

## **PART 3.1 – COUNCIL AND COMMITTEE PROCEDURE RULES**

### **3.1.0 Introductory Note**

These rules are generally applicable to Council and committee meetings. Those which are applicable only to Council are marked with an asterisk. See Rule 3.1.34 for more details.

### **3.1.1 Annual Meeting of the Council \***

In a year where there is an ordinary election of Members, the Annual Meeting of the Council will take place within 21 days of the retirement of the outgoing Members. (The meeting usually takes place on the 12th day after the first Thursday in May). In any other year the Annual Meeting will take place in May.

The Annual Meeting will:

- (1) Elect a person to preside if the Mayor is not present;
- (2) Elect the Mayor; (see Procedure Rule 3.1.2 below);
- (3) Elect the Deputy Mayor (see Procedure Rule 3.1.2 below);
- (4) Approve as a correct record and sign the minutes of the last meeting;
- (5) Receive any announcements from the Mayor and Returning (or Acting Returning) Officer;
- (6) Elect the Leader of the Council;
- (7) Note the appointment of Deputy Leader, as made by the Leader;
- (8) Decide to establish at least such Committees as the Council considers appropriate, deciding their terms of reference and size, deciding the allocation of seats in accordance with the political balance rules and appointing Chair and Vice-Chair of all Committees of the Council as set out in Part 2 of the Constitution and appointing committee members, in accordance with nominations from Group Leaders, where applicable and voted on by Members of the relevant Committee only;
- (9) Approve a programme of meetings for the year;
- (10) Receive nominations of Councillors to serve on outside bodies and to appoint to outside bodies;
- (11) Receive nominations of Councillors and/or officers to be appointed as Directors of Companies where the Council has a right to appoint Directors;

(12) Agree any plan or strategy which forms part of the policy framework requiring implementation from the start of the civic year;

(13) Agree any other urgent item that cannot reasonably wait until the next ordinary meeting of the Council pursuant to Procedure Rule 3.1.5;

N.B. This does not mean that any other variations to the policy framework cannot be considered at a later date during the civic year.

(14) Note the Chief Executive's objectives for the forthcoming year.

### **3.1.2 Election of Mayor and Deputy Mayor \***

The Council has agreed the following protocol in respect of the Election of Mayor and Deputy Mayor:

(a) The selection of Mayor and Deputy Mayor is not confined to one party;

(b) The Mayor and Deputy Mayor will be chosen on merit;

(c) The term of office for the Mayor and Deputy Mayor will normally be for one year;

The Mayor elect and Deputy Mayor elect will be agreed by the Council meeting prior to the Annual Meeting (usually February) with a proviso that in the year of ordinary Council elections, should those nominated not be re-elected at those elections, a meeting of Group Leaders will take place between those elections and the Annual Council Meeting.

Nominations for Mayor and Deputy Mayor shall be delivered to the Proper Officer no later than noon on the Thursday before the February Council meeting, signed by a proposer and a seconder, both of whom at the time of delivery of the nominations, shall be elected Members of the Council, who have made declarations of acceptance of office as Councillors.

Should more than one nomination be received for Mayor and/or Deputy Mayor, voting will be by secret ballot at the February Council meeting. At that meeting a ballot paper will be circulated for Members to cast one vote, and the result will be declared at the end of that meeting.

If no nominations are received, nominations for the Mayor and Deputy Mayor shall be requested at the Annual Meeting.

### **3.1.3 Ordinary Meetings \***

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:

(1) Elect a person to preside if the Mayor and Deputy Mayor are not present;

(2) Approve as a correct record the minutes of the last meeting and the Mayor will sign the minutes;

(3) Give Members the opportunity to make Declarations of Interest as follows:

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chair will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

(4) Receive any announcements from the Mayor;

(5) Receive questions and any petitions from, and provide answers to, the public in relation to matters which are to be considered by the Council in accordance with the Petition Scheme (see Appendix 1);

(6) To answer any questions asked by Members in accordance with Council Procedure Rule No. 3.1.14;

(7) Receive reports from officers (Head of Paid Service, Chief Financial Officer and Monitoring Officer and Statutory Officers who have a statutory right to report);

(8) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

(9) Consider any other business specified in the summons to the meeting;

(10) Consider motions received in accordance with Council Procedure Rule No. 15;

The Order of Business can be altered by the Mayor/Chair at their discretion, or by resolution of the Council moved and seconded and put without discussion, with the exception of (1), (2) and (3) above. Under Section 100B of the Local Government Act 1972 the Mayor may agree to late items being added to the agenda where they are of the opinion that they are urgent.

#### **3.1.4 Extraordinary Meetings**

An extraordinary Meeting may be called by the Mayor.

Any five Members of the Council may request the Mayor to convene a meeting if they have signed a requisition presented to the Mayor which shall specify the business to be transacted at the meeting; if the Mayor refuses to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition, those Members may call the extraordinary meeting themselves.

Extraordinary meetings will be restricted to the business that the meeting was convened to consider. There is no requirement for the Minutes of the previous meeting to be considered.

In respect of other Committees/Panels, an extraordinary meeting may be called by either the Chair; or on requisition of a quarter of the whole number of the Committee/Panel delivered in writing to the Proper Officer, but in no case shall less than three members requisition an extraordinary meeting.

#### **3.1.5 Urgent Items**

The Mayor may accept an item for consideration which has not been included on the agenda for the meeting, if they are satisfied that it needs to be considered at the meeting as a matter of urgency. The reason for the urgency shall be recorded in the Minutes of the meeting.

#### **3.1.6 Substitute Members**

A Member can act as a substitute for another member at all meetings of the Council except for the full Council. If acting as a substitute on the Planning or Licensing Committee the substitute member must have undertaken appropriate training.

Names of substitute Members must be declared at the start of each meeting. Each political group must name the substitute even if that Councillor is not present at that time, as the membership at the beginning of the meeting lasts for the duration of the meeting (i.e. a Member cannot be substituted by a reserve, or vice-versa, part way through proceedings).

A Councillor who attends a meeting, as a substitute, speaks and votes in their own capacity. They do not relinquish their own personal responsibilities or, as it were, take on the mantle of their nominator. The substitute is personally under the same obligations as other Members to disclose an interest.

A substitute nominated to attend in place of the Chair or Vice-Chair shall not exercise the powers and duties of the Chair or Vice-Chair as the case may be. The meeting will need to elect a Chair as necessary.

In the event of the death or resignation of a Councillor, a substitute may be allocated to each Committee, Sub-Committee or Working Group, until any vacancy is filled by the Council.

### **3.1.7 Attendance at meetings**

Any Member may attend any Meeting of the Council of which they are not a member (with the exception of the Standards Hearing Sub-Committee) and shall be allowed to speak subject to having given prior notification to the Chair.

A Member who has moved a Motion which has been referred to another meeting has the right to attend the meeting and speak to the Motion to explain it.

When minutes/recommendations from one Committee are being considered by a second Committee, the Chair of the first Committee has the right to attend and take part in the discussion on the minutes/recommendations, but will not have any voting rights unless they are a member of the second Committee.

### **3.1.8 Time and Place of Meetings**

Meetings will usually commence at 7pm and take place at the Council Offices, Swale House, East Street, Sittingbourne, ME10 3HT. This will be displayed on the agenda for each meeting.

### **3.1.9 Notice and Summons to Meetings**

The Proper Officer will give public notice of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear working days before a meeting, the Proper Officer will send a summons to every Member, giving the date, time, venue and business to be transacted, including reports as available.

### **3.1.10 Chairing the Meeting**

The Mayor or, in their absence, the Deputy Mayor will chair meetings of the Council. If both the Mayor and Deputy Mayor are not present, the Members at the meeting will elect a Chair for the meeting. The person presiding at the meeting may exercise any power or duty of the Mayor when conducting the meeting. The same principle applies to all other meetings of the Council (i.e. where the Chair is not present, the Vice-Chair will chair the meeting; if neither are present then the meeting will elect a Chair for the meeting). The committees will elect a Chair and Vice-Chair for the year at the first meeting of the committee in that municipal year. The Chair and Vice-Chair may be removed on a motion passed by the committee.

### **3.1.11 Quorum**

The quorum for full Council meetings shall be one quarter of the whole number of members.

The quorum for all committees and sub-committee shall be one third of the membership of the committee or sub-committee subject to a minimum requirement of three Members for Committees.

There are different rules which apply to the Standards Committee Hearings which are set out at Appendix 2 to these Rules and the Swale Joint Transportation Board which are explained in Appendix 3 to these Rules.

If there is not a quorum 20 minutes after the time the meeting was due to start, no business shall be transacted, and the Democratic Services representative shall record that there was no quorum and the meeting will not take place.

During the meeting, if the Mayor or Chair (references to the Mayor throughout these rules shall include Chair wherever a rule applies to committees) counts the number of Members present and declares that there is not a quorum present, then the business shall be adjourned immediately. If after five minutes a quorum is still not present at the meeting, the remaining business will be considered at a date and time fixed by the Mayor, or the next ordinary meeting. The Democratic Services representative shall record in the minutes, the names of those present and absent and the time of adjournment.

### **3.1.12 Duration of Meeting**

Meetings will finish by 10pm at the latest unless Members present vote for the meeting to continue for another half an hour. If at the end of that time there is still business to transact, Members can vote for further time (in periods of half an hour), or the remaining business will be considered either at the next ordinary meeting or at a time and date fixed by the Chair. This will not be later than seven clear days after the date of the adjournment.

### **3.1.13 Questions by Members**

A Member may give notice that they wish to ask the Mayor, Leader or the Chair of any Committee a question at full Council subject to the following rules:

- (i) The question must be in relation to a matter in which the Council has powers or duties, or which affects the Borough.
- (ii) Notice in writing of any question must be given to the Proper Officer no later than 4.30pm on the Monday of the week before the meeting.
- (iii) There shall be a limit of two questions per member at any one meeting;
- (iv) With the permission of the Mayor, a member may put to the Leader or the Chair of any Committee any question relating to urgent business, of which the notice in (i) above has not been given, but a copy of any such question

shall be delivered to the Proper Officer not later than 11am on the day of the meeting;

- (v) Questions will be placed on the agenda in order of receipt by the Proper Officer and will be dealt with on that chronological basis at the meeting.

Every question shall be put orally and answered orally without discussion and this agenda item will be limited to a maximum of 30 minutes.

Supplementary questions may be allowed at the Mayor's discretion but must be short and succinct and relate to the original question.

An answer may take the form of:-

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

If a Member who has given notice of a question is not present at the Meeting at the appropriate time, the question shall not be asked. The Member can re-submit notice of the question at the appropriate time for the next meeting.

### **3.1.14 Motions with notice \***

#### **3.1.14.1 Notice of motions**

With the exception of motions which can be moved without notice, written notice of every motion, signed or forwarded by email by a proposer and seconder (or appropriate number of Members if the motion is submitted pursuant to Council procedure rule 3.1.20), must be given to the proper officer not later than 4.30pm on the Friday before the agenda is dispatched. These will be recorded and open to public inspection.

No more than two motions submitted by Members will be listed on the agenda for debate per meeting. Motions will be listed on the agenda in order of receipt. Once two motions have been received by the proper officer for a meeting, no further motions may be submitted until the close of that meeting. Motions will remain on agendas unless the Member giving notice states in writing that they wish to withdraw the motion or move it to a later meeting.

The Mayor may agree to late motions being added to the agenda, in addition to the maximum of two that have been accepted for debate, where they are of the opinion they are urgent.

No motions will be accepted, subject to the Mayor's discretion in respect of urgent matters, at key budget decision meetings. The latter are defined as the budget setting meeting and the meeting setting the Council's fees and charges.

#### **3.1.14.2 Treatment of motions**

Motions submitted by Members will be limited to a maximum of 30 minutes' debate for each motion.

If a motion set out on the agenda is not moved at the meeting, either by the Member that gave the notice or another Member, it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

If the subject falls within the terms of reference of another meeting it may, upon being moved and seconded, be referred without discussion to the meeting as the Council determines, for consideration and report. Alternatively, the Mayor can decide that the motion can be considered at the Council meeting.

#### **3.1.14.3 Subject of motions**

Motions must be about matters which the Council has responsibility for or which affect the borough.

Motions may seek to set a tone or general direction for future more detailed policy development work by the appropriate Council committees, or to provide an initial stimulus to that work, but the wording of a motion or an amendment must not be such that it could be interpreted as circumventing or seeking to circumvent the Council's constitutional decision-making processes.

Motions with the potential for budgetary or significant policy implications should request the relevant Committee to undertake the work necessary for a properly evidenced decision to be taken.

The monitoring officer will review the wording of all motions submitted and, in consultation with the Mayor, may if necessary reject a motion on the basis that its wording is in breach of this rule or that it is otherwise out of order, illegal, irregular or improper.

The monitoring officer will work with the Member who wishes to propose the motion to bring the wording into compliance with this rule in a way which is acceptable both to the Member and to the Mayor and monitoring officer, provided this can be completed before the deadline for the submission of motions. Where the Mayor is of the view that it would be helpful, any of the Council's statutory chief officers may append a concise note to a motion or amendment setting out any budgetary or other significant implications.

In the event that no agreement on wording can be reached and the motion is formally rejected by the monitoring officer in consultation with the Mayor, the monitoring officer will advise the member in writing of the reasons for this



decision and submit a report of the decision to the next council meeting. This report will be noted without discussion.

In the event that a motion seeking to set a tone or general direction for, or to provide initial stimulus to, future policy development work is moved and seconded but not carried when put to the vote, this will in no way prevent the Policy and Resources Committee or any relevant committee from working to develop policy along the lines proposed in the motion. In general the rejection of a motion at full Council will have no bearing on the future work of the Council or any committee (but refer to Rule 3.1.20.2 for the bearing it can have on future motions).

#### **3.1.14.4 Motion to Remove the Leader**

The Leader may be removed from office by resolution of the Council on the basis of a motion signed by five Members of the Council and included on the agenda for a Council Meeting.

Such motion must be given in writing to the Proper Officer at least 14 days prior to the relevant meeting and shall indicate the reasons for the motion. The motion shall take precedence over any other item of business.

If the Council passes a resolution to remove the Leader, a new Leader is to be elected:-

- (a) at the meeting at which the Leader is removed from office, or
- (b) at a subsequent meeting.

In the interim, the Deputy Leader must act in the Leader's place unless the Deputy Leader is unable to act.

#### **3.1.15 Motions without Notice**

The following Motions and amendments may be moved without notice:-

- (1) Appointment of a Chair of the meeting at which the Motion is moved.
- (2) Motions relating to the accuracy of the Minutes.
- (3) To change the order of business on the Agenda.
- (4) To refer something to an appropriate body or individual.
- (5) To receive reports or adopt recommendations of Committees, Groups or officers and any resolutions following from them.
- (6) That a Motion be withdrawn.
- (7) That the Council proceed to the next business.

- (8) That the question be now put.
- (9) That the debate be now adjourned.
- (10) That the Council do now adjourn.
- (11) That the Council continue its business.
- (12) Suspending Standing Orders (Procedure Rules), in accordance with Council Procedure Rule No. 3.1.30.
- (13) Motion to exclude the press and public from Meetings.
- (14) That a Member named be not further heard or be able to leave the Meeting.
- (15) By the Mayor under Procedure Rule 3.1.23 that a Member leaves the meeting;
- (16) A Motion under Section 100A(4) of the Local Government Act 1972, as amended, to exclude the press and public;
- (17) A request by any for the Policy and Resources Committee to review an existing policy or suggest a new policy by way of a motion (note: A policy shall not be re-considered by the Policy and Resources Committee within two years or before its built in review period, unless by resolution of the Full Council or as required by a change in legislation or national guidance;
- (18) A member may move, without comment, the following motions at the conclusion of a speech of another Member:
  - (a) to proceed to the next business;
  - (b) that the question be now put;
  - (c) to adjourn a debate;
  - (d) to adjourn a meeting.
  - (i) if a Motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, they will give the mover of the original Motion a right of reply, and then put the Motion to the vote and proceed to the next business;
  - (ii) if a Motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, they will put the Motion that the question be now put to the vote and if it is passed, will then give the mover of the original Motion their right of reply under Rule 3.1.16.7 of these Procedure Rules before putting their Motion to the vote;
  - (iii) if a Motion to adjourn the debate or the meeting is seconded and the Mayor thinks that the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they shall put the adjournment Motion to the vote without giving the mover of the original Motion their right of reply.

When a Motion in any of the terms in Rule 3.1.15 (18) has been moved, no further Motion in any of those terms shall be allowed in the course of the debate on the same matter within fifteen minutes unless in the opinion of the Mayor the circumstances have materially altered.

(19) Request an item for noting is discussed.

### **3.1.16 Rules of Debate \***

A Motion or amendment shall not be discussed unless it has been proposed and seconded, and unless Notice has already been given in accordance with Procedure Rule 3.1.15 it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.

#### **3.1.16.1 Seconders's Speech**

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

#### **3.1.16.2 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order (see Rules 3.1.16.8 and 3.1.16.9). No speech may exceed three minutes without the consent of the Mayor, provided that in moving a Motion of which Notice in accordance has been given, a Member may speak for not exceeding five minutes.

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

A Member who has spoken on any 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) if the Motion has been amended since they last spoke, to move a further amendment;
- (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;
- (f) by way of personal explanation.

#### **3.1.16.4 Amendments to Motions**

Written notice of every amendment to a motion which has been published in a Council agenda or to a recommendation in a report on a Council agenda, signed or forwarded by email by a proposer and seconder, must be given to the proper officer not later than 4.30pm on the Monday preceding the Council meeting. These will be recorded and open to public inspection.

The Mayor may waive this rule during a Council meeting where it appears to them that allowing an amendment to be proposed and seconded without notice having been given would be conducive to enabling the meeting to articulate a common position on the matter under debate.

An amendment shall 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 other words; or
- (d) to insert or add words.

as long as the effect of (b) to (d) is not to negate the motion. This paragraph applies only to amendments to motions, and not to amendments to recommendations contained in reports.

The wording of an amendment must not be such that it could be interpreted as circumventing or seeking to circumvent the Council's constitutional decision-making processes. This rule is described more fully in Rule 3.1.14.3.

Notice of amendments to the budget are to be given in the same way as notice of other amendments. The rules on the wording of amendments set out in Council procedure rule 3.1.14.3 do not apply to budget amendments, but in proposing any changes to the budget, any amendment must ensure that the proposal achieves a balanced budget.

Amendments will be debated and voted on in the order in which notice was received. The Mayor may waive this rule during the meeting if they believe there are good reasons to do so.

Only one amendment may be moved and debated at a time, and no further amendment shall be moved until the amendment under discussion has been disposed.

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion. This becomes the substantive motion upon which any further amendments are moved, except such as would have the effect of reviving the original motion.

Amendments to recommendations in reports to service committees are dealt with in section 3.1.17 below.

### **3.1.16.5 Alteration of Motion**

A Member may alter a Motion of which they have given notice with the consent of the meeting. The meeting's consent will generally be signified without discussion. Where it appears to be the Mayor that there is significant dissent, they may allow the dissent to be voiced and hold a vote on whether to accept the alteration.

A Member may alter a Motion which they have moved without notice with the consent of both the meeting and seconder. The meeting's consent will generally be signified without discussion. Where it appears to the Mayor that there is significant dissent, they may allow the dissent to be voiced and hold a vote on whether to accept the alteration.

A Member may alter a motion which they have moved without notice with the consent of the meeting and the seconder. The meeting's consent will generally be signified without discussion. Where it appears to the Mayor that there is significant dissent, they may allow the dissent to be voiced and hold a vote on whether to accept the alteration.

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

If requested by any Member, the Mayor shall call upon the Democratic Services Officer to read back any alterations to any Motion.

### **3.1.16.6 Withdrawal of Motion**

A Member may withdraw a Motion or amendment which they have moved with the consent of both the meeting and their seconder. The meeting's consent will be signified without discussion. No Member may speak upon it after the mover has asked permission for its withdrawal, unless permission is refused.

### **3.1.16.7 Right of Reply**

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.

If an amendment is moved, the mover of the original Motion shall also have a right of reply at the close of the debate on the amendment and may not otherwise speak on the amendment.

The mover of the amendment shall have no right of reply to the debate on their amendment.

When an amendment has been carried and a debate ensues on a further amendment, the right of reply to that further amendment shall be exercisable by the mover of the successful amendment, and not by the mover of the original Motion which it has replaced.

A Member exercising a right of reply shall not introduce new matters.

**3.1.16.8 Point of Order**

A Member may raise a point of order at any time. A point of order shall relate only to an alleged breach of a Procedure Rule or the law and the Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor will be final and not open to discussion.

**3.1.16.9 Personal Explanation**

A Member may make a personal explanation at any time. A personal explanation may only be related 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 Mayor will be final and not open to discussion.

**3.1.17 Amendments to report recommendations at service committees including Policy and Resources Committee**

Written notice of every proposed amendment to a recommendation in a report to a service committee, signed or forwarded by email by the proposer, must be given to the proper officer not later than 10.00 am on the day preceding the relevant service committee meeting. These will be recorded and open to public inspection. Committee chairs may waive this rule during meetings in cases in which it appears to them that a proposed amendment would have the committee's support and that any implications arising from the amendment would be de minimis and/or clearly understood prior to the amendment being agreed.

**3.1.18 Leader's Statement \***

At ordinary meetings of the Council (except the Annual Meeting) the Leader shall give an update report. The leader of any group which is not part of the administration may make a statement in response to the Leader's statement, following which any other member may also make a statement, subject to there being sufficient time. Any such statements must be a response to the subject matter raised in the leader's statement. The Leader will then be given an opportunity to respond to any such statements.

The Leader's statement will be a maximum of five minutes. Any opposition group leaders that wish to respond will have a maximum of three minutes. Any other member who wishes to speak will have a maximum of two minutes. The Leader will have a final right of reply at the end of the statement(s) of three minutes. The whole agenda item will have a time limit of 30 minutes.

**3.1.19 Voting**

(1) Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those present and voting at the meeting, by show of hands or electronic voting or, if no dissent, by affirmation of the meeting.

(2) If five councillors present at a Council meeting, three councillors present at a Committee/Panel or two Councillors present at a Sub-Committee 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.

(3) Where immediately after a vote is taken at a meeting and any member so requires, there shall be recorded in the Minutes of the proceedings of that meeting whether that person cast their vote for the question or against the question or whether they abstained from voting. **(This rule cannot be suspended).**

(4) Voting on Appointments: Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and continue until there is a majority of votes for one person. (Please see Rule 3.1.2 regarding voting on nominations for Mayor and Deputy Mayor.)

(5) Voting on decisions relating to the budget or Council Tax: In accordance with the Local Authorities (Standing Orders) (England) Regulations 2010 (as amended) the minutes will record how each member present voted on any decision relating to the budget or Council Tax. **(This rule cannot be suspended).**

(6) If there are equal numbers of votes for and against, the Chair will have a second or casting vote, regardless of whether they have used their first vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

(7) Members must be present in the room for the discussion in order to be able to vote at meetings of the Planning Committee, Licensing Sub-Committee and Standards Sub- Committee.

### **3.1.20 Previous Decisions and Motions**

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

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

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

A Motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of Motion or amendment is signed by at least one third of the whole number of the Council Members. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months.

#### **3.1.21 Minutes**

(i) The Mayor/Chair will ask the meeting if they agree that the minutes of the previous meeting of the Council are correct, and if agreed will sign them as a correct record. The only part of the Minutes that can be discussed is their accuracy.

(ii) There is no requirement to sign the minutes of the previous meeting as a correct record, at an extraordinary meeting, instead those minutes, together with the minutes of the extraordinary meeting, will be considered at the next ordinary meeting. **(This rule cannot be suspended).**

### **3.1.22 Record of Attendance**

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

### **3.1.23 Exclusion of the Public**

Members of the public and the press may only be excluded from the meeting in accordance with the Access to Information Procedure Rules in Part 3.2 of this Constitution or Council Procedure Rule 3.1.25.

If any question arises at a meeting (to which Section 100A (4) of the Local Government Act 1972, as amended, applies) as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be subject to discussion until the meeting has decided whether or not to exclude the press and public.

### **3.1.24 Members' Conduct**

When a Member speaks at full Council, they must normally stand and address the meeting through the Chair. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a Member is speaking unless they wish to make a point of order or personal explanation. Whenever the Mayor rises during a debate, any Member speaking at the time must stop and sit down. The Council shall be silent.

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

If the Member continues to behave improperly after such a motion is carried, the Mayor may move either that the Member leaves the meeting, or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

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

### **3.1.25 Attendance by the Public**



The Chair of a meeting will welcome any members of the public who are present in the public gallery, and remind them that the proceedings are a meeting in public, not a public meeting, and that they are able to observe but not to contribute to the debate.

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

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

#### **3.1.26 Form of Address for Members**

Irrespective of gender, whenever a Member is addressed the title 'Councillor' shall be used, followed only by the relevant surname, unless another form of address is requested by the individual Member concerned.

#### **3.1.27 Recording of Proceedings**

In accordance with The Openness of Local Government Bodies Regulations 2014, any person attending a meeting of the Council is permitted to report on proceedings by way of filming, photographing, the making of an audio recording, or by any other means including social media which enables those persons not present to see or hear proceedings. No oral reporting or oral commentary on a meeting is permitted if the person reporting or providing the commentary is present at the meeting.

The reporting of proceedings must not be undertaken in a disruptive manner, and this could result in expulsion from the meeting room.

The reporting of proceedings is not permitted when the public are excluded from the meeting in accordance with Procedure Rule No. 3.1.23 – Exclusion of the Public.

#### **3.1.28 Vacancies or Resignations from Committees/Panels**

Appointments to Committees/Panels will be agreed by the Annual Council meeting. Any resignations by Members during the year should be given to the Proper Officer. The leader of any group may notify any changes of committee membership to the Proper Officer for approval at the next meeting of Council.

#### **3.1.29 Ad-hoc Groups or Panels**

The Council may set-up groups or panels which shall elect a Chair and Vice- Chair at their first meeting before proceeding to any other business. All business transacted shall be reported back to the appropriate body in accordance with their terms of reference. The group/panel will then be disbanded after it has discharged its terms of reference.

#### **3.1.30 Joint Meetings**

In every case in which a resolution of the Council refers any matter of business to two or more Committees/Panels, the Committee/Panel first named shall take the initiative in inviting the other Committee or Committees interested to a joint meeting, and the report shall be presented by the Chair of the Committee taking the initiative who shall preside at the Joint Meeting. Any Committees/Panels may confer together by mutual agreement on any matter of joint interest.

### **3.1.31 Suspension and Amendment of Council Procedure Rules**

Except where proposed at a meeting of the Council any Motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council.

Subject to the paragraph below, any of the Procedure Rules other than those which are prescribed (as stated) may be suspended so far as regards any business at the meeting where its suspension is moved.

A Motion to suspend Procedure Rules/Standing Orders shall not be moved without Notice unless there shall be present at least one-half of the whole number of the Council.

### **3.1.32 Mayor and Chair's Ruling on Procedure Rules**

(1) The interpretation by the Mayor or Chair of the meeting of any of these Procedure Rules shall be such as not to annul, reverse or substantially alter the intent of any Procedure Rules.

(2) All disputes relating to the correct interpretation of any of these Procedure Rules shall be resolved by a ruling from the Mayor or the Chair of the meeting after open consultation with the Monitoring Officer or their delegated representative. The Mayor's or Chair's ruling shall be final.

### **3.1.33 Deputations and Petitions**

Every deputation wishing to be received by the Council, a Committee, Sub-committee Panel or Group shall give reasonable notice in writing (including email) to Democratic Services.

The Council or other specified body shall decide whether such deputation shall be received and, if so, whether at that or a subsequent meeting.

The notice of deputation shall state the nature and objects of the deputation which must relate to local government matters concerning the Borough.

No deputation shall exceed six in number and except with the express consent of the Mayor or Chair, no more than two Members may address the meeting, except in reply to questions put by Members. The total time allowed for a deputation to address the meeting, other than time allowed for questions, shall not exceed 15 minutes.

The Council has agreed a Petitions Scheme. This sets out procedures regarding petitions received by the Council, both paper petitions and those submitted electronically via the petition scheme. The Scheme is attached as Appendix 1 to these rules.

### **3.1.34 Public Questions at Council \***

Members of the public may ask questions of Committee Chair at ordinary meetings of the Council, subject to the question being put in writing (including email) to Democratic Services no later than 4.30 pm on the Wednesday the week before the day of the meeting. Each question must give the name and address of the questioner and must name the Member to whom it is to be put.

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

At any one meeting no person may submit more than two questions and no more than two questions may be asked on the same topic.

The Monitoring Officer may reject a question if it:

- (i) is not about a matter for which the Local Authority has a responsibility or which affects the Borough within the context of the power of “wellbeing”;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (iv) requires the disclosure of confidential or exempt information.

Each question will be open to public inspection and Democratic Services will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner’s behalf, indicating that a written reply will be given or decide, in the absence of the questioner, that the question will not be taken.

A questioner who has put a question in person may also put one supplementary question, without notice, with a three minute time limit for the question and answer, to the Member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds that the Monitoring Officer can, as set out above.

Every question shall be put and answered without discussion and this agenda item will be limited to a maximum of 30 minutes.

Any question which cannot be answered during public session, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be answered by a written reply.

Unless the Chair 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 any Committee, Sub-Committee, Forum, Group or Panel as appropriate. Once seconded, such a Motion will be voted on without discussion.

### **3.1.35 Application to Committees etc.**

The rules apply to Council and/or Committee meetings except for Rules 3.1.1, 3.1.2, 3.1.3, 3.1.14, 3.1.16, 3.1.18 and 3.1.34 which are marked \*. Where they apply to Committees, references to the Mayor should be interpreted as references to the Chair. There are separate additional procedure rules which apply to certain Committees, as set out in the rules below and in the appendices to this part of the Constitution.

### **3.1.36 Licensing Committee**

Members of the public will have the opportunity to speak at meetings of the Licensing Committee, in accordance with the procedure set out below:

Anyone wishing to present a petition (related to an item included on the agenda) or speak on an application or item which is due to be considered at a meeting of the Licensing Committee is required to register with the Democratic Services by noon on the day before the meeting.

Only one person will be allowed to speak in each of the following categories. The right to speak will be allocated within the categories on a “first come first served” basis: -

- (a) Applicant
- (b) Objector

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers.

Members of the public who have registered to speak will be invited to do so in the order set out above for each application, and will have a maximum of three minutes to make their statement.

The right to speak does not give the opportunity to ask questions or participate in the Committee’s decision and determination of a Licensing application.

In respect of meetings that consider matters regarding Hackney Carriage and Private Hire Vehicles, members of the public may speak for a maximum of three minutes in respect of an agenda item. (Members of the trade also get the opportunity to give their views at Liaison meetings which are facilitated by the Council).

### **3.1.37 Swale Joint Transportation Board**

Members of the public will have the opportunity to speak at meetings of the Swale Joint Transportation Board in accordance with the procedure set out below.

Anyone wishing to present a petition (related to an item included on the agenda) or speak on an application or item which is due to be considered at a meeting of the Swale Joint Transportation Board is required to register with Democratic Services by noon on the day before the meeting.

In the case of the Swale Joint Transportation Board, only two people will be allowed to speak on each item and each person is limited to asking two questions. Questions that have not been submitted in accordance with the procedure above will not be accepted.

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers.

Members of the public who have registered to speak will be invited to do so by the Chair at the appropriate time and will have a maximum of three minutes to make their statement. The right to speak does not give the opportunity to ask questions or participate in the Board's decision and determination of an agenda item.

### **3.1.38 Area Committees**

At the start of each area committee meeting there will be a 20-minute session (which may be extended or reduced as necessary at the chair's discretion) for members of the public to ask relevant questions and make relevant comments to the committee. Questions will be for the chair to answer, but the chair will have discretion to invite other Members to contribute.

The chair will have discretion to invite comments from members of the public on any items while they are being discussed at meetings of the area committee.

### **3.1.39 Planning Committee Procedure Opening the meeting**

3.1.39.1. The Chair will introduce themselves and explain that this is a Planning Committee meeting to be conducted in accordance with the Council's Constitution (including the Procedure Rules) which is available on the Council's Website.

3.1.39.2. The Chair will remind those present that the meeting determines the rights and obligations of the applicant. They will remind Members that they should not vote according to party lines but must consider each application and everything that is said

in the meeting concerning the application, and then make their decision based solely on their planning judgment of the information available to them.

3.1.39.3. The Chair will also explain that following a decision by Members, delegated authority is given to the planning officer to issue the decision notice. Planning permission is not granted until the issue of the decision notice. All the application documents are published on the internet and the decision notice will be published in due course.

3.1.39.4. The Chair will explain the role of, and introduce, any visiting Members. Any Member who is not a Member of the Planning Committee may attend as a visiting Member and may speak, provided s/he gives prior notification to the Chair. Such visiting Members may include ward Members. The Chair will explain that these visiting Members can speak on an application but cannot vote.

3.1.39.5. The Chair will welcome any members of the public who are registered to speak on any item.

3.1.39.6. Any substitute Members will be introduced by name and it will be explained that when acting as a substitute on the Planning Committee the substitute Member must also have undertaken appropriate training.

3.1.39.7. The Chair will invite any declarations of disclosable pecuniary or disclosable non-pecuniary interests. The Chair will remind the meeting that where it is possible that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that a Member might be predetermined or biased on any agenda item, the Member should declare this possibility. The Member may speak on the item as a visiting member and then leave the room while that item is considered. The Chair will invite any such declarations.

3.1.39.8. The Chair will remind the meeting that, Members must remain in the meeting for the whole time from the announcement of the item by the Chair through to the resolution of the Planning Committee and should not vote on that item unless they have done so.

3.1.39.9. The Chair will explain that the meeting will follow the order set out in the agenda, except where there is good reason to do otherwise. In particular, the Chair will explain that the Committee will take any items where a member of the public has registered to speak first, before moving on to the remainder of the agenda, and where this is relevant they will verbally re-order the agenda as appropriate.

#### Pre-Meeting Questions

3.1.39.10. Planning Committee members are invited to put forward questions of clarification of the facts of the case or matters of law to officers in advance of the Planning Committee. It is requested that these questions should be presented to the Officers by Noon on the third working day before the actual meeting e.g. Noon on the Monday before the Thursday Planning Committee. Officer's will ensure responses are made available to those questions by Noon the day before the Planning

Committee and that the questions and responses will be circulated to all Members of the Planning Committee that afternoon and tabled at the meeting. Any urgent clarification questions to be put at the Planning Committee meeting will be at the Chair's discretion. Introducing and debating each agenda item.

### Public Participation General

3.1.39.11. Members of the public will have the opportunity to speak at meetings of the Planning Committee in accordance with the procedure set out below:

Anyone wishing to present a petition (related to an item included on the agenda) or speak on an application or item which is due to be considered at a meeting of the Planning Committee, including deferred items, are required to register with Democratic Services by noon on the day before the meeting. In the case of the Planning Committee, only one person will be allowed to speak in each of the following categories. The right to speak will be allocated within the categories on a "first come first served" basis: -

- (a) Parish or Town Council representative of the parish in which the application is situated
- (b) Parish or Town Council representative of any other parish affected by the application
- (c) Supporter
- (d) Objector
- (e) Applicant or Agent

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers.

Members of the public who have registered to speak will be invited to do so in the order set out above for each application, and will have a maximum of three minutes to make their statement.

The right to speak does not give the opportunity to ask questions or participate in the Committee's decision and determination of an agenda item or Planning application.

### Agenda Items

3.1.39.12. The Chair will introduce each item, setting out the agenda item number, the planning application number and the location.

3.1.39.13. The Chair will remind any Members who have disclosed a pecuniary interest or declared the possibility of predetermination or bias on the item at hand that they must leave the room while that item is considered and must not speak or vote on that item. Members who have disclosed a non-pecuniary interest in an item may remain in the room and may speak and vote.

3.1.39.14. The Chair will then invite the Planning Officer to summarise the item. If the Chair has not stated the agenda item number, the planning application number and the location then the Planning Officer will do so. The Planning Officer will provide a verbal summary of the application, outlining its main proposals. Where relevant the Planning Officer will also provide any necessary verbal updates to the Committee report and reference to any pre-Committee questions put forward by Planning Committee members and the responses from officers (See para 3.1.39.10).

3.1.39.15. The Chair will then invite any members of the public who have registered to speak to do so in accordance with the public participation rules.

3.1.39.16. The Chair will then move the officer recommendation, a seconder will be found and the debate will open.

3.1.39.17. The Chair will first invite the visiting member(s) and any Committee members acting as Ward Member(s) for this item, if present, to speak, reminding them that they will have a maximum of three minutes to make their representation.

3.1.39.18. The Chair will then open the debate to the Planning Committee members. The Chair will remind the meeting that any Member wishing to speak on the item should do so by presenting their views without repeating any questions already dealt with through pre-committee clarification questions and responses, ensuring that their views are presented concisely and without repetition of any points previously made by Members and ensuring their views focus on the material planning considerations involved.

3.1.39.19. The Chair can, at their discretion, refer technical or legal issues arising during the debate to relevant officers to respond as required during the discussion of the item.

#### Voting on each agenda item

3.1.39.20. When a vote is taken, the Democratic Services Officer will make a note of the number of votes for and against and the number of abstentions. If this is unclear, the meeting will wait until the Democratic Services Officer is satisfied that the vote is clear.

#### Where the vote is in accordance with the officer recommendation

3.1.39.21. If the vote follows the officer recommendation to approve the application for the reasons given in the report then planning permission will be granted subject to the issue of the decision notice.

3.1.39.22. If the vote follows the officer recommendation to refuse the application for the reasons given in the report then planning permission will be refused subject to the issue of the decision notice.

#### Where the vote does not follow the officer recommendation to approve



3.1.39.23. If the vote does not follow the officer recommendation to approve then:

- a. the Chair will invite the Head of Planning to request the Committee to consider if the application should be deferred to the next meeting of the Committee.
- b. If the decision is not deferred to a future meeting, a further motion must be made to refuse the application. Before voting on this new motion:
  - i. The Chair will give the planning officer the opportunity to explain the implications of any decision contrary to their recommendation.
  - ii. The Chair will remind the meeting that the courts have expressed the view that the Committee's reasons for refusal should be clear and convincing, capable of articulation and open to public scrutiny and be material planning reasons. The precise wording of the reasons for refusal must be clearly defined before the Committee votes on the motion. The Chair will propose a short adjournment of the meeting to allow officers to draft the framework wording rather than leaving the reasons to the officers to draft following the meeting, and to provide delegated authority to the Head of Planning to make any necessary detailed wording changes. A detailed minute of the Planning Committee's reasons (which should be full, clear and relate to material planning considerations) should be made by the Democratic Services Officer and a copy placed on the application file.

If the vote is passed then planning permission will be refused subject to the issue of the decision notice.

Where the vote does not follow the officer recommendation to refuse

3.1.39.24. If the vote does not follow the officer recommendation to refuse for the reasons given in the report, the Chair will invite the Head of Planning to request the Committee to consider if the application should be deferred. If the decision is not deferred to a future meeting:

- a. A further motion must be made to approve the application with delegated authority given to the Head of Planning to impose suitable conditions;
- b. If the vote is passed then planning permission will be approved subject to the issue of the decision notice.

Clarity on the outcome of the voting

3.1.39.25. The outcome of the voting will be announced by the Chair before moving on to the next item. If the Chair fails to do this then the Head of Planning will step in and announce the outcome.

Debating motions to undertake a site visit or defer the item

3.1.39.26. If during the debate on an item a motion is moved to undertake a site visit or to defer the item to a future meeting then a seconder for this motion will be sought and any further debate will be to this new proposal rather than the substantive motion. The new motion will be voted upon following the debate. If this motion is defeated, a further vote will be taken on the substantive motion.