoking the code of conduct for members and co-opted members;
  - q) decisions relating to the Statement of Licensing Policy (Section 5 and 7 of the Licensing Act 2003);
  - r) making, varying or revoking an order under section 172a (Early Morning Alcohol Restriction Order – Licensing Act 2003);
  - s) passing a resolution not to issue casino premises licences (Section 166 and 154(2)(c) of the Gambling Act 2005);
  - t) making or revising a Council Tax Reduction Scheme;
  - u) considering any recommendation from the Appointments and Conditions of Service Committee for the dismissal of the Head of Paid Service, Chief Financial Officer and Monitoring Officer, having first taken into account the views of the Independent Panel in accordance with the Local Authority (Standing Orders)(England Regulations 2001 (as amended));
  - v) establishing the composition and terms of reference of an Independent Panel constituted under the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended);
  - w) making appointment to the above Independent Panel hearing appeal of the Chief Executive, the Head of Paid Service, the Monitoring Officer and the Section 151 Officer against dismissal;
  - x) Hearing appeal of the Chief Executive, the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer against disciplinary action short of dismissal;
  - y) Maintaining the content of Section 19b of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive; and
  - aa) all other matters which, by law, must be reserved to Council.

#### **4 Council Meetings**

There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) extraordinary meetings;

and they will be conducted in accordance with the procedures listed below.

## 5 The Mayor and Deputy Mayor

The Mayor and Deputy Mayor will be elected by the Council annually. The Mayor and Deputy Mayor cannot be members of the Executive.

## 6 Functions of the Mayor

The Mayor (and in their absence the Deputy Mayor) will have the following responsibilities:

- a) To take precedence and be the first citizen of the Borough;
- b) To promote the Council as a whole and act as a focal point for the community;
- c) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- d) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- e) 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 or appointed as committee chairs are able to hold the Executive and committee chairs to account;
- f) To promote public involvement in the Council's activities;
- g) To be the conscience of the Council;
- h) To attend such civic and ceremonial functions as is appropriate; and
- i) In the absence of the Chair of the Overview and Scrutiny Committee, to consider proposals from the Executive for urgent key decisions to be taken.

## 7 Procedure Rules for Full Council

### 7.1 Meetings of the Council

- a) The Annual Meeting of the Council shall be held:
  - 1) In a year of ordinary elections of Councillors, on the eighth day after the day of retirement of Councillors (NB retirement takes place on the fourth day after the election), or any other day within twenty-one days of retirement as the Council may fix;
  - 2) In any other year on such day in March, April or May as the Council may fix;
  - 3) The Summons to the Annual Meeting shall set out the business to be conducted and the agenda shall be restricted, apart from the matters set to be decided at the Annual Meeting by these procedures, to:
    - the election of the Mayor and Deputy Mayor of the Council;
    - the appointment of a Youth Mayor;
    - the appointment of Committees and Sub-Committees;

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- the recognition of Group Leaders;
  - the appointment of the Leader of the Council in the year following the ordinary election of Councillors
  - the appointment of persons to represent the Council on outside bodies;
  - the approval of dates and times for a programme of ordinary meetings of the Council and Committees for the year;
  - the notification to the Council by the Leader of the Council of the composition, constitution and identities of the Cabinet for the coming year and any proposed Executive delegation arrangements;
- 4) The election of the Mayor, followed by the election of the Deputy Mayor, shall be the first business transacted at the Annual Meeting of the Council;
- b) In addition to the Annual Meeting of the Council, and any meetings convened by the Mayor or by Members of the Council, meetings for the transaction of general business shall be held in each year on such dates as shall be fixed by the Council at the Annual Meeting. Approval to change the dates of meetings so fixed can only be given at a Council meeting by a two thirds majority of those present and voting;
- c) No scheduled meeting of the Council shall be cancelled, postponed or otherwise altered unless agreed by the Mayor or Deputy Mayor following consultation with the Leader of the Council and the Leader of the Second Group, or their appointed representatives;
- d) The Mayor may call an extraordinary meeting of the Council at any time and shall call an extraordinary meeting if requested to do so by a Scrutiny Committee pursuant to the Budget and Policy Framework Procedure Rules;
- e) Any five members of the Council may call an extraordinary meeting if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;
- f) The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting, except that the Mayor has absolute discretion to permit other items of business to be conducted for the efficient discharge of the Council's business;
- g) One ordinary meeting of the Council each year will be fixed to consider the Council's budget for the following financial year ("the budget meeting"). The business to be conducted at the budget meeting shall be restricted to consideration of the budget and Gedling Plan only. The Mayor has absolute discretion to permit other items of business to be conducted for the efficient discharge of the Council's business.

### 7.2 Conduct of Meetings

Any power or duty of the Mayor in relation to the conduct of a meeting of the Council may be exercised in their absence by the Deputy Mayor or in their absence, by the person appointed to preside at the meeting.

## 7.3 Order of Business

Except as otherwise provided by paragraph 7.1 or 7.5, the order of business at every Ordinary Meeting of the Council shall be:

- a) To choose a person to preside if the Mayor and Deputy Mayor be absent;
- b) Apologies for absence;
- c) Any announcements, correspondence, communications or other business specially brought forward by the Mayor;
- d) To approve as a correct record and sign the Minutes of the last meeting of the Council;
- e) Declarations of interest from Members;
- f) To deal with any business expressly required by statute to be done;
- g) To dispose of business (if any) remaining from the last meeting;
- h) To deal with any petitions received under paragraph 7.8;
- i) To answer questions asked by the public under paragraph 7.7;
- j) To answer questions asked by Members under paragraph 7.9;
- k) To receive and consider reports, and recommendations of the Executive and Committees;
- l) To consider comments and questions under 7.11;
- m) To consider motions under paragraph 7.12 in the order in which notice has been received;
- n) Other business if any specified in the summons.

## 7.4 Variations of Order of Business

Business falling under Items (a), (b), (c), (e) or (f) of paragraph 7.3 shall not be displaced but otherwise, the order of business may be varied:

- a) By the Mayor at their discretion;
- b) By a resolution passed on a motion (which need not be in writing) duly moved and seconded which shall be moved and put without discussion.

## 7.5 Motions and Amendments Which May be Moved without Notice

The following motions and amendments may be moved without notice:

- a) The appointment of a Chair of the meeting at which the motion is made;
- b) Questioning the accuracy of the Minutes;
- c) To change the order of business in the agenda;
- d) Referring a matter arising from the agenda to the Executive or to a Committee;
- e) Appointment of a Committee or Members of that Committee arising from an item of business on the agenda;
- f) Appointment of a new Leader whether following a resolution to dismiss the Leader or other eventuality;
- g) Adoption of reports and recommendations of the Executive or of Committees or Officers and any consequent resolutions;
- h) That leave be given to withdraw a motion;
- i) Extending the time limit for speeches;
- j) Amendments to motions;
- k) That the Council proceed to the next business;
- l) That the question be now put;

- m) That the debate be now adjourned;
- n) That the Council do now adjourn;
- o) Suspending Procedure Rules for Full Council in accordance with paragraph 7.30;
- p) Motion under Section 100a of the Local Government Act 1972 to exclude the public and press;
- q) That a Member named under paragraph 7.15 be not further heard or do leave the meeting;
- r) Giving consent of the Council where the consent of the Council is required by this section of the constitution.

### 7.6 Minutes

- a) At each ordinary meeting of the Council other than the budget meeting, the Mayor shall put the question that the Minutes of the previous ordinary meeting of the Council and any extraordinary meeting held since the last ordinary meeting of the Council be approved as a correct record;
- b) No discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy must be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the Minutes.

### 7.7 Questions by the Public

- a) A period of up to 30 minutes shall be allocated at every ordinary council meeting, other than the budget meeting, for any member of the public and any single representative of any group or association operating in the Borough to ask questions of any member of the Executive or committee chair;
- b) A question under this rule may only be asked if notice has been given by delivering the question in writing (email is acceptable) to the Chief Executive by 5.00 pm at least six clear working days before the meeting (for example, for a meeting on Wednesday, the question must be received by 5 pm on the Monday in the week before the meeting). Each question must give the name and address of the questioner;
- c) Questions will be asked in the order they are received except that the Mayor may determine a different order to group together similar questions;
- d) At any meeting no person or representative may submit more than one question;
- e) Questions must:
  - 1) be about a matter in respect of which the Council has powers or duties or which affects the Borough;
  - 2) concern a single subject, be concise and not in multiple parts;
  - 3) be in the form of a question not a statement;
  - 4) not be defamatory, frivolous or offensive or contain factual inaccuracies;
  - 5) not be substantially the same as another question which has been put at a meeting of the Council in the previous six months;  
or
  - 6) not require the disclosure of confidential or exempt information.
- f) The Chief Executive may reject a question if it does not fall within paragraph 7.7 (e);

- g) Copies of questions will be circulated to all Members and made available to the public attending the meeting;
- h) The Mayor will invite the questioner to put the question to the member named in the question, or any other member nominated by the Mayor if no member has been named by the questioner. If the questioner who has submitted the question is unable to be present at the meeting, the Mayor has the discretion to put the question in the absence of the questioner, to defer it to the next meeting or to direct that a written response is provided;
- i) Any answer may take the form of:
  - 1) a direct verbal answer;
  - 2) where the desired information is contained in a publication of the Council, a reference to that publication;
  - 3) a written answer circulated at the meeting; or
  - 4) a combination of such forms.
- j) 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 member to whom it was to be put, will be dealt with by a written answer;
- k) Every question shall be put and answered without discussion, but the member to whom it has been put may decline to answer;
- l) Any Councillor may move that a question be referred to Cabinet, Committee or sub-committee, such a motion will be voted on without discussion.

### 7.8 Petitions

- a) At an ordinary meeting of the Council, other than the budget meeting, a petition organiser, or their nominated representative may present a petition to the Council in accordance with the Council's Petition Scheme;
- b) A petition organiser must be a resident of the borough or someone working or studying in the borough;
- c) If, in line with the Petition Scheme a petition is to be debated at Council, notice of the petition must have been given by delivering the petition in writing (email is acceptable) to the Chief Executive by 5.00 pm at least six clear working days before the next Council meeting (for example, for a meeting on Wednesday, the petition must be received by 5 pm on the Monday in the week before the meeting);
- d) If the petition is presented to Council for debate, the Mayor will accept the petition on behalf of the Council;
- e) The petition organiser, or their nominated representative may address the Council on the subject of the petition for a maximum of five minutes;
- f) The request to the Council which is the subject of the petition shall be deemed to be the motion before the Council and to have been moved and seconded when the petition is accepted by the Mayor;
- g) Paragraph 7.14 (Rules of Debate for Council Meetings) shall apply to the debate on the motion, save that for the purposes of a debate on a petition, considered pursuant to this paragraph, paragraph 7.14.7 (v) shall be substituted by "The mover of an amendment shall have the right to reply at the close of the debate on their amendment. If their amendment is carried and if any further amendment is moved, the mover of the original amendment shall have the right of reply at the close of the debate on that further

- amendment and shall not otherwise speak on that amendment”;
- h) The Council may decide to:
    - 1) take the action the petition requests in whole or in part;
    - 2) not to take the action requested for reasons put forward in the debate in whole or in part;
    - 3) commission further investigation into the issue by the relevant committee, portfolio holder or officer;
    - 4) Make recommendations to the Executive to inform a decision within the remit of the Executive.
  - i) The debate on the petition will close when the last member remaining entitled to speak and wishing to do so has spoken and the substantive motion then before the Council shall be put to the vote.

### 7.9 Questions asked by Members

- a) At an Ordinary Meeting of the Council, other than the budget meeting, a Member of the Council may ask any member of the Executive or the Chair of any Committee any question on any matter in relation to which the Council has powers or duties, if either:
  - 1) Notice has been given by delivering it in writing (email is acceptable) to the Chief Executive by 5.00 pm at least six clear working days before the meeting (for example for a meeting on Wednesday, the question must be received by 5 pm on the Monday in the week before the meeting). The question will be set out in the Summons for the meeting;
  - 2) the question relates to urgent matters, the content of the question has been given by delivering it in writing (email is acceptable) to the Chief Executive by 10.00 am on the day of the meeting and the Mayor has given permission for the question to be put. A copy of the question will be circulated to all Members and made available to the public attending the meeting.
- b) Any Member asking a question under rule 7.9 may ask one related supplementary question of the member of the Executive or Committee Chair answering the original question. The supplementary question may be put without notice but must arise directly out of the original question or the reply;
- c) Every question or supplementary question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. Any answer may take the form of:
  - 1) a direct verbal answer;
  - 2) where the desired information is contained in a publication of the Council, a reference to that publication;
  - 3) a written answer circulated to Members at the meeting of the Council.
  - 4) a combination of such forms.
- d) If the Member asking the question is not present at the meeting, the question will not be dealt with;
- e) Except by consent of the Council, signified without discussion, a Member's speech by way of any reply to a question shall not exceed five minutes.

### 7.10 Reports and Recommendations of the Executive and Committees

- a) Immediately after questions under paragraph 7.9 have been dealt with, the reports and recommendations of the Executive or Committees shall be considered by the Council in the order in which they appear in the Summons and the rules of debate for Council meetings shall apply to the consideration of such reports and recommendations;
- b) The procedure set out in Part II of the Budget and Policy framework Procedure Rules in this Constitution shall be applied in the consideration of any draft plan or strategy recommended to the Council for adoption or approval by the Council.

### 7.11 Comments and Questions

- a) At an Ordinary Meeting of the Council a Member of the Council may comment or ask a question upon any matter dealt with by the Executive or by a Committee or Sub-Committee under delegated powers and reported to the particular meeting of the Council for information;
- b) The Mayor shall ask for comments or questions to be put in relation to the work of the Executive and of each Committee;
- c) The appropriate Cabinet member or appropriate Committee Chair, or another Member nominated by them, may if they so desire, reply to any comments or questions;
- d) Except by consent of the Council, a Member's speech by way of question, comment or any reply thereto shall not exceed five minutes;
- e) If the Chief Executive is of the opinion that a comment or question is not within the scope of this paragraph or is, vexatious, scurrilous or otherwise improper, the Mayor can take the decision not to hear such a comment.

### 7.12 Notice of Motion

- a) Except for a motion which under paragraph 7.6 may be moved without notice, written notice of every motion must be given by delivering it in writing (email is acceptable) to the Chief Executive by 5.00 pm at least eight clear working days before the day of the meeting (for example for a meeting on a Wednesday, the motion must be received by 5 pm on the Thursday in the week before the Thursday before the meeting). Each notice of motion shall name the Members of Council intending to propose and second the motion and in the case of notice in writing shall be signed by the said Members. Motions received will be recorded and open to public inspection;
- b) No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor;
- c) The Chief Executive shall set out in the Summons for every meeting of the Council all valid motions of which notice has been duly given in the order in which they have been received, unless the Member giving such a notice intimated in writing, when giving it, that they proposed to move it at some later meeting, or has since withdrawn it in writing;
- d) Every motion shall:

- 1) be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough. not be defamatory, frivolous, vexatious, scurrilous or otherwise improper;
  - 2) Not be substantially the same as a motion which has been put at a meeting of the Council in the past 6 months;
  - 3) Have been discussed with the s.151 Officer and the Monitoring Officer to enable the proposer of the motion to receive advice in relation to any legal or financial implications;
- e) The Mayor, in consultation with the Chief Executive, has authority to refuse inclusion of the motion on the meeting agenda if it does not fall within para 7.12 (d);
- f) If the Mayor exercises powers under para 7.12 e, the Mayor may direct that the notice be returned with an intimation that it will not be placed on the Notice of Meeting except upon the written request of three Members of the Council, and the Monitoring Officer shall return the same accordingly;
- g) If the same notice be afterwards re-delivered to the Chief Executive with a request for its insertion in the Notice of Meeting written thereon and signed by three Members of the Council, the Chief Executive shall then insert such notice, with the names of the requesting Members, in the notice of the next following meeting of the Council;
- h) Members should have due regard to any guidance issued by the Monitoring Officer in relation to the content of motions.

### **7.13 Motion to Remove Leader of Council**

A motion of no confidence in the Leader of the Council, or to remove or dismiss the Leader of the Council shall only be moved at a Council Meeting if the notice thereof given in pursuance of this paragraph bears the names of at least one-fifth of the whole number of Members of the Council. In order for such a motion to be carried it must be supported by at least two thirds of those Members voting and present at the meeting at the time the question is put.

### **7.14 Rules of Debate for Council Meetings**

#### **7.14.1 General Requirements**

- a) A motion shall not be discussed unless it has been proposed and seconded. The member who gave notice of a motion shall be permitted to confirm that they do not intend to move the motion and the reasons why but shall not otherwise be permitted to speak;
- b) A Member when seconding a motion or amendment may, if they declare their intention to do so, reserve their speech until later in the debate;
- c) If two or more Members wish to speak, the Mayor shall call on one to speak; the other or others shall then wait to be called to speak. While a Member is speaking, the other Members shall remain seated and will not speak unless rising to a point of order or in personal explanation. Members shall speak of each other in Council during the transaction of business by their respective titles of "Mr. Mayor" (or "Deputy Mayor") or "Madam Mayor" (or "Deputy Mayor") or 'Councillor' as the case may be;

- d) Whenever the Mayor speaks during a debate a Member shall resume their seat and the Council shall be silent;
- e) Members should conduct themselves in accordance with the Council's Code of Conduct.

### **7.14.2 Withdrawal of a motion**

- f) If a motion set out in the Summons is not moved by the Member who gave notice of it, the motion shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice;
- g) A motion or amendment may be withdrawn by the mover with the consent of their seconder.

### **7.14.3 Motions which may be moved during debate**

- h) When a motion is under debate, no other motion shall be moved except the following:
  - 1) to withdraw a motion;
  - 2) to amend the motion;
  - 3) to adjourn the meeting to a specified date and time;
  - 4) to adjourn the debate to a specified date and time;
  - 5) to proceed to the next business;
  - 6) that the question be now put;
  - 7) that a Member be not further heard;
  - 8) by the Mayor under Rule 7.17 that a Member do leave the meeting;
  - 9) a motion under Section 100(a)(4) of the Local Government Act 1972 to exclude the press and public.

### **7.14.4 Amendments to a Motion**

- i) An amendment must be proposed and seconded and shall be put in writing and handed to the Mayor before it is put to the meeting;
- j) An amendment shall be relevant to the motion, must not negate the motion that it seeks to alter because the same effect can be achieved by voting against the motion and shall be either:
  - 1) to refer a subject of debate to the Cabinet or to a Committee for consideration or reconsideration;
  - 2) to leave out words;
  - 3) to leave out words and insert or add others; or
  - 4) to insert or add words as long as the effect is not to negate the motion;
- k) The Mayor, having due regard to the advice of the Monitoring Officer or Chief Executive may reject an amendment where it does not fall within the remit of this paragraph. The Mayor's determination on this matter is final;
- l) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of;
- m) If an amendment is not carried, other amendments to the original

motion may be moved;

- n) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion upon which further speakers may be invited and to which any further amendments are moved.

### 7.14.5 Alteration of a motion

- o) A Member may alter a motion of which they have given notice, or, with the further consent of their seconder, alter a motion which they have moved if (in either case) the alteration is one which could be made as an amendment;
- p) The Mayor, having due regard to the advice of the Monitoring Officer or Chief Executive may reject an alteration where it does not fall within the remit of this paragraph.

### 7.14.6 Length and content of speeches and when to speak

- q) A Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order;
- r) Except by consent of the Mayor, the speech of the proposer of any motion or amendment shall not exceed ten minutes, and all other speeches shall not exceed five minutes. If the Mayor consents, the speech may be continued for a further five minutes, unless the Mayor is of the opinion that the subject matter of the speech is of more than ordinary importance, in which case the speech may be continued for such further time as the Mayor may allow. In no case shall more than one extension of time be granted;
- s) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate except:
  - 1) to speak once on an amendment moved by another Member;
  - 2) if the motion has been amended since they last spoke, to move a further amendment;
  - 3) if their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
  - 4) in exercise of a right of reply as detailed below;
  - 5) on a point of order; or
  - 6) by way of personal explanation.

### 7.14.7 Right of Reply

- t) The mover of a motion has the right to reply at the close of the debate on the motion, immediately before it is put to the vote;
- u) If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have a right of reply to the debate on his amendment immediately before the mover of the original motion;
- v) If an amendment is carried, the motion as amended shall take the

place of the original motion and shall become the substantive motion upon which any further amendment may be moved. The mover of the original motion shall still have the right to reply at the close of the substantive motion. The right to reply does not extend to the proposer of the amendment which was carried and became the substantive motion;

### 7.14.8 Closure Motions

w) A Member who has not already spoken on the proposition or, if an amendment has been moved and is under debate, the amendment under debate, may move, without comment, at the conclusion of a speech of another Member that:

- 1) that the Council proceed to the next business' (in the case of comments or questions), '
- 2) that the question be now put', '
- 3) that the debate be now adjourned' ;or
- 4) 'that the Council do now adjourn',

on the seconding of which the Mayor shall proceed as follows:

- 5) On a motion to proceed to the next business they shall put to the vote the motion to proceed to the next business and if the vote be passed the appropriate Committee Chair shall be given an opportunity to respond to the comment(s) or question(s) previously made or put;
- 6) On a motion that the question be now put: unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put and, if it is passed, then give the mover of the original motion their right of reply under Paragraph u above before putting their motion to the vote;
- 7) On a motion to adjourn the debate or the meeting: if in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

### 7.14.9 Point of Order or Personal Explanation

x) A Member may raise a point of order or personal explanation at any time, and shall be entitled to be heard immediately. A point of order shall only relate to an an alleged breach of a Council procedure rule or statutory provision and the Member shall specify which procedure rule or statutory provision, and the way in which they consider it has been broken.;

y) Examples of points of order may include:

- 1) the Mover has spoken for more than ten minutes when moving the motion;
- 2) the Councillor has spoken for more than five minutes;
- 3) the Councillor is not speaking to the subject under discussion;

- 4) the Councillor has already spoken on the motion;
- 5) disorderly conduct.
- z) A personal explanation shall be confined to some material part of a former speech by the Member which may appear to have been misunderstood in the present debate.
- aa) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

### 7.15 Disorderly Conduct

- a) If at a meeting any Member of the Council, in the opinion of the Mayor misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move that the Member named be not further heard on this matter', and the motion, if seconded, shall be put and determined without discussion;
- b) If the Member named continues their misconduct on the item under consideration or any subsequent item after a motion under the foregoing paragraph has been carried, the Mayor shall:
  - 1) either move 'that the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion); or
  - 2) adjourn the meeting of the Council for such period as the Mayor in their discretion shall consider expedient;
- c) In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor, in addition to any other power vested in them, may, without question put, adjourn the meeting of the Council for such period as they, in their discretion shall consider expedient;
- d) If a member of the public interrupts the proceedings at any meeting, the Mayor shall warn the person concerned. If they continue the interruption, the Mayor shall order their removal from the meeting;
- e) In the event of general disturbance in any part of the meeting room open to the public, the Mayor shall order that part to be cleared.

### 7.16 Rescission of Preceding Resolution

- a) No motion shall be moved at a Council meeting to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of paragraph 7.12 bears the names of at least one quarter of the whole number of Members of the Council (or in the eventuality referred to in Paragraph 45 of the Schedule 12 to the Local Government Act, 1972 one quarter of the number of Members remaining qualified). When such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.
- b) Provided that this paragraph shall not apply to any motion to remove the Leader of the Council pursuant to paragraph 7.13 and shall not restrict the

right of the Executive or a Committee to resolve to place a recommendation before the Council to rescind a previous Minute.

### **7.17 Voting**

- a) Unless otherwise provided in these procedure rules any matter will be decided by simple majority of those members voting and present in the room at the time the question was put;
- b) Voting at meetings of the Council shall be by show of hands and on the requisition of any two Members of the Council, made before the vote is taken, the voting on any matter shall be recorded so as to show how each Member voted and there shall also be recorded the name of any Member then present who abstained from voting (a “named vote”);
- c) In the case of a “named vote”, a record shall be taken by an officer calling out the name of each Member present whereupon the Member whose name is called shall state whether they vote for, against the motion or wish to abstain. Members’ replies will be included in the minutes;
- d) For all votes, The Mayor has the discretion to implement an electronic system of voting;
- e) Where immediately after a vote is taken at a meeting any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast their vote for the question or against the question or whether they abstained from voting;
- f) In the case of an equality of votes upon any question the Mayor shall have a second or casting vote;
- g) Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting;
- h) At a budget meeting, a recorded vote is required of any budget decisions taken.

### **7.18 Voting on Appointments**

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

### **7.19 Record of Attendances**

Every Member of the Council attending a meeting of the Council will have their attendance recorded by either signing the attendance sheet circulated at the meeting or through the clerk to the meeting making a record of their attendance.

### **7.20 Disclosable Pecuniary Interests**

- a) If a Member is aware that they have a disclosable pecuniary interest in any matter to be considered, or being considered at the meeting, the Member must withdraw from the room or chamber where the meeting considering the business is being held:
- 1) in the case where paragraph b below applies, immediately after making representations, answering questions or giving evidence;
  - 2) in any other case, wherever it becomes apparent that the business is being considered at that meeting;

Unless the Member has obtained a dispensation from the Council's Standards Committee or Monitoring Officer.

- b) Where a Member has a disclosable pecuniary interest in any business of the Council, the Member may attend a meeting (including a meeting of the Overview and Scrutiny Committee of the Council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **7.21 Recording of meetings**

- a) Where the public are excluded from a meeting, persons present shall not report on the meeting using methods:
- 1) which can be used without that person's presence at the meeting, and
  - 2) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later;

Unless the meeting first resolves to allow such reporting to take place.

- b) For the purposes of this paragraph, "reporting" means:
- 1) Filming, photographing or making an audio recording of proceedings at the meeting;
  - 2) Using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later; or
  - 3) Reporting or providing commentary on proceedings at the meeting, verbally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

### **7.22 Election of a Chair of a Committee**

Every Committee and Sub-Committee shall, at its first meeting, before proceeding to any other business, elect a Chair and Vice-Chair for the year unless such appointments have been determined by the Council. In the absence from a meeting of the Chair and Vice-Chair, a Chair for that meeting shall be elected by those present as the first item.

### **7.23 Sub-Committees**

Each Committee appointed by the Council may appoint Sub-Committees for

purposes to be specified by the Committee.

### **7.24 Meetings of Ordinary Committees and Sub-Committees**

- a) All meetings of Ordinary Committees and Sub-Committees shall be summoned by the Chief Executive;
- b) The Chair of an ordinary Committee or Sub-Committee may instruct the Chief Executive of the Council to summon a special meeting at any time. A special meeting shall also be summoned on the requisition of not less than a quarter of the whole number of the Committee or Sub-Committees delivered in writing (email is acceptable) to the Chief Executive. Each such instruction or requisition shall be in writing and shall specify the business which it is desired shall be transacted at the meeting. The Summons to a special meeting shall set out the business to be considered thereat, and no business other than that set out in the Summons shall be considered at that meeting.

### **7.25 Quorum of Committees and Sub-Committees**

- a) Except where ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present, provided that in no case shall the quorum of a Committee be less than three Members.
- b) Unless specified by the Committee which has appointed it, business shall not be transacted at a Sub-Committee unless at least one quarter of the whole number of the Sub-Committee is present. Provided that in no case shall the quorum of a Sub-Committee be less than two Members.

### **7.26 Substitutes on Committees**

- a) For each of the standing Committees and Sub-Committees for the Council, where a member of a committee is listed as a member of a political group for the purposes of allocating committee seats, all other eligible members of that political group properly notified to the proper officer who are not appointed members of that Committee or Sub-Committee are appointed as substitute members.
- b) Where a member (the original member) of a standing Committee or sub-committee of the Council is unable to attend a meeting of that Committee or Sub-Committee the original member may request the member appointed as a substitute pursuant to paragraph (a) above (the substitute member) for that committee or sub-committee for the political group to which the original member belongs to attend the Committee or Sub-Committee on behalf of the original member. The attendance of the substitute shall be notified in writing (email is acceptable) to the Chief Executive no later than 5.00 pm on the day before the meeting. The substitute member shall announce at the start of the meeting which member they are substituting for under the item "Apologies for Absence and Substitutions".
- c) A substitute member shall not be permitted to attend a meeting of the Planning Committee, Environment and Licensing Committee or Licensing Act Committee unless they have previously received appropriate training to the

satisfaction of the Monitoring Officer.

- d) The substitute member attending the Committee or Sub-Committee shall declare their presence as substitute at the commencement of the business of the Committee or Sub-Committee. The substitute member shall then act for all purposes, for the duration of that meeting only, as though they were the original member of the Committee or Sub-Committee.
- e) If the original member of the Committee or Sub-Committee is the Chair or Vice-Chair of that Committee or Sub-Committee the substitute member shall not automatically be entitled to act in that office.

### **7.27 Interpretation of procedures for meetings**

The ruling of the Mayor (or, if they shall be in the chair, the Deputy Mayor or any other member chairing the meeting) as to the construction or application of these procedures, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

### **7.28 Suspension of procedures for meetings**

- 1) Subject to paragraph b) below, any of the preceding procedures for the conduct of meetings may be suspended so far as regards any business at the meeting where its suspension is moved.
- 2) A motion to suspend the procedures for meetings (which shall be specified in the motion) shall be moved with notice unless at least one half of the whole number of the members of the Council are present at the meeting and the motion shall not be carried except by the vote of not less than two-thirds of the Members of the Council present.

### **7.29 Application to Committees and Sub-Committees**

Paragraphs numbered 7.2, 7.3, 7.4, 7.6, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, and 7.29, shall apply to meetings of the Committees and Sub-Committees of the Council as they apply to the Council meeting and references to "the Mayor and Deputy Mayor" shall apply to the Chair and Vice-Chair respectively of the Committee or Sub-Committee concerned and references to the "Council Chamber" shall apply to the room in which the meeting is held.

### **7.30 Absence of Chief Executive**

In the absence of the Chief Executive, any function of the Chief Executive shall be exercisable by a Director or the Monitoring Officer.

### **7.31 Variation and Revocation of the Constitution**

Any motion that has the effect of adding to, varying or revoking these Procedure Rules shall, if carried, not come into effect until the next meeting of the Council.

## **8 Ordinary Committees**

The Council may from time to time appoint committees to discharge any functions

## **Gedling Borough Council Constitution**

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of the Council which are not the responsibility of the Executive.