

Part 4

Rules of Procedure

Part 4 – Council Procedure Rules

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THREE RIVERS DISTRICT COUNCIL

PROCEDURE RULES THE PROCEEDINGS AND BUSINESS OF THE COUNCIL

RULE 1

MEETINGS OF THE COUNCIL

- (1) The Council shall in every year hold an annual meeting.
- (2) The annual meeting of the Council shall be held -
 - (a) in a year of ordinary elections of Councillors to the Council, on the eighth day after the day of retirement of Councillors or such other Tuesday within the 21 days immediately following the day of retirement as the Council may fix;
 - (b) in any other year, on such Tuesday in the month of March, April or May as the Council may fix;
 - (c) for the purpose of determining the order of business at the annual meeting, Rule 6 shall not apply.
- (3) Ordinary meetings of the Council shall be held in each year on such days as the Council shall determine.
- (4) An extraordinary meeting of the Council may be called at any time by the Chair and/or the Monitoring Officer.
- (5) If the Chair refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by five Members of the Council, has been passed to them, or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after the requisition has been presented to them, then any five Members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Council.
- (6) No business shall be transacted at a meeting of the Council other than that specified in the Agenda relating thereto, except as required by an enactment or as a matter of urgency in accordance with these Rules.
- (7) All meetings of the Council shall be held at such place or places as the Council may from time to time determine. Full Council meetings shall not start earlier than 7.30pm although extraordinary meetings may commence earlier. Meetings shall be concluded by 10pm with the exception of the Council Budget meeting, which shall conclude not later than 10.30pm.

RULE 2

TIME AND PLACE AND NOTICE OF SUMMONS TO MEETINGS

- (1) The time and place of meetings will be determined by the Chief Executive and notified in the summons.
- (2) The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will issue a summons, signed by them, to every Member of the Council. The Summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such electronic reports as are available.

RULE 3

CHAIR AND VICE-CHAIR

- (1) **Chair.** The first business to be transacted at the annual meeting of the Council shall be the election of the Chair who shall, unless they resign or becomes disqualified, hold office until their successor becomes entitled to act as Chair at the next annual meeting of the Council.
- (2) **Vice-Chair.** The Council shall at the annual meeting appoint a Vice-Chair who shall, unless they resign or becomes disqualified, hold office until immediately after the election of a Chair at the next annual meeting of the Council.

RULE 4

CHAIR OF MEETING

- (1) The Chair, if present, shall preside at meetings of the Council.
- (2) If the Chair is absent from a meeting of the Council the Vice-Chair, if present, shall preside.
- (3) If both the Chair and Vice-Chair are absent from a meeting of the Council, another Member chosen by the Members present shall preside. This Member shall not be the Leader or a Lead Member.
- (4) Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the Member presiding at the meeting.
- (5) If the Chair is of the view that a meeting may need to be postponed or adjourned to a later date with less than the required notice period of 5 working days, they shall consult the leaders of the political groups. If unanimous consent of the group leaders is not obtained, then a decision should be made based on the wishes of at least 2 group leaders representing the majority of Councillors. [The Chair has discretion to adjourn the meeting for a 10-minute comfort break if required.](#)
- (6) This Rule shall, with any necessary modification, apply to Committee and Sub-Committee meetings.

RULE 5

QUORUM - COUNCIL MEETINGS

- (1) No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members is present.
- (2) If during any meeting of the Council the Chair after counting the number of Members present declares that there is not a quorum present, the meeting shall stand adjourned, and the names of those Members who are present at that time shall be recorded in the Minutes.
- (3) The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or, if they do not fix a time, to the next ordinary meeting of the Council.

RULE 6

ORDER OF BUSINESS AT COUNCIL MEETINGS

- (1) The Order of Business at every ordinary meeting shall be:
 - (a) To choose a Member to preside if the Chair and Vice-Chair be absent.
 - (b) Apologies for absence.
 - (c) To confirm as a correct record the Minutes of the previous meeting of the Council which shall then be signed by the Member presiding at the meeting.
 - (d) Chair's announcements.
 - (e) Receive any petitions under procedure Rule 18.
 - (f) Questions from the public under procedure Rule 15
 - (g) Business required by statute to be dealt with before any other business.
 - (h) To deal with any other business specifically required by law.
 - (i) Recommendations of the Policy & Resources Committee (including budget-setting recommendations).
 - (j) To deal with any other recommendations.
 - (k) To deal with any other business specified in the Summons.
 - (l) To receive reports from the Leader and Lead Members.
 - (m) To consider notices of motions (Rule 11).
- (2) The order of business under items (g) – (m) can be changed by the Chair or by a resolution passed on a motion (which need not be in writing) duly moved and seconded and put to vote without discussion. The Chair shall have the ability to move without discussion any items required to be considered under Section 100A of the Local Government Act 1972 with the press and public excluded to any stage of the meeting after item (f) to ensure that such business is concluded before the close of the meeting.
- (3) If in accordance with Rule 1 the above business (a) to (k) and any items under Section 100A of the Local Government Act 1972 are not concluded by the set time, that business shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or, if they do not fix a time, to the next ordinary meeting of the Council. Item (l) will be taken as read and added to the minutes but items (m and n) shall fall and not be considered.
- (4) Any proposed amendments to motion or agenda items must be presented to the committee team by 5pm on the Thursday before the meeting, i.e. 72 working hours before the Council meeting. The proposed amendments should also be sent to all

Group Leaders. Later amendments may still be allowed, even if they are raised directly at Council meetings, however, it is encouraged that prior notice is given to Members and Officers by 6pm at the latest on the day before the Full Council meeting (Monday).

RULE 7

ORDER OF BUSINESS AT ANNUAL COUNCIL MEETINGS

The order of business at the Annual Council meeting shall be:-

- (a) to elect the Chair of the Council for the forthcoming municipal year;
- (b) to elect the Vice-Chair of the Council for the forthcoming municipal year;
- (c) to deal with any item of business required by law to be transacted before any other item;
- (d) to approve the Minutes of the last meeting of the Council;
- (e) to receive any announcements from the Chair and/or Head of Paid Service;
- (f) to appoint the Leader, Deputy Leader, and Lead Members.
- (g) to establish, subject to Articles 6 and 9 of Part 2 of the Constitution, the Policy and Resources and Service Committees for the municipal year;
- (h) to establish, subject to Article 8 of Part 2 of the Constitution, such regulatory and other Committees as the Council considers appropriate to deal with matters which by law or by the Constitution are not reserved to full Council;
- (i) to determine, subject to Articles, 6, 8 and 9 of Part 2 of the Constitution the size and terms of reference of the Committees referred to in paragraphs (g) and (h) above;
- (j) to determine the allocation of seats to political groups in accordance with Sections 15 to 17 inclusive of the Local Government and Housing Act 1989 (the political balance rules);
- (k) to receive nominations of Councillors to serve on each Committee and appoint the Members thereto;
- (l) to appoint the Chairs and Vice-Chairs of the Committees;
- (m) to receive nominations of Councillors to serve on outside bodies and appoint to those bodies;
- (n) to approve, if necessary, a scheme of allowances for the municipal year having regard to the reports and recommendations of the Independent Panel on Members' allowances established by the Council to advise in this respect;
- (o) to approve, if necessary, the appointment and terms of reference of the Independent Panel on Members' Allowances for such term as it thinks fit;
- (p) to approve, if necessary, a programme of ordinary meetings of the Council for the municipal year; and

- (q) to consider any other items of business set out in the summons concerning the meeting.

RULE 8

MINUTES OF THE COUNCIL

- (1) Minutes of the proceedings of meetings of the Council shall be drawn up by the Chief Executive and presented [to each Group Leader for comments within seven working days. atAt](#) the next following ordinary meeting of the Council to be signed by the Member presiding thereat.
- (2) The Chair, or Member presiding at the meeting, shall put the question that the Minutes of the previous meeting be confirmed as a correct record.
- (3) No discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall 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 Chair shall sign the Minutes.
- (4) This Rule shall, with any necessary modification, apply to Committee and Sub-Committee meetings.
- (5) The Minute Writing Standard shall apply to the drawing up of Minutes and is provided at Appendix 2 to the procedure rules.

RULE 9

RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance.

RULE 10

EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution or Rule 21 (Disturbance by Members of the Public).

RULE 11

NOTICES OF MOTION

- (1) Notice of every motion to be moved at an ordinary meeting of the Council, other than a motion under Rule 12, shall be given in writing, signed by the mover and seconder and delivered not later than noon 8 working days before the publication of the summons to the Chief Executive. The notice shall state for which meeting of the council the notice is given. The notice shall be dated and numbered on receipt in the order in which it is received and entered onto a public register which shall be open to inspection by every Member of the Council.
- (2) All motions received must have a proposer and seconder.

- (3) The Chief Executive shall set out in the Agenda for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the Members giving such a notice intimated in writing, when giving it, that they proposed to move it at some later meeting or have since withdrawn it in writing.
- (4) If a motion thus set out in the Agenda be not moved and seconded either by the Members who gave notice thereof or by some other Members on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (5) The Chief Executive and Associate Director, Legal and Democratic Services (Monitoring Officer), in consultation with the Chair of the Council, shall decide, without discussion or debate, that the motion should be more appropriately referred to a Committee in which event it shall be placed on the agenda for the next available meeting of that Committee. Details of motions so referred will be included on the summons as a record. Otherwise, motions will be dealt with at the Council meeting to which they are submitted.
- (6) If a motion includes a proposal for the Council to take any significant policy decision which is contrary to the Budget and Policy Framework or incur any expenditure in excess of £10k it shall only be considered in principle to the extent that the matter is noted by Council and is referred to the relevant Committee for consideration. The motion shall not be moved or debated. The minutes of the meeting will record the motion being received. Any decision on the motion shall be made at a future meeting of the Council which shall not consider the matter without a full report on the policy, budget and financial implications together with any recommendations from the Committee to which the matter was referred.
- (7). The Policy and Resources Committee may issue guidance on the application of Rule 11(6) with regards to the levels of any expenditure.
- (8) Every notice of motion shall be relevant to some matter in relation to which the Council has powers or duties, or which affects the District.
- (9) If notice is given of a motion that, in the opinion of the Monitoring Officer, is out of order, illegal, irregular or improper, the Monitoring Officer shall inform the Chair and it shall not be accepted and placed on the agenda without their approval. In the event of non-acceptance by the Chair, the Monitoring Officer shall inform the member submitting the motion the reason it has not been accepted and whether revised wording would make it acceptable.
- (10) A substantive motion which seeks to prevent or postpone the debate of another motion which has already been accepted for inclusion for debate in a future Council agenda shall not be considered for debate by Council. The Chief Executive and Associate Director, Legal and Democratic Services (Monitoring Officer) will in consultation with the Chair of the Council decide if this Rule applies.
- (11) A motion of which notice has been duly given in accordance with the foregoing shall not be amended or varied at any time except in accordance with the following:-

A Member who had given notice of the motion may, with the consent of the Council signified without discussion –

- (a) alter the motion; or

- (b) with the further consent of their seconder alter a motion which they have moved;
- provided (in either case) the alteration is one which could be made as an amendment thereto.
- (12) A Member of the Council who has proposed and seconded a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. They shall have the right to attend the meeting and if they attend shall have an opportunity of explaining the motion.
- (13) The rules of debate, contained in Rule 16 shall, with any necessary modification, apply to this Rule.

RULE 12

MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

- (1) Appointment of a Chair of the meeting at which the motion is moved.
- (2) Motion relating to the accuracy of the Minutes.
- (3) That an item of business specified in the Agenda has precedence.
- (4) To refer back to a Committee a matter dealt with under delegated powers but only when additional material facts, not available at the meeting, were forthcoming.
- (5) Appointment of a Committee or Members thereof, occasioned by an item mentioned in the Agenda for the meeting.
- (6) Adoption of recommendations of the Committees or officers.
- (7) That leave be given to withdraw a motion.
- (8) Extending the time limit for speeches.
- (9) Amendments to motions.
- (10) That the Council proceed to the next business.
- (11) That the question be now put.
- (12) That the debate be now adjourned.
- (13) That the Council do now adjourn.
- (14) Suspending Council Procedure Rules, in accordance with Rule 32.
- (15) Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
- (16) That a Member named under Rule 21 be not further heard or do leave the meeting.
- (17) Giving the consent of the Council where the consent of the Council is required by these Rules.

- (18) Paragraphs (1)-(3), (7)-(13), (15)-(16) of this Rule shall, with any necessary modification, apply to the Committee and Sub-Committee meetings.
- (19) Paragraph (5) of this Rule shall, with any necessary modification, apply to the Committee meetings.

RULE 13 – NO LONGER IN USE

LEADER’S REPORT – NO LONGER IN USE

RULE 14

WRITTEN REPORTS FROM AND QUESTIONS TO LEADER OF THE COUNCIL AND LEAD MEMBERS

~~WRITTEN REPORTS FROM AND QUESTIONS TO CHAIRS OF AUDIT, PLANNING, LICENSING, AND REGULATORY SERVICES COMMITTEES~~

- (1) Any Member wishing to submit a question to the Leader of the Council or Lead Member ~~or a Committee Chair~~ shall submit the same in writing to the Proper Officer not later than noon 8 working days before the publication of the Council summons. Any such question must be directly related to the area of responsibility of the Member to whom the question is addressed.
- (2) Each opposition group will be allowed to submit three written questions to the Full Council Meeting. Each group will prioritise their questions in order of importance. Any non-group Member will be allowed one question.
- (3) A full written answer from the Leader of the Council or Lead Member ~~or appropriate Committee Chair~~ will, where practicable be published with the summons. In exceptional circumstances a written answer will be circulated at the meeting. If the matter is particularly complex, a written answer may be circulated to all Members as soon as practicable after the meeting and a record kept with the minutes of the meeting.
- (4) If a Member has an urgent question that has arisen subsequent to the deadline set out in Rule 14(1) above then the question may be submitted to the Proper Officer in writing not later than noon on the day of the meeting. The Chief Executive and Associate Director, Legal and Democratic Services (Monitoring Officer) will in their absolute discretion determine whether the question constitutes an urgent question such that it may be accepted under this rule. No question shall be accepted as an urgent question where the issue was in the public domain or known to the Member asking the question prior to the deadline set out in Rule 14(1) above. Any urgent question accepted under this Rule shall be answered within 5 working days or as soon as practicable thereafter and the response circulated to all members. A record of the question and response shall be kept with the minutes of the meeting.
- (5) A Member shall be entitled to ask one supplementary question in response to the written answer on their original question provided that only one supplementary question may be put and must be relevant to the subject matter of the original question. The Member shall have a time limit of one minute to put the supplementary question. The Lead Member will then have a time limit of three minutes to respond. In the event of a written response being given, this shall be provided within 5 working days or as soon as practicable thereafter and circulated to all Members. If an urgent question is accepted and answered at the meeting then a supplementary question will be permitted on the response.

- (6) When all supplementary questions to first-choice questions have been answered, each group will then be allowed to ask a supplementary question to their second-choice question. The same will apply for the third-choice question. Supplementary questions for written answers will be subject to an overall time limit of 30 minutes. Once that time has been exhausted there will be no further time allowed for discussion except to complete the question currently being discussed.
- (7) At all ordinary meetings of the Council, the Leader of the Council or Lead Members ~~and Committee Chairs~~ will give a written report on matters relevant to their areas of responsibility, which have arisen since their last report. The written report will be published with the Council summons for the meeting and will be taken as read. An oral report will also be given at the meeting on any matters which have arisen since the written report was published. The oral report shall be limited to three five minutes.
- (8) Lead Members when presenting their report will be allowed to speak for no more than three minutes. Once all reports have been presented, aAny Member (except for the administration) of the Council may ask questions on the written and/or oral report or any matter relating to the relevant Lead Member portfolio. However, this should be limited to two questions only per group and should be for no longer than one minute for each question. Any non-group member will be allowed one question for no longer than one minute. followed by one supplementary question to the Member presenting the report. Such questions should directly relate to the contents of the report. The Chair of Council will have the discretion to direct any question to the appropriate Member for response. The Lead Member will then have three minutes to provide an answer for each question.
- (9) Questions (written or oral) will be asked and answered without discussion but the Chair of Council, at their discretion, may, in exceptional circumstances and where they consider it to be in the public interest, permit a debate on the issue in question. A Member who has been asked a question may decline to answer, or may name an appropriate person to answer on their behalf.
- (10) Written questions not dealt with at the meeting will not be carried over to the next meeting. The written question and answer will be provided in the minutes. At the next meeting the Member whose question was not dealt with may ask one supplementary question on the written answer provided. The time limits in Rule 14(5) will apply.

RULE 15

QUESTIONS FROM THE PUBLIC

- (1) At any ordinary meeting of the Council, a member of the public may ask a question which is relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority or part of it, or the inhabitants of that area or some of them.
- (2) Questions must be submitted in writing to the Chief Executive 8 working days before publication of the agenda. the meeting.
- (3) The Council Chair will determine which questions are to be accepted for answers at Council and which will be dealt with in other ways following consultation with the Leader, and relevant Lead Member. The Chief Executive will notify intending questioners whether or not their question has been selected. All questions will be included on the agenda for Council along with the written response from the Leader or

Lead Member. The agenda will also indicate how questions not being dealt with at Council will be progressed.

- (4) A maximum of five questions will be allowed at each meeting. Only one question can be asked by each member of the public. Questioners may put their question themselves or ask that it be read out by the Chair. With the Chair's permission, the questioner may ask a supplementary question about the answer with a time of one minute and allow three minutes for a response.
- (5) Answers will be given by the Leader or by the Lead Member or by a Member nominated by the Leader or Lead Member/relevant Committee Chairs if that Member agrees. An answer may be:-
 - (a) an oral answer lasting no more than three minutes; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the information required can more conveniently be given in writing, a written answer; or
 - (d) a combination of the above.
- (6) Except in extraordinary circumstances notified to the Chair of Council prior to the meeting, other members of the public may not ask supplementary questions.

RULE 16

RULES OF DEBATE FOR COUNCIL MEETINGS

- (1) A motion or amendment shall be stated and moved by the proposer thereof as soon as they indicate a wish to address the Council and before making any speech, and unless notice has already been given in accordance with Rule 11 it shall, if required by the Chair of Council, be put in writing and handed to the Chair of Council before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until any point later in the debate.
- (3) Where possible a Member when speaking shall stand and address the Chair of Council. If two or more Members rise, the Chair of Council shall call on one to speak; the other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation.
- (4) A Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order. Except with the consent of the Council **a Member moving a motion (other than a motion under paragraph (14) of this Rule) shall be entitled to speak for not more than ~~seven~~ five minutes, but, except as aforesaid, no Member shall speak for more than ~~four~~ three minutes.**
- (5) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
 - (a) to speak once on an amendment moved by another Member;

- (b) if the motion has been amended since they last spoke, to move a further amendment;
 - (c) if 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;
 - (d) in exercise of a right of reply given by paragraph (12) or (14) of this Rule;
 - (e) on a point of order; and
 - (f) by way of personal explanation.
- (6) An amendment shall be relevant to the motion and shall be either:-
- (a) to refer a subject of debate to a Committee for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words;
- but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.
- (7) If notice is given of an amendment that, in the opinion of the Monitoring Officer is out of order, irregular, improper, incurs any expenditure in excess of £10k or is contrary to the budget or policy framework, the Monitoring Officer shall inform the Chair and it shall not be accepted for debate without their approval.
- (8) 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, providing that the Chair of Council may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.
- (9) If an amendment is lost, other amendments may be moved on the original motion. 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.
- (10) A Member may, with the further consent of their seconder and with the consent of the Council, alter a motion which they have moved provided the alteration is one which could be made as an amendment thereto.
- (11) A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Council, which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
- (12) The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote but such reply shall be time limited to ~~four~~three minutes. If an amendment is moved, the mover of the original motion shall also have the right of reply at the close of the debate on the amendment, and shall not otherwise

speak on the amendment. The mover of the amendment shall have no right of reply to the debate on their amendment.

- (13) When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a Member be not further heard;
 - (g) by the Chair of Council under Rule 21(2) that a Member do leave the meeting;
 - (h) a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public;
 - (i) to postpone consideration of the motion.
- (14) Subject to the provisions of paragraph (5) of this Rule and paragraph (3) of Rule 33, a Member may move without comment at the conclusion of a speech of another Member, “That the Council proceed to the next business”, “That the question be now put”, “That the debate be now adjourned”, or “That the Council do now adjourn”, on the seconding of which the Chair of Council shall proceed as follows:-
- (a) on a motion to proceed to next business; if in the opinion of the person presiding the matter before the meeting has been insufficiently discussed, they may refuse to accept the motion; if in the opinion of the person presiding at the meeting, the matter has been sufficiently discussed they shall put the motion to the vote but shall first allow the proposer of the original motion to speak briefly to the closure motion. If the closure motion is carried, the original motion shall be deemed withdrawn.
 - (b) on a motion that the question be now put; if the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed, they may refuse to accept the motion: if they accept the motion they shall first put to the vote the motion that the question be now put and if it is passed then proceed in accordance with paragraph (12) of this Rule;
 - (c) 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 adequately discussed at the meeting, they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply if the person presiding is satisfied that the motion has been sufficiently discussed or that it can be sufficiently discussed at the meeting, they shall announce what further speakers they will call to conclude the debate.
- (15) A Member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Council Procedure Rule or statutory provision and the Member shall specify the Rule or statutory provision and the way in which they consider it has been broken. A personal

explanation shall be confined to some material part of a former speech by them in the present debate which they believe to have been misunderstood by a subsequent speaker.

- (16) The ruling of the Chair of Council on a point of order or on the admissibility of a personal explanation shall be final and shall not be open for discussion.
- (17) Whenever the Chair of Council rises during a debate a Member then standing shall resume their seat and the Council shall be silent.
- (18) Smoking or vaping shall not be permitted in the Council chamber.
- (19) This Rule, except those parts which relate to standing and speaking more than once, shall, with any necessary modification, also apply to Committee and Sub-Committee meetings.

RULE 17

PROCEDURE RULES FOR BUDGET SETTING

- (1) The budget shall be proposed by a member of the Administration first who will be allowed a maximum of 15 minutes to present the budget. The Administration budget will be seconded and the seconder may reserve the right to speak later in the debate, for up to five minutes.

(Electronic copies of the budget proposal and of any related visual presentation must be circulated electronically to all Councillors 5 working days before the meeting. The proposal must be accompanied by a statement from the Council's Chief Financial Officer as to the robustness of any estimates used and the adequacy of the financial reserves resulting from the budget proposal, in accordance with Section 25 of the Local Government Act 2003. The proposals must also be agreed by the Chief Executive or relevant Director to ensure that they are deliverable and that any associated risks are identified. Electronic Copies of all budget proposals must have been supplied to the Chief Financial Officer 10 working days prior to the meeting.

- (2) The Leaders of other parties (or nominated Member) or any individual Member may each propose an alternative budget and will be allowed a maximum of 105 minutes to present their budget. These proposals will be circulated electronically to all Councillors 5 working days prior to the meeting and must be accompanied by a statement from the Council's Chief Financial Officer as to the robustness of any estimates used and the adequacy of the financial reserves resulting from the budget proposal, in accordance with Section 25 of the Local Government Act 2003. The proposals must also be agreed by the Chief Executive or relevant Director to ensure that they are deliverable and that any associated risks are identified. Electronic Copies of all budget proposals must have been supplied to the Chief Financial Officer 10 working days prior to the meeting. The seconder of the alternative budget may reserve the right to speak later in the debate, for up to five minutes.

- ~~(3) Each budget will be seconded and the seconder may reserve the right to speak later in the debate for up to five minutes.~~

- ~~(34) After all budgets have been proposed, there will be one debate covering all the propositions. Members can only speak once during the debate for no longer than three minutes.~~

- ~~(5) All other Members may have the opportunity to comment/ask questions but they may only speak once during the debate and for no longer than five minutes, apart from points of order.~~
- (4) The proposer of each budget may sum up/~~answer questions~~ for no more than ten minutes each, in the reverse order of being proposed.
- (57) A vote will be taken in reverse order of being proposed until a majority of Members present vote in favour of one budget."
- (68) In accordance with regulations, voting on resolutions setting the budget, Council Tax and Special Expenses shall be by means of recorded vote.

RULE 18

PETITIONS

- (1) Any member of the public may ask to present a petition, either electronically or in paper form, signed by at least 25 residents other than Members of the Council (a proforma is provided e-petitions/petitions page on the website providing details of the information that the Council requires for a paper petition). Signatories must reside or work in the district. It must be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority or part of it, or the inhabitants of that area or some of them. Subject to the provisions of the Petitions Scheme governing responses to ordinary petitions, the Monitoring Officer shall determine the appropriate Committee meeting or Council the petition shall be presented.~~Group Leaders shall determine which ordinary petitions shall be presented to a Committee or to Council.~~ A petition which asks for the Chief Executive or a Director to give evidence to a public meeting of a Committee must have a minimum of 100 signatures. A planning or licensing objection signed by more than 25 residents should not be deemed a petition for the purpose of this Rule. The Chair and Spokespersons of Planning or Licensing Committee (as appropriate) shall be notified of its receipt and can exercise their right to require the matter to be determined by the appropriate Committee.
- (2) The terms of the petition and signatures shall be submitted in writing by noon at least 8 working days before that committee meeting in order to be included on the agenda. If a petition relates to a matter on the published agenda and has not already been presented in the previous 6 months then providing it is received by Officers at least 24 hours prior to the meeting, it will be considered at the service committee meeting. on the Monday of the week prior to the meeting.
- (3) A maximum of three petitions shall be received at any meeting. Petitions shall be taken in the order of receipt.
- (4) ~~Group Leaders shall be consulted on which petitions should be presented to a Committee and will have discretion over where a petition should go, to ensure that it goes to the most appropriate committee. Exceptionally, a petition might be referred to Council. If unanimous consent of the group leaders is not obtained, then a decision should be made based on the wishes of at least 2 group leaders representing the majority of Councillors.~~ One representative of the petitioners shall be allowed to address the meeting **for not more than three minutes.**
- (56) After the petition has been presented, the appropriate Lead Member ~~for the subject of the petition~~ shall have the right to respond. The response shall be limited to no more than three minutes. The Lead Member will try to indicate the action that will follow on

receipt of the petition. There shall be no debate on the petition except where it relates to a matter already on the agenda, where it will be debated under the Chair's guidance.

- (67) Except in extraordinary circumstances notified to the Chair prior to the meeting, members of the public may not ask questions or make statements in relation to the subject matter of the petition. No member of the public may speak more than once and no speech shall last longer than three minutes.
- (78) A decision will be made on how to respond to the petition and a written reply with details of any action proposed will be sent to the representative of the petitioners.
- (89) No petition shall be considered within six months of a petition with the same or likewise objective.

(940) E-Petitions

- (a) E-Petitions, should be created and submitted through the Council's website, and shall follow the same guidelines as paper petitions, as above. Any e-petition not submitted via the portal must contain sufficient information to allow officers to verify the identity and address of the person who has signed the form.
- (b) The petition organiser shall provide their name, postal address and email address.
- (c) The E-Petition shall remain open for a maximum of three months.

RULE 19

MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If at a meeting of the Council (or a Committee or Sub-Committee) to which Sections 100A to 100D of the Local Government Act 1972 apply, any question arises as to the staff employed by the Council, such question shall not be the subject of discussion until the Council or Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972 shall be exercised.

RULE 20

DISORDERLY CONDUCT

- (1) If at a meeting any Member of the Council, in the opinion of the Chair notified to the Council, 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 Chair or any other Member may move "That the Member named be not further heard" and the motion if seconded shall be put and determined without discussion.
- (2) If the Member named continues their misconduct after a motion under the foregoing paragraph has been carried, the Chair shall:

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 adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

- (3) In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair 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.
- (4) This Rule shall, with any necessary modification, apply to all meetings of the Committees and Sub-Committees.

RULE 21

DISTURBANCE BY MEMBERS OF THE PUBLIC

- (1) If a member of the public interrupts the proceedings at any meeting, the Chair shall warn them. If they continue the interruption the Chair shall order their removal from the Council Chamber. In cases of general disturbance in any part of the Chamber open to the public, the Chair shall order that part to be cleared.
- (2) This Rule shall, with any necessary modification, apply to all meetings of the Committees and Sub-Committees.

RULE 22

RESCISSION OF PRECEDING RESOLUTION BY COUNCIL

- (1) No motion to rescind any resolution of Council or a Committee 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 at a meeting of the Council unless -
 - (a) due notice has been given in accordance with Rule 11 and such Notice bears the names of at least ten Members of the Council; or
 - (b) it is moved as a report or recommendation of a Committee.
- (2) In submitting a motion within the terms of part (1)(a) of this Rule, the Member shall enclose a written assurance that the consent of the Members listed has been obtained.
- (3) Once a motion or amendment under (1)(a) above has been determined by the Council, it shall not be open to any Member to propose a similar motion or amendment within a further period of six months, notwithstanding the foregoing provisions of this Rule.

RULE 23

VOTING

- (1) Except where otherwise required by an enactment, all questions coming before the Council shall be decided by a majority of the Members present and voting thereon at a meeting and in the event of an equality of votes the Member presiding at the meeting shall have a second or casting vote.
- (2) The mode of voting shall be by show of hands, provided that on the requisition of not less than six Members of the Council made before the vote is taken the voting on any question shall be recorded so as to show how each Member present and voting gave their vote, or that they abstained from voting.

- (3) This Rule shall also apply to meetings of the Committees and Sub-Committees, save that a recorded vote shall be taken upon the requisition of not less than two Members.
- (4) Except for recorded votes, immediately after a vote is taken any Member who so requires may have recorded in the minutes whether they voted for the question or against the question or whether they abstained from voting.

RULE 24

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.

RULE 25

DISCLOSABLE PECUNIARY and NON-PECUNIARY INTERESTS

The Three Rivers District Council Code of Conduct (appended) defines pecuniary and non-pecuniary interests which Members are required to declare. Normally, where a pecuniary interest in a matter is declared, a Member is unable to participate in the meeting when the item is under discussion.

RULE 26

APPOINTMENT OF COMMITTEES ETC

The Council shall at the annual meeting appoint such Committees as it is required to appoint by or under any statute and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provisions in that behalf:-

- (a) shall not appoint any Member of a Committee so as to hold office later than the next annual meeting of the Council;
- (b) may at any time dissolve a Committee or alter its membership.

RULE 27

PROCEEDINGS OF COMMITTEES ETC TO BE CONFIDENTIAL

All agenda, reports and other documents and all proceedings relating to Part II of the Committee and Sub-Committee agenda shall be treated as confidential unless and until they become public in the ordinary course of the Council's business, or the Council or Committee authorises their publication.

RULE 28

CONSTITUTION OF COMMITTEES ETC

- (1) The number of seats on each Committee will be allocated in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

- (2) Membership of a Committee dealing with staff negotiations is subject to the restrictions imposed by Section 12 of the Local Government and Housing Act 1989 designed to prevent conflict of interest.
- (3) The appointment of substitute members on Committees will be as follows:-
 - (a) If a member is not able to attend a meeting, their group may arrange a substitute, by the Group Leader giving appropriate notice to the Committee Manager or their representative at the meeting in writing or email, including the name of the member to be appointed in their place. The original member will regain their place on the Committee immediately after the meeting unless otherwise notified.
 - (b) The notice should be given by the appropriate Group Leader to the Committee Manager at the meeting by 12 noon on the day of the meeting; with exception of the Planning Committee whereby notice should be given by the appropriate Group Leader to the Committee Manager at the meeting by 12 noon on the Monday before the Planning Committee (i.e. 72 hours).
 - (c) Members appointed as substitutes are in the same position in terms of responsibilities and duties as any other member, for example in relation to the declaration of any interest they may have.
 - (d) A valid notice of substitution, once given in respect of a meeting of a Committee may not be revoked in respect of such meeting or any adjournment of it.
 - (f) The Committee Manager (or their representative) shall announce the appointment of any substitute members made in accordance with this procedural rule at the commencement of the meeting.
 - (g) In the event of the Chair or the Vice-Chair of a Committee being substituted, the substitute member may only act as an ordinary member.

The normal rules as to the Vice-Chair taking the chair will apply. In the absence of both the Chair and Vice-Chair from a meeting, the meeting shall appoint a Chair for that meeting who shall be drawn from any members present and with voting rights, including any substitute members.

RULE 29

CHAIRS AND VICE-CHAIRS OF COMMITTEES ETC

- (1) The Chair and Vice-Chair of the Committees and the Chair of all standing Committees shall be appointed at the annual meeting of the Council unless, owing to special circumstances, the Council decides otherwise.
- (2) In the absence from a meeting of the Chair and Vice-Chair, a Chair for that meeting may be appointed from those Members present at the meeting.
- (3) In the event of a casual vacancy occurring in the Chair of a Committee, an appointment shall be made at the next ordinary meeting of the Council.

RULE 30

MEETINGS OF COMMITTEES ETC

- (1) Ordinary meetings of the Committees shall be held in each year on such days as the Council shall determine unless amended by the Chief Executive with the agreement of the appropriate Chair and the nominated representatives of each of the minority groups. If unanimous consent of the group leaders is not obtained, then a decision should be made based on the wishes of at least 2 group leaders representing the majority of Councillors.
- (2) Ordinary meetings shall normally commence at 7.30pm unless altered in special circumstances by the Chief Executive with the agreement of the Chair of the appropriate Committee and the nominated representatives of each of the minority groups. The Chair shall draw to the attention of Members both before the meeting commences and before 10.00pm that the meeting must close no later than 10.00pm.
- (3) The Agenda for the meeting shall set out the business to be considered thereat and no other business shall be considered at that meeting unless notice thereof shall have been given to the Chief Executive no later than noon on the day of the meeting and which the Chair of the meeting may agree is an urgent matter within the terms of Section 100B(4) of the Local Government Act 1972.
- (4) In the case of urgency the Chief Executive may call a special meeting of a Committee at any time. In consultation with the Chief Executive and subject to this Procedure Rule, the Chair of the Council, the Chairs of a Committee or of a Sub-Committee may call a special meeting of that body at any time. A special meeting shall also be called on the requisition of no fewer than four Members of a Committee or three Members of the Sub-Committee delivered to the Chief Executive. The Agenda for the special meeting shall set out the business to be considered thereat and no other business other than that set out therein shall be considered at the meeting. Should the Chairs of two or more bodies consider that it would be in the best interest of the Council that a joint meeting of these respective bodies be held, they may, after informing the Chair of the Council, instruct the Chief Executive to convene such a joint meeting. The business to be transacted shall only be such as specified on the Agenda.
- (5) Paragraphs (2) and (3) of this Rule shall, with any necessary modification, apply to Sub-Committee meetings.

RULE 31

QUORUM - COMMITTEES ETC

- (1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one-third of the whole number is present, provided that in no case shall the quorum be fewer than three Members.
- (2) Business shall not be transacted at a Sub-Committee unless at least one-third 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.

RULE 32

SUSPENSION AND AMENDMENT OF RULES AT COUNCIL MEETINGS

- (1) Subject to paragraph (2) of this Rule, any of the preceding Rules, with the exception of those parts comprising statutory requirements, may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend Rules shall not be moved without notice (ie under Rule 12) unless there shall be present at least two-thirds of the whole number of the Members of the Council.
- (3) A Member who has spoken in a debate shall not be permitted to move the suspension of Rules in relation to that motion nor to move a motion under Rule 18(13).
- (4) Rules can be suspended only at Council meetings.
- (5) Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

RULE 33

INTERPRETATION OF RULES

- (1) The ruling of the Chair as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall be final, without setting any precedent.
- (2) In these Rules, "the Chair" means the Chair of the Council for the time being. Any power or duty assigned to the Chair in relation to the conduct of a meeting may be exercised by the Member presiding at the meeting.
- (3) In computing time under these Rules, Saturday and Sunday shall be counted as ordinary days.
- (4) In these Rules, the masculine gender shall be taken to include the feminine, unless the context otherwise requires.
- (5) Paragraphs (1)-(2) of this Rule shall, with any necessary modification, apply to Committee and Sub-Committee meetings.

RULE 34

VALIDITY OF PROCEEDINGS

The proceedings of the Council or of a Committee or Sub-Committee shall not be invalidated by an inadvertent contravention or non-compliance with the provisions of these Rules relating to the convening of meetings and the constitution and terms of reference of Committees or Sub-Committees.

RULE 35

(A) COUNCILLORS AND OTHER ELECTED REPRESENTATIVES MAY ATTEND COMMITTEE OR SUB-COMMITTEE MEETINGS

Any Member of the Council is entitled to attend a Committee, or Sub-Committee of which they are not a Member but they shall not be entitled to vote, they shall not take part in the consideration or discussion of any business, save by leave of the Chair of the body and their comments will be recorded only on the direction of the Chair.

This Rule also applies to –

Members of Parish Councils within the District

Members of the Hertfordshire County Council representing Divisions within the District

Members of Parliament for the residents of the District

Members of the European Parliament for the residents of the District.

(B) REPRESENTATIONS AT COMMITTEES ETC

Members of the public wishing to address a Committee or Sub-Committee on Part I reports contained within the agenda for the meeting shall be given the opportunity to do so subject to:-

- (a) the opportunity being extended to one person to speak in support of each agenda item and one person to speak against each agenda item when called to do so by the Chair;
- (b) an indication of the desire to speak on the agenda item being made by the person wishing to address the Committee or Sub-Committee just prior to the meeting and the name supplied to the Committee Manager in attendance (by means of the register), the first person registering to have precedence in the event of more than one person wishing to speak either for or against the agenda item;
- (c) each person addressing the Committee or Sub-Committee being limited to **three minutes' speech**;
- (d) an opportunity being provided for an expression of a contrary view, even though no prior notice has been given, when a member of the public has spoken for or against the item;
- (e) in the event of the person having registered to speak on an agenda item not wishing to take up their right to speak on the agenda item because it was deferred, that person will automatically be given the right to speak on the agenda item at the next meeting of the Committee or Sub-Committee;
- (f) the Chair of the meeting having discretion to rule that a person wishing to address the meeting shall not be heard if, in their opinion, that issue or the organisation or the person wishing to make representation on that issue has received an adequate hearing.

RULE 36

EXTERNAL FILMING OF COUNCIL AND COMMITTEE MEETINGS

In accordance with the provisions of the Openness of Local Government Bodies Regulations 2014, any person attending a Council meeting which is open to the public may report on proceedings and publish or disseminate the results. "Reporting" includes filming, recording and providing comments on proceedings and the 2014 Regulations allow for the use of a

wide range of methods including social media, in accordance with the protocol and guidance set out in Appendix 1.

RULE 37

APPLICATION TO COMMITTEES AND SUB-COMMITTEES

- (1) All of the Council Rules of Procedure apply to meetings of full Council.
- (2) Rules 2, 4, 5, 8, 9, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 33, 34, 35 and 36 of these Procedural Rules apply to meetings of Committees and Sub-Committees of the Council.