

Part 4B: Cabinet Procedure Rules

Rule 1 General

Application and amendment of rules

- 1.1 These Procedure Rules shall apply to the Cabinet and any Committee of the Cabinet 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 Leader acting as Chair of the Cabinet shall be guided in their construction and application of these Rules by those definitions and by the Monitoring Officer or their representative.
- 1.3 The headings and sub-headings do not form part of these Rules.
- 1.4 The ruling of the Leader at a Cabinet meeting or otherwise as to the construction or application of any of these Rules shall not be challenged at any meeting of the Council.
- 1.5 In applying these Rules the Leader 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

- 1.6 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

- 1.7 These Rules (subject to the exceptions in Rule 1.8 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.
- 1.8 The following Rules are not capable of suspension:
[Rule 5 Motions on Notice](#)
[Rule 14.6 Right to require individual vote to be recorded](#)
[Rule 16 Prevention of Disorderly Conduct](#)
- 1.9 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 Executive decisions and functions

General

2.1 The Leader will determine who will make Executive decisions. Executive Functions can, if duly authorised by the Leader, be discharged by:

- 2.1.1 the Cabinet as a whole;
- 2.1.2 a Committee of the Cabinet;
- 2.1.3 a Cabinet Member
- 2.1.4 an Employee;
- 2.1.5 Joint Arrangements; or
- 2.1.6 another local authority

Delegation of Executive Functions

2.2 At the Annual and Selection Council, or if that is not possible, at the next available meeting of the Council at which the matter can be placed on the agenda, the Leader will present to the Council, for inclusion in the Council's scheme of delegation at [Part 3B](#) of this Constitution, a written record of delegations made by them which will contain:

- 2.2.1 the names, addresses and wards of the Cabinet Members;
- 2.2.2 the extent of any authority delegated to Cabinet Members individually, including details of any limitation on their authority;
- 2.2.3 the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of the Cabinet Members they appoint to them;
- 2.2.4 the nature and extent of any delegation of Executive Functions to any other authority or any Joint Arrangements and the names of any Cabinet Members appointed to any Joint Committee; and
- 2.2.5 the nature and extent of any delegation of Executive Functions to Employees with details of any limitation on that delegation and the title of the Employee to whom the delegation is made.

2.3 The Leader may amend the scheme of delegation relating to Executive Functions at any time following Annual and Selection Council by giving written notice to the Proper Officer. The notice to the Proper Officer must set out the extent of the proposed amendment and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Proper Officer will forthwith inform every Councillor and the Monitoring Officer shall amend the Constitution accordingly.

- 2.4 Where the Leader wants to withdraw or amend the delegation to a Committee of the Cabinet or Joint Arrangement, they must give written notice to its chair or its secretary.

Sub-delegation of executive functions

- 2.5 Where the Cabinet, a Committee of the Cabinet or a Cabinet Member is responsible for an Executive Function, they may delegate further to Joint Arrangements or to an Employee.
- 2.6 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, the Cabinet may delegate further to a Committee of the Cabinet or to an Employee.
- 2.7 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Employee.
- 2.8 Even where Executive Functions have been delegated, that fact does not prevent the discharge of the delegated function by the person or body who delegated them.
- 2.9 Where the number of Cabinet Members having an interest that under the Code of Members Conduct prevents the Cabinet, by virtue of it not having a quorum, from making a decision on the matter, the decision shall be made by the Board acting collectively by a majority and the Cabinet shall, in the scheme of delegations, make provision for this. The Board, before making a decision under this rule, shall consult with the Mayor and the Chair of the Appropriate Overview and Scrutiny Committee and shall take into account their opinions both as to the merit of the decision to be taken and as to who might also be consulted before the decision is taken. Such consultation might include consultation with the Council or a Committee.

Working Groups

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

Attendance by other Members

- 2.11 Subject to the Access to Information Rules, a Member who is not a Cabinet Member may attend and, with the approval of the Leader, speak (but not vote) at a meeting of the Cabinet. This Rule 2.11 is without prejudice to Rule 13.4 (Questions on item under discussion).

Conflicts of Interest

- 2.12 Where the Leader or a Cabinet Member has a conflict of interest, this should be dealt with as set out in the Code of Members Conduct in [Part 5A](#) of the Council Constitution.
- 2.13 If the exercise of an Executive Function has been delegated to a Committee of the Cabinet, a Cabinet Member or an Employee, and a conflict of interest arises, the function will be exercised by the person or body by whom the delegation was made or, if this is not possible, as set out in the Code of Members Conduct in [Part 5A](#) of the Council Constitution.

Rule 3 Meetings of the Cabinet

Time and place

- 3.1 The Cabinet will meet at least 12 times a year at times to be determined by the Leader at the start of the new Municipal Year. The Leader or any three Members may in writing require the Proper Officer to call a Cabinet Meeting at any other time and, in default, may call it.
- 3.2 The Cabinet will meet at the Council's main offices or such other venue as notified by the Proper Officer.

Public or private meetings of the Cabinet

- 3.3 The Cabinet will determine at the beginning of each Municipal Year which of its meetings will be public meetings and which will be private meetings.

Business at Cabinet meetings

- 3.4 At each meeting of the Cabinet the following business will be conducted:
- (a) to appoint a Person Presiding if the Leader is absent;
 - (b) to approve the minutes of the last meeting;
 - (c) to receive any declarations of interest;
 - (d) receive any announcements from the Leader and the Head of Paid Service or their representative;
 - (e) to answer questions from members of the public;
 - (f) to answer questions from Members of the Council;
 - (g) deal with any business outstanding from the last Cabinet meeting;
 - (h) at the first Meeting in the Municipal Year, to determine which meetings will be private under Rule 3.3;
 - (i) to consider matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Rules or the Budget and Policy Framework Rules set out in [Part 4G](#) of this Constitution;
 - (j) to consider other matters referred to the Cabinet by the Council;

- (k) to consider reports from Overview and Scrutiny Committees;
 - (l) to consider reports from Joint Arrangements; and
 - (m) to consider matters set out in the agenda for the Meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Rules set out in [Part 4E](#) of this Constitution
 - (n) consider any item which, by reason of special circumstances to be specified in the minutes of the meeting, the Leader considers should be considered at the meeting as a matter of urgency.
- 3.5 The order of business in Rule 3.4, 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 Leader if they consider the variation to be desirable for the efficient despatch of the Cabinet's business, or convenient, including the avoidance or duplication or repetition of matters under consideration; or
 - (b) a resolution of the Cabinet moved and put without comment.

Rule 4 Quorum

- 4.1 The quorum of a Cabinet Meeting shall be one third of the whole number of its Members or three Members whichever is the greater.
- 4.2 During any meeting if the Leader counts the number of Members present and declares there is not a quorum present, then they must adjourn the Meeting either temporarily for not more than 15 minutes or to a time and date fixed by the Leader. If they do not fix a date, the remaining business will be considered at the next Meeting.

Rule 5 Duration of meetings

- 5.1 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 Leader. If they do not fix a date, the remaining business will be considered at the next Meeting.

Rule 6 Consultation

- 6.1 All reports to the Cabinet on proposals relating to the Budget or Policy Framework must contain details of consultation with stakeholders and relevant Overview and Scrutiny Committees and the outcome of that consultation. The level of consultation shall be appropriate to the matter under consideration.
- 6.2 The Cabinet will, as appropriate, be expected to consult with and receive reports from any forums which it has acknowledged or established to assist and inform it in undertaking its executive



Rule 7 Items and reports

- 7.1 The Leader may put on the agenda of any Cabinet meeting any item which they wish, whether or not the item has been delegated to the Cabinet, a Committee of the Cabinet, a Cabinet Member or an Employee. The Proper Officer will comply with the Leader's requests in this respect.
- 7.2 Any Cabinet Members may require the Proper Officer to ensure that an item is placed on the agenda of the next available Meeting of the Cabinet. If they receive such a request the Proper Officer will comply.
- 7.3 There will be a standing item on the agenda of each Meeting of the Cabinet for matters referred by Overview and Scrutiny Committees.
- 7.4 Any Councillor may request the Leader to put an item on the agenda of a Cabinet Meeting for consideration. If the Leader agrees, the item will be considered at the next available Meeting of the Cabinet. The notice of the Meeting will name the Councillor who asked for the item to be considered. The Councillor may attend the Meeting, whether or not it is a public Meeting, and they will be given the opportunity to speak for not more than three minutes at the beginning and, with the Leader's consent, the end of the Cabinet's consideration of the item.
- 7.5 The Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of a Cabinet meeting in pursuance of their statutory duties or any power under this Constitution and may require the Proper Officer to call such a meeting.
- 7.6 Where any two of the Head of Paid Service, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no Meeting of the Cabinet within an appropriate timescale to deal with the matter, they may also require that a meeting be convened within three calendar weeks at which the matter will be considered.

Rule 8 Employees reporting directly to cabinet

- 8.1 Where an Officer submits a report or recommendation directly to a Cabinet (other than jointly with the Leader, a Cabinet Member or Committee chair):
- (a) that report/recommendation shall be treated as if it was the recommendation of a Cabinet Member the adoption of which had been formally moved and no further motion is required for it to be received and approved by the Cabinet;
 - (b) if an amendment is moved to any recommendation of the Officer, the Leader may, if they consider 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 Cabinet jointly with the Leader, a Cabinet Member or Committee chair, the Member concerned, or, if they are absent, someone on their 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 Cabinet in accordance with a statutory obligation, the Officer, or anyone on their behalf, shall have the right to address the Meeting and to answer questions arising from their report or the debate.

Rule 9 Cabinet chair and vice-chair

- 9.1 The Leader shall preside as chair at all Meetings at which they are present. If they are absent, or has resigned, the Deputy Leader 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.
- 9.2 The Leader shall at their discretion take all such steps as they consider necessary to ensure the proper and orderly conduct of Meetings.
- 9.3 The ruling of the Leader on any matter in relation to Rule 14 (Rules of Debate) shall be final.
- 9.4 Where the Deputy Leader or a Person Presiding is presiding over the meeting pursuant to Rule 9 they will assume all powers and duties of the Leader or chair of the meeting under Rule 9.1 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 9.1, 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 have a second or casting vote.
- 10.2 The motion, and any amendments, shall be put to the Meeting in accordance with the normal rules for electing the chair 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 Cabinet 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.

Re-introduction of business

11.2 Subject to Rule 11.3, no matter which has been decided by the Cabinet in the same way twice within a period of twelve months shall again be submitted for the Cabinet'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 Cabinet to reconsider the matter.

Rule 12 Minutes and reports

Signing the minutes

12.1 The Leader will sign the minutes of the proceedings at the next suitable meeting. They 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.

Confidential and Exempt Information

12.2 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.

12.3 The Monitoring Officer shall investigate any alleged breach of Rule 12.2 and shall submit a report on the results of their investigation as appropriate to:

- the Standards Committee;

- an Ordinary or Extraordinary meeting of the Cabinet; or
 - an Ordinary or Extraordinary meeting of the Council
- within 21 days of their supplying a copy of the report to all Members.

12.4 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 Cabinet Meetings ask written questions of the Leader about any matter falling within the terms of reference of the Cabinet or a Cabinet Member about any matter falling within functions delegated to them.

Order of questions

13.2 Questions will be divided in to 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 7th 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 Leader or the relevant Cabinet Member any question without notice in relation to an item under discussion at a Cabinet meeting subject to the Leader (after consultation with the Proper Officer) being able to disallow a question if it falls within (b-e) of Rule 13.6 below.

Limit on number of public questions

13.5 No Member of the public may submit more than two written questions (including sub-questions) to 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 Cabinet 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 Cabinet in the previous six months; or
 - (e) requires the disclosure of Confidential or Exempt information.
- 13.7 The Proper Officer will inform the Leader or relevant Cabinet Member of every question they reject 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 Leader and Cabinet Member as appropriate. 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 Meeting.

Procedure at the Cabinet Meeting

- 13.10 The chair 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 they are present or sent to them if they are 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 the Leader or Cabinet Member. A supplementary question must arise directly out of the original question or the reply. The Chair 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 Council or another Committee

- 13.14 Unless the Leader 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 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 Cabinet 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 Leader may at their 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 Restriction of members 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 (see motion flowchart – Appendix A)

Members to address the chair

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

Members’ Speeches

- 14.2 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 Leader may require it to be written down and handed to them 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 Leader 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 Cabinet Member may without notice withdraw or alter a motion which they have 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 their 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 Motions

14.15 The following procedural motions may be moved without notice:

- (a) 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, 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 them 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 Leader considers that the item has been sufficiently discussed, they 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 Leader considers that the item has been sufficiently discussed, they must put the procedural motion to the vote without comment. If the procedural vote is passed, the Leader 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 Leader considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they 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 Cabinet Member may raise a point of order at any time and the Leader shall hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Cabinet Member must indicate the rule or law and the way in which they consider it has been breached.

Personal explanation

14.22 A Cabinet Member may, with the consent of the Leader, make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by that Cabinet 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 Cabinet 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 Leader will have a second or casting vote. There is no obligation or restriction on how the Leader 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 Leader 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 Cabinet Members constituting the quorum at the Meeting demand it, provided that any Cabinet Member who wishes to have the way their vote is cast recorded in the minutes of the Meeting may cast their vote under Rule 15.6 below and not by ballot. The Leader 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 Cabinet 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 Cabinet Member requests it, immediately after the vote is taken, their vote will, unless it is a recorded vote under Rule 15.5, be recorded in the minutes to show whether they 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 Leader 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 Leader 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 the 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 Leader is of the opinion that any Cabinet Member has misconducted, or is misconducting, himself/herself by persistently disregarding the ruling of the Leader, or by behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Council, they may notify the Meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- (a) they may direct the Member to refrain from speaking during all, or part, of the remainder of the Meeting;
 - (b) they may direct the Member to withdraw from all, or part, of the remainder of the Meeting;
 - (c) they may direct that the Member be removed from the Meeting;
 - (d) they may adjourn the meeting for 15 minutes or such period as shall seem expedient to them
- 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 Leader shall warn them. If they continue the interruption, the Leader shall order them to leave the room where the meeting is being held. If they do not leave, the Leader shall order them to be removed. If a member of the public persistently creates a disturbance, the Leader may adjourn the meeting for 15 minutes or such period as shall seem expedient to them.

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 Leader shall order that part to be cleared and may adjourn the meeting for 15 minutes or such period as shall seem expedient to them.
- 17.5 The powers conferred by this Rule are in addition to any other powers which the Leader may lawfully exercise.