

## **CHAPTER 4 – RULES**

### **PART 1 - COUNCIL RULES**

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

### **1.1 Timing and business**

In a year when there is an election of all Councillors, the annual meeting will take place within 25 days of the election. In any other year, the annual meeting shall take place in May.

The annual meeting shall:

- elect a person to chair the meeting if the Mayor is not present;
- elect the Mayor;
- elect the Deputy Mayor;
- approve the record of the last annual meeting;
- hear any announcements from the Mayor;
- elect the Leader;
- appoint members of the Overview and Scrutiny Committees, a Standards Committee and other Council Committees;
- make appointments of Councillors to outside bodies;
- agree any amendments to the scheme of delegation relating to Council functions;
- approve a programme of ordinary meetings for the year ahead;
- consider any other business set out in the agenda, if any.

### **1.2 Selection of Councillors on Committees and outside bodies**

At the annual meeting, the Council meeting will:

- decide which Committees to establish for the municipal year;
- decide the size and terms of reference for those Committees;
- decide the allocation of seats to political groups in accordance with the political balance rules;
- appoint to those Committees and outside bodies.

## **2. RULE 2 - ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The normal order of business at meetings will be to:

- elect a person to chair the meeting if the Mayor and Deputy Mayor are not present;
- approve the record of the last meeting;
- apologies for absence;
- receive any declarations of interest from members;
- hear any announcements from the Mayor or the Leader;
- receive and refer petitions (see section 19 of chapter 4 part 5 (Overview and scrutiny rules) for procedure for handling petitions);
- take and answer questions for up to 30 minutes from local people about Council business or issues of importance to Medway;
- receive and debate for up to 35 minutes, a report from the Leader of the Council;
- receive and debate for up to 25 minutes a report on overview and scrutiny activity;
- take and answer questions on notice from members for up to 20 minutes;
- decide any issues referred to the Council because they are outside the budget or policy framework;
- decide any matter referred to the Council from the Cabinet dealing with the budget and/or the policy framework;
- debate reports from overview and scrutiny Committees;
- debate motions about the social, economic or environmental well-being of Medway.

## **3. RULE 3 - SPECIAL MEETINGS**

### **3.1 Calling special meetings**

Those listed below may request a special Council meeting:

- the Mayor;
- the Chief Executive;

- any five members of the Council notifying the Chief Executive

### **3.2 Business**

The business of a special Council meeting may be any or all of the items set out in the order of business for ordinary meetings.

## **4. RULE 4 - AGENDA**

The Chief Executive will publish the time and place of Council meetings in accordance with the access to information rules, and will send every member of the Council an agenda at least five working days before the meeting. The agenda will give the date, time and place of the meeting and list the business to be dealt with. Any reports that are ready will be sent at the same time.

## **5. RULE 5 - ROLE OF THE CHAIR OF MEETING**

The chair of the meeting will manage the business of the meeting and ensure the time limits are observed. He or she shall try to ensure all points of view are heard, but balance this obligation with the need to ensure business is dealt with in a timely manner. The chair of the meeting may limit the number of speakers in any debate at his/her full discretion. The chair of the meeting's decisions on who is to speak and how the debate is to be conducted are final.

## **6. RULE 6 - MINIMUM ATTENDANCE**

The minimum number of members who must be present for the meeting to proceed shall be one quarter of the membership, all figures to be rounded up to the nearest whole number. During any meeting, if the minimum number is not present, the meeting will adjourn immediately. The remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **7. RULE 7 - QUESTIONS BY THE PUBLIC**

### **7.1 General**

Members of the public may ask questions of members of the Cabinet, or of chairs of Committees, at ordinary meetings of the Council.

### **7.2 Notice of questions**

A question may be asked if notice has been given in writing, or by electronic mail, to the Chief Executive by midday seven working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

### **7.3 Number of questions**

At any one meeting no person may submit more than two questions and no more than two questions may be asked on behalf of one organisation. Members of the public who have not submitted questions before will be given priority over those who have, and second questions will only be dealt with when all first questions have been dealt with. Any questions that have not been dealt with within the time limits will receive a written reply after the meeting.

### **7.4 Scope of questions**

The Chief Executive may reject a question if it:

- is not about a matter for which the Council has responsibility or which does not affect the area;
- is frivolous, defamatory, offensive, racist, sexist, homophobic or otherwise improper;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information.

### **7.5 Record of questions**

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is put. Rejected questions will include reasons for rejection. If the question has been rejected because it is considered frivolous, defamatory, offensive, racist, sexist, homophobic or otherwise improper then only the fact that a question was received and that it was considered so, will be entered.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

### **7.6 Asking the question at the meeting**

The Mayor will invite the questioner to put the question to the member named. If a questioner who has submitted a question is unable to be present, the question will be circulated in writing if it is not on the agenda. The person to whom the question has been put will normally answer the question verbally after the question has been put.

The questioner is entitled to put one short supplementary question and have one supplementary reply.

## **8. RULE 8 - QUESTIONS BY MEMBERS**

### **8.1 Questions on notice**

A member of the Council may ask a question with notice on matters to do with their Council responsibilities to:

- the Leader;
- a member of the Cabinet;
- the chair of any Committee or Sub-Committee.

The questioner is entitled to put one short (up to one minute) supplementary question and have one supplementary reply.

### **8.2 Notice of questions**

A member may only ask a question under Rule 8.1 if either:

- (a) they have given at least seven working days notice in writing or by electronic mail, of the question to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Chief Executive by noon on the day of the meeting.

### **8.3 Response**

An answer may take the form of:

- (a) a direct verbal answer;
- (b) where the desired information is in a publication of the Council or other published source, a reference to that source;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner, including the reason for the inconvenience.

## **9. RULE 9 - MOTIONS**

9.1 There are two types of motions:

- (a) those relating to the smooth running of the meeting's business (for example to introduce the Leader's report, to amend or withdraw an item, to propose a move to next business, or a variation in the order of agenda), which do not require notice;
- (b) those that involve a debate relating to the Council's responsibilities, or the social, economic and environmental well-being of the area ,

which do require notice, may be amended without notice at the meeting, but the Mayor may require all amendments to be provided in writing.

- 9.2 Motions that require notice must be signed by at least one member of the Council and delivered to the Chief Executive seven working days before the date of the meeting. These will be entered in a book open to public inspection and listed on the agenda.

## **10. RULE 10 - RULES OF DEBATE**

The following rules relate to any debate at Council or Committee meetings.

### **10.1 Conduct of debate**

- 10.1.1 Each item must be introduced (moved) by a proposer, and supported by one other person (a seconder) before it is debated further. The person introducing the item may speak for up to five minutes. All other speakers may speak for up to three minutes.
- 10.1.2 The supporter may choose to speak later, and in particular may choose to reply to the debate, but shall nevertheless indicate their support immediately after the proposer has spoken.
- 10.1.3 No speaker except the proposer may speak more than once on an item and once on any amendment to an item.
- 10.1.4 The debate may be interrupted by a member rising to his or her feet:
- Either to seek the Mayor's interpretation of these rules (a point of order) in which case the ruling of the Mayor will be final;
  - To give a short personal explanation of something he/she has already said (a point of personal explanation).
- 10.1.5 All speakers must address the issue under debate.
- 10.1.6 Members must remain quiet while a member is speaking unless they wish to make a point of order or a point of personal explanation.
- 10.1.7 When the Mayor stands during a debate, any member speaking at the time must stop and sit down, and all others present at the meeting must then be silent.
- 10.1.8 The Leader may speak for up to 10 minutes in introducing the Leader's report and will have up to five minutes at the end of the debate in which to reply to the debate.

## **10.2 Disturbance of meetings**

10.2.1 If a member persistently disregards the ruling of the Mayor by behaving improperly, offensively or deliberately obstructing business, the Mayor may propose that the member be silenced for that item. If seconded, this will be voted on without discussion.

10.2.2. Member to leave the meeting

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

10.2.3. General disturbance

If there is a general disturbance involving members of the public and/or members of the Council, making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

10.2.4 Removal of a member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor may 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 call for that part to be cleared.

## **10.3 Amendments**

10.3.1 An amendment to a motion must be relevant.

10.3.2 Only one amendment may be moved and discussed at any one time.

10.3.3 If an amendment is carried, the amended motion takes the place of the original motion and further amendments to it may be moved.

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

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

## **10.4 Alteration of motion**

- 10.4.1 A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 10.4.2 A member may alter or withdraw a motion that he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

## **10.5 Right of reply**

- 10.5.1 The proposer of a motion has a right to reply at the end of the debate on that motion, immediately before it is put to the vote; or may instead give the right of reply to the seconder, providing the seconder has not already spoken.
- 10.5.2 The mover of the amendment has the right of reply at the end of the debate on his or her amendment.
- 10.5.3 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.

## **10.6. Closure motions**

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

- (i) to go to next business (10.6.1 refers);
- (ii) that the vote be taken (10.6.2 refers);
- (iii) to adjourn a debate (10.6.3 refers);
- (iv) to adjourn a meeting (10.6.3 refers).

### **10.6.1 Motion to go to next business**

If a motion to go to next business is seconded and the Mayor thinks the item has been discussed adequately, he or she will give the mover of the current motion or amendment only a right to speak, and then put the procedural motion to the vote. If agreed the meeting will move to the next item of business immediately.

### **10.6.2 Motion that the vote be taken**

If a motion that the question be decided now is seconded and the Mayor thinks the item has been discussed adequately, he/she will put the procedural motion to the vote immediately. If it is passed he/she will give the mover of the current motion and/or the amendment a right to speak before putting his/her motion to the vote.

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

If a motion to adjourn the debate, or to adjourn the meeting, is seconded and the Mayor thinks the item has not been discussed adequately and cannot be reasonably discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## 11. **RULE 11 - VOTING**

### 11.1 **Majority**

Unless this constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### 11.2 **Mayor's casting vote**

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

### 11.3 **Show of hands**

The Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting unless a recorded vote is called for by at least six members.

### 11.4 **Recorded vote**

If six members present at the meeting stand and 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 record of the meeting.

### 11.5 **Right for individual vote to be recorded**

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

### 11.6 **Voting on appointments**

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

## 12. **RULE 12 - RECORD OF THE MEETING**

12.1 A record of each meeting will be made that summarises the issues discussed, and records accurately all the decisions that were taken. This record will be published in accordance with the access to information rules

later in this chapter.

- 12.2 The Mayor will sign the record of the meeting at the next suitable meeting, with the agreement of the members of that meeting. The only issue that can be discussed and potentially amended is the accuracy of the record.
- 12.3 There is no requirement for the record of a meeting to be agreed at the next meeting if it is a special meeting. The record can be held over for agreement to the next ordinary meeting instead.

### **13. RULE 13 - RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting shall sign their names on the attendance record before the end of the meeting.

### **14. RULE 14 - EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the access to information rules later in this chapter or rule 10.2.4. (removal of a member of the public) above.

### **15. RULE 15 - SUSPENSION AND AMENDMENT OF COUNCIL RULES**

#### **15.1 Suspension**

All of these Council rules may be suspended by agreement if at least one half of the whole number of members of the meeting are present. Suspension can only be for the duration of the meeting.

#### **15.2 Amendment to Council rules**

Any motion to add to, change or withdraw these Council rules will, when proposed and seconded, be taken forward without discussion to the next ordinary meeting of the Council.

### **16. RULE 16 - APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council rules apply equally to meetings of Committees, except in the case of rules 1-3 (Council meetings), rules 7 and 8 (public questions and members' questions) which only apply to Council meetings.

### **17. RULE 17 - APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

- 17.1 All members of the Council except for the Cabinet may serve as substitute members of a Committee or Sub-Committee, in the absence of the appointed member. Members of the cabinet may serve as substitutes on the regulatory Committees.
- 17.2 The political parties shall substitute no more than one-half of their members at any Committee or Sub-Committee (all figures to be rounded up to the nearest whole number).

- 17.3 The substitute member shall:
- (a) be from the same political group as the member who is unable to attend the meeting;
  - (b) not substitute for more than one member;
  - (c) not be a member of the Committee or Sub-Committee already.
- 17.4 Subject to any legal limits, a substitute member may attend, speak and vote as a member of the Committee or Sub-Committee at the meeting.
- 17.5 This shall not apply to any reconvened meetings of quasi-judicial bodies including the following:
- Employment Appeals
  - Licensing and Safety Committee
  - Housing Benefit Review Board
  - Appointments Committee
  - Council Tax Review Board
  - Social Services Adoption Panel
  - Social Services Complaints Review Panel
  - School Transport and Curriculum Appeals
  - Special Education Needs Review Panels
- 17.6 If the appointed member attends the meeting when he or she has already been substituted, he or she may not attend as a member of the Committee.
- 17.7 There shall be no substitution on Cabinet, Standards Committee or area Committees, with the exception of a named substitute for the parish Council representatives on the Standards Committee.
- 17.8 Where acting as a substitute for a particular Committee requires training, members will have undergone the necessary training programme or activity.
- 17.9 Rules 17.2, 17.3 and 17.6 are waived in respect of Licensing Hearing Panels, provided always that only members of the Licensing and Safety Committee may act as substitutes on Licensing Hearing Panels.
- 18. RULE 18 - ASSISTANTS FOR POLITICAL GROUPS**
- 181 No appointment shall be made to a post established by the Council pursuant to Section 9 of the Local Government and Housing Act 1989 (assistants for political groups) (referred to in this Council rule as a “political assistant”) until

the Council has allocated a political assistant post to each of the political groups which qualify for one under that section.

- 18.2 No political assistant post shall be allocated by the Council to a political group which does not qualify for one under section 9 of the Local Government and Housing Act 1989.
- 18.3 No political group shall be allocated more than one political assistant post.

#### **19. RULE 19 – NOMINATION OF MAYOR AND DEPUTY MAYOR**

- 19.1 Each political group as constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 shall be credited on the 1 January every year with a number of points equivalent to the number of members of the Council within that group. The term "political group" shall include an individual independent member of any group of independent members agreeing to be grouped for this purpose.
- 19.2 A report setting out the outcome of the calculations in accordance with the scheme shall be submitted to the first meeting of the Council after 1 January each year.
- 19.3 The political group with the highest number of points after the process described in paragraph 19.1 shall be invited to nominate a candidate for the Mayoralty in the ensuing year and shall, at the second ordinary Council meeting following such qualification, accept or decline the nomination.
- 19.4 In the event that two or more political groups have the same number of points and no agreement is reached between them as to which group shall have the right to nominate a candidate for the Mayoralty, the matter will be referred to Council for decision.
- 19.5 The formal procedure of election of that candidate as Mayor will take place at the annual meeting.
- 19.6 The political group nominating a candidate for the Mayor shall also have the right to nominate a candidate for Deputy Mayor.
- 19.7 In the event of any party having the right to nominate the Mayor for the ensuing year declining to do so, that party shall nevertheless be deemed to have exercised its right and its points shall be adjusted accordingly.
- 19.8 Any party not having been represented on the Council for a continuous period of 15 months or more shall be eliminated from the points system.
- 19.9 The political group entitled to the Mayoralty shall be debited on 1 January with a number of points equivalent to the whole number of members of the Council.