

## COUNCIL PROCEDURE RULES

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## Introduction and Interpretation

- (1) These procedure rules govern the conduct of Council meetings and also meetings of its Committees and Sub-Committees except where specified. Their purpose is to ensure that meetings operate effectively.
- (2) The person presiding at any meeting will decide on all matters of order and interpretation of these rules and their decision will be final and not open to discussion. However, in reaching their decision, the person presiding must give due consideration to the advice of the Monitoring Officer, and the person presiding will explain why they have made that decision.

### **1. ANNUAL MEETING OF THE COUNCIL**

#### **1.1. Timing and Business**

The Annual Meeting of the Council will be held in May.

The annual meeting will:

- (i) elect a person other than a Member of the Cabinet to preside if the Mayor or Deputy Mayor are not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) extend a vote of thanks to the outgoing Mayor and Mayoress/Mayor's Escort;
- (vi) extend a vote of thanks to the outgoing Deputy Mayor and Deputy Mayoress/Deputy Mayor's Escort;
- (vii) receive notification of apologies for absence;
- (viii) receive any declarations of interest from Members;
- (ix) receive the Returning Officer's report of results of elections;
- (x) receive any announcements from the Mayor and/or Chief Executive;
- (xi) elect the Leader if required (as set out in Article 7 of this Constitution);
- (xii) appoint at least one scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (xiii) agree the scheme of delegation relating to the Council and its Committees (as set out in Part 3 of this Constitution);
- (xiv) receive the Leader's written record of delegations made by them for Cabinet functions for inclusion in the Council's Scheme of Delegation;
- (xv) consider any business set out in the notice convening the meeting;
- (xvi) consider any urgent business arising since the last Ordinary Meeting and brought forward by the (i) Cabinet or (ii) Chief Executive; and
- (xvii) deal with any recommendation of a non-controversial nature contained in the reports of any meetings of the Cabinet, Overview and Scrutiny Commission

and the regulatory Committees which have taken place since the last Ordinary Meeting of the Council.

## 1.2. Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council meeting will consider the report of the Head of Legal, Democracy and HR and:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats (and substitutes if any) to political groups in accordance with the political balance rules;
- (iv) receive nominations from party group leaders of Councillors to serve on each Committee and outside body;

The Head of Legal, Democracy and HR will have the authority, during the Council year, to vary the appointments to outside bodies relating to Council functions to give effect to the wishes of a political group in relation to seats allocated to it subject to the change being reported in the Councillors' Information Bulletin.

- (v) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet; and
- (vi) appoint the Chairs and Vice-Chairs of the Council's Committees and Sub-Committees.

1.3. Petitions will not be considered at the Annual Meeting of the Council.

## 2. ORDINARY MEETINGS

2.1. Ordinary Meetings of the Council will take place in accordance with the agreed programme.

Ordinary Meetings will:

- (i) elect a person other than a Member of the Cabinet to preside if the Mayor and Deputy Mayor are not present;
- (ii) receive notification of apologies for absence;
- (iii) receive any declarations of interest from Members;
- (iv) receive communications brought forward by the Mayor, Leader or the Chief Executive, including any urgent petitions.
- (v) provide an opportunity for the Mayor to make presentations of awards as appropriate.
- (vi) receive questions (not statements) from, and provide answers to, the public in accordance with Rule 10 in relation to matters which in the opinion of the person presiding at the meeting are relevant to the functions of the Council;
- (vii) make appointments or fill vacancies on Committees, joint boards, joint Committees or other bodies.
- (viii) consider relevant petitions submitted under the Crawley Borough Council Petitions Scheme (see Part 5 of this Constitution);

- (ix) approve the minutes of the last meeting;
- (x) prior to receiving the minutes of the Cabinet, Overview and Scrutiny Commission and the regulatory Committees, provide Councillors with the opportunity to indicate which resolved items and recommendations they wish to reserve for debate.

(There shall be no debate on any item included in the minutes of the Cabinet, Overview and Scrutiny Commission, or of a regulatory Committee, where the item in those minutes has been previously debated at an Extraordinary Meeting of the Council held earlier in the same Committee cycle and where a decision has been made on that matter at the Extraordinary Meeting).

- (xi) receive the minutes of the Cabinet, Overview and Scrutiny Commission and of the regulatory Committees. The receipt of the minutes will be moved by the Deputy Mayor (or the Mayor's nominee in the absence of the Deputy Mayor) and a seconder shall not be required for this motion.
- (xii) approve 'en bloc' any unreserved items including any specific recommendations contained therein. Items requiring individual consideration as required by law shall not be dealt with in this manner. The unreserved items shall be proposed for approval by the Deputy Mayor (or the Mayor's nominee in the absence of the Deputy Mayor) and a seconder shall not be required for this motion.
- (xiii) Deal with
  - (a) any decision called in accordance with Scrutiny Procedure Rule 14
  - (b) the reserved matters in the order set out in the Minute Book (subject to any ruling from the person presiding to the contrary).

The reserved items which include a recommendation will be voted upon as each debate ends

In the case of a previously resolved item which has been reserved for debate, the Member who has reserved the item will speak first. The Cabinet Member / Chair will sum up at the end and have the right of reply.

In the case of a **recommendation to the Council** which has been reserved for debate, or of a **call-in**, the appropriate Cabinet Member or Chair will speak first in the debate. They will be followed by the Councillor who has reserved the item, or called it in, who shall be entitled to speak for five minutes. Normal debating rules will apply and the Cabinet Member/Chair will then sum up at the end and have the right of reply. All Cabinet recommendations shall be moved by the Leader (unless the Leader did not chair the Cabinet meeting).

The minutes of any meeting of the Cabinet, Overview and Scrutiny Commission or a regulatory Committee held more than nine clear working days before the meeting will be submitted.

Should minutes of the Cabinet, Overview and Scrutiny Commission or a regulatory Committee be held within the nine day period - which contain recommendations to Council or call-in, those minutes too will be submitted. In all other circumstances, the minutes of such meetings will be discussed at the next following meeting of the Council.

- (xiv) consider motions of which notice has been given under Council Procedure Rule Number 13.

- (xv) Note the answers to Members' written questions under Council Procedure Rule Number 11.3;
- (xvi) receive any announcements from Members of the Cabinet, if necessary, on issues relating to their Portfolio not covered elsewhere on the agenda;
- (xvii) deal with questions to Cabinet Members on general matters relating to their Portfolio,
- (xviii) deal with questions to Committee chairs on general matters relating to their Committees,

The order of business will be agreed by the Leader, the Mayor and the Opposition Group Leaders prior to the issue of the summons for the meeting and may be varied at the meeting at the discretion of the Mayor.

## 2.2. **Duration of Meeting: Guillotine**

### (a) **Concluding the Meeting**

If the business of the Council meeting has not been concluded within two and a half hours, unless the majority of Members present vote for the meeting to continue for a period up to 30 minutes if required, the following procedure will be implemented. Following the meeting's initial extension, consideration will be given to extending the meeting by further periods of up to 30 minutes if required. However, if the Full Council is held outside of the Town Hall no further extensions may be called to extend the meeting beyond 11.00pm when the guillotine will come into effect.

### (b) **Motions and Recommendations Not Dealt With**

If there are any other motions or recommendations on the agenda that have not been dealt with within the two and half hours, or at the expiry of any agreed extension(s), they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way. This process will also apply in instances where the Council is statutorily required to make a decision about a matter before a particular date.

### (c) **Recorded Vote**

If a recorded vote is called for during this process, it will be taken immediately.

### (d) **Motions Which May Be Moved**

During the process set out above, the only other motions which may be moved are that a matter be withdrawn or referred to an appropriate body or individual for decision or report.

### (e) **Close of the Meeting**

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1. Calling Extraordinary Meetings**

Those listed below may request the Head of Legal, Democracy and HR to call Council meetings in addition to Ordinary Meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) any nine Members of the Council if they have signed a request presented to the Mayor and the Mayor has (a) refused to call a meeting, or (b) without so refusing has failed to call a meeting within seven days of the presentation of the request. The request should state the business to be transacted and this will be the only business to be transacted at the meeting.

The Head of Legal, Democracy and HR as Monitoring Officer may also decide to call a Council meeting in addition to Ordinary Meetings.

#### **3.2. An Extraordinary Meeting of the Council will:**

- (a) elect a person other than a Member of the Cabinet to preside if the Mayor and Deputy Mayor are absent;
- (b) receive notification of apologies for absence;
- (c) receive any declarations of interest from Members;
- (d) deal with any business required by statute;
- (e) deal with the business specified in the request summoning the Extraordinary Meeting or specifically required by the Council or the Mayor to be dealt with at the Extraordinary Meeting (and no other matter);
- (f) deal with any recommendation of a non-controversial nature contained in the reports of any meetings of the Cabinet, Overview and Scrutiny Commission and the regulatory Committees which have taken place since the last Ordinary Meeting of the Council.

3.3. Notice of the time, date and place of any Extraordinary Meeting of the Council will be sent by the Head of Legal, Democracy and HR to every Member of the Council not less than five clear working days before the meeting is to be held.

3.4. Petitions will not be considered at Extraordinary Meetings of the Council.

### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

#### **4.1. Allocation**

As well as allocating seats on Committees and Sub-Committees, the Council may allocate seats in the same manner for substitute Members.

#### **4.2. Number**

For each Committee or Sub-Committee, the Council may appoint one substitute in respect of each political group which holds seats on that Committee or Sub-Committee.

#### **4.3. Powers and Duties**

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 person they are substituting.

#### **4.4. Substitution**

Substitute Members may attend meetings in that capacity only;

- (i) to take the place of the ordinary Member for whom they are the designated substitute;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) after notifying the Head of Legal, Democracy and HR before the commencement of the meeting of the intended substitution.

### **5. TIME AND PLACE OF MEETINGS**

The place of meetings will be determined by the Head of Legal, Democracy and HR and notified in the summons.

The Annual Meeting and other meetings of the Council for the transaction of general business will be held at 7.30p.m. or such other time as the Council, or Mayor in case of urgency, may from time to time determine.

### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Legal, Democracy and HR 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, Democracy and HR will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **7. CHAIR OF MEETING**

At a meeting of the Council the Mayor, or in their absence the Deputy Mayor shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting of the Council, such Member as the Council shall choose other than a Member of the Cabinet shall preside.

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chair of Committees and Sub-Committees.

## **8. CONDUCT**

Everyone present at a Council Meeting should:

- a) treat others with courtesy and respect.
- b) conduct themselves in a way that does not cause offence to others or limits in any other way others' ability to participate in meetings.
- c) only speak when called on by the Mayor and through the Mayor.

Unacceptable conduct includes:

- a) using abusive or unbecoming language or making comments of a personal nature about another person.
- b) derogatory remarks or actions.
- c) preventing others from expressing their views by interrupting or talking while they are speaking.

## **9. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Members (rounded up where necessary to the next number).

This is provided that in no case shall the quorum of a Full Council be less than ten Members, of a Committee less than three Members or of a Sub-Committee or a Scrutiny Panel less than two Members.

The quorum for the Staff Appeals Board will be three.

The quorum of the Appointments and Investigating Committee will be between 3 and 7 Members (Part 3 of the Constitution, Responsibility for Functions of the Appointments and Investigating Committee, refers).

The quorum for the Licensing Committee when dealing with matters under the Licensing Act 2003 or the Gambling Act 2005 will be ten Members.

The quorum of the Licensing Sub-Committee will, however, be three Members.

During any meeting if the Mayor (or Chair) counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately, except where the transaction of business is authorised by a statute or, in the case of a Committee or Sub-Committee, is ordered by the Council

Remaining business will be considered at a time and date fixed by the Mayor (or Chair). If they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

## **10. QUESTIONS BY THE PUBLIC AT COUNCIL**

### **10.1. General**

Members of the public may ask questions at Ordinary Meetings of the Full Council. The Mayor will provide clear guidance to members of the public (and those present) when addressing questions to the Full Council.

### **10.2. Notice of Questions**

Members of the public do not need to give prior notice of their questions. They may signify their wish to ask a question by raising their hand. Questions are to be concise to enable as many as possible to be considered in the time available. All questions will be directed to the Mayor and each questioner will be invited to give their name and the ward they live in. The Mayor may invite any Member to respond. No Member will speak more than once on any individual question and will confine their comments to responding to the question.

### **10.3. Scope of Questions**

The Mayor may reject a question if, in their opinion, it:

- is not about a matter for which the local authority has powers or duties or which affects the borough;
- is defamatory, frivolous or offensive;
- requires the disclosure of confidential or exempt information;
- is substantially the same as a question which has been put to a meeting of the Council in the past 6 months.

### **10.4. Supplemental Question**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 10.3 above.

### **10.5. Written Answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because the information is not readily available, will be dealt with by a written answer.

### **10.6. Reference of Question to the Cabinet or a Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

#### **10.7. Conclusion of Public Question Time**

The Mayor shall conclude public question time when all questions have been answered or a period of 30 minutes has expired whichever is the sooner.

#### **10.8. Suspension of Rules**

During public question time the provisions of Council Procedure Rule 16 (Rules of Debate) shall not apply.

### **11. QUESTIONS BY MEMBERS**

#### **11.1. A written or oral question may be rejected if it:**

- is defamatory, frivolous or offensive;
- requires the disclosure of confidential or exempt information;
- and further in the case of a written question, would incur disproportionate cost and time to answer and the Head of Service having consulted with the relevant Cabinet Member makes a decision not to provide an answer on these grounds.

#### **11.2. Oral Questions of Cabinet Members**

There shall be a period of up to 15 minutes during which time any Member of the Council may ask any Member of the Cabinet any question about any issue relevant to their portfolio. Every question shall be put and answered without discussion. An answer may take the form of:

- (a) a direct oral answer or;
- (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (c) where a reply to the question cannot conveniently be given orally, a written answer circulated subsequently to Members of the Council.

#### **11.3. Oral Questions of Committee Chairs**

There shall be a period of up to 15 minutes, during which time any Member of the Council may ask any Committee Chair any question relevant to the Committee which they Chair. Every question shall be put and answered without discussion. An answer may take the form of:

- (a) a direct oral answer; or
- (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (c) where a reply to the question cannot conveniently be given orally, a written answer circulated subsequently to Members of the Council

#### 11.4. **Written Questions**

(i) Subject to Rule 11.1 and 11.4(ii), a Member of the Council may ask:

- the Mayor;
- a Member of the Cabinet;

*Or*

- the Chair of any Committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough. Written Questions and Answers will be tabled in the Order Paper and be put without discussion.

(ii) A Member may only ask a question under Rule 11.4 if either:

- (a) they have given at least four clear working days notice in writing of the question to the Head of Legal, Democracy and HR or have given notice by electronic means by sending it to [democraticservices@ Crawley.gov.uk](mailto:democraticservices@ Crawley.gov.uk). In the latter case, acknowledgement of its receipt shall be obtained. (The effect of the notice given is that where a Council meeting is to be held on a Wednesday, notice must be delivered by Midnight of the Wednesday evening of the previous week); or
- (b) the question relates to urgent matters, they have the consent of the Member to whom the question is to be put and the content of the question is given to the Head of Legal, Democracy and HR by 12 noon on the day of the meeting. Every question shall be put and answered without discussion.

#### 12. **PRESENTATION OF PETITIONS**

12.1. If a petition contains more than 1,000 signatures it will be debated by the Full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting (in which case it will be considered at a public meeting of the Cabinet, Full Council, a Committee or Sub Committee, or referred to the Cabinet Member, whichever has the power / authority to take decisions on the matter).

12.2. The Council will endeavour to consider a petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

12.3. The organiser of a petition to be considered at the meeting will be given up to 5 minutes to present the petition at the meeting. The petition will then be discussed by Members. A maximum of 30 minutes will be allowed at each meeting for consideration of petitions.

12.4. All petitions considered by the Full Council will be subject to a recorded vote where the decision is not unanimous. That decision could include taking the action requested in the petition, or referring the petition for consideration by the Cabinet or relevant Committee.

Details of the Council's Petition Scheme are contained in Part 5 of this Constitution.

## **13. NOTICE OF MOTIONS**

### **13.1. Notice**

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by the Member or Members of the Council giving the notice (supported by the seconder) must be delivered to the Head of Legal, Democracy and HR at least nine clear working days before the date of the meeting.

Electronic notices of motions and the seconding of that motion shall be sent to [democraticservices@Crawley.gov.uk](mailto:democraticservices@ Crawley.gov.uk) and acknowledgement of its receipt shall be obtained. (The effect of this provision is that, where a Council meeting is to be held on a Wednesday, notice must be delivered by Midnight of the Wednesday evening, two weeks before).

A copy of all notices of motions will be available for public inspection on the Council's website following publication of the Council agenda to which the motion relates.

### **13.2. 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 they propose to move it to a later meeting or withdraw it.

If it should appear to the Head of Legal, Democracy and HR that a motion of which they have received notice is not in order, they shall take the direction of the Mayor as to whether or not it shall be excluded from the summons.

If a motion, set out in the summons, is not moved either by a Member who gave notice or by some other Member on their behalf it shall, unless the Council agrees to its postponement, be treated as withdrawn and shall not be moved without fresh notice.

The Mayor may, if they consider it convenient and conducive to the despatch of business, allow a motion to be dealt with at the meeting at which it is brought forward. However, if the subject matter of any motion of which notice has been given is the responsibility of the Cabinet or any Committee or Committees it may, after being moved and seconded, stand referred without discussion to the Cabinet, or to such other Committee(s) as the Council may determine, for consideration and report back to the next Ordinary Meeting of the Council on a proposed course of action.

### **13.3. Scope**

Motions must be about matters for which the Council has powers or duties or which affect the Borough. They must not be defamatory, frivolous, offensive, unlawful or improper.

## **14. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

The following motions and amendments may be moved without notice:

- (a) to appoint a Chair of the meeting in the Chair's / Vice Chair's absence;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;

- (d) motions relating to communications specially brought forward by the Mayor or Chief Executive under Council Procedure Rule 2.1(iv);
- (e) to refer something to an appropriate body or individual;
- (f) to appoint a Committee or Member(s) to a Committee, arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of the Cabinet, Committees or officers and any resolutions following from them;
- (h) to withdraw a motion;
- (i) to extend the time limit for speeches;
- (j) to amend a motion;
- (k) to proceed to the next business;
- (l) that the question be now put;
- (m) to adjourn a debate;
- (n) to adjourn a meeting;
- (o) to authorise the sealing of documents;
- (p) to suspend a particular Council procedure rule;
- (q) to exclude the public and press in accordance with the Access to Information Rules;
- (r) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4;
- (s) to give the consent of the Council where its consent is required by this Constitution.

## **15. MOTIONS ON EXPENDITURE**

Any motion or amendment (which is moved otherwise than in pursuance of a recommendation or report of the Cabinet/any Committee) which if carried would materially increase the expenditure upon any service, reduce revenue or would involve capital expenditure, which is under the management of the Cabinet / any Committee, shall when proposed and seconded stand adjourned. That motion shall be referred to the Cabinet or Committee affected for formal consideration of the financial implications in advance of any budgetary commitment and prior to any action to implement the decision.

## **16. RULES OF DEBATE**

### **16.1. No Speeches Until Motion Seconded**

At Council meetings, motions will not be debated until they have been formally proposed and seconded.

### **16.2. Right to Require Motion in Writing**

Unless notice of the motion or amendment has already been given, the Mayor may require it to be written down and handed to them before it is discussed. (In any event any amendment which contains more than 8 words shall be put in writing and a copy made available to all Members present. Note: Members are asked to arrange for

copies of all amendments to be made available in writing if the wording is known in advance of the meeting.)

### 16.3. **Secunder's Speech**

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

### 16.4. **Content of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

### 16.5. **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 a further amendment if the motion has been amended since they last spoke;
- (c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### 16.6. **Amendments to Motions**

- (a) An amendment to a motion must be relevant to the motion and must not seek to add issues which do not strictly relate to the original motion and will 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 have the effect of introducing a new proposal into the debate or of negating 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 dealt with.
- (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. Further amendments may be moved to the amended motion.

- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **16.7. Alteration of Motion**

- (a) A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent or opposition will be signified without discussion.
- (b) A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent or opposition will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **16.8. Withdrawal of Motion**

A Member may withdraw a motion or amendment which they have moved with the consent or opposition of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion or amendment after the proposer has asked permission to withdraw it unless permission is refused.

#### **16.9. Right of Reply**

- (a) The proposer of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) In the case of an amendment being moved:
  - (i) If the proposer of the original motion accepts the amendment they have the right of reply at the close of the debate on the amended motion, but may not otherwise speak on it.
  - (ii) If the proposer of the original motion does not accept the amendment, but the amendment is carried and becomes the amended motion, the Member who moved the amendment then has the right of reply at the close of debate on the amended motion.
- (c) The proposer of the amendment has no right of reply to the debate on their amendment, but if the amendment is carried and becomes the amended motion, they will have a right of reply in the event of any amendment thereto being moved.
- (d) A Member exercising a right of reply shall not introduce new matter. After every right of reply a decision shall be taken without further discussion, subject to the right of the Mayor, if they think fit, to sum up the debate.

#### **16.10. Mayor May Sum Up Debate**

The Mayor may, if they think fit, sum up the debate before putting a motion or amendment; and, if such debate involves questions of a legal, administrative or technical nature, they may request the Chief Executive, or appropriate officer to draw the attention of the Council to any relevant factors.

#### 16.11. 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 exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4 by the Mayor.

#### 16.12. Closure Motions

- (a) A Member may move the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b)
  - (i) to proceed to the next business  
If a motion to proceed to next business is seconded the Mayor will put the procedural motion to the vote immediately without giving the proposer of the original motion the right of reply. If the procedural motion is carried, the meeting will move to the next item of business without taking a decision on the item then under discussion.
  - (ii) that the question be now put  
If a motion that the question be now put is seconded, the Mayor will put the procedural motion to the vote immediately. If it is passed the Mayor will give the proposer of the original motion a right of reply before putting their motion to the vote.
  - (iii) To adjourn a debate or to adjourn a meeting  
If a motion to adjourn the debate or to adjourn the meeting is seconded the Mayor will put the procedural motion to the vote immediately without giving the proposer of the original motion the right of reply.

#### 16.13. Point of Order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the Council Procedure rule or law and the way in which they consider it has been broken. Once this has been verified by the Mayor, the Member will be invited to speak for up to 2 minutes.

#### **16.14. 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 which may appear to have been misunderstood in the present debate.

#### **16.15. Committee Reports**

Any recommendations by a Committee at the Council will be taken in numerical order, unless otherwise required, and for the purpose of any debate or amendment or other motion each recommendation shall be treated as if it was a separate motion by the Chair of the Committee or other Member moving the report that the same be adopted by the Council.

#### **16.16. Recommendations of the Cabinet**

Each recommendation of the Cabinet will be moved in turn by the Leader. After the recommendation has been moved and seconded the Council may debate this recommendation provided that the item has been identified as an item for debate under Council Procedure Rule 2.1 (xiii).

#### **16.17. Offensive Amendments or Motions**

If at any meeting the Mayor is of the opinion that any motion, amendment or business proposed to be moved or transacted is of a defamatory, frivolous or offensive nature, they may either before or after the same has been brought forward, put to the vote a motion (upon which no discussion shall be allowed) that the motion, amendment or business in question be not entertained or further permitted. If such a motion is carried, the matter will be considered as disposed of for that meeting.

#### **16.18. Ruling of the Mayor**

The ruling of the Mayor on any question of procedure or conduct shall not be open to discussion.

#### **16.19. Contribution of Officers at Meetings**

An officer of the Council attending the Council meeting may, with the consent of the Mayor if they consider it conducive to the conduct of any of the Council's business, contribute by way of advice, guidance or presentations on any report under consideration.

### **17. PREVIOUS DECISIONS AND MOTIONS**

#### **17.1. Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council (13).

#### **17.2. Motion Similar to One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or

amendment is signed by at least one third of the Members of the Council (13). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

- 17.3. Rules 17.1 and 17.2 shall not apply to motions moved in connection with the report or recommendation of a Committee or the Cabinet.

## **18. VOTING**

### **18.1. Procedure**

The Mayor will give clear instructions and guidance when a vote is to be taken. The Mayor will give clear instructions on the reasons for a vote and will request that all Members indicate their voting intentions clearly.

### **18.2. Majority**

Unless this Constitution provides otherwise, or is required by statute, 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.

The Mayor will ascertain the numbers voting for or against any question, shall announce those numbers and declare the result.

### **18.3. Mayor's Casting Vote**

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

### **18.4. Taking of Votes**

Unless a recorded vote by roll call is demanded under Rule 18.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. All Members should indicate their voting intentions by clearly raising their hand.

### **18.5. Recorded Vote**

All petitions considered by Full Council will be subject to a recorded vote where the decision is not unanimous. Where a vote on a substantive motion or recommendation taken by Full Council on a major decision is not unanimous, a recorded vote will take place.

If any Member present at the meeting demands it, the Head of Legal, Democracy and HR shall call the names in alphabetical order and each Member present shall declare themselves for or against the motion or that they abstain. This process will be taken down in writing and entered into the minutes. The Mayor will announce the result.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the Council at its Annual Budget meetings is required to undertake a recorded vote when voting on any decision relating to the Annual Budget and Council Tax. This includes any amendments proposed at the meeting, substantive budget motions to agree the Budget, and setting Council Taxes, including precepts.

## **18.6. Right to Require Individual Vote to be Recorded**

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

## **18.7. Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **19. MINUTES**

### **19.1. Signing the Minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

Any questions as to their accuracy as a record of a meeting of the Council shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.

### **19.2. No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **19.3. Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

## **20. RECORD OF ATTENDANCE**

All Members present during the whole or part of a meeting must sign their names in the attendance register before the conclusion of every meeting to assist with the record of attendance. Any omission may be remedied in the absolute discretion of the Head of Legal, Democracy and HR.

Members who have conveyed their apologies for absence will be recorded as such in the minutes. Members who are not in attendance, but who have not conveyed their apologies, will also be recorded in the minutes of a meeting as being absent.

## **21. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

## **22. MEMBERS' CONDUCT**

### **22.1. Only One Member Shall Speak at a Time**

A Member when speaking shall address the Mayor. If two or more Members indicate a wish to speak, the Mayor shall call on one to speak and any others shall wait to be called. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation.

### **22.2. Mayor Standing**

When the Mayor stands during a debate, any Member speaking at the time must stop. The meeting must be silent.

### **22.3. Member Not to be Heard Further**

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

### **22.4. Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned briefly and in any event for no longer than 15 minutes. If seconded, the motion will be voted on without discussion. If a motion that the Member leave the room is carried, the Member will leave the room immediately.

### **22.5. General Disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary so that order may be restored.

## **23. DISTURBANCE BY PUBLIC**

23.1. If there are general disturbances by member of the public, the Mayor has a number of powers, including:

- (1) to warn a particular person or order their removal from the meeting.
- (2) to adjourn the meeting to allow order to be restored.
- (3) to clear all or part of the public areas as necessary, and
- (4) to adjourn the meeting to another date and time as the Mayor deems appropriate so that the business of the meeting can be conducted.

## **24. SUSPENSION OF COUNCIL PROCEDURE RULES**

### **24.1. Suspension**

All of these Council Rules of Procedure except Rule 18.5 and 19.2 may be suspended by motion on notice or without notice if at least one half of the whole

number of Members of the Council are present. Suspension can only be for the duration of the meeting.

## **25. COMMITTEE PROCEDURE RULES**

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5-9, 12-14, 16-25 apply to meetings of Committees and Sub-Committees.

Rule 7 refers to the application of the Rules to chairs of Committees and Sub-Committees.

### **25.1. Appointment of Committees and Sub-Committees**

- (1) In May in each year the Head of Legal, Democracy and HR shall communicate with Members of the Council and ask them to indicate whether they belong to a political group, and if not, upon which Committee(s) or Sub-Committee(s) they wish to serve and whether they would wish to be considered in filling vacancies on other bodies. The Head of Legal, Democracy and HR will also write to the leaders of all political groups asking for their nominations to serve on the Committees and Sub-Committees of the Council, and if appropriate on the Cabinet (including for which portfolio they will be responsible), and on any other bodies to which the Council makes nominations.
- (2) The Head of Legal, Democracy and HR shall submit a report to the Annual Council with the nominations of the party group leaders as to the constitution of the several standing Committees and Sub-Committees of the Council, and the Cabinet, having regard to the political composition of the Council.

### **25.2. Constitution of Committees and Sub-Committees**

- (1) The Council shall at the Annual Meeting appoint the Leader of the Council (to a four year term of office, or note their appointment for the remainder of the four year term), Chairs, Vice-Chairs and Members of the standing Committees and Sub-Committees.
- (2) With the exception of the Leader, no Member shall be appointed to any of the positions referred to in (1) above so as to hold office later than the next Annual Meeting of the Council.
- (3) The Council may at any time dissolve a Committee, or change its Chair or Vice-Chair or alter its membership.
- (4) If at any time after the Annual Meeting or following a formal review of the representation of the different political groups on the Cabinet or Committees and Sub-Committees, a political group wishes to change its representatives on the seats on a Committee or Sub-Committee which are allocated to it, the Head of Legal, Democracy and HR shall be authorised to make appointments to that body so as to give effect to the change expressed by that political group provided that such change shall be reported in the Councillors' Information Bulletin.

### **25.3. Meetings of Committees and Sub-Committees**

- (1) Subject to Council Procedure Rule 6, the Head of Legal, Democracy and HR may summon special meetings of the Committees and Sub-Committees if they consider that urgent business is to be transacted. Subject as aforesaid they shall also at any time, at the request of (a) the Chair of a Committee or Sub-

Committee, or (b) any three Members of a Committee or Sub-Committee signified by notice in writing, summon a special meeting of the Committee or Sub-Committee. The summons to the special meeting shall set out the business to be considered, and no business other than that set out in the summons shall be considered at that meeting.

- (2) The Head of Legal, Democracy and HR may also give notice in writing of the cancellation of an Ordinary Meeting of a Committee or a Sub-Committee, if they consider that there is insufficient business requiring to be transacted at such meeting.
- (3) The Head of Legal, Democracy and HR shall supply every Member of a Committee or Sub-Committee with a paper copy of the agenda and every relevant report or supporting document which accompanies the agenda.
- (4) Except where a body is sitting as a disciplinary, appeal or appointments panel, Committee documents will be provided electronically to all other Members of the Council, unless a Member specifically requests a paper copy.

#### **25.4. Sub-Committees**

- (1) Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee but no new standing Sub-Committee shall be appointed without the prior concurrence of the Council
- (2) No act of the Sub-Committee shall have effect until approved by the relevant standing Committee unless the powers and duties are delegated to the Sub-Committee.
- (3) A Committee may at any time dissolve a Sub-Committee which it has appointed or alter its membership.
- (4) The Chair of a Standing Committee shall be an ex-officio Member of any Sub-Committee appointed by a Standing Committee unless they signify that they do not wish to serve.

#### **25.5. Voting in Committees**

- (1) All questions in Committees or Sub-Committees will be determined by show of hands of the Members present and voting. Any matter will be decided by a simple majority. In the case of an equality of votes the person chairing the meeting will have a second or casting vote.
- (2) No record of protest or dissent will be recorded upon the report or minutes of a Committee or Sub-Committee, except that:
  - (a) at a Committee or Sub-Committee any Member shall have the right to request a recorded vote, which shall be entered in the Minute Book of the standing Committee or Sub-Committee.
  - (b) immediately after a vote is taken the Member may require that there is recorded in the Minute Book of the standing Committee or Sub-Committee whether they cast their vote for the question or against the question or whether they abstained from voting.

#### **25.6. Proposer of Motion May Attend Committee or Sub-Committee**

A Member of the Council who has moved a motion which has been referred to any Committee or Sub-Committee will receive notice of the meeting of the standing Committee or Sub-Committee at which it is proposed to consider the motion. They

shall have the right to attend the meeting and if they attend will have an opportunity of explaining the motion (but not of voting).

#### **25.7. Committee Meetings Open to All Members of the Council**

Every Member of the Council has the right to attend the meetings of any standing Committee or Sub-Committee of the Council, other than:

- (i) the Appointments and Investigating Committee when it is dealing with either the appointments of individuals to posts or with individual disciplinary cases; and
- (ii) the Licensing Committee or the Licensing Sub-Committee when the Committee or Sub-Committee is meeting in closed session dealing with individual cases; and

However, a Member is not entitled to take part in the proceedings unless (a) a Member of the Committee, or (b) specifically authorised by the Council, or (c) having prior to the meeting indicated their wish to the Chair of the Committee to speak on a particular item and/or the Chair invites them to speak. A Member of the Council will not under any circumstances be entitled to vote at any meeting of a Committee of which they are not a Member.

Where a Member of the Council has a prejudicial interest in any business of the Council, they may attend a meeting (including a meeting of the Overview and Scrutiny Commission) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Staff Appeals Board Meetings – Only those Members who have been summoned to attend a meeting of the Staff Appeals Board have the right to attend that Board Meeting.

#### **25.8. Deputations**

- (1) When any deputation from business ratepayers, Council taxpayers, or any other persons, requests an interview with a Committee, the Head of Legal, Democracy and HR will submit the request to the Chair of the Committee and, if it is decided to receive them, the deputation will be received at the following meeting.
- (2) In the case of a deputation, not more than four persons will be received and, unless the Committee decides otherwise, not more than two persons will be heard; no motion will be moved nor speech made by Members during the hearing but any Member may ask questions through the chair.

#### **25.9. Petitions**

All petitions will be dealt with under the Crawley Borough Council Petitions Scheme (see Part 5 of this Constitution).

##### **Ordinary Petitions**

- (1) The Petitions Officer will arrange for each ordinary petition to be reported to the next convenient meeting of the Council, or a Committee / Sub-Committee

of the Council which has the power to take decisions on the matter if it is a Council matter.

- (2) Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chair at the meeting determines otherwise.
- (3) A maximum of 30 minutes will be allowed at each meeting for considering all such petitions and consideration of the contents of any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.
- (4) The Chair of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address the Committee for up to 3 minutes. The Chair may ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address the Committee on the matter for up to 3 minutes (each). The Chair will then invite the relevant officer(s) to advise the meeting, after which the matter will be open for debate among Members of the Committee.
- (5) Where the matter is to be determined by a Cabinet Member, they will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of the Council, Cabinet or a Committee of the Council for determination.

## **26. GENERAL**

### **26.1. Urgent Action**

- (1) If in their opinion urgent action is required in respect of any matter before a decision can be taken by the Council, or a Committee or Sub-Committee having appropriate authority, a written report will be prepared for consideration by the Chief Executive who may after consultation and agreement in writing from the Chair or Vice Chair of the appropriate Committee or Sub-Committee to which the matter is delegated, take a decision thereon and any necessary action in furtherance of the functions of the Council, the Committee or Sub-Committee as appropriate in relation to that matter. If the decision is one which would normally be taken by the Full Council, the Chief Executive shall also consult with the Mayor in addition to the Chair or Vice Chair of the appropriate Committee.
- (2) In the event of the Chair and Vice-Chair of a Committee or Sub-Committee as the case may be not being available for consultation, the Mayor shall be consulted in their stead.
- (3) Every such decision shall be reported to the next available Ordinary Meeting of the Council or of the appropriate Committee or Sub-Committee as the case shall require.

#### Note

Urgent Action in relation to Executive decisions is set out in the Leader and Cabinet Procedure Rules.