

SECTION 1 - COUNCIL PROCEDURE RULES

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SECTION 1 - COUNCIL PROCEDURE RULES

1. Annual Meeting of the Council

In a year where there is an ordinary election of Members, the Annual Meeting of the Council will take place within 21 days of the retirement of the outgoing Members. (The meeting usually takes place on the 12th day after the first Thursday in May). In any other year the Annual Meeting will take place in May.

The annual meeting will

- (1) Elect a person to preside if the Mayor is not present;
- (2) Elect the Mayor; (see Procedure Rule 2 below).
- (3) Elect the Deputy Mayor;
- (4) Approve as a correct record and sign the Minutes of the last meeting;
- (5) Receive any announcements from the Mayor and Returning (or Acting Returning) Officer;
- (6) Elect the Leader of the Council;
- (7) Agree the number of Members to be appointed to the Executive and appoint the Members of the Executive;
- (8) Decide to establish at least one Scrutiny Panel, a Standards Committee, and such other Committees/Forums as the Council considers appropriate, deciding their terms of reference and size, and to decide the allocation of seats in accordance with the political balance rules;
- (9) Agree the Scheme of delegation;
- (10) Approve a programme of meetings for the year;
- (11) Receive nominations of Councillors to serve on outside bodies.

2. Election of Mayor and Deputy Mayor

Nominations for Mayor and Deputy Mayor shall be delivered to the Proper Officer no later than noon on the Thursday before the Annual Council Meeting, signed by a proposer and a seconder both of whom, at the time of delivery of the nominations, shall be elected Members of the Council, who have made declarations of acceptance of office as Councillors. If no nominations are received, nominations for the Mayor and Deputy Mayor shall be requested at the Annual Meeting.

3. Ordinary Meetings

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

- (1) Elect a person to preside if the Mayor and Deputy Mayor are not present;
- (2) Approve as a correct record and sign the Minutes of the last meeting;
- (3) Give Members the opportunity to make Declarations of Interest;
- (4) Receive any announcements from the Mayor;

- (5) Receive questions and any petitions from, and provide answers to, the public in relation to matters which the Mayor considers are relevant to the business of the meeting.
- (6) To answer any questions asked by Members in accordance with Council Procedure Rule No. 14.
- (8) Receive reports from the Executive and the Council's Committees, Panels and Groups and receive questions and answers on any of those reports;
- (9) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (10) Consider motions received in accordance with Council Procedure Rule No. 14.
- (11) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Scrutiny Panels for debate where such reports have already been considered by the Executive (see 12 below);
- (12) Scrutiny Update - When scrutiny reports have been presented to the Executive, at the next ordinary meeting of the Council an item will be placed on the agenda of the Council meeting referring to the Scrutiny Panel report(s) and the Executive recommendations on those report(s). The Chairman of the Scrutiny Panel will be invited to summarise the findings of the Panel and the Leader or appropriate Executive Member will give the Executive response;

The Order of Business can be altered by the Mayor/Chairman at his/her discretion, or by resolution of the Council moved and seconded and put without discussion, with the exception of (1), (2) and (3) above.

4. Extraordinary Meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

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

Extraordinary meetings will be restricted to the business that the meeting was convened to consider. There is no requirement for the Minutes of the previous meeting to be considered.

In respect of other Committees/Panels, an extraordinary meeting may be called by either the Chairman; or on requisition of a quarter of the whole number of the Committee/Panel delivered in writing to the Proper Officer, but in no case shall less than three members requisition an extraordinary meeting.

5. Urgent Items

The Mayor may accept an item for consideration which has not been included on the agenda for the meeting, if he is satisfied that it needs to be considered at the meeting as a matter of urgency. The reason for the urgency shall be recorded in the Minutes of the meeting.

6. Substitute Members

A Member can act as a substitute for another member at all meetings of the Council except for the Executive and Local Engagement Forums. If acting as a substitute on the

Planning or Licensing Committee the substitute member must have undertaken appropriate training.

Names of substitute Members must be declared at the start of each meeting. Each political group must name the substitute even if that councillor is not present at that time, as the membership at the beginning of the meeting lasts for the duration of the meeting (i.e. a Member cannot be substituted by a reserve, or vice-versa, part way through proceedings).

A Councillor who attends a meeting, as a substitute, speaks and votes in his/her own capacity. They do not relinquish their own personal responsibilities or, as it were, take on the mantle of their nominator. The substitute is personally under the same obligations as other Members to disclose an interest.

A substitute nominated to attend in place of the Chairman or Vice-Chairman shall not exercise the powers and duties of the Chairman or Vice-Chairman as the case may be. The meeting will need to elect a Chairman as necessary.

In the event of the death or resignation of a Councillor, a substitute may be allocated to each Committee, Sub-Committee or Working Group, until any vacancy is filled by the Council.

7. Attendance at meetings

Any Member may attend any Meeting of the Council of which he/she is not a member, and shall be allowed to speak subject to having given prior notification to the Chairman.

A Member who has moved a Motion which has been referred to another meeting has the right to attend the meeting and speak to the Motion to explain it.

When Minutes/recommendations are being considered, the Chairman of that meeting has the right to attend and take part in the discussion on them but will not have any voting rights (unless it is full Council)

8. Time and Place of Meetings

Meetings will usually commence at 7pm and take place at the Council Offices, Swale House, East Street, Sittingbourne. This will be displayed on the agenda for each meeting.

9. Notice and Summons to Meetings

The Proper Officer will give public notice of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear working days before a meeting, the Proper Officer will send a summons to every Member, giving the date, time, venue and business to be transacted, including reports as available.

10. Chairing the Meeting

The Mayor or in his/her absence, the Deputy Mayor will chair meetings of the Council. If both the Mayor and Deputy Mayor are not present, the members at the meeting will elect a chairman for the meeting. The person presiding at the meeting may exercise any power or duty of the Mayor when conducting the meeting.

The same principle applies to all other meetings of the Council (ie. where the Chairman is not present, the Vice-Chairman will chair the meeting; if neither are present then the meeting will elect a chairman for the meeting).

11. Quorum

The quorum for a meeting of any of the Council's meetings shall be one third of the whole number of Members with a minimum of three Members for Executive, Scrutiny Panel, Forums, Committees and Local Development Framework Panel.

There are different rules which apply to the Standards Committee and the Swale Joint Transportation Board which are explained in their respective Procedure Rules.

If there is not a quorum 20 minutes after the time the meeting was due to start, no business shall be transacted, and the Democratic Services representative shall record that there was no quorum and the meeting will not take place.

During the meeting, if the Mayor counts the number of Members present and declares that there is not a quorum present, then the business shall be adjourned immediately. If after five minutes a quorum is still not present the meeting, the remaining business will be considered at a date and time fixed by the Mayor, or the next ordinary meeting. The Democratic Services representative shall record in the minutes, the names of those present and absent and the time of adjournment.

12. Duration of Meeting

Meetings will finish at 10pm unless Members present vote for the meeting to continue for another half an hour. If at the end of that time there is still business to transact, Members can vote for further time (in periods of half an hour), or the remaining business will be considered either at the next ordinary meeting or at a time and date fixed by the Chairman. This will not be later than 7 clear days after the date of the adjournment.

13. Public Participation at Meetings

The Council operates a public participation scheme. This is set out in the Public Participation Procedure Rules.

14. Questions by Members

A Member of the Council may ask the Chairmen of the Executive, Scrutiny Panels, Committees, Forums and Groups any question upon any item on the agenda for the meeting.

A Member may give notice that they wish to ask the Mayor, Leader, or the Chairman of any Committee or Scrutiny Committee a question at full Council subject to the following rules:

(a) notice in writing has been given to the Proper Officer no later than 4.30pm the Friday before the meeting and the matter is in relation to which the Council has powers or duties or which affects the Borough.

(b) with the permission of the Mayor, put to the Leader or the Chairman of any Committee or Scrutiny Panel, any question relating to urgent business, of which the notice in (a) above has not been given; but a copy of any such question shall be delivered to the Proper Officer not later than 11am on the day of the Meeting.

Every question shall be put and answered without discussion.

Supplementary questions may be allowed at the Mayor's discretion.

An answer may take the form of:-

(a) a direct oral answer; or

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

(c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.

If a Member who has given notice of a question is not present at the Meeting at the appropriate time, the question shall not be asked. The Member can re-submit notice of

the question at the appropriate time for the next meeting.

15. Notices of Motion

With the exception of Motions which can be moved without notice, written notice of every motion, signed by a proposer and seconder (or appropriate number of Members if the motion is submitted pursuant to Council Procedure Rule 21) must be given to the Proper Officer not later than 4.30pm on the Friday before the agenda is despatched. These will be recorded and open to public inspection.

Each Motion will be set out on the agenda, in the order of receipt, unless the Member giving the notice states in writing that they wish to withdraw the motion or move it to a later meeting.

If a Motion set out on the agenda is not moved at the meeting, either by the councillor that gave the notice or another member, it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

If the subject falls within the terms of reference of another meeting it shall, upon being moved and seconded, be referred without discussion to the meeting as the Council determines, for consideration and report. Alternatively the Mayor can decide that the Motion can be considered at the Council meeting.

Motions must be about matters which the Council has responsibilities for or which affect the Borough.

No Member can have more than two notices of motion on the agenda; any submitted in excess of two will be referred to the subsequent meeting where the same rule applies (i.e. no more than two motions).

If Notice is given of any Motion which the Proper Officer considers to be out of order, illegal, irregular or improper, he will advise the Mayor that the notice should not be accepted. The Mayor shall determine whether it can be considered taking this advice into consideration. If the motion is not accepted, the Proper Officer will let the Member concerned know the reasons for the rejection and a report of the action will be submitted to the next Council meeting.

16. Motions without Notice

The following Motions and amendments may be moved without notice:-

- (1) Appointment of a Chairman of the meeting at which the Motion is moved.
- (2) Motions relating to the accuracy of the Minutes.
- (3) To change the order of business on the Agenda.
- (4) To refer something to an appropriate body or individual.
- (5) To receive reports or adopt recommendations of the Executive, Scrutiny Committees, Committees, Forums, Groups or officers and any resolutions following from them.
- (6) That a Motion be withdrawn
- (7) Extending the time limit for speeches.
- (8) Amendments to Motions.
- (9) That the Council proceed to the next business.
- (10) That the question be now put.

- (11) That the debate be now adjourned.
- (12) That the Council do now adjourn.
- (13) That the Council continue its business.
- (14) Suspending Standing Orders, in accordance with Council Procedure Rule No. 32
- (15) Motion to exclude the press and public from Meetings.
- (16) That a Member named be not further heard or be able to leave the Meeting.
- (17) Giving consent of the Council where the consent of the Council is required by these Rules or the Constitution.

17. Rules of Debate

A Motion or amendment shall not be discussed unless it has been proposed and seconded, and unless Notice has already been given in accordance with Rule No. 15 it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.

17.1 Secunder's Speech

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

17.2 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor, provided that in moving a Motion of which Notice in accordance has been given, a Member may speak for not exceeding ten minutes.

17.3 When a Member may speak again

A Member who has spoken on any Motion may not speak again whilst it is the subject of debate, except:-

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

17.4 Amendments to Motions

An amendment shall be relevant to the Motion and will either be:-

- (a) to refer the matter to an appropriate body or individual 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;

as long as the effect of (b) to (d) is not to negate the Motion.

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. The Mayor may, however, 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.

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. This becomes the substantive Motion upon which any further amendments are moved, except such as would have the effect of reviving the original Motion.

17.5 Alteration of Motion

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

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

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

If requested by any Member, the Mayor shall call upon the Democratic Services Representative to read back any alterations to any Motion.

17.6 Withdrawal of Motion

A Member may withdraw a Motion or amendment which he has moved with the consent of both the meeting and his seconder. The meeting's consent will be signified without discussion. No Member may speak upon it after the mover has asked permission for its withdrawal, unless permission is refused.

17.7 Right of Reply

The mover of a Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.

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 may not otherwise speak on the amendment.

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

When an amendment has been carried and a debate ensues on a further amendment, the right of reply to that further amendment shall be exercisable by the mover of the successful amendment, and not by the mover of the original Motion which it has replaced.

A Member exercising a right of reply shall not introduce new matters.

17.8 Motions which may be moved during debate

When a Motion is under debate no other Motion shall be moved except the following procedural motions:-

- (a) to amend the Motion;
- (b) to withdraw the Motion;
- (c) to adjourn the meeting;
- (d) to adjourn the debate;
- (e) to proceed to the next business;
- (f) that the question be now put;
- (g) that a Member be not further heard;
- (h) by the Mayor under xxx that a Member do leave the meeting;
- (i) a Motion under Section 100A(4) of the Local Government Act 1972, to exclude the press and public;
- (j) to give consent or to make any determination for which provision is expressly made by these Procedure Rules;
- (k) that the Council continue business under Council Procedure Rule No. 12;
- (l) to suspend Procedure Rules.

17.9 Closure Motions

A member may move, without comment, the following motions at the conclusion of a speech of another Member,

- (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate;
 - (iv) to adjourn a meeting.
- (a) if a Motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed; he will give the mover of the original Motion a right of reply, and then put the Motion to the vote and proceed to the next business;
 - (b) if a Motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he will put the Motion that the question be now put to the vote and if it is passed, will then give the mover of the original Motion his right of reply under Rule 17.7 of these Procedure Rules before putting his Motion to the vote;
 - (c) if a Motion to adjourn the debate or the meeting is seconded and the Mayor thinks that the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion he shall put the adjournment Motion to the vote without giving the mover of the original Motion his right of reply.

When a Motion in any of the terms in Rule 17.8 has been moved, no further Motion in any of those terms shall be allowed in the course of the debate on the same matter within fifteen minutes unless in the opinion of the Mayor the circumstances have materially altered.

17.10 Point of Order

A Member may raise a point of order at any time. A point of order shall relate only to an alleged breach of a Procedure Rule or the law and the Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor will be final and not open to discussion.

17.11 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only related to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor will be final and not open to discussion.

18. Leader's Statement

At ordinary meetings of the Council (except the Annual Meeting) the Leader shall give an update report on the main areas of work of the Executive. This will not be subject to debate but the Leader may be asked questions on the statement.

19. Themed topic for debate

At ordinary meetings of the Council (except the Annual Meeting) the Leader may open a debate on a matter of current community interest at strategic level, as set out on the agenda for the meeting. Members may put forward suggestions for the debate by 4.30pm the Friday before the Agenda is published, and if approved by the Mayor will be included on the Agenda for the meeting. At the conclusion of the debate the Leader will sum up and draw out the conclusions of the debate.

20. Voting

(1) Unless this constitution or the law provides otherwise, any matter will be decided by a simple majority of those present and voting at the meeting, by show of hands or if no dissent, by affirmation of the meeting.

(2) If five Members present at the meeting demand it by standing up before the vote is taken, a recorded vote will be taken and included in the Minutes of who voted for or against a proposal, and who abstained.

(3) Where immediately after a vote is taken at a meeting and any member so requires, there shall be recorded in the Minutes of the proceedings of that meeting whether that person cast his vote for the question or against the question or whether he abstained from voting. **(This rule cannot be suspended).**

(4) 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 continue until there is a majority of votes for one person.

(5) Where there are equal number of votes for or against, the Chairman will have a second or casting vote. The following convention is commended to Chairmen namely: - In the event of Chairmen having to exercise a casting vote they are urged to use their casting vote to maintain the status-quo. When a casting vote is used to achieve a change in the Council's policy the resultant Minute shall be in Group 'A' if supported by the requisition of a third of the Members of Scrutiny Panel, Committee or Group present.

21. Previous Decisions and Motions

21.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of Motion is signed by at least one third of the whole number of the Council.

21.2 Motion similar to one previously rejected

A Motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of Motion or amendment is signed by at least one third of the whole number of the Council Members. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months.

22. Minutes

The Mayor/Chairman will ask the meeting if they agree that the minutes of the previous meeting of the Council are correct, and if agreed will sign them as a correct record. The only part of the Minutes that can be discussed is their accuracy.

There is no requirement to sign the minutes of the previous meeting as a correct record, at an extraordinary meeting. Instead those minutes, together with the minutes of the extraordinary meeting, will be considered at the next ordinary meeting.

23. Record of Attendance

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

24. Exclusion of the Public

Members of the public and the press may only be excluded from the meeting in accordance with the Access to Information Procedure Rules in Part 4 of this constitution or Council Procedure Rule 26.

If any question arises at a meeting (to which Section 100A (4) of the Local Government Act 1972 applies) as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be subject to discussion until the meeting has decided whether or not to exclude the public and press.

25. Members conduct

When a Member speaks at Full Council, they must stand and address the meeting through the Chairman. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or personal explanation. Whenever the Mayor rises during a debate any Member speaking at the time must stop and sit down. The Council shall be silent.

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

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

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

26. Disturbance by the Public

If a member of the public interrupts the proceedings, the Chairman will warn the person

concerned. If they continue to interrupt the Chairman will order their removal from the meeting room.

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

27. Form of Address for Members

Irrespective of gender, whenever a Member is addressed the title 'Councillor' shall be used, followed only by the relevant surname, unless another form of address is requested by the individual Member concerned.

28. Recording of Proceedings

With the exception of any officially sanctioned recording of the proceedings of any meeting, no recording of the proceedings is permitted.

Any officially sanctioned recording will be in public session only and will be subject to Council approval in advance of the meeting. Members will be informed in writing of the intention to record. Annual Council ceremonies will be officially recorded each year.

29. Vacancies or resignations from the Executive/Committees/Panels

Any resignations by Members should be given to the Proper Officer. Vacancies will be filled by the Council.

30. Ad-hoc Groups or Panels

The Council may set up groups or panels which shall elect a Chairman and Vice-Chairman at its first meeting before proceeding to any other business. All business transacted shall be reported back to the appropriate body in accordance with their terms of reference. The group/panel will then be disbanded after it has discharged its terms of reference.

31. Joint Meetings

In every case in which a resolution of the Council refers any matter of business to two or more Committees/Panels, the Committee/Panel first named shall take the initiative in inviting the other Committee or Committees interested to a joint meeting, and the report shall be presented by the Chairman of the Committee taking the initiative who shall preside at the Joint Meeting. Any committees/panels may confer together by mutual agreement on any matter of joint interest.

32. Suspension and amendment of Council Procedure Rules

Except where proposed at a meeting of the Council any Motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council.

Subject to the paragraph below, any of the Procedure Rules other than those which are prescribed (as stated) may be suspended so far as regards any business at the meeting where its suspension is moved.

A Motion to suspend Procedure Rules/Standing Orders shall not be moved without Notice unless there shall be present at least one-half of the whole number of the Council.

33. Mayor and Chairman's Ruling on Procedure Rules

(1) The interpretation by the Mayor or Chairman of the meeting of any of these Procedure

Rules shall be such as not to annul, reverse or substantially alter the intent of any Procedure Rules.

(2) All disputes relating to the correct interpretation of any of these Procedure Rules shall be resolved by a ruling from the Mayor or the Chairman of the meeting after open consultation with the Director of Corporate Services or his delegated representative. The Mayor's or Chairman's ruling shall be final.

34. Application to Committees etc.

All of the Council Rules of Procedure apply to meetings of full Council. All of the Rules apply to Committee/Panel meetings with the exception of rules 1-3, 15-19, and 21.