

## **PART 4**

### Rules of Procedure

#### **Part 4C – Committee Procedure Rules**

##### **RULE 1. GENERAL**

###### **Application and amendment of rules**

- 1.1 These Procedure Rules shall apply to all Council Committees and sub-Committees except Overview and Scrutiny Committees and may only be amended or revoked by resolution of the Council.

###### **Interpretation**

- 1.2 The definitions in [Article 17](#) of the Constitution shall apply for the purpose of interpreting expressions used in these Rules and the Chairman shall be guided in his/her construction and application of these Rules by those definitions and by the Monitoring Officer or their representative.
- 1.3 Any reference in these Rules to 'Committee' shall include 'sub-Committee'.
- 1.4 The headings and sub-headings do not form part of these Rules.
- 1.5 The ruling of the Chairman at a Committee meeting or otherwise as to the construction or application of any of these Rules shall not be challenged at any meeting of the Council.

###### **Chairman discretion as to formality**

- 1.6 In applying these Rules the Chairman may, having taken the advice of the Monitoring Officer or their representative, exercise their discretion in a fair and equitable manner to allow greater informality in respect of any meeting or item under discussion.

###### **Service of notices and documents**

- 1.7 Any notice or other document which under these Rules is required to be given or delivered to the Proper Officer may be sent by letter, fax or e-mail but shall not have been properly given or delivered until it has been actually received by the Proper Officer.

###### **Suspension of these rules**

- 1.8 These Rules (subject to the exceptions in Rule 1.9 below) may be suspended by the Council but only to the extent permitted by law and only after the advice of the Monitoring Officer has been obtained.
- 1.9 The following Rules are not capable of suspension:

- [Rule 15.6 Right to require individual vote to be recorded](#)
- [Rule 19 Prevention of Disorderly Conduct](#)

1.10 A motion to suspend cannot be moved without notice unless at least one half of the whole number of Members entitled to be present at the Council Meeting are present. The extent and duration of suspension must be proportionate to the result to be achieved, taking account of the purposes of the Constitution as set out in Article 1 and shall only be for so long as is necessary to transact the particular item of business necessitating the suspension.

## **RULE 2. ESTABLISHMENT OF AND APPOINTMENT TO COMMITTEES AND SUB-COMMITTEES**

### **General**

2.1 Every Committee set up under Articles [6](#), [8](#) and [10](#) of this Constitution shall continue to discharge the functions committed to it until the next Annual and Selection Meeting of the Council or until the Council resolves otherwise.

2.2 Subject to Section 102(5) of the Local Government Act 1972 (Councillor not re-elected to cease to be a Member of a Committee) and Rule 2.5 every person appointed as a voting Member of a Committee and every person appointed to exercise other functions in relation to a Committee shall continue as such until the next Annual and Selection Meeting of the Council or until the appointment is terminated, whichever is the earlier.

2.3 Whenever:

- (a) the Council is required to review the allocation of seats on Committees between Political Groups, or
- (b) the Council resolves to carry out such a review, or
- (c) a Committee is required to review the allocation of seats on a Sub-Committee between Political Groups.

the Proper Officer shall report to the Council or Committee what allocation of seats would, in his/her opinion, best meet the requirements of the Local Government and Housing Act 1989 and regulations made thereunder.

2.4 Following a report under Rule 2.3, the Council or Committee, as the case may be, shall determine the allocation of seats to Political Groups.

2.5 Whenever an appointment of a voting Member of a Committee falls to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment falls

to be terminated in accordance with such wishes, the Proper Officer shall make or terminate the appointment accordingly.

### **Sub-Committees**

- 2.6 A Committee may, for the purposes of carrying out or advising it on any of its functions, appoint a Sub-Committee, and may appoint the Chairman and Vice-Chairman of the Sub-Committee.

### **Working Groups**

- 2.7 A Committee may, for the purposes of advising it on any of its functions, appoint working groups comprising Members and Officers. The Committee may ask third parties to participate in working groups. The Committee may authorise working groups to report to Cabinet or other Committees. Unless the Committee so requires, working groups need not be politically proportionate.

### **Attendance by other Members**

- 2.8 Subject to the Access to Information Rules, a Member who is not a Member of the Committee may attend and, with the approval of the Chairman, speak (but not vote) at a meeting of the Committee. This Rule 2.8 is without prejudice to [Rule 13.4](#) (Questions on item under discussion).

## **RULE 3. SUBSTITUTE MEMBERS**

### **General**

- 3.1 The Council has the power of appointment of substitute Members to Committees and Committees have the power of appointment of substitute Members to sub-Committees.

### **Number**

- 3.2 For each Committee, the Council may appoint up to the same number of substitutes in respect of each Political Group as that Group holds ordinary seats on that Committee.
- 3.3 For each sub-Committee, the Committee may appoint up to the same number of substitutes in respect of each Political Group as that Group holds ordinary seats on that sub-Committee.
- 3.4 If a Political Group on the Council has less than 10 Members they may appoint one additional substitute for any committee, which, for Regulatory Committees, could be a Member from another Political Group or an Independent Member, provided they fulfil the requirements of paragraph 3.5 (below).

### **Regulatory Committees**

3.5 No substitute Members shall participate in a Regulatory Committee until they:

- have undergone the same initial training as required of full Members of the Committee;
- have participated in all on-going training as provided for full Members of the Committee;

and their compliance with these conditions has been certified by the relevant Officers.

### **Powers and duties**

3.6 Substitute Members will have all the powers and duties of an ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### **Substitution process**

3.7 A substitute Member may participate in a Meeting in that capacity only:

- (a) to take the place of an ordinary Member for whom they are the designated substitute;
- (b) where the ordinary Member will be absent for the whole of the meeting; and
- (c) subject to Rule 3.7, after notifying a Proper Officer of the intended substitution at least two hours before the start of the Meeting.

3.8 Where, immediately following Annual and Selection Council, a Committee chooses to appoint its Chairman and Vice-Chairman, a substitute Member may participate in the Meeting pursuant to Rule 3.6 after giving verbal notice of their substitution to the Proper Officer

## **RULE 4. DATE TIME AND PLACE OF MEETINGS**

4.1 The date, time and place of Ordinary Meetings will be determined by the Proper Officer after such consultations as he/she considers necessary and as notified in the agenda for the meeting.

4.2 The Proper Officer may call an Extraordinary Meeting whenever he/she considers it appropriate and shall call an Extraordinary Meeting when requested to do so by:

- (a) the Committee Chairman;
- (b) the Council by resolution;

- (c) the Standards Committee;
- (d) the Monitoring Officer, or
- (e) a majority of the Directors.

## **RULE 5. ORDER OF BUSINESS**

### 5.1 Ordinary Meetings will:

- (a) choose a person to preside if the Chairman and Vice Chairman are absent;
- (b) approve as a correct record any minutes of the last or previous Meetings of the Committee;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman and the Head of Paid Service or their representative;
- (e) receive questions from, and provide answers to, members of the public in accordance with these Procedure Rules;
- (f) receive questions from, and provide answers to, Members in accordance with these Procedure Rules;
- (g) deal with any business outstanding from the last Committee meeting;
- (h) receive, consider and determine reports, recommendations and briefing papers from the Leader, Cabinet, Council, Committees, sub-Committees and working groups;
- (i) receive, consider and determine reports and briefing papers from Officers, including reports from the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer
- (j) consider any other business specified in the agenda for the meeting;
- (k) consider any item which, by reason of special circumstances to be specified in the minutes of the Meeting, the Chairman considers should be considered at the Meeting as a matter of urgency.

### 5.2 The order of business in Rule 5.1, other than items (a) to (f), may be varied by:

- (a) the Proper Officer in preparing the agenda for the Meeting or by the direction of the Chairman if he/she considers the variation to be desirable for the efficient despatch of the

Committee's business, or convenient, including so as to avoid duplication or repetition of matters under consideration; or

- (b) a resolution of the Committee moved and put Without Comment.

5.3 An Extraordinary Meeting will:

- (a) choose a person to preside if the Chairman and Vice-Chairman are absent;
- (b) receive any declarations of interest from Members;
- (c) receive questions from, and provide answers to, members of the public and elected Members in accordance with these Procedure Rules, but only in so far as they relate directly to the business for which the meeting was convened;
- (d) consider any business set out in the notice convening the meeting;
- (e) consider any item which, by reason of special circumstances to be specified in the minutes of the Meeting, the Chairman considers should be considered at the Meeting as a matter of urgency.

5.4 The Chairman or the Proper Officer may include on the agenda of an Extraordinary Meeting such other business as he/she determines should be included for the efficient despatch of Committee business.

5.5 An Extraordinary Meeting may approve any minutes of the last or previous Meetings.

## **RULE 6. QUORUM**

6.1 Subject to Rule 6.2 below, the quorum of a Meeting shall be one third of the whole number of its Members or three Members whichever is the greater.

6.2 The quorum of for a Planning Committee Meeting shall be one half of the whole of its Members.

6.3 The quorum for a Standards Committee will be 3 voting Members.

6.3 During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then he/she must adjourn the Meeting either temporarily for not more than 15 minutes or to a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

## **RULE 7. DURATION OF MEETING**

- 7.1 Unless the majority of Members present vote for the Meeting to continue, any Meeting that has sat for four hours in total will immediately adjourn and the remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

## **RULE 8. EMPLOYEES REPORTING DIRECTLY TO COMMITTEE**

- 8.1 Where an Officer submits a report or recommendation directly to a Committee (other than jointly with the Leader, a Cabinet Member or Committee chairman):
- (a) that report/recommendation shall be treated as if it was the recommendation of the Committee the adoption of which had been formally moved and no further motion is required for it to be received and approved by the Committee;
  - (b) if an amendment is moved to any recommendation of the Officer, the Chairman may, if he/she considers it appropriate, invite the Officer to reply to the amendment immediately before the question is put.
- 8.2 Where an Officer submits a written report directly to a Committee jointly with the Leader, a Cabinet Member or Committee chairman, the Member concerned, or, if he/she is absent, someone on his/her behalf, shall move the motion to receive and approve its recommendations and, if it is subject to an amendment, shall have the right to reply to the amendment immediately before the question is put.
- 8.3 When the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer or any other Officer is submitting a report or making a recommendation to a Committee in accordance with a statutory obligation, the Officer, or anyone on his/her behalf, shall have the right to address the Meeting and to answer questions arising from his/her report or the debate.

## **RULE 9. COMMITTEE CHAIRMAN AND VICE-CHAIRMAN**

- 9.1 If the Council has not made the appointment, the Committee Chairman and Vice-Chairman shall be elected from the Members of the Committee.
- 9.2 If the Council made the appointment, any subsequent changes to the Committee Chairman and/or Vice-Chairman during the period up to the next Selection Council shall be made by Members of that committee.
- 9.3 A Committee Chairman or Vice-Chairman will remain in office until:

- (a) they resign,
  - (b) they are ineligible to act in that capacity by virtue of law
  - (c) if they were appointed by Council, Council terminates their appointment,
  - (d) if they were appointed by Committee, Committee or Council terminates their appointment
- 9.4 The Chairman shall preside at all Meetings at which he/she is present. If he/she is absent, or has resigned, the Vice-Chairman shall preside. If both of them are absent a Person Presiding shall be appointed under Rule 10 and no business (other than the appointment of a Person Presiding) shall be transacted at that Meeting unless there is a Person Presiding.
- 9.5 The Chairman shall at his/her discretion take all such steps as he/she considers necessary to ensure the proper and orderly conduct of Meetings.
- 9.6 The ruling of the Chairman on any matter in relation to [Rule 14](#) (Rules of Debate) shall be final.
- 9.7 Where the Vice-Chairman or a Person Presiding is presiding over the meeting pursuant to 9.3 they will assume all powers and duties of the Chairman for control and regulation of the meeting including the right to a second or casting vote.

## **RULE 10. APPOINTMENT OF PERSON PRESIDING**

- 10.1 For the purposes of appointing a Person Presiding under [Rule 9.3](#), the Proper Officer or the Monitoring Officer or other Officer present (in that order) shall call upon a Member present to move that a Member be appointed and shall exercise the powers of the Person Presiding to regulate that discussion and to maintain order at the Meeting, but shall not be entitled to vote.
- 10.2 The motion, and any amendments, shall be put to the Meeting in accordance with the normal rules for electing the Chairman or making appointments, as appropriate.
- 10.3 In the event of an equality of votes, the Officer regulating the discussion may adjourn the Meeting for up to ten minutes to enable informal discussions to take place. If, after the Meeting has reconvened, there is still an equality of votes after a further vote has been taken the Officer regulating the discussion shall, unless the Meeting resolves to adjourn to another time, determine the matter by lot.

## **RULE 11. PREVIOUS DECISIONS AND MOTIONS**



## **Motion to rescind a previous decision**

- 11.1 Subject to Rule 11.3, a motion or amendment to rescind a decision made at a Meeting of the Committee within the previous six months cannot be moved unless the motion is submitted to the Proper Officer before the start of the Meeting and is signed by at least the number of Members that constitute the quorum or, in the case of Planning Committee, at least five Members.

## **Re-introduction of business**

- 11.2 Subject to Rule 11.3, no matter which has been decided by the Committee in the same way twice within a period of twelve months shall again be submitted for the Committee's consideration with a view to the decision being rescinded or varied until six months after the second of such decisions.

## **Exception**

- 11.3 Rules 11.1 and 11.2 do not apply where the matter is placed before the Committee upon the recommendation of the Cabinet or Council or where the Monitoring Officer considers that for legal reasons or because of a material change of circumstances it is appropriate for the Committee to reconsider the matter.

## **RULE 12. MINUTES AND REPORTS**

### **Signing the minutes**

- 12.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting. He/she 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.

### **No requirement to sign minutes of previous meeting at extraordinary meeting**

- 12.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, the next following Ordinary Meeting will be treated as a suitable meeting for the purposes of paragraph 12.1 for signing of minutes.

### **Confidential and Exempt Information**

- 12.3 All agendas and reports that are marked "Not for Publication" because they contain Confidential or Exempt information shall be treated as confidential unless and until they become public in the ordinary course of the Council's business. All such agendas, reports and other documents shall be clearly identified by being printed on pink paper (although enclosures and other documents may be on other colours)

and by being clearly stamped or otherwise marked on all pages as being confidential.

12.4 The Monitoring Officer shall investigate any alleged breach of Rule 12.3 and shall submit a report on the results of his/her investigation as appropriate to:

- the Standards Committee;
- an Ordinary or Extraordinary meeting of the Committee; or
- an Ordinary or Extraordinary meeting of the Council

within 21 days of his/her supplying a copy of the report to all Members.

12.5 No discussion shall take place during any Council Meeting, Cabinet Meeting or Committee Meeting (apart from Standards Committee) concerning any alleged breach of this Rule which is being investigated by the Monitoring Officer once it has been decided to instigate an investigation and Members have been informed accordingly, until a report on the results of the investigation has been formally supplied to all Members.

## **RULE 13. PUBLIC AND MEMBER QUESTIONS**

### **General**

13.1 Any person living, working or studying in the Borough of Cheltenham, or a Borough Council elected Member may at Ordinary Meetings ask written questions of the Chairman about any matter falling within the terms of reference of the Committee other than, in relation to a Regulatory Committee, a question concerning an application to be considered or determined by that Committee.

### **Order of questions**

13.2 Questions will be divided into public and Member questions and asked in the order notice of them was received, except where the Proper Officer decides to group together similar questions.

### **Notice of questions**

13.3 Subject to Rule 13.4, a question may only be asked if notice has been given by delivering it to the Proper Officer no later than midday on the 5<sup>th</sup> Working Day before the day of the meeting. Each question must give the name and address of the questioner and confirm whether the questioner intends to attend the Meeting.

### **Questions on item under discussion**

- 13.4 Any Council Member may ask the Chairman any question without notice in relation to an item under discussion at Committee subject to the Chairman (after consultation with the Proper Officer) being able to disallow a question if it falls within (b-e) of Rule 13.6 below.

### **Number of questions**

- 13.5 No person may submit more than two questions (including sub-questions) at any one Meeting and no more than two questions (including sub-questions) may be asked on behalf of one organisation.

### **Scope of questions**

- 13.6 The Proper Officer may reject a question if it:
- a) is submitted by someone other than a local government elector for the Borough or an elected Member;
  - b) is about a matter which does not affect the Borough or for which the Committee does not have responsibility;
  - c) is defamatory, frivolous or offensive;
  - d) is substantially the same as a question which has been put at a meeting of the Committee in the previous six months; or
  - e) requires the disclosure of Confidential or Exempt information.
- 13.7 The Proper Officer will inform the Committee Chairman of every question he/she rejects and the reasons for rejection.

### **Record of questions**

- 13.8 The Proper Officer will ensure each question is open to public inspection and will immediately send a copy of the question to the Chairman. Rejected questions will include reasons for rejection.
- 13.9 Copies of all questions and written answers to them will be circulated to all Members at the start of the Meeting and will be made available to the public attending the Council Meeting.

### **Procedure at the Committee Meeting**

- 13.10 The chairman will invite the questioner to put the question. The question need not be read out if the questioner so agrees and will not be read out if the questioner is unable to be present at the meeting.
- 13.11 Answers will be given, Without Comment, normally by a direct oral answer and a written copy of the answer will also be given to the questioner if he/she is present or sent to him/her if he/she is unable to attend. A written answer alone will suffice where the questioner

agrees an oral answer is not necessary or an oral answer cannot conveniently be given.

### **Supplementary question**

- 13.12 A questioner who has put a question in person may also put one supplementary question without notice to Chairman. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 13.5 above.
- 13.13 Answers to supplemental questions will be given, Without Comment, normally by a direct oral answer. A written answer to be provided to the questioner following the Meeting will suffice where the questioner agrees an oral answer is not necessary or an oral answer cannot conveniently be given.

### **Reference of question to the Cabinet or Council or another Committee**

- 13.14 Unless the Chairman 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, Council or an appropriate Committee. Once moved, such a motion will be voted on Without Comment.

### **Time for questions**

- 13.15 No more than 20 minutes shall be set aside at any Committee Meeting for the posing and answering of questions under this Rule.
- 13.16 If any questions remain to be dealt with after the end of the 20 minute period, the Chairman may at his/her discretion extend the period within which the questions may be put and answered if satisfied that the remaining questions can be dealt with expeditiously and they are of sufficient urgency.
- 13.17 Any question which cannot be dealt with during question time will be dealt with by a written answer.

### **RULE 14A. RESTRICTIONS ON MEMBER PARTICIPATION**

- 14A.1 A Member must withdraw from a meeting (including from the public area/gallery) during the whole of the consideration of any item of business in which the Member has a Disclosable Pecuniary Interest, or in which the Member has an "other" interest where, as a consequence of Paragraph 10(4) of the Council's Code of Conduct, the Member is required to leave the meeting and not participate or vote on the matter, unless the Member is permitted to remain through the granting of a dispensation.

## **RULE 14. RULES OF DEBATE**

### **Members to address the Chair**

- 14.1 A Member shall speak only when called to do so by the Chairman. A Member shall address the Chairman only.

### **Members' Speeches**

- 14.2 Members shall address or refer to each other only as "Councillor". When a Member is speaking other Members shall remain silent, unless raising a point of order or a personal explanation.

### **Content of speeches**

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

### **Right to require motion in writing**

- 14.4 Unless notice of the motion (including an amendment) has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

### **Amendments to motions**

- 14.5 An amendment to a motion must be relevant to the motion and will either be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words.

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

- 14.6 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, although notice of further amendments may be given.
- 14.7 If an amendment is not carried, other amendments to the original motion may be moved.
- 14.8 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.

- 14.9 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.

#### **Withdrawal or alteration of motion**

- 14.10 A Member may without notice withdraw or alter a motion which he/she has moved with the consent of the Meeting signified Without Comment.

#### **Right of reply**

- 14.11 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- 14.12 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- 14.13 The mover of the amendment has the right of reply to the debate on his/her amendment immediately before the final speech of the mover of the original motion.

#### **Motions which may be moved during debate**

- 14.14 When a motion is under debate, no other motion may be moved except a procedural motion under Rule 14.15.

#### **Procedural Motion**

- 14.15 The following procedural motions may be moved without notice:
- (a) to elect in the event of a vacancy a Chairman or Vice-Chairman or to appoint a Person Presiding for the meeting at which the motion is moved;
  - (b) in relation to the accuracy of the minutes;
  - (c) to change the order of business on the agenda;
  - (d) to refer something to an appropriate body or individual;
  - (e) to appoint a sub-Committee or working group arising from an item on the agenda for the Meeting;
  - (f) to receive reports of or adopt recommendations of Committees, sub-Committees, working groups, Cabinet, Council or Officers and any resolutions following from them;
  - (g) to make any decision arising out of or directly relevant to an item on the agenda for the Meeting;

- (h) to give leave to withdraw or alter a motion;
- (i) to amend a motion;
- (j) to reject 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) that the meeting continue beyond four hours in duration;
- (p) to exclude the public and press in accordance with the Access to Information Rules;
- (q) to not hear further a Member named or to exclude him/her from the meeting under Rule 19.

#### **Motion to proceed to the next business**

14.16 If a procedural motion "to proceed to the next business" is moved and the Chairman considers that the item has been sufficiently discussed, he/she must give -

- (a) in the case of an original motion, the mover of that motion: and
- (b) in the case of an amendment, both the mover of the amendment and the mover of the original motion

a right to reply and then put the procedural motion to the vote Without Comment. If the procedural motion is carried the original motion and any amendment thereto shall lapse.

#### **Motion that the question be now put**

14.17 If a procedural motion "that the question be now put" is moved and the Chairman considers that the item has been sufficiently discussed, he/she must put the procedural motion to the vote without comment. If the procedural vote is passed, the Chairman must give -

- (a) in the case of an original motion, the mover of that motion: and
- (b) in the case of an amendment, both the mover of the amendment and the mover of the original motion

a right of reply and then put the motion to the vote without comment.

### **Motion to adjourn the debate or meeting**

- 14.18 If a procedural motion to adjourn the debate or to adjourn the meeting is moved and the Chairman considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote Without Comment and without giving the mover of the original motion the right of reply.
- 14.19 If a motion to adjourn the debate or meeting is accepted the item under discussion or remaining business shall stand over as uncompleted business to the next Ordinary Meeting.
- 14.20 If a motion to adjourn the debate or meeting is rejected, a similar motion cannot be moved within 30 minutes, except with the consent of the Meeting signified by vote Without Comment.

### **Point of order**

- 14.21 A Member may raise a point of order at any time and the Chairman shall hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been breached.

### **Personal explanation**

- 14.22 A Member may, with the consent of the Chairman, make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by that Member which may appear to have been misunderstood in the present debate.

## **RULE 15. VOTING**

### **Majority**

- 15.1 Unless the law requires or this Constitution provides otherwise, all matters will be decided by a simple majority of those Members voting and present in the room at the time the question is put.

### **Casting vote**

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

### **Show of hands/Electronic voting system**

- 15.3 Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5 below the Chairman will take the vote by show of hands or by



using the electronic voting system, or if there is no dissent, by the affirmation of the meeting.

### **Ballots**

- 15.4 The vote will take place by secret ballot if the number of Members constituting the quorum at the Meeting demand it, provided that any Member who wishes to have the way his/her vote is cast recorded in the minutes of the Meeting may cast his/her vote under Rule 15.6 below and not by ballot. The Chairman will announce the numerical result of the ballot immediately the result is known.

### **Recorded vote**

- 15.5 The vote will be recorded if the number of Members constituting the quorum 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. A demand for a recorded vote will override a demand for a ballot.

### **Right to require individual vote to be recorded**

- 15.6 Where any Member requests it, immediately after the vote is taken, his/her vote will, unless it is a recorded vote under Rule 15.5, be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

### **Voting on appointments**

- 15.7 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, the name of the person with the least number of votes will be taken off the list and a new vote taken. In the event of more than one person having the least number of votes, the Chairman shall have a second and casting vote to determine who shall be taken off the list. The process will continue until there is a majority of votes for one person.
- 15.8 In the event of two or more persons receiving the same number of votes and also receiving the highest number of votes, a further vote will be taken between those persons only and the Chairman shall have a second or casting vote
- 15.9 Where more than one person is required to be appointed by the Council and the number of persons nominated exceeds the number of vacancies, the number of persons equal to the number of vacancies who receive the greatest number of votes shall be appointed.
- 15.10 In the event of persons receiving the same number of votes so that the number of persons receiving the greatest number of votes exceeds the number of vacancies, a further vote will be taken between those persons only.

## **RULE 16. EXCLUSION OF PUBLIC**

- 16.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in [Part 4E](#) of this Constitution or Rule 17 (Disorderly Conduct).

## **RULE 17. PREVENTION OF DISORDERLY CONDUCT**

### **Members**

- 17.1 If the Chairman is of the opinion that a Member has misconducted, or is misconducting, himself/herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Council, he/she may notify the Meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- (a) he/she may direct the Member to refrain from speaking during all, or part, of the remainder of the Meeting;
  - (b) he/she may direct the Member to withdraw from all, or part, of the remainder of the Meeting;
  - (c) he/she may direct that the Member be removed from the Meeting;
  - (d) he/she may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.
- 17.2 A direction made under Rule 17.1 above may also be made by the Meeting on a motion proposed and put Without Comment.

### **The Public**

- 17.3 If a member of the public interrupts proceedings at any Meeting, the Chairman shall warn him/her. If he/she continues the interruption, the Chairman shall order him/her to leave the room where the meeting is being held. If he/she does not leave, the Chairman shall order him/her to be removed. If a member of the public persistently creates a disturbance, the Chairman may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.

### **General**

- 17.4 In the event of general disturbance in any part of the room where any Meeting is being held which is open to the public, the Chairman shall order that part to be cleared and may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.
- 17.5 The powers conferred by this Rule are in addition to any other powers which the Chairman may lawfully exercise.