

COUNCIL PROCEDURE RULES

1 ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of councillors, the annual meeting will take place on the second Tuesday after the elections. In any other year, the annual meeting will take place in March, April or May. No business except that identified below in this Rule and Rule 1.2 will be included on the Agenda of the Annual Council meeting and all other Council Procedure Rules shall be construed accordingly.

The annual meeting will:

- (i) receive apologies for absence;
- (ii) elect a person to preside if the Chairman and Vice Chairman of the Council are not present;
- (iii) elect the Chairman of the Council for the ensuing year;
- (iv) appoint the Vice Chairman of the Council for the ensuing year;
- (v) receive any announcements from the Chairman and/or the Chief Executive;
- (vi) fixing the allowances for the Chairman and Vice Chairman for the municipal year
- (vii) elect the Leader;
- (viii) re-affirm the Council's Constitution;
- (ix) approve a programme of ordinary meetings of the Council and committees for the year; and
- (x) consider any other business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees

At the annual meeting, the council will:

- (i) appoint the committees it considers appropriate for the municipal year;
- (ii) decide the size and the terms of reference and delegated powers for any new committees and sub-committees;
- (iii) decide the allocation of seats for all committees and sub-committees to political groups in accordance with the political balance rules.

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- (iv) appoint Members to each committee and the Chairman and Vice-Chairman of each committee. No Member should be appointed as a Member (or substitute Member) of the Council's Planning Committee unless he has received training in relation to development control under a continuing programme arranged by the Council.

Similarly, no Member should be appointed as a Member of the Council's Licensing Committee unless he has received training in relation to licensing matters under a continuing programme arranged by the Council. Substitute Members of the Licensing Committee need not have received training.

During the Annual Council meeting (whilst the meeting is formally adjourned) each committee, once appointed will meet and appoint the Members and the Chairman and Vice-Chairman of any sub-committees and working parties they have appointed.

2 ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Such programmes shall ensure that the first ordinary meeting is held within 15 working days of the annual meeting of the Council except in a year when there is an ordinary election of Councillors. The order of business at every ordinary meeting of the Council shall (subject to the note below) be as follows:-

- (i) receive apologies for absence;
- (ii) to elect a person to preside if the Chairman and Vice Chairman are not present;
- (iii) to deal with any business required by Statute to be dealt with before any other business;
- (iv) to approve the minutes of the last meeting (or in the case of the first ordinary meeting of the municipal year, to approve the minutes of the Annual meeting and the preceding meeting);
- (v) to receive any announcements from the Chairman and the Chief Executive and any statements from the Leader and Members of the Cabinet;
- (vi) to receive a report from the Leader on any executive decisions taken as a matter of urgency in accordance with Access to Information Procedure Rule 17.3, Budget and Policy Framework Procedure Rule 5(b) and Overview and Scrutiny Procedure Rule 16(i);
- (vii) in accordance with Rule 14, to receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (viii) to receive questions from Members in accordance with Rule 15.2;
- (ix) to deal with any business from the last Council meeting;

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- (x) to receive recommendations from the Executive and the minutes of the Overview and Scrutiny, Standards and Human Resources Committees and to receive questions and answers from Councillors on any of those items;
- (xi) to receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xii) to consider motions (in the order in which notice has been received);
- (xiii) to 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, other reports from the Executive, reports of the Overview and Scrutiny Committees for debate and reports from officers for consideration; and
- (xiv) any other items which the Chairman decides are urgent.

With the exception of items (i) (ii) (iii) and (iv), the order of items may be varied at the discretion of the Chairman or by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be put without discussion. At the last ordinary meeting of Council in the municipal year, following item (v) the meeting will receive the annual State of Tending Statement from the Leader and the Annual Statement of Performance of the Tending Regeneration Company,

3 EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings.

An extraordinary meeting of the Council may be called at any time by the Chairman of the Council

If the Chairman refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by five members of the Council, has been presented to him, or if, without so refusing, the Chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then, any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Council.

3.2 Order of Business

- (i) receive apologies for absence;
- (ii) to elect a person to preside if the Chairman and Vice Chairman are not present;
- (iii) to deal with any business required by Statute to be dealt with before any other business;
- (iv) to consider any other business specified in the summons to the meeting

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4 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES**4.1 General**

Substitute members may attend, speak and vote at meetings of committees and sub-committees of the Council, except that elected members of the Council may not be appointed as substitute members of the Standards Committee. In the case of the Overview and Scrutiny Committees, such substitute Members may not be Members of the Executive. Substitute Members may not be appointed to any Working Parties unless that working party has been established in full accordance with the Widdicombe Rules.

4.2 Eligibility

A substitute shall belong to the same political group (as defined in the Local Government and Housing Act 1989) as the Member for whom he is a substitute. Substitution by or of Members not in a political group is not permitted.

4.3 Procedure

Written notification of a substitution from the Member being substituted or his/her Group Leader must be delivered to the Head of Legal Services (or her representative prior to the commencement of the meeting at which the substitution is to apply. Where more than one notification is delivered, the last notification received will take precedence. Such notification can be submitted by letter, fax or by e-mail or by personal delivery to Legal Services during office hours (Monday to Thursday 8.45 a.m. – 5.15 p.m. and Friday 8.45 a.m. to 4.45 p.m.) or by hand to the Legal Services Officer attending the meeting in question immediately prior to the commencement of that meeting.

Once notification of a substitute Member has been received (unless it is withdrawn prior to the commencement of the meeting) the appointed Member of the relevant committee, sub-committee, or working party shall not be entitled to attend the relevant meeting except in the role of an observer.

Any substitution shall apply for the entire meeting including where the meeting is reconvened after adjournment.

The identity of any substitute Member attending a meeting shall be recorded in the minutes of the meeting.

4.4 Substitute Members of Planning Committee

Group leaders shall nominate, as they see fit, members of their Group to act as a designated substitute member of the Planning Committee. Any member of a political group shall be eligible to be a designated substitute member providing that they have received training in relation to development management matters under a continuing programme arranged by the Council. When nominating a designated substitute, Group Leaders shall, as far as reasonably practicable, satisfy themselves that the nominated Member is as conversant with development management matters as the appointed members of the Committee.

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4.5 Substitute Members of Premises/Personal Licences Sub-Committees

Substitutes for Members of a Premises/Personal Licences Sub-Committee shall be made from the appointed Membership of the Licensing Committee. Such substitute need not be a Member of the same political group and the provisions of Rule 4.2 shall not apply.

The Head of Legal Services will, at the request of the Group Leader of a member of a Premises/Personal Licences Sub-Committee or at the request of the Member concerned, appoint a substitute from amongst the appointed Membership of the Licensing Committee who should have received training in relation to licensing under a continuing programme arranged by the Council. Such request need not be in writing.

The Head of Legal Services will ensure that a fourth or standby Member, drawn from amongst the appointed membership of the Licensing Committee, is present at every meeting of a Premises/Personal Licences Sub-Committee. Such Member shall act as a member of the Sub-Committee in the event that one of the three Sub-Committee members becomes unable to act due to e.g. illness, conflict of interest.

5 TIME AND PLACE OF MEETINGS

The time and place of Council meetings will be notified in the summons.

Meetings will normally be held at 7.30 p.m. at the Princes Theatre, Town Hall, Clacton-on-Sea and the Council may, from time to time, vary the place, date or hour of a meeting or meetings. Where it is not practicable for the Council to meet to agree a variation, such variation shall be determined by the Chairman (or failing him the Vice-Chairman) of the Council.

6 NOTICE OF AND SUMMONS TO MEETINGS

The Head of Legal Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Head of Legal Services will send a summons by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7 ATTENDANCE AT MEETINGS

Except as otherwise provided in this Constitution and in particular having regard to the provisions of the Access to Information Procedure Rules: -

- 7.1** Every Member of the Council shall be entitled to attend all meetings of committees, sub-committees and working parties. A member of the Council shall not take part in any discussion at a meeting of a committee, sub-committee, or working party of which he is not a Member unless specifically invited to do so by the Chairman of that meeting, or unless he is attending the meeting of the committee under the provisions of Rule 16.5, and he shall in no case be entitled to vote. The Member shall obtain the permission of the appropriate Chairman prior to the relevant meeting if he wishes to speak at that meeting. Where a Member has, pursuant to notice duly given under Rule 16.5, moved a motion which has been referred to a committee, he shall be given an opportunity of explaining that motion.

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Where the public speaking scheme (Rule 35) applies to a particular application or matter before the Planning Committee, no Member shall be entitled to address or speak to the Planning Committee under Rule 7.1. This does not detract from any rights the Member has under the public speaking scheme.

- 7.2** Notification of site visits arranged by any committee, sub-committee, or working party shall be given to the Members for the ward in which the site is situated. Such Members shall have the right to attend the site visit but shall not take part in any discussion unless specifically invited to do so by the Chairman of the body that has arranged the site visit. The body arranging the site visit shall not exercise any delegated powers nor take any decisions in the course of the visit.

8 CHAIRING OF MEETINGS

The person presiding may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

9 QUORUM

- 9.1** Subject to 9.2 below the quorum of a meeting will be one quarter of the whole number of Members, subject always to a minimum of three Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date to be fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

- 9.2** The provisions regarding the quorum for the Standards Committee are set out in Article 9

10 DURATION OF MEETING

- 10.1** The business of ordinary meetings of the Council shall cease at 10.00 pm on the day on which the meeting commenced, or such earlier or later time as the Chairman shall consider appropriate.

- 10.2** When the business of a meeting is terminated in accordance with 10.1 above any remaining business shall stand adjourned until a date and time to be fixed by the Chairman.

11 MEETINGS OF COMMITTEES

11.1 Ordinary Meetings

The committees of the Council will normally hold meetings (known as Ordinary Meetings for the purposes of these Procedure Rules) on dates and at times as the Council decides at its Annual Meeting.

The Chairman (or failing him the Vice-Chairman) of a committee may, from time to time, vary the place, date or hour of a meeting or meetings of that Committee.

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11.2 Special Meetings

The Chairman of a committee can call a Special Meeting of a committee at any time. A Special Meeting shall also be called on the requisition of not less than a quarter of the whole number of Members of the committee, delivered in writing, by fax or by email to the Chief Executive but in no case shall less than three Members requisition a Special Meeting.

No business except that set out in the Summons and Agenda shall be carried out at a Special Meeting of a committee.

12 SUB-COMMITTEES AND WORKING PARTIES

The Council, (usually at its Annual Meeting) will decide the establishment, terms of reference, delegated powers, number of Members and the allocation of seats to political groups for all new sub-committees.

Committees will appoint individual Members to standing sub-committees under their control and will appoint the Chairman and Vice Chairman of those sub-committees.

Every committee of the Council may appoint working parties for specified purposes in accordance with Part 3 of this Constitution. The committee may amend the constitution of the working parties or dissolve them at any time.

The Chairman and Vice Chairman of any working parties appointed by a Committee will be determined at the first meeting of the working party. Meetings of working parties will normally be convened, either at an earlier meeting of the working party or by the Head of Legal Services in consultation with their Chairman.

13 CONSIDERATION OF URGENT ITEMS BY COMMITTEES, SUB-COMMITTEES AND WORKING PARTIES

The Chairman of a committee, sub-committee, or working party shall have the power to determine whether an item which was not included on the agenda may by reason of special circumstances be considered at a meeting as a matter of urgency, subject to compliance with the Access to Information Procedure Rules.

14 QUESTIONS BY THE PUBLIC

14.1 General

Members of the public may ask questions of Members of the Executive or the Leader or committee Chairmen at ordinary meetings of the Council. The time limit for the asking of each question is two minutes and for the reply, five minutes. The Chairman shall determine the number of questions to be tabled at a particular meeting in order to limit the time for questions and answers to half an hour.

14.2 Order of Questions

Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.

14.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by personal e-mail to the Head of Legal Services no later than midday 7 working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

14.4 Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

14.5 Scope of Questions

The Head of Legal Services may reject a question if in his judgement it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question already received to be put to the ordinary meeting of the Council in question;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

14.6 Record of Questions

The Head of Legal Services will keep each question in a file open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

14.7 Asking the Question at the Meeting

All questions will be set out in the agenda and the Chairman will invite the questioner to put the question to the Member named in the notice. There will be no further questions or debate. If the questioner is not present, the Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

14.8 Written Answers

Any question that cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member, to whom it was to be put, will be dealt with by a written answer.

14.9 Reference of Question to the Executive or a Committee

No discussion will take place on any question, but any Member may formally, without discussion, move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

14.10 Withdrawal of Question

A Member of the public may withdraw their question by giving notice of their wish to do so to the Head of Legal Services prior to the commencement of the meeting at which their question is to be put.

15 QUESTIONS BY MEMBERS

15.1 On Statements made by the Leader or a Member of the Cabinet to the Council, Reports, or References From the Executive or Minutes of Committees

A Member of the Council may ask the Leader or a Member of the Cabinet any question without notice about any statement made by the Leader or a Member of the Cabinet to the Council when that item is being received.

A Member of the Council may ask the Leader or a Member of the Cabinet or the Chairman of a committee any question without notice upon a report or recommendation of the Executive or the minutes or reference from a committee when that item is being received by the Council.

15.2 Questions on Notice at Full Council

Subject to Rules 15.4, 15.5 and 15.6 a Member of the Council may ask at an ordinary meeting of the Council:-

- the Chairman;
- a Member of the Executive;
- the Chairman of any committee or sub-committee
- the Representative of the Sole Member of Tendring Regeneration Limited

a question on any matter in relation to which the Council has powers or duties or which affects the Tendring District.

Questions shall not be submitted to the annual meeting of the Council or to an extraordinary meeting of the Council.

15.3 Questions on Notice at Committees and Sub-Committees

Subject to Rules 15.4, 15.5 and 15.6 a Member of a committee or sub-committee may, at a meeting thereof, ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the Tendring District and which falls within the terms of reference of that Committee or Sub-Committee.

15.4 Notice of Questions

A Member may only ask a question under Rule 15.2 or 15.3 if either:

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- (a) notice has been given by delivering it in writing (or by personal e-mail) to the Head of Legal Services no later than midday 7 working days before the day of the meeting; or
- (b) the question relates to urgent matters, he has the consent of the person to whom the question is to be put and the content of the question is given to the Head of Legal Services by noon on the day of the meeting.

15.5 Number of Questions

At any one meeting no Councillor may submit more than two questions.

15.6 Scope of Questions

The Head of Legal Services may reject a question if in their judgement it could be considered to be defamatory or offensive or requires the disclosure of confidential or exempt information.

15.7 Response

An answer may take the form of:

- (a) a direct oral answer;
- (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 cannot conveniently be given orally, a written answer given later to the questioner.

15.8 Supplementary Questions

After the response has been given, the Member who asked the question may ask one supplementary question, of which no notice is required. The supplementary question must relate entirely to the original question and/or the response received. The ruling of the Chairman on the admissibility of the supplementary question is final.

15.9 Time Available for Questions

Questions from Members will be set out in the agenda in the order in which they were received. The time limit for asking each question is two minutes and the time limit for each reply is five minutes.

15.10 Withdrawal of Question

A Member may withdraw their question by giving notice of their wish to do so to the Head of Legal Services prior to the commencement of the meeting at which their question is to be put.

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16 MOTIONS ON NOTICE

16.1 Notice

Except for motions which can be moved without notice under Rule 17, written and signed notice (or notice by personal e-mail) of every motion by the Member or Members submitting it, must be delivered to the Head of Legal Services no later than midday 7 working days before the day of the meeting.

No Member shall, under the provisions of this Rule, submit more than one motion for consideration at any ordinary meeting of the Council. Motions shall not be submitted to the annual meeting of the Council or to an extraordinary meeting of the Council.

16.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that he proposes to move it to a later meeting or withdraw it.

If a motion thus set out in the agenda is not moved either by a Member who gave notice thereof or by a Member nominated by him of the same political group it shall unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

16.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Tendring District.

16.4 Referral of Motions

If the subject matter of any motion of which notice has been duly given comes within the province of the Executive or any committee(s) it shall, upon being formally moved and seconded, stand referred without speeches or discussion to the Executive or such committee(s) as the Chairman may determine, for consideration and report. Where a motion is to be so referred then notwithstanding the provisions of Council Procedure Rule 20.1 the mover shall explain the motion to the Executive or relevant Committee and not at the meeting of the Council at which it is moved. The Executive or any such Committee shall (subject to the provisions of Rule 16.5) be required to consider such motion and to advise the Council of the Executive's or such committee's opinion as to whether such motion should be supported in its original format. If the Executive or such committee decides to advise the Council of its opinion that such motion in its original format be not supported, the Executive or such committee may, in addition suggest to the Council that an alternative motion be supported.

The Chairman may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

16.5 Referred Motions - Right of Mover to Attend Meeting

If a motion has, in accordance with the provisions of Rule 16.4, been formally moved and seconded and referred to the Executive or committee(s), the mover (or some other Member on his behalf) shall attend the first practicable meeting of the Executive or such committee(s) immediately following the Council meeting at which the motion was moved. The motion shall not be considered unless and until the mover (or other Member) has explained it and, if they do not attend the meeting, the motion shall be treated as withdrawn, unless the Executive or committee(s) at their sole discretion permit the mover (or other Member) to attend a subsequent meeting.

17 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (o) to not hear further a Member named under Rule 27.3 or to exclude them from the meeting under Rule 27.4;
- (p) to give the consent of the Council where its consent is required by this Constitution; and
- (q) to extend the time limit for a speech.

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18 MOTIONS NOT PERMITTED

No motion shall be submitted on a matter that relates to an item which;

- (a) is to be considered on the same Council agenda;
- (b) is substantially the same as a motion already received to be put to the ordinary meeting of the Council in question;
- (c) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
- (d) has been the subject of a Key Decision in the previous six months;
- (e) is included within the work-plan of an Overview and Scrutiny Committee;
- (f) is, at the time of submission, subject to a call-in.

19 MOTIONS OR QUESTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council or of a committee or sub-committee 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 the subject of discussion until the Council, committee or sub-committee has decided whether or not the power of exclusion of the public shall be exercised.

20 RULES OF DEBATE

20.1 No Speeches Until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded. However, a motion that the recommendations from the Executive or the minutes or references from a committee shall be adopted need not be seconded.

20.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him before it is discussed.

20.3 Secunder's Speech

When seconding a motion or amendment, a Member may reserve his speech until later in the debate, but if a closure motion is agreed the reserved right is lost.

20.4 Content and Length of Speeches

Speeches must be directed to the motion under discussion or to a personal explanation or point of procedure. No speech other than the statement by the Leader on the State of the District and the Leader's presentation of the budget may exceed five minutes except with the consent of the Council.

20.5 When a Member May Speak Again

A Member who has spoken on a 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) to move or second a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another Member, to speak on the main issue (provided the amendment has not been carried);
- (d) in exercise of a right of reply;
- (e) on a point of procedure; and / or
- (f) by way of personal explanation.

20.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. However the Chairman may permit a Member to give formal notice of the terms of any further amendment which he proposes to move at a later stage in the proceedings.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

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20.7 Alteration of Motion

- (a) A Member may alter a motion of which he has given notice with the consent of the meeting. Consent will be signified without discussion.
- (b) A Member may alter a motion that he has moved without notice with the consent of both the meeting and the seconder. Consent will be signified without discussion.
- (c) Only alterations that could be made as an amendment may be made.

20.8 Withdrawal of Motion

A Member may withdraw a motion that he has moved with the consent of both the meeting and the seconder. Consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

20.9 Right of Reply

- (a) The mover of a motion (including the mover of a motion on which an amendment has been moved) and the mover of an amendment have a right of reply at the end of the debate on the motion or amendment. Following this, the appropriate portfolio holder or the Chairman of the relevant committee shall have the right to speak on the motion or amendment immediately before it is put to the vote. Where the mover of the motion or amendment was the Executive Leader, he shall have the final right to speak.
- (b) A Member exercising a right of reply shall confine his remarks to answering the arguments employed or observations made during the debate and shall not introduce any new matter.

20.10 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the time for speeches;
- (h) to give any consent required by these procedure rules
- (i) to suspend one or more of the procedure rules;

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- (j) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (k) to not hear further a Member named under Rule 27.3 or to exclude them from the meeting under Rule 27.4.

20.11 Closure Motions

- (a) A Member may move, without comment, the procedural motions in Rule 20.10 (c),(d),(e) and (f) at the end of a speech of another Member:
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If the procedural motion is carried the current debate will cease without a vote being taken and the meeting will proceed to deal with the next business on the agenda.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the rights of reply set out in Rule 20.9(a) before putting the question to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the rights of reply in accordance with Rule 20.9 (a). When the debate is resumed, the rights of reply in Rule 20.9 (a) will be restored.
- (e) If, during the debate on an amendment, a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the rights of reply set out in Rule 20.9(a) before putting the amendment to the vote. Debate on the original or amended motion will then resume.

20.12 Point of Procedure

A Member may raise a point of procedure at any time. The Chairman will hear him immediately. A point of procedure may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

20.13 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member that may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

21 STATE OF TENDRING STATEMENT

At the last ordinary meeting before the Annual Council meeting each year, the Leader will make a Statement on the State of the Tendring District. The Annual Statement of Performance of the Tendring Regeneration Company will also be presented. The Chairman may permit debate following the statements.

22 PREVIOUS DECISIONS AND MOTIONS

22.1 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 12 Members.

22.2 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 12 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

This procedure rule does not apply to motions moved to adopt a recommendation to the Council from the Executive or a committee.

23 VOTING

23.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put to the vote.

23.2 Chairman's Casting Vote

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 or whether the Chairman chooses to exercise a casting vote. In the case of an equality of votes for the election of the Chairman of the Council, the retiring Chairman or the person presiding at the meeting must exercise a casting vote.

23.3 Show of Hands

Unless a recorded vote is demanded under Rule 23.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

23.4 Recorded Vote

If 11 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

23.5 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, his vote will be so recorded in the minutes to show whether he voted for or against the motion or abstained from voting.

23.6 Voting on Appointments

Where there is more than one person nominated for any position to be filled by the Council then unless the Council decides otherwise at the time, the person receiving most votes shall be appointed. Where there is only one person nominated, Members will cast their votes either for or against that person. The person nominated will be appointed if the votes for are more than the votes against.

24 MINUTES

24.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next suitable ordinary meeting. The Chairman will move that the minutes of any previous meeting be signed as a correct record. The only issue in relation to the minutes that can be discussed is their accuracy.

24.2 Form of Minutes

Minutes of any meeting shall comprise a brief summary of the proceedings of, and business transacted at, the meeting. Minutes will not record details of the debate or the views or comments of individual Members.

Minutes will contain all motions and amendments in the exact form and order the Chairman accepted them as being proper motions/amendments and put them to the vote.

25 RECORD OF ATTENDANCE

All Members present during the whole or part of any meeting must sign their names on the attendance sheets before the end of that meeting to assist with the record of attendance.

26 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 29 (Disturbance by Public).

27 MEMBERS' CONDUCT

27.1 Standing to Speak

When a Member speaks at full Council he must stand and address the meeting through the Chairman. If more than one Member stands, the Chairman 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 procedure or a point of personal explanation.

COUNCIL PROCEDURE RULES

27.2 Chairman Standing

When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

27.3 Member Not to be Heard Further

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

27.4 Member to Leave the Meeting

If the Member continues to behave improperly after a motion in Rule 27.3 is carried, the Chairman may move that either 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.

27.5 General Disturbance

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

27.6 Member Absence

If any Member of a Committee shall be absent from four consecutive ordinary meetings of that Committee, such absence shall be notified to the Council at its next ordinary meeting.

28 DISTURBANCE BY PUBLIC

28.1 Removal of Member of the Public

If a Member of the public interrupts proceedings, the Chairman will warn the person concerned. If he continues to interrupt, the Chairman will order his removal from the meeting room.

28.2 Clearance of Part of Meeting Room

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

29 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

29.1 Suspension

All of these Council Procedure Rules except Rule 23.5 and 24.1 may be suspended by motion on notice or without notice if at least 45 Members of the Council are present and 31 Members vote in favour of suspension. Suspension can only be for the duration of the meeting.

COUNCIL PROCEDURE RULES

29.2 Amendment

Any motion by a Member to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

30 RESIGNATION OF CHAIRMANSHIP ETC

30.1 Any Chairman, Vice Chairman or Member of a committee, sub-committee or working party may at any time, by notice in writing delivered to the Chief Executive, resign his position and such resignation shall take immediate effect on delivery of the notice.

31 CASUAL VACANCIES ETC

31.1 On a casual vacancy occurring in the office of Chairman or Vice-Chairman of the Council an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the Council, and shall be conducted in the same manner as an ordinary election.

31.2 In the case of a casual vacancy in the office of a chairmanship or vice-chairmanship of a committee, sub-committee or working party an item shall be placed on the agenda of the next meeting of the relevant body which shall, before proceeding to any other business, elect from its Members a Chairman or Vice-Chairman as the case may be for the remainder of the year.

32 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of the Council. None of these rules apply to meetings of the Executive. Only Rules 4, 6 – 13, 15 (excluding 15.1, 15.2 and 15.6), 20, 23 – 28 (excluding 20.5, 23.4, and 27.1), 33 and 34 apply with any necessary modifications to meetings of committees and sub-committees. Rule 34 applies only to the Planning Committee.

33 INTERPRETATION OF PROCEDURE RULES

At any meeting the ruling of the Chairman as to the construction or application of any of the Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged.

34 SCHEME TO PERMIT MEMBERS OF THE PUBLIC TO SPEAK AT MEETINGS OF THE PLANNING COMMITTEE

A scheme providing a limited right for speaking by Members of the public in relation to certain applications at meetings of the Planning Committee shall apply to that committee. The scheme shall be in such form as the Head of Legal Services determines, after consulting with the Assistant Chief Executive and the Planning Portfolio Holder.

35 PETITIONS

Any petition that is submitted to the Chief Executive, that relates to the exercise or non-exercise of duties or powers of the Council, and is signed by at least fifty residents of the District that are not Members, shall be referred to the next meeting of the Cabinet or of the Committee responsible for the administration of the powers in connection with the subject matter of the petition. The Chief Executive shall report the receipt of any such petition to the next meeting of the Council where there shall be no debate or comment thereon.

36 MINOR AMENDMENTS OF GUIDANCE

Any minor amendment of any written Guidance to Officers and Members is delegated to the Head of Legal Services and Monitoring Officer.