

4F: NON EXECUTIVE COMMITTEE PROCEDURE RULES

GENERAL PROVISIONS

RULE 1 – WHICH COMMITTEES

At its Annual meeting, the Council will decide which Committees are needed to discharge its non-executive functions, act as consultative bodies, make appointments or hear appeals or complaints.

RULE 2 – APPLICATION OF RULES TO CONSULTATIVE, APPEALS, APPOINTMENTS AND COMPLAINTS COMMITTEES

Such committees conduct their business either under specific constitutional arrangements or other procedures relating to the hearing of evidence or submissions. Therefore Procedural Rules are not generally applicable. However, the following Rules do apply:

RULE 3 – POWERS AND DUTIES OF NON-EXECUTIVE COMMITTEES

The Council will approve a scheme which delegates specified non-executive functions to committees.

Where a Committee has the power to act, it may choose not to do so. It may then refer the matter to Council to determine.

RULE 4 – MEMBERSHIP

The Annual Meeting of the Council will set the membership of its non-executive committees for the Council Year (although membership may change during the year – see Council Procedure Rules 7 and 8).

The allocation of seats on Committees will reflect the legal requirement for proportionality or alternative arrangements agreed by the Council.

RULE 5 – CHAIR AND VICE CHAIR

Unless the Council at its annual meeting allocates Chairs of Committees to nominees of political groups on a permanent basis for the ensuing Council Year, each meeting of a Committee will elect a Councillor/voting Member to be the Chair for the meeting.

If the Council does not, at its annual meeting, allocate Vice-Chairs to nominees of political groups on a permanent basis for the ensuing Council year, each meeting of a Committee (if they feel a Vice-Chair is required) can elect a Councillor/voting Member to be the Vice-Chair for that meeting only, or for the ensuing Council year.

RULE 6 – COMMITTEE SPOKESPERSONS

Any Political Group represented on a non-executive Committee but which does not hold the Chair is entitled to appoint one of its members on that Committee to be its Spokesperson for the Council Year.

This shall apply to any political group referred to above, irrespective of the number of members of the political group serving on the Committee.

Spokespersons shall be entitled to be **informed** of the outcomes of relevant discussions between leading Officers and the Chair/Vice Chair (persons) and **consulted** about matters relating to the dates, times and general management and administration of meetings of the Committee.

RULE 7 – CASUAL VACANCIES

A vacancy arises on a Committee when a councillor resigns from membership of the Committee, or dies.

The Chief Executive will have the power to fill vacancies on Committees in accordance with the wishes of the Political Group which has nomination rights to the vacancy.

RULE 8 - DATES AND TIMES OF MEETINGS

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

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 in accessible formats to assist in the planning of meetings and to avoid meetings with like membership meeting concurrently.

RULE 9 – DURATION OF MEETINGS

No meeting of a non-executive Committee will continue beyond 10 pm.

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. No further proposals to extend the proceedings will be permitted at a meeting.

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. Any item of business being dealt with at the time of the adjournment will be put immediately to the vote. All uncompleted business will stand adjourned to be considered at the adjourned session.

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

RULE 10 – SPECIAL OR EXTRAORDINARY MEETINGS

A special (or extraordinary) meeting of a non-executive Committee may be called by

- the Chair; or
- by at least one quarter of the Committee membership signing a notice to the Chair, setting out the business of the meeting and, if appropriate, the time scale within which the meeting is to be held.

The Chair (person) will call the meeting as soon as practicable.

If the Chair (person) fails to convene a special meeting having received a notice, the members signing the notice may themselves convene the meeting.

The Chief Executive, or another Statutory Officer, may take the initiative to convene a special meeting of a Committee. S/he will consult the Chair and Spokespersons before convening the meeting.

RULE 11 – 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 substitute for any committee or Overview and Scrutiny Panel members 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 powers or duties exercisable by the member for whom they are substituting.

Substitute members may attend meetings in that capacity only subject to Overview and Scrutiny Rule 3 (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 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 it to another date). The substitute member shall be a full member of the body for the same period. The Chief Executive will appoint a member as a substitute in the event that s/he receives the required notice.

RULE 12 – JOINT MEETINGS

Committees may have joint meetings with other committees to discuss matters of mutual interest and to make decisions.

The agenda for the joint meeting will make clear whether any decision making is involved at the meeting in the matters identified and will set out the decisions each committee is recommended to make.

The joint meeting will appoint from amongst its number a Chair for the meeting. Any decision making must be by the committee responsible for the matter and will be recorded appropriately.

If necessary, the joint meeting may need to adjourn to enable the constituent bodies to elect their own Chair and make their decisions. A single set of minutes will be taken of the joint meeting and any decisions taken by its constituent committees.

RULE 13 – APPOINTMENT OF SUB COMMITTEES

Each Committee has the right to appoint sub committees and these may be given power to act on behalf of the Committee or may make recommendations to the Committee.

Members of a sub committee may be drawn from outside the membership of the parent Committee (*with the exception of Licensing Sub-Committees for which the membership must be drawn from the main Licensing Committee and any other specific provisions set out in individual Terms of Reference*).

Committees will decide the size and membership of any sub committees and the proportionality of seats among political groups, subject to advice from the Chief Executive.

RULE 14 – SIX MONTH RULE

A non-executive Committee will not consider any matter which it has already considered within the previous 6 months unless:

- (1) the matter is coming to the Committee as part of a report from an Officer;
OR
- (2) written notice, requesting the Chief Executive to arrange for the Committee to reconsider the matter, and endorsed by no fewer than one quarter of the number of Councillors in membership of the Committee or 3 members whichever is the greater, 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 no fewer than one quarter of the number of Councillors in membership of the Committee or 3 members whichever is the greater, 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 Committee agenda.
- (3) Any 6-month Rule notice to the Chief Executive should be couched in the following terms:

“I hereby require the Committee 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) Committee 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 Committee to consider.

Similarly, no proposal which a Committee has rejected within the previous 6 months may be put forward, subject to (1) and (2) above.

PREPARATION FOR NON EXECUTIVE COMMITTEE MEETINGS

RULE 15 – AGENDA MEETING

Prior to the agenda being finalised, Officers will brief the Chair and any Spokespersons on matters coming to the meeting for consideration.

The agenda meeting, though informal, will usually be chaired by the Chair of the Committee.

RULE 16 – AGENDA DESPATCH AND CONTENT

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

In the case of an emergency meeting of the Committee, a shorter period of notice may be given.

The Chief Executive shall be responsible for determining the agenda content of non-executive meetings.

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

RULE 17 – NOTICE OF AGENDA MOTION

Except for motions that may be moved without notice (see Rule 32 below) written notice of every motion, signed by the member giving notice, must be delivered to the Chief Executive not later than 7 working days before the date of the meeting.

The motion will be 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).

Motions must be about matters for which the Committee has responsibility.

The meeting has the right to determine with advice from Officers whether it wishes to defer the motion to a future meeting for further Officer report/advice.

RULE 18 – URGENT AGENDA BUSINESS

The Chair of a Committee or Sub-Committee (as appropriate) has the authority to agree to take urgent items, not on the agenda, at meetings of the relevant body.

The general authority referred to above is qualified in that items of business should not be raised at meetings without prior notice being given on the appropriate agenda unless:-

- (a) the item has arisen between the compilation of the agenda and the date of the meeting;
- (b) the item requires an urgent decision in the public interest which cannot be dealt with by other means; and
- (c) by convention, the appropriate Committee or Sub-Committee Spokespersons have been consulted on the matter and their views conveyed to the Chair before s/he makes a decision on the matter. The Chair will be guided by their views.

In all cases the reason for the urgency shall be clearly stated and recorded.

RULE 19 – MEMBERS ATTENDING COMMITTEE MEETINGS

Any Member of the Council has the right to attend a meeting of a non-executive Committee. They may speak only at the discretion of the Chair of the meeting, unless exercising a right under Rules 34 and 35 below.

RULES RELATING TO PROCEDURES AT NON EXECUTIVE MEETINGS

RULE 20 - 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 Rule or Rules. 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 21 - MINIMUM NUMBER ATTENDING (QUORUM)

A meeting of a Committee cannot take place unless there are present at least one quarter of the membership, or 3 Councillor/voting members of the Committee whichever is the greater. (Note: See Standards Committee Procedural Rules (Part 4H) for specific provision relating to that Committee, Cabinet Rules (Part 4D) for its specific provisions and Investment Panel Terms of Reference (Part 5) for specific quorum details.)

RULE 22 – RECORD OF ATTENDANCE

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

RULE 23 - 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 24 – CHANGING THE ORDER OF BUSINESS

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

RULES OF DEBATE

RULE 25 - CONDUCT OF MEETING

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

RULE 26 – POWERS AND DUTIES OF 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 Committee meeting. If in respect of a specific matter the Chair is a local member, or in other special circumstances agreed by the meeting, s/he may speak in debate. The Chair may exercise a judgement as to whether s/he vacates the Chair during the consideration of the item.

In the event of the Chair vacating the Chair, the Vice Chair – if there is one – shall preside. If there is no Vice Chair, or s/he is not present, the meeting shall elect another member to chair the meeting during the consideration of this item.

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 a Committee 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 minutes are signed by the Chair.

RULE 31 – MOTIONS MOVED WITHOUT NOTICE

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

- (a) Appointment of a Chair for the meeting.(in the absence of the Chair or Vice Chairperson)
- (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 or for public and councillor questions.
- (f) Amendments to matters raised.
- (g) That the meeting proceeds to the next business
- (h) That the question be put
- (i) That the debate be adjourned
- (j) That the meeting adjourn
- (k) That the meeting continue beyond the prescribed deadline to end at a specified time.
- (l) Suspending Procedural Rules
- (m) To resolve under Section 100A of the Local Government Act 1972 to exclude the public.
- (n) That the member named 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 Committee or Sub Committee 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. For Committees/bodies whose remit extends beyond B&NES borders (eg; Avon Pension Fund), this right applies to the area over which the Committee has jurisdiction. 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 questions must be submitted in writing (this to include transmission by e mail).

Notice of the question must be given to the Council Solicitor no later than close of business 2 clear working days before the day of the meeting (eg 5pm on a Monday for a meeting on a Thursday) (**see note below*)

All questions will be circulated to members of the Committee/Sub Committee, visiting councillors and the public in advance of the meeting.

Questions must only be asked of the Chair of the Committee or a nominated Spokesperson of any Political Group represented in the membership of the Committee/Sub Committee, but not an individual member of the Committee/Sub Committee.

A Chair (person) or Spokesperson 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 working days after the day of the meeting.

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

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 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.

(Note: There are special arrangements in place for public speaking at meetings of Regulatory Committees where it is important that the rules of natural justice, in relation to individual cases, is preserved. Details of how the public speaking arrangements differ for these meetings can be found on the Council's web site or by contacting the Democratic Services team.)

RULE 33 – QUESTIONS FROM COUNCILLORS

A Councillor shall have the right to put forward a question for answer at a Committee/Sub Committee meeting.

All questions must be submitted in writing (this to include transmission by e mail).

Notice of the question must be given to the Council Solicitor no later than close of business 2 clear working days before the day of the meeting (eg 5pm on a Monday for a meeting on a Thursday). (**see note below*)

All questions will be circulated to members of the Committee/Sub Committee, visiting councillors and the public in advance of the meeting.

Questions must only be asked of the Chair (person) of the Committee or a nominated Spokesperson of any Political Group represented in the membership of the Committee/Sub Committee but not an individual member of the Committee/Sub Committee:

A Spokesperson who is asked a question or a follow-up 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.

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

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 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.

(Note: There are special arrangements in place for councillors wishing to speak at meetings of Regulatory and other non-Executive Committees where it is important that the rules of natural justice in relation to individual cases is preserved. Details of how the councillor speaking arrangements differ for these meetings can be found on the Council's web site or by contacting the Democratic Services team.)

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

Members of the public have the right to put forward petitions, statements and depositions 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.

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 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). (**see note below*)

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 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 no overall time limit set down for these submissions. Individual submissions will be limited to a maximum 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. 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, whichever they prefer.

Once the submission has been made, the Chair (person) will invite the Spokespersons to ask factual questions of the person making the submission. The meeting will then determine what action it wishes to take on the matters contained in the submission.

(Note: There are special arrangements in place for public speaking at meetings of Regulatory Committees where it is important that the rules of natural justice, in relation to individual cases, is preserved. Details of how the public speaking arrangements differ for these meetings can be found on the Council's web site or by contacting the Democratic Services team.)

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 a 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, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.

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 Council Executive or an Overview and Scrutiny Panel for consideration or reconsideration
- (e) to defer consideration of the matter.

An amendment must not

- be a direct negative of a motion; or
- 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.

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 motion upon which any further amendment may be moved.

RULE 37 – SECONDING

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

A member when seconding a proposal or amendment may reserve her or his speech until a later period of the debate.

RULE 38 – RIGHT OF REPLY

At the end of a debate about a motion, the member who first proposed it at the meeting 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 moved the motion, not with the member who moved the amendment.

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 – ALTERATION TO MOTION

A Member who moves a proposal may, with the agreement of the seconder, and on one occasion only in a debate on an item, accept a suggestion for a minor adjustment to the wording of the proposal.

RULE 40 – WITHDRAWAL OF A 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 such permission shall have been refused.

RULE 41 – 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 42 – 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 43 – 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. A member proposing a motion 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 44 – 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”,

“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 original 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 original motion to exercise her/his right of reply under Rule 36 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 original motion a right of reply.

RULE 45 – POINT OF ORDER/POINT 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 46 - 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 Committee (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 sets down the required numbers of votes or a proportion of voting members in favour. The Chief Executive will inform the Committee when these requirements apply.

If the votes “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.

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

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

RULE 47 – EXCLUSION OF PRESS AND PUBLIC

If a Committee or Sub-Committee passes a resolution pursuant to Section 100A of the Local Government Act 1972 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 notetaker for a disabled councillor or other person entitled to remain at a meeting after passing 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 48 – DISORDERLY CONDUCT

If at a meeting any member of the Committee, 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 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 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 Committee for such period as s/he in her/his discretion shall consider expedient.

Disturbance by Members of the Public

The provisions of Section 100A (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.