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## **1. Annual meeting of the Council**

### **1.1 Timing and business**

1.1.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.

1.1.2 The annual meeting will, in the following order:

- (i) elect a person to preside if the outgoing Chair of Council is not present;
- (ii) elect a chair of Council;
- (iii) approve the minutes of the last meeting;
- (iv) elect a vice chair of Council;
- (v) receive any announcements from the chair;
- (vi) receive any declarations of interest from Members;
- (vii) appoint a Scrutiny Committee, three Select Committees, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions and determine their size and membership and any changes to their terms of reference;
- (viii) appoint the chairs and vice-chairs of the Scrutiny Committee, the three Select Committees, Audit Committee, Standards Committee, Employment Committee, Pensions Committee and Planning Regulatory Committee;
- (ix) make appointments to outside bodies except to the extent that this is the responsibility of the Executive or has been delegated by the Council;
- (x) deal with any business which is required by law to be done;
- (xi) consider any business set out in the notice convening the meeting;
- (xii) consider motions under Rule 9 of these Rules;
- (xiii) answer questions under Rule 8.3 of these Rules;
- (xiv) consider any other business specified in the summons to the meeting;
- (xv) following County Council elections, the annual meeting will after item vi) and item vii) elect a Leader of the Council.

**1.2** Business falling under Rule 1.1 (i), (ii) and (iii) cannot be displaced, but subject to this, the order of business may be varied under the following circumstances:

- (a) at the discretion of the chair

- (b) by resolution passed on a motion (which need not be in writing) duly moved and seconded, which will be moved and put without discussion.

## **2. Ordinary meetings of the Council**

### **2.1** Ordinary meetings of the Council will, in the following order:

- (i) elect a person to preside if the Chair and Vice Chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any announcements from the Chair;
- (iv) receive any declarations of interest from Members;
- (v) deal with any business (if any) remaining from the last Council meeting;
- (vi) deal with Member questions to the Leader of the Council (maximum of 15 minutes to be allowed for this item);
- (vii) consider motions under Rule 9 of these Rules;
- (viii) receive reports and recommendations from the Scrutiny Committee and from the Norfolk Health Overview and Scrutiny Committee and on intentions to make referrals to the Secretary of State;
- (ix) receive reports from the Select Committees
- (x) receive reports about the business of joint arrangements and external organisations;
- (xi) answer questions under Rule 8.3 of these Rules;
- (xii) receive reports and recommendations of the Cabinet and other committees and deal with Member questions to Cabinet Members;
- (xiii) consider any other business specified in the summons to the meeting;

### **2.2** Business falling under items (i) and (ii) cannot be displaced, but subject to this, the order of business may be varied under the following circumstances:

- (a) by the Chair at their discretion
- (b) by resolution passed on a motion (which need not be in writing) duly moved and seconded, which will be moved and put without discussion.

## **3. Extraordinary meetings**

### **3.1** Calling extraordinary meetings

3.1.1 Those listed below may request the Head of Paid Service to call additional Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chair of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

## **3.2 Business**

3.2.1 The business conducted at extraordinary meetings will be restricted to the business specified in the summons to the meeting.

## **4. Time and place and duration of meetings**

- (i) Meetings of the Council will normally take place in the Council Chamber at County Hall in Norwich, commencing at 10.00 a.m. The Head of Paid Service may vary the time and place of the meeting if they consider it necessary after consultation with the Leaders of the political groups.
- (ii) A meeting will be held in February each year to determine the Council's budget. The business to be considered at the budget meeting in February shall be limited to the budget, subject to the Chair having discretion to accept additional items other than those relating to the budget, but only in exceptional or urgent circumstances.
- (iii) Meetings of the Council will not extend beyond 3 hours unless this is extended in accordance with Rule 10 (1) (n).

## **5. Notice and summons of meetings**

5.1 The Assistant Director of Governance (Democratic and Regulatory Services) will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting of the full Council, the Head of Paid Service will send a summons signed by them every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted.

## **6. Chair of meeting**

6.1 The person presiding at the meeting may exercise any power or duty of the chair.

## **7. Quorum**

7.1 The quorum of a meeting of the Council will be 21 members. During any meeting if

the Chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. Questions by Members**

### **8.1 Questions without notice**

8.1.1 A Member of the Council may at a full Council meeting ask the Leader or the Cabinet Member any question without notice concerning an item within the report of the Cabinet or committee, when that item is under consideration by the Council. A maximum overall period of 30 minutes shall be allowed for questions to Cabinet Members, with a maximum of 5 minutes for questions to an individual Cabinet Member, both periods to be extendable at the discretion of the Chair. Questions to Cabinet Members can relate to anything within the remit of the Cabinet Member's portfolio and are not limited to items in the Cabinet reports.

### **8.2 Questions to the Leader of the Council**

8.2.1 At each Council meeting, there shall be a 15-minute Leader's Question Time session during which Members may ask questions that do not relate to items covered in the reports from Cabinet. Questions shall not require prior notice. The Leader may ask Cabinet Members to answer questions where appropriate.

### **8.3 Questions on notice**

8.3.1 A Member of the Council may ask:

- the Chair;
- the Leader or relevant Cabinet Member;
- the chair of any committee

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

### **8.4 Notice of questions**

8.4.1 A Member may only ask a question under Rule 8.3 if they have given at least 4 working days' notice of the question in writing to the Head of Governance and Regulatory Services. However, if a question relates to urgent matters and a Member has obtained the consent of the Chair of the Council, then the question may be asked provided that the content of the question is given to the Assistant Director of Governance (Democratic and Regulatory Services) by 9.30 a.m. on the day of the meeting.

## **8.5 Response**

- 8.5.1 Where the reply cannot conveniently be given orally, a written answer will be sent to the questioner within 7 days of the meeting and a copy appended to the minutes.
- 8.5.2 If the Member who has given written notice of the question is not present when the question is to be put, that question may, with the consent of the Chair, be asked by any other Member present.

## **9. Motions on notice**

### **9.1 Notice**

- 9.1.1 Except for motions which can be moved without notice under Rule 10, notice of every motion must be given in writing, signed by the Member or Members of the Council giving the notice, and sent to the Democratic Services Support team at [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk) not later than 7 working days before the date of the meeting. These will be available online with the agenda for public inspection.

### **9.2 Motion set out in agenda**

- 9.2.1 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.
- 9.2.2 If a motion listed on the agenda is not moved either by the Member who gave notice or by another Member on their behalf, it will, unless postponed by the Council, be treated as withdrawn and should not be moved without fresh notice.

### **9.3 Scope**

- 9.3.1 Motions must be clear and concise to encourage debate on matters for which the Council has a responsibility, and which affect Norfolk and should not normally relate to matters which are the responsibility of Cabinet, or which the Council has delegated to a committee. The Assistant Director of Governance (Democratic and Regulatory Services )will reject a motion that is deemed not to be within this scope, after consultation with the Monitoring Officer.
- 9.3.2 If the subject matter of any Motion of which notice has been given comes within the remit of the Cabinet, or relevant Committee, it will be moved or seconded in formal terms only and therefore stand referred without discussion, unless following discussion with the Leader of the Council or the relevant Committee Chair, it is agreed by the Chair of the Council that the subject matter of the Motion may be discussed by Council to inform the decision maker's deliberations prior to referral.

## **10. Motions without notice**

10.1 The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved if the Chair or Vice-Chair is not present;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or Member arising from an item on the summons for the meeting where such appointment is required;
- (f) to receive and adopt reports and recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to extend the time limit for speeches;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the meeting continues beyond 3 hours in duration;
- (o) to suspend a particular council procedure rule;
- (p) to exclude the public and press in accordance with the Access to Information Rules;
- (q) to not hear further a Member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4; and
- (r) to give the consent of the Council where its consent is required by this Constitution.

**10.1** A motion by the Chair under paragraph (1)(p) of this Rule will take precedence over any other motion and will without the need of a seconder be put forthwith without discussion or question. Provided that after the withdrawal of the public pursuant to any such motion a Member may notwithstanding any other provision of these Rules, move that the public be re-admitted and upon that motion being seconded it may be discussed and voted upon.

## **11. Rules of debate**

### **11.1 No debate or vote until motion seconded**

11.1.1 No motion will be debated or voted upon after the mover has moved a proposal (other than a motion that the report of a committee or a recommendation within it be received and adopted) until the motion has been seconded.

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

11.2.1 Unless notice of the motion has already been given, the chair will require it to be written down and handed to them. The motion will be read out to the Council before any vote upon it is taken.

### **11.3 Secunder's speech**

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

### **11.4 Content and length of speeches**

11.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order. The mover of a motion may speak for 5 minutes, and other speakers shall not exceed 5 minutes (in both cases unless the Chair gives consent for a longer speech), except at the budget meeting in February when the Leader of the Council and the leaders of the opposition groups will be entitled to speak for an additional specified time, as agreed in advance by the Chair.

### **11.5 When a Member may speak again**

11.5.1 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;

(g) to demand a recorded vote;

(h) to move the suspension of these procedural rules;

## **11.6 Amendments to motions**

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

(i) to leave out words;

(ii) to leave out words and insert or add others; or

(iii) to insert or add words;

As long as the effect of (i) to (iii) is not to negate the motion.

11.6.2 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.

11.6.3 If an amendment is moved, the Chair will ask the proposer of the original motion if they are willing to alter their motion in accordance with the amendment. If they accept, the amendment becomes the substantive motion and is debated. If the proposer of the original motion is unwilling to alter their motion, the Chair will ask if there is a seconder for the amendment. If there is a seconder, the amendment will then be debated and voted upon.

11.6.4 If an amendment is not carried, other amendments to the original motion may be moved.

11.6.5 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.

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

## **11.7 Alteration of motion**

11.7.1 A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

11.7.2 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 will be signified without discussion.

11.7.3 Only alterations which could be made as an amendment may be made.

## **11.8 Withdrawal of motion**

11.8.1 A Member may withdraw a motion which they have moved with the consent of the

seconded. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

## **11.9 Right of reply**

- 11.9.1 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.
- 11.9.2 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.
- 11.9.3 The mover of the amendment has no right of reply to the debate on their amendment.

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

11.10.1 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 postpone consideration of the motion;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) to adjourn a debate;
- (g) to adjourn a meeting;
- (h) that the meeting continues beyond 3 hours in duration;
- (i) to exclude the public and press in accordance with the Access to Information Rules; and
- (j) to not hear further a Member named under Rule 17.3 or to exclude Them from the meeting under Rule 17.4;
- (k) that the procedural rules be suspended;

## **11.11 Closure motions**

11.11.1A Member may move, without comment, the following motions at the end of a speech of another Member:

- (i) that consideration of the motion be postponed;

- (ii) to proceed to the next business;
- (iii) that the question be now put;
- (iv) to adjourn a debate; or
- (v) to adjourn a meeting;

11.11.2 If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

11.11.3 If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed, they will give the mover of the original motion a right of reply before putting their motion to the vote.

11.11.4 If a motion to adjourn the debate or to adjourn the meeting or to postpone consideration of the motion is seconded and the Chair thinks 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 giving the mover of the original motion the right of reply.

11.11.5 Provided that a second motion to the same effect under this section will not be moved in reference to the same motion or amendment within a period of 20 minutes unless it is moved by the Chair.

## **11.12 Point of order**

11.12.1 A Member may raise a point of order at any time. The Chair 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 rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

## **11.13 Personal explanation**

11.13.1 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. The ruling of the Chair on the admissibility of a personal explanation will be final.

## **12. Previous decisions and motions**

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

12.1.1 A motion or amendment to rescind a decision made at a meeting of Council within the past seven months cannot be moved unless the notice of motion is signed by at least 21 Members.

## **12.2 Motion similar to one previously rejected**

- 12.2.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past seven months cannot be moved unless the notice of motion or amendment is signed by at least 21 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for seven months.

## **13. Voting**

### **13.1 Majority**

- 13.1.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the Council Chamber at the time the vote is taken.

### **13.2 Chair's casting vote**

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

### **13.3 Form of voting**

- 13.3.1 Voting will be by show of hands. If, in the opinion of the Chair, the result is uncertain they will call upon the Council to determine the question by recorded vote, in which case the names for and against the motion or amendment will be taken down in writing and entered in the minutes. Any Member may demand a recorded vote and if one quarter of those Members present when the roll is called signify their support by rising in their places, such a vote will be taken.
- 13.3.2 At the Budget meeting in February each year, all motions and amendments relating to budget decisions will be conducted by recorded vote and the minutes of the proceedings of the meeting will record the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

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

- 13.4.1 Where any Member requests it immediately after a 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.

### **13.5 Voting on appointments**

- 13.5.1 If there is only one nomination for a single position to be filled, the person nominated will fill the position only if a greater number of Members vote for the nominee than against. The Chair may at their discretion call for a vote: -

- a) by each Member when called upon announcing whether they are for or against the appointment of the nominee;

13.5.2 If there are two or more people nominated for a single position to be filled, the person having the greatest number of votes will fill the position. The Chair may at their discretion call for a vote:

- a) by each Member when called upon announcing the name of the person for whom they vote; or

13.5.3 Where more than one position or vacancy is involved, voting papers will be distributed and a vote will be taken –

- a) By each voter writing on their voting paper the names of no greater number of the persons nominated than would be required to fill the positions or vacancies under consideration;
- b) the names of such persons having the greatest number of votes in descending order as are required to fill the positions or vacancies under consideration will thereupon be declared by the Chair to be the names of the persons appointed to fill the said positions or vacancies.

provided that in the event of there being an equality of votes for the only position or vacancy or the last position or vacancy the vote will be taken again between such persons having equal votes. Where the number of persons nominated does not exceed the number of positions or vacancies by more than one, the appointment may be determined on a motion.

N.B. Generally, appointments made by the Council will be on the basis of Group nominations.

13.5.3 Appointment of the Chairs and Vice-Chairs of Committees may be made through the approval of a slate of nominations.

## **14. Minutes**

### **14.1 Signing the minutes**

14.1.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

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

14.2.1 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 the 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.

## **15. Record of attendance**

- 15.1 Every Member attending a meeting of the Council will, with a view to securing the recording of their attendance at a meeting of the Council, answer the roll call at the opening of the proceedings, or otherwise indicate their presence as required by the Chair.
- 15.2 If any Member arrives after the roll has been called, they must intimate their presence to the Head of Governance and Regulatory Services.
- 15.3 If any Member intends to leave a meeting and not to return, they shall inform the Chair accordingly and it will be recorded in the minutes.

## **16. Exclusion of the public**

- 16.1 Members of the public and press may be excluded either in accordance with the Access to Information Rules at Appendix 13 or Rule 18 of these Procedure Rules.

## **17. Members' conduct**

### **17.1 Speaking**

- 17.1.1 When a Member speaks at full Council, they must address the meeting through the Chair but may choose to either stand or remain seated.

### **17.2 Chair standing**

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

### **17.3 Member not to be heard further**

- 17.3 1 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### **17.4 Member to leave the meeting**

- 17.4.1 If the Member continues to behave improperly after such a motion is carried, the Chair may adjourn the meeting for a specified period or move that the Member leaves the meeting. If seconded, the motion will be voted on without discussion. If the Member continues to behave improperly, the Chair may give such direction as they consider appropriate for the removal of the Member and the restoration of order.

## **17.5 General disturbance**

- 17.5.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think is necessary.

## **18. Disturbance by the public**

### **18.1 Removal of member of the public**

- 18.1.1 If a Member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

### **18.2 Clearance of part of the meeting room**

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

## **19. Suspension and amendment of Council procedure rules**

### **19.1 Suspension**

- (i) All of these Rules, except Rules 13.4 and 14.2, 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. A motion to suspend the Rules must specify the Rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the Council without debate.
- (ii) Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, except where it is moved as part of the report of the Cabinet.

## **20. Interpretation of rules of procedure**

- 20.1 The ruling of the Chair as to the construction or application of these Rules or as to any proceedings of the Council, will be final for the purposes of the meeting at which it is given.