

4A - COUNCIL PROCEDURE RULES

GENERAL PROVISIONS

RULE 1 - DATE OF ANNUAL MEETING OF THE COUNCIL

In a year when there is an ordinary election of Councillors, the annual meeting is held either on the 8th day after the day of retirement of Members or within 21 days immediately following the day of retirement. The Council will decide which alternative in each election year.

In any other year, the annual meeting will take place in March, April or May.

The annual meeting may be combined with the business of an ordinary meeting.

RULE 2 – DATES AND TIMES OF MEETINGS

The Annual Meeting of the Council will set dates and times for its ordinary meetings and for meetings of its Committees and Sub Committees throughout the Council Year.

The Annual and ordinary meetings of the Council will normally be held at 6.30 pm on agreed dates.

It is open to the Council to revise or set additional dates/times to suit its work programme for the year.

RULE 3 - RESPONSIBILITY FOR CONVENING MEETINGS AND CENTRAL DIARY

The Council Solicitor on behalf of the Chief Executive is responsible for the proper convening of all Member meetings of the Council, Cabinet, Committees and Sub Committees and Overview and Scrutiny Panels.

A central diary of meetings will be maintained by the Council Solicitor in accessible formats to assist in the planning of meetings and to avoid meetings with like membership meeting concurrently.

The Chief Executive, in consultation with Political Group Leaders, is responsible for determining whether a programmed meeting should be postponed or cancelled. The arrangements for the convening of additional meetings are set out in rule 5 below.

RULE 4 – CHAIR AND VICE CHAIR OF THE COUNCIL

The first business at the Annual Meeting of the Council is to elect a Councillor to be Chair of the Council for the Council Year (ie until a successor is appointed at the next Annual Meeting).

The current Chair will preside at the meeting over the appointment of his/her successor unless, in accordance with the provisions of the Local Government Act 1972, he or she is ineligible to do so. In this case the Vice Chair shall preside.

No councillor shall preside over his or her own election as Chair or Vice Chair.

The Annual Meeting will also appoint a Councillor to be Vice Chair of the Council for the Council Year.

Both the Chair and the Vice Chair have the right to declare their preference for how they wish to be addressed (eg Chair, Chairman, Chairperson). This preference will be respected by the Council.

In making nominations for election to the Office of Chair, Political Groups shall be mindful of the important roles and responsibilities of the Office and the calibre of the councillor required to perform effectively in that role.

The Council Solicitor shall arrange compulsory training for the Chair and Vice Chair in the roles and responsibilities of the Office.

The Council shall, at its first meeting in any calendar year other than a Council election year, elect a councillor to be the 'Chair designate' for the following Council Year. This shall be without prejudice to the right of the Council at its Annual Meeting to elect another councillor to that Office.

RULE 5 – SPECIAL OR EXTRAORDINARY MEETINGS

Occasionally, it will be necessary to call a special or extraordinary meeting of the Council to deal with specific business only.

A special or extraordinary meeting may be called:

- i) by resolution of the Council;
- ii) by the Chair of the Council on her/his own initiative;
- iii) by the Chair of the Council, in response to a written request signed by 5 Members;
- iv) by the Monitoring Officer or the Chief Financial Officer, after consultation with the Political Group Leaders and the Chair of the Council.

In any of the above circumstances, those calling the special or extraordinary meeting may specify a date and time for the meeting.

The agenda papers will explain the reason for the meeting and the specific business to be discussed. This specific business will be limited to that identified by those calling the meeting.

When 5 Members submit a written request for a meeting, the Chair may:

- call a meeting within a reasonable time;
- refuse to call a meeting; or
- take no action

If the Chair refuses to call a meeting within 7 days (*ie the summons to the meeting is not sent out within 7 days*) or takes no action, the 5 members who have signed the request may require the Chief Executive in writing to convene a meeting on a date and time they will determine. The Chief Executive shall then convene a meeting on the specified date and at the time stated.

RULE 6 – MINUTES AT EXTRAORDINARY MEETINGS

Minutes of an ordinary meeting of the Council will be presented for consideration as a correct record at the same or the next ordinary meeting of the Council.

A special or extraordinary meeting of the Council will not be asked to consider for approval the minutes of any ordinary meeting of the Council held prior to the special or extraordinary meeting.

RULE 7 – APPOINTMENT OF COMMITTEES

At its Annual Meeting, the Council will decide

- which Overview and Scrutiny Panels, non-executive and other Committees to create for the Council Year;
- what roles and responsibilities they will have; and
- the proportional allocation of seats to political groups.

The current appointments are set out later in this Constitution.

RULE 8 - SUBSTITUTION

At its Annual meeting, the Council will appoint all non-members of a committee or Overview and Scrutiny Panel (subject to the rules on membership of such bodies) as eligible to be appointed as a substitute for any Committee or Overview and Scrutiny Panel member of any political group in accordance with the wishes of that political group.

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

Substitute members may attend meetings in that capacity, subject to the Overview and Scrutiny Rule on substitution:

- (i) to take the place of the ordinary member for whom they are substituting;
- (ii) where the ordinary member will be absent for the whole of the meeting (including any adjournment);
- (iii) after notifying the Council Solicitor's representative of the intended substitution before the start of the relevant meeting.

The effect of a substitute notice shall be that the member giving notice of the substitution shall cease to be a member of the relevant body for the duration of the meeting (including

any adjournment of the meeting to another date). The substitute member shall be a full member of the body for the same period.

Cabinet Members cannot act as a substitute on any Overview and Scrutiny Panel.

RULE 9 – POLITICAL GROUPS

For a political group to be recognised by the Council, the following must occur:

- the Chief Executive must receive a notice signed by at least 2 Councillors who wish to be treated as a political group;
- the notice must identify the name of the political group and the name of the group's Leader and any Deputy Leader(s) (who must be one of the Councillors signing the notice);
- All Councillors who wish to be regarded as members of the political group must sign the notice.

RULE 10 - SIX MONTH RULE

The Council will not consider any matter which has already been considered by the Council within the previous 6 months, unless

- (1) the matter is coming to the Council meeting as part of a report from an Officer, the Cabinet, an Overview and Scrutiny Panel or a Committee of the Council;

OR

- (2) written notice, requesting the Chief Executive to arrange for the Council to reconsider the matter, and endorsed by no fewer than 15 Members of the Council, is submitted to the Chief Executive. The term "endorsed" shall include individual signatures on the notice or electronic communications from individual members. The receipt of a communication from at least 15 Members signifying their endorsement of the action requested in the notice will be sufficient authority for the Chief Executive to take action to include the item on a Council agenda.

Any 6-month Rule notice to the Chief Executive should be couched in the following terms:

I hereby require the Council to reconsider its decision of (date) as recorded in minute no (xx) about (subject) and accordingly request the Chief Executive to place an item on the agenda of the (next available) (specified date) Council meeting, together with such reports as s/he thinks appropriate, to enable this reconsideration to take place. - with the optional inclusion of a specific motion for the Council to consider.

Similarly, no proposal which the Council has rejected within the previous 6 months may be put forward, other than in the circumstances described in (1) and (2) above.

PREPARATION FOR COUNCIL MEETINGS

RULE 11 – AGENDA DESPATCH

Items to be discussed at any meeting of the Council will be set down in the agenda. The agenda will be sent to every Member of the Council at least 5 clear working days before the meeting.

A “clear working day” is a day on which the Council offices are open and does not include the day of despatch or the day of the meeting.

In the case of an extraordinary meeting of the Council called to consider an urgent item, a shorter period of notice may be given.

The draft agenda for a Council meeting shall be submitted to each Political Group sufficiently far in advance of the formal agenda despatch to enable all members of the Council, through Group discussion, to have an opportunity to influence the agenda content for the meeting.

The Chief Executive, in consultation with the Political Group Leaders shall prepare and maintain an annual work plan for the Council for circulation to all members.

RULE 12 - ORDER OF BUSINESS AT ANNUAL MEETING OF COUNCIL

The annual meeting will:

- (i) elect a person to preside if the Chair of the Council and the Vice Chair is not present;
- (ii) elect the Chair of the Council;
- (iii) appoint the Vice Chair of the Council;
- (iv) approve the minutes of the last meeting as a correct record and authorise the Chair to sign as such;
- (v) receive any announcements from the Chair or from the Chief Executive;
- (vi) elect the Leader of the Council, following elections held every 4 years;
- (vii) appoint at least one Overview and Scrutiny Committee, a Licensing Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (viii) determine the size, terms of reference and delegated powers of those committees and bodies established under part (vii) above on the basis that these matters may also be reviewed during the Council Year;
- (ix) determine the allocation of seats on Committees and Overview and Scrutiny Panels to political groups in accordance with the rules on political balance and arrangements for the appointment of substitute (or temporary) members (see Council Procedure Rule 8);

- (x) receive nominations from political groups for members to serve on Committees and Overview and Scrutiny Panels. Similarly the Council will receive nominations to serve on outside bodies where the making of such appointments has not been delegated by the Council or is exercisable only by the Cabinet;
- (xi) agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree as set out in Part 3 of this Constitution.
- (xii) approve a programme of ordinary meetings of the Council and of its Committees for the year; and
- (xiii) consider any other relevant business set out in the notice convening the meeting.

The agenda and any relevant reports will be endorsed with the name of any local ward to which the business specifically relates.

RULE 13 – BUSINESS AT 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:

- (i) elect a person to preside if the Chair and Vice(person) are not present;
- (ii) receive any declarations of interest from Members;
- (iii) approve the minutes of the last meeting as a correct record and authorise the Chair to sign as such (*There is no discussion on matters arising from the minutes other than to draw attention to any inaccuracy*);
- (iv) receive any announcements from the Chair or the Chief Executive;
- (v) deal with any business remaining from the previous Council meeting;
- (vi) receive questions, statements, petitions or deputations from members of the public;
- (vii) receive questions, statements, petitions or deputations from Councillors at the end of the published order of business;
- (viii) receive reports on Policy and Budget Framework matters (normally from the Cabinet);
- (ix) receive and consider any report from the Cabinet on its business since the previous Council meeting;
- (x) consider any other business specific in the summons to the meeting including reports from Officers on Council functions;
- (xi) consider any agenda motions submitted by members of the Council.

The agenda and any relevant reports will be endorsed with the name of any local ward to which the business specifically relates.

RULE 14 – NOTICE OF AGENDA MOTIONS

- (1) Except for motions which may be moved without notice under Rule 31, written notice of every motion, signed by or on behalf of the Member(s) giving notice, with the name of the political group shown after the Member's name (unless the motion is to stand in the name of the Member only) must be delivered to the Solicitor to the Council (on behalf of the Chief Executive) not later than 7 clear working days before the date of the meeting.
- (2) Motions for which notice has been given will be listed on the agenda in the order in which notice was received by the Solicitor to the Council unless, after consulting the Group Leaders, the Chief Executive and the Chair, the Solicitor to the Council decides that it would be more effective for the conduct of the Council's business to place them in a different order.
- (3) Motions must be about matters for which Bath & North East Somerset Council has a responsibility or which affect Bath & North East Somerset Council, its functions, its area or part of it or the inhabitants of that area or part of it.
- (4) If notice is given of any motion which the Solicitor to the Council considers does not fall within the scope of (3) above or that is ultra vires or otherwise illegal, that motion will be submitted to the Chair. The Chair shall decide to either rule the motion as out of order or to place it on the agenda if he or she considers that the motion required to be properly considered by the Council with a view to determining its validity. In the event of a motion being rejected and not being placed on the agenda, the Solicitor to the Council will inform the Member who gave notice of the motion as soon as possible.
- (5) A Councillor submitting an agenda motion has the right to speak to it at the Council meeting for no longer than 5 minutes.
- (6) That Councillor, or his/her nominee may also attend at any meeting of any other committee or body to which the Council refers the matter. However, he or she will be able to speak to the matter only at the discretion of the Chair of the meeting to which the matter has been referred. The Councillor may not vote on the matter unless s/he is a voting member of the meeting considering the matter and has no conflict of interest in respect of that matter.
- (7) The meeting has the right to determine with advice from Officers whether it wishes to defer the matter to a future meeting for further Officer report/advice.
- (8) Notices of motion will not be accepted at the Budget Council meeting, or the Annual meeting of Council.

RULE 15 – REPORTS OF THE CABINET, NON-EXECUTIVE COMMITTEES AND OVERVIEW AND SCRUTINY PANELS

The Council may receive reports from the Cabinet, non-Executive Committees and Overview and Scrutiny Panels. Minutes of these meetings will not normally be submitted to Council.

When it receives a report and recommendations direct from a Policy Development and Scrutiny Panel, the Council shall consider

- what it has the power to do given the allocation of functions to the Council, the Cabinet and other Committees of the Council if relevant;
- what comments it wishes to offer to the Cabinet in referring any report to them for action – such comment may take the form of a clear view about the wishes of the Council on the matter which the Cabinet should take account of;
- requesting the Cabinet to report back to Council with an action plan for executive action on the findings of the report;
- making a decision on the findings of the report, where it has the power to do so;
- whether the report should be referred back to the Policy Development and Scrutiny Panel – with comments from the Council on matters to be further considered

RULES RELATING TO PROCEDURES AT COUNCIL MEETINGS

RULE 16 - SUSPENSION OF RULES

There are occasions when it is helpful to the effective conduct of a meeting, or for other reasons, not to apply a particular Procedural Rule. It is therefore open to any meeting to suspend one or more of its operational Rules.

In accordance with Article 16.1 of this Constitution, it is necessary for the suspension of a Rule to be proposed by a Councillor who should make it clear which Rule is being suspended and for how long. For example, it may be necessary to suspend a Rule for part or all of a meeting.

A majority of members present at a meeting must support the proposal to suspend a Rule.

RULE 17 – CHAIR OF MEETING

- (1) At a meeting of the Council, the Chair, if present, shall preside.
- (2) If the Chair is absent from a meeting, then the Vice-Chair, if present, shall preside.
- (3) If both the Chair and Vice-Chair are absent from a meeting, another member of the Council chosen by the meeting shall preside.
- (4) The person presiding at the meeting may exercise any power or duty of the Chair in relation to the conduct of the meeting.

RULE 18 – MINIMUM NUMBER OF MEMBERS PRESENT (QUORUM)

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 is present. This is taken to be 15 elected Councillors of Bath & North East Somerset.

If, at the start of or during any meeting of the Council, the Chair, after requiring a count of the number of Members present, declares that there is not a minimum required number present, the meeting shall immediately stand adjourned.

The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Council unless the Chair, or the Council, decides that the meeting should be re-convened at another time or on another date to transact or complete its business. When this happens, the Chair or the Council may also decide the date and / or time at which the meeting shall re-convene.

RULE 19 - RECORD OF ATTENDANCE

The names of the Members present during the whole or part of a meeting shall be recorded.

RULE 20 – RECORDING AT MEETINGS

Persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting. However, oral commentary is not permitted during the meeting as it would be disruptive.

Many meetings are webcast and those who do not wish to be filmed need to make themselves known to the webcasting staff. However, members of the public need to be aware that they may be filmed by others attending and that is not within the Council's control.

RULE 21- REPORTS OF THE CABINET

The Leader or a Cabinet Member (or nominee) will be identified to present each item of executive report on the Council agenda and may put forward a proposal to the meeting relating to the subject matter of the report.

RULE 22 – REPORTS FROM NON-EXECUTIVE COMMITTEES

The Chair of a non-Executive Committee (or nominee) will present each item of report on the Council agenda from her/his Committee, and may put forward a proposal to the meeting relating to the subject matter of the report.

The Council's consideration of such reports will take into account the powers and duties of the Council and of the Cabinet. The Council may only have the power to submit a formal recommendation to the Cabinet, but may require a report back from the Cabinet on action taken or planned.

RULE 23 – REPORTS FROM OVERVIEW AND SCRUTINY PANELS

The Chair of an Overview and Scrutiny Panel (or nominee) will present each item of report on the Council agenda from his/her Panel, and may put forward a proposal to the meeting. In so doing, the Chair may speak for no more than 5 minutes.

When an Overview and Scrutiny Panel reports to the Council, the Chair shall give an opportunity to the relevant Cabinet Member(s) to comment on any recommendations contained in the report.

The Council's consideration of such reports will take into account the powers and duties of the Council and of the Cabinet. The Council may only have the power to submit a formal recommendation to the Cabinet, but may require a report back from the Cabinet on action taken or planned.

RULE 24 - CHANGING THE ORDER OF BUSINESS

The Chair may at her/his discretion vary the order of business at the meeting. The Council meeting may also decide to vary the order in which agenda items are taken.

RULES OF DEBATE

RULE 25 – CONDUCT OF THE MEETING

The Chair is responsible for conducting the meeting. In this s/he will be guided by the Chief Executive.

RULE 26 – POWERS OF THE CHAIR

The powers and duties of the Chair are as follows:

- (a) to act as the focal point for debate;
- (b) to preserve order and ensure the proper and efficient conduct of the meeting;
- (c) to ensure that members of the public and Councillors are able to follow proceedings;
- (d) to confine discussion to the issue under consideration;
- (e) to ensure all Councillors have an equal opportunity to participate;
- (f) to decide whether proposals put to the meeting are in order;
- (g) to decide procedural matters;
- (h) to conduct voting and to declare the result;
- (i) to sign the minutes of the previous meeting(s) as a correct record when authorised to do so by the meeting;
- (j) to adjourn the meeting if circumstances justify such action;
- (k) to declare the meeting closed when its business has been completed;
- (l) to exercise powers conferred by law on the chair of a meeting.

RULE 27 – CHAIR TAKING PART IN DEBATE

The Chair will not normally take part in debate at a Council meeting but may do so if s/he is a local member or in other special circumstances signified to the meeting. In view of the requirement of the law that the Chairperson must, if present, preside, it is not permissible for the Chair to vacate the Chair during consideration of the item but the Chair will seek to ensure that his or her contribution to debate is made in such a way as to ensure that the efficient conduct of the meeting is not prejudiced.

RULE 28 – MEMBERS TO ADDRESS THE CHAIR

When speaking at a meeting, Members shall address the Chair.

RULE 29 – NO OBLIGATION TO STAND

Members of the Council need not stand when speaking but may do so.

RULE 30 – MINUTES

The Chair will invite the meeting to approve the minutes of the previous meeting as a true and correct record. There will be no discussion on the minutes other than on their accuracy. When so approved, the Chair is authorised to sign them

RULE 31 - MOTIONS MOVED WITHOUT NOTICE

The following matters may be proposed as a motion during a meeting, by a member of the Council, without the need to give notice:

- (a) Appointment of a Chair of the meeting.
- (b) The accuracy of the minutes.
- (c) To change the order of agenda business
- (d) To adopt a recommendation or some other course of action arising from a report to the meeting.
- (e) Extending the time limit for speeches, for public and councillor questions.
- (f) To proceed to a 10 minute debate on public or councillor matters under the provisions of Procedural Rule 32 or 33 respectively
- (g) Amendments to matters raised
- (h) That the meeting proceeds to the next business (applies only to certain members - See Rule 43)
- (i) That the question be now put
- (j) That the debate be now adjourned
- (k) That the meeting now adjourns
- (l) That the meeting continue beyond the prescribed deadline to end no later than a specified time.
- (m) Suspending Procedural Rules in accordance with Rule 16
- (n) To resolve under Section 100A of the Local Government Act 1972 to exclude the press and the public.
- (o) That a member named under Rule 47 be not further heard or leave the meeting

RULE 32 – QUESTIONS FROM THE PUBLIC

Members of the public have the right to put forward questions for answer at a Council meeting. This right extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or any South West regional or sub-regional organisation that has legitimate legal activity in the Bath & North East Somerset area or whose work affects Bath & North East Somerset citizens. All questions must be submitted in writing (this to include transmission by e mail).

A maximum of 2 questions will be accepted per member of the public (each question to have no more than 2 sub-sections).

Questions will be circulated to all members of the Council and the public in advance of the meeting.

Notice of the question must be given to the Council Solicitor no later than close of business 4 clear working days before the day of the meeting (eg 5pm on a Thursday for a meeting on the following Thursday).

There is no requirement of the questioner to read out the question, nor of the relevant councillor to read out the answer if circulated. Where a written answer is circulated in advance, the relevant councillor may add to that answer orally at the meeting.

A councillor who is asked a question may

- nominate another councillor to reply on his/ her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided to the questioner no later than 5 clear working days after the day of the meeting, where practicable.

Questions must only be asked of:

- a Cabinet Member (where the matter falls within his or her portfolio) or
- the Leader of the Council or the Deputy Leader (about any aspect of Council policy and practice, service delivery or community interest) or
- a/all Group Leader/s (about an issue not related to executive business)
- the Council's spokesperson on the Police Authority

but not an individual member of the Council who does not hold one of the above positions.

A question will not be accepted under this Rule if

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

As soon as the questions from the public are completed, the Chair shall invite the Leaders of any Political Group with at least 20% of Council seats (11 councillors) to indicate if they require a 10 minute (maximum) debate on any issue raised in a particular question. Only if all such Leaders agree, shall the Council then proceed to the debate. Where there is no such agreement, no debate will be permitted.

No such debate shall bind the Council but the outcome may provide information or a view to be considered by the relevant Cabinet Member.

RULE 33 – QUESTIONS FROM COUNCILLORS

A Councillor shall have the right to put forward a question for answer at a Council meeting. All questions must be in writing.

All questions will be circulated to members of the Council and the public in advance of the meeting.

Notice of the question must be given to the Council Solicitor no later than close of business 4 clear working days before the day of the meeting (eg 5pm on a Thursday for a meeting on the following Thursday).

There is no requirement of the questioner to read out the question, nor of the relevant councillor to read out the answer if circulated. Where a written answer is circulated in advance, the relevant councillor may add to that answer orally at the meeting.

A councillor who is asked a question may

- nominate another councillor to reply on his or her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting, where practicable.

Questions must only be asked of:

- a Cabinet Member (where the matter falls within his or her portfolio) or
- the Leader of the Council or the Deputy Leader (about any aspect of Council policy and practice, service delivery or community interest) or
- a/all Group Leader/s (about an issue not related to executive business)
- the Council's spokesperson on the Police Authority

but not an individual member of the Council who does not hold any of the above positions.

The Chair may rule on the adequacy of an answer given at the meeting by a Cabinet Member (or his/her nominee).

A question in multiple parts will be treated as a series of individual questions.

A question will not be accepted under this Rule if

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

The text of written questions to Council, and their written or published responses, should contain no reference to political groups/parties.

As soon as the questions from councillors are completed, the Chair shall invite the Leaders of any Political Group with at least 20% of Council seats (11 councillors) to indicate if they require a 10 minute (maximum) debate on any issue raised in a particular question. Only if all such Leaders agree, shall the Council then proceed to the debate. Where there is no such agreement, no debate will be permitted.

No such debate shall bind the Council but the outcome may provide information or a view to be considered by the relevant Cabinet Member

RULE 34 – PETITIONS, STATEMENTS AND DEPUTATIONS FROM THE PUBLIC OR COUNCILLORS

Members of the public have the right to put forward petitions, statements and deputations at a Council meeting. The submission must be relevant to the Council and/or the Bath & North East Somerset area. This right to submit a statement or deputation extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff who lives in the area, provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or of any South West regional or sub-regional organisation that has legitimate, legal activity in the Bath & North East Somerset area or whose work affects Bath & North East Somerset citizens. All items must be submitted in writing (this to include transmission by e mail). Petitions can be submitted by anyone who lives, works or studies in the Council area.

Similar rights exist for Councillors of Bath & North East Somerset Council.

There is no minimum number of signatures required for a petition.

Advance notice of the petition, statement or deputation, setting out the subject matter must be lodged with the Council Solicitor no later than 2 clear working days before the day of the meeting at which the submission is to be made (e.g. Monday 5pm for a meeting on a Thursday).

A submission under this Rule will not be accepted if

- it seeks to address exempt or confidential matters;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where this Procedural Rule might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

There is a limit of one submission per item per individual member of the public. There is a limit of one hour for items from the public, extended at the Chair's discretion. Individual submissions will be limited to a maximum of 3 minutes.

If the submission relates to a general matter not on the agenda for the meeting, it will be taken at the start of the meeting – see Rule 13 above. If it relates to an item on the agenda for the meeting, the person making the submission will be invited to address the meeting either at the start of the meeting or immediately before the item is debated.

Once the submission has been made, the Chair will invite each Group Leader once, if they require any clarification on the submission, to ask factual questions of the person making the submission. The Group Leader can defer this right to another Member within the Group. The meeting will then determine what action it wishes to take on the matters contained in the submission.

Any action taken will be as a result of a motion put forward by a member of Council in accordance with Rule 31.

As soon as each submission has been made, the Chair shall invite the Leaders of Political Groups with at least 20% of Council seats (11 councillors) to indicate if they require a 10 minute (maximum) debate on the particular submission. Only if all such Leaders agree, shall the Council then proceed to the debate. Where there is no such agreement, no debate will be permitted.

No such debate shall bind the Council but the outcome may provide information or a view to be considered by the relevant Cabinet Member.

RULE 35 – MOTIONS

A motion is a proposal from a member at the meeting aimed at opening a debate on an agenda item. A motion once proposed needs a second member to indicate a willingness for it to be considered. This is called “seconding” the motion.

A motion usually takes the form of a proposal to adopt a course of action based on a recommendation in a report. It can be a different proposal to that which is recommended in the report.

A recommendation in a report is not of itself a motion unless or until a member proposes its adoption.

A Member who moves a proposal may, with the agreement of the seconder, accept a suggestion for a minor adjustment to the wording of the proposal. Where a proposed adjustment is considered at the meeting to be of significance and not therefore “minor”, it will be treated instead as if it was a formal amendment – see Rule 36 below.

Members will have access to the advice of the Chief Executive and/or Council Solicitor in drafting debating motions.

Members should aim to have deposited with the Chief Executive by no later than noon on Council day, any debating motions that are proposed to be moved at the Council meeting.

RULE 36 – AMENDMENT

An amendment is a proposal by a member to change the words of a motion which has been moved and seconded. The amendment shall be relevant to the subject matter of the motion and shall be: -

- (a) to leave out words, or
- (b) to leave out words and insert or add other words, or

- (c) to insert or add words, or
- (d) to refer the matter to a Committee/Sub Committee, the Cabinet or an Overview and Scrutiny Panel for consideration or reconsideration
- (e) to defer consideration of the matter.

An amendment must not

- 1. be a direct negative of a motion; or
- 2. seek to introduce into the motion a new issue unrelated to the subject dealt with in the motion.

If an amendment seeks to achieve something that is relevant but cannot be achieved by merely voting against the motion, it is likely to be ruled as a valid amendment. The meeting will be advised by the Chief Executive on the validity of amendments and the ruling of the Chair thereon will be final.

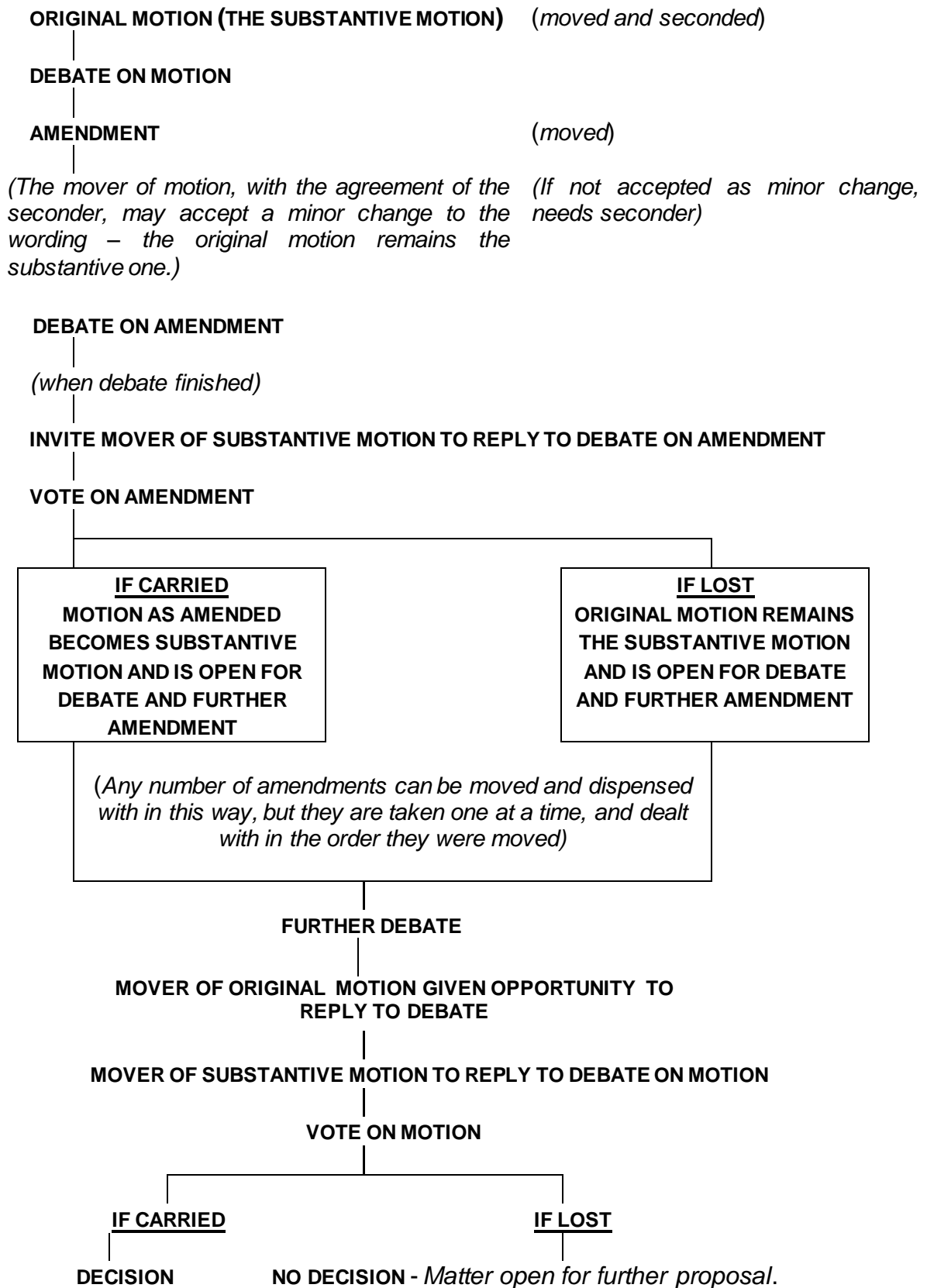
Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.

Notice of intention to move any further amendment and the nature thereof may, at the discretion of any member, be given to the Chair before a vote is taken on the current amendment being considered at the meeting.

If an amendment is defeated, other amendments may be moved to 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 amendments may be moved in turn.

The next page contains a flow diagram which illustrates the debating process

DEBATING FLOW CHART



RULE 37 – SECONDING

Any motion or amendment is only able to be discussed once a second Member has indicated a willingness for it to be considered. This is called “seconding”.

RULE 38 - RIGHT OF REPLY

At the end of a debate about a motion, the member who proposed the substantive motion may exercise a right to reply to the points raised in the debate.

The right to reply to a debate on an amendment rests also with the member who proposed the motion, not with the member who proposed the amendment.

If a motion is successfully amended, the mover of the original motion which opened the debate shall be given an opportunity to respond to points made during debate, before the formal right of reply goes to the mover of the substantive motion.

A member exercising a right of reply shall confine her/his speech to answering points raised by the previous speakers, and shall not introduce new material. The Chair’s ruling in this regard shall be final.

After every right of reply to which this Rule refers, a vote shall be taken without further discussion.

RULE 39 – WITHDRAWAL OF MOTION

A motion or amendment may be withdrawn by the mover with the consent of her/his seconder and of the meeting, which shall be signified without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless permission to withdraw it has been refused in which case it remains open for debate.

RULE 40 - RIGHT TO REQUIRE PROPOSAL IN WRITING

Unless notice of the motion or amendment has already been given and published, the Chair may require it to be written down and handed to him/her before it is discussed at the meeting.

RULE 41 - NO SPEECHES UNTIL MOTION SECONDED

No speeches may be made after the mover has moved a motion and explained the purpose of it until the motion has been seconded.

RULE 42 - CONTENT AND LENGTH OF SPEECHES

A member shall direct her or his speech to the question under discussion or to a personal explanation or to a point of order (see Rule 44 below). A Member proposing a motion, a Cabinet Member or a Chair of a Council body when presenting a report from such a body, will be allowed no more than 5 minutes for her or his speech. No other speech by any councillor or invited other person will exceed 3 minutes.

RULE 43 - CLOSURE MOTIONS

A member who has not spoken in a debate may move without comment at the conclusion of a speech of another member

“That the meeting proceed to the next business”,

“That the question be now put” (*In effect “That the vote be now taken”*),

“That the debate be now adjourned”, or

“That the meeting do now adjourn”,

on the seconding of which the Chair shall proceed as follows:-

- (a) On a motion “to proceed to next business”: unless in her/his opinion the matter before the meeting has been insufficiently discussed, the Chair shall first give the mover of the substantive motion a right of reply, and then put to the vote the motion “to proceed to the next business”.
- (b) On a motion “that the question be now put”: unless in her/his opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion “that the question be now put”. If that motion is passed, the Chair will invite the mover of the motion under discussion to exercise her/his right of reply under Rule 38 before putting that original motion to the vote.
- (c) On a motion “to adjourn the debate or the meeting”: if in her/his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chair shall put the adjournment motion to the vote without giving the mover of the substantive motion a right of reply.

Votes on closure motions to be taken by Members standing. If a Member is unable to or prefers not to stand, a raised hand will be counted.

RULE 44 - POINTS OF ORDER/POINTS OF PERSONAL EXPLANATION

A member may indicate a “point of order” or a “point of personal explanation” and shall be entitled to be heard immediately.

- (a) A "Point of Order" shall relate only to an alleged breach of a Procedural Rule or statutory provision. The member shall specify the Procedural Rule or statutory provision and the way in which s/he considers it has been broken.
- (b) A "Personal Explanation" shall be confined to some material part of the member's former speech which may appear to have been misunderstood in the present debate.

The ruling of the Chair on a point of order, or on the admissibility of a personal explanation, shall be final.

RULE 45 - VOTING

Subject to the provisions of any enactment all questions coming or arising before the meeting shall be decided by a majority of the Members of the Council (or other persons entitled to vote) present and voting.

The Chair shall ensure that that the proposal to be voted on is clear. Voting will proceed by a show of hands – first those voting “for” the proposal and then those voting “against” the proposal. This will be followed by a show of hands from those who are abstaining from voting.

Sometimes, the law requires special voting procedures and/or sets down the required numbers of votes or a proportion of voting members required to be in favour. The Chief Executive will inform the Council when these requirements apply.

A recorded vote or votes shall take place when setting the Authority’s budget and determining the level of Council Tax to be levied in the district for each financial year.

If on any vote the numbers “for” and “against” a proposal are equal, the proposal is NOT CARRIED and it therefore falls. The record of the meeting will reflect the “NOT CARRIED” status of the proposal.

While by convention in this Authority, the Chair does not exercise a second or casting vote to resolve issues where there is an equality of votes, the decision on whether or not to exercise a second or casting vote is that of the Chair alone. S/he retains the legal right to proceed as s/he sees fit. Exercise of a second or casting vote will not invalidate the decision.

(A second vote from the Chair means that s/he has voted in the original vote which resulted in tied numbers and votes again to break the deadlock.

A casting vote is exercised when the Chair did not take part in the original vote and casts a vote in favour or against in order to break the deadlock.)

If before a vote is taken, a member proposes it, and 5 other members agree, a named vote will be taken of those in favour of or against a proposal, and those abstaining from voting. This information will be recorded in the minutes of the meeting.

Any member is entitled on request made through the Chair at the meeting to have her/his individual vote or abstention recorded in the minutes.

A Political Group Leader or nominee may require a group vote or abstention to be recorded in the minutes.

RULE 46 - EXCLUSION OF PRESS AND PUBLIC

If Council, the Cabinet, Committee or sub-Committee pass a resolution pursuant to Section 100A of the Local Government Act 1972 in accordance with Part 4B of this constitution to exclude the press and public from the whole or part of their proceedings, then the effect of such resolution shall extend to Members of the Council present at the meeting who are not Members of the Committee or sub-Committee concerned: provided that, except when the Committee or sub-Committee are acting in a judicial or quasi-judicial capacity, such Members of the Council shall be permitted to remain if invited to do so by resolution of the Committee or sub-Committee.

A Personal Assistant and/or nominated note taker for a disabled councillor or other person entitled to remain at a meeting after it has passed a resolution under this Rule, shall also be entitled to remain, provided they have signed an undertaking in advance not to divulge the nature of any exempt or confidential business discussed or submitted.

RULE 47 - DISORDERLY CONDUCT

If at a meeting any member of the Council, in the opinion of the Chair, misconducts her/himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the meeting, 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 immediately without discussion.

If the member named continues the misconduct after a motion under the foregoing paragraph has been carried the Chair shall -

EITHER move "that the member named leave the meeting" (in which case the motion shall be put and determined immediately without seconding or discussion):

OR adjourn the meeting for such period as s/he shall consider expedient.

In the event of general disturbance, which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in her/him may, without question put, adjourn the meeting of the Council for such period as s/he in her/his discretion shall consider expedient.

Members shall at all times conduct themselves in a proper, efficient, effective and courteous manner affording due respect to the office of the Chair and to the formality of the Council meeting

Disturbance by Members of the Public

The provisions of Rule 46 (exclusion of the public and press) are without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

If a member of the public interrupts the proceedings at any meeting the Chair shall issue a warning. If the person continues the interruption, the Chair shall order the person's removal from the meeting room. In case of general disturbance in any part of the chamber open to the public the Chair may order that part of the meeting room to be cleared and / or may adjourn the meeting for such period as s/he in her/his discretion shall consider expedient.

When the Chair stands during a debate or uses the gavel and invokes this rule, any Councillor or member of the public speaking at the time must stop (and sit down). The meeting must be silent.

RULE 48 – DURATION OF COUNCIL MEETING

No meeting of the Council will continue beyond 10pm.

A meeting may decide, on a proposal from the floor, to continue its proceedings to end at a time stated in its resolution arising from such a proposal.

If the meeting is unable to complete its business by 10 pm, and does not agree to continue beyond that time, or fails to complete its business by the alternative end time it has agreed under this Rule, the meeting will automatically stand adjourned. For any item of business being dealt with at the time, the substantive motion will be put immediately to the vote without further debate. All uncompleted business will stand adjourned to be considered at the next meeting or to an adjourned session.

The Chair or the meeting may decide the date and time of the adjourned session.

RULE 49 - MEMBER ADVOCATES

The Council may appoint members from time to time to act as “Advocates” for particular interests both within the Council and outside.

The Chief Executive, in consultation with Administration Group Leaders will determine such guidance, protocols and support as is deemed necessary for the effective operation of such roles.