

Appendix 3 - Council Procedure Rules

STANDING ORDERS OF THE COUNTY COUNCIL

1. Annual Meeting

- 1.1 The Annual Meeting of Council will be held at 2.00 pm on the third or fourth Wednesday in May each year, as Council may decide.
- 1.2 The election of the Chairman of the Council shall be the first item of business at the Annual Meeting of Council.

2. General Meetings

- 2.1 Ordinary Council Meetings will take place in accordance with the programme of meetings decided at the Annual Meeting of Council. All meetings will be held at County Hall, Matlock, commencing at 2 pm or such other suitable time and venue agreed by the Chairman,.
- 2.2 The Chairman may cancel a scheduled Council Meeting due to lack of business or in exceptional circumstances after consultation with the Leader of the Council and the Leader of the Main Minority Group.

3. Extraordinary meetings

- 3.1 An extraordinary Council Meeting may be called by:
 - (a) the Council by resolution;
 - (b) the Chairman at any time;
 - (c) the Head of Paid Service, Chief Finance Officer or Monitoring Officer; or
 - (d) any five members of council if they have signed a requisition presented to the Chairman and the Chairman has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- 3.2 The agenda for an extraordinary meeting will specify the matters that the meeting will deal with. Petitions and questions will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

4. Order of business at ordinary meetings

- 4.1 The order of business at the Council Meeting will be as follows:

- (a) If necessary, the appointment of a chair for the meeting in the absence of the Chairman of the Council
- (b) Apologies
- (c) Declarations of interests
- (d) Chairman's announcements
- (e) Minutes of the previous meeting
- (f) Presentations
- (g) Report of the Leader of the Council and Members' Questions on the report
- (h) Questions submitted by the public
- (i) Petitions
- (j) Reports of officers, with items for decision taken first and items for noting second
- (k)
- (l) Questions submitted by Members
- (m) Motions

4.2 Business falling within items (e) to (m) may be varied:-

- (a) By the Chairman at their discretion; or
- (b) By a resolution duly moved and seconded which shall be put without discussion.

5. **Quorum and Record of Attendances**

5.1 If there are not at least 16 Members present, the Chairman will adjourn the meeting to a specified time and date.

5.2 The names of the Members present at the meeting shall be recorded.

6. **Duration of Meeting**

6.1 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn without delay. Any remaining business will be considered at the next ordinary Council Meeting or an alternative date and time for a meeting will be arranged.

7. **Minutes**

7.1 No discussion will take place upon the minutes of the Council except upon their accuracy.

7.2 The Chairman will sign the minutes of the proceedings at the next suitable meeting.

7.3 Where in relation to any meeting of the Authority the next such meeting is a meeting called under paragraph 3 (Extra-Ordinary Meetings) of Schedule 12 of the Local Government Act 1972, the next following meeting of the Authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (Signing of Minutes) of that schedule.

8. Questions by Members on the Report of the Leader of the Council

8.1 A Member of the Council may ask the Leader of the Council a question directly arising from the content of the report.

8.2 A Member asking a question under this Standing Order may ask one supplementary question which must arise directly out of the original question or reply.

9. Questions by the Public

9.1 Members of the public who are on the register of electors, or are tax payers or non-domestic tax payers in the County of Derbyshire, may ask questions of Cabinet Members at ordinary Council Meetings.

9.2 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Director of Legal and Democratic Services no later than 12 noon at least 10 working days before the Council Meeting (i.e. on a Wednesday 2 weeks before a Council meeting on a Wednesday). Late questions may be asked provided they relate to a report on the agenda and could not have been put before publication of the agenda and notice has been given by delivering it in writing or by electronic email to the Director of Legal and Democratic Services no later than 12 noon at least three working days before the Council Meeting (i.e. on a Friday when Council meets on the following Wednesday). The notice must give the name and address of the questioner and the name of the Cabinet Member of the Council to whom the question is to be put.

9.3 At any one Council Meeting no person may submit more than one question, and no more than one such question may be asked on behalf of one organisation.

9.4 The Director of Legal and Democratic Services may reject a question if it:

- exceeds 150 words in length;
- is not about a matter for which the Council has a responsibility, or which affects Derbyshire;
- asks Council to act in a way that is ultra vires (outside its powers), unlawful or illegal;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a Council Meeting in the past six months; or
- requires the disclosure of confidential or exempt information.

- 9.5 Questions for which 10 working days' notice has been given and have not been rejected will be listed in the agenda in the order in which they were received. Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- 9.6 The Chairman will invite the questioner to put the question to the member named in the notice. If the questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. In the absence of the questioner, the Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given, or decide that the question will not be dealt with.
- 9.7 If the Cabinet Member to whom the question is asked is unable to be present, the Chairman may put the question to another Cabinet Member or indicate that a written reply will be given.
- 9.8 A questioner who has put a question in person may also put one supplementary question without notice to the Cabinet Member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply and may be rejected by the Chairman on any of the grounds in Standing Order 9.4.
- 9.9 The maximum period of time for questions by the public at a Council Meeting shall be 30 minutes. This period may be extended at the discretion of the Chairman. Any questions not answered at the end of the time allocated for questions by the public will be answered in writing.
- 9.10 The Director of Legal and Democratic Services will keep a record, open to public inspection, of all public questions received and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for the rejection. Copies of all late questions that could not be listed in the agenda will

be circulated to all Members and will be made available to the public attending the meeting. The Director of Legal and Democratic Services will be responsible for sending to the questioner a copy of the answer provided at the Council Meeting as soon as practicable after the meeting.

10. **Petitions**

- 10.1 Any petition signed by 100 or more members of the public and not received to be dealt with under a procedure regulated by law, shall be dealt with in accordance with the Council's Petition Scheme.

11. **Questions by Members**

- 11.1 After giving notice in writing or by electronic email to the Director of Legal and Democratic Services by 12 noon at least 10 working days before the Council Meeting (i.e. on a Wednesday 2 weeks before a Council meeting on a Wednesday), a Member of the Council may ask the Chairman, a Cabinet Member or the Chairman of any Committee or Sub-Committee a question on any matter in relation to which the Council has powers or duties or which directly affects Derbyshire.
- 11.2 A Member may ask the nominated representative of the Derbyshire Fire Authority a question on the discharge of the functions of the Authority. Notice in writing or by electronic email of any such questions must first be given to the Director of Legal and Democratic Services by 12 noon at least 10 working days before the Council Meeting (i.e. on a Wednesday 2 weeks before a Council meeting on a Wednesday).
- 11.3 The Director of Legal and Democratic Services may reject a question if it:
- exceeds 150 words in length;
 - is not about a matter for which the Council has a responsibility, or which directly affects Derbyshire;
 - seeks to asks Council to act in a way that is ultra vires (outside its powers), unlawful or illegal;
 - is defamatory, frivolous or offensive;
 - is substantially the same as a question which has been put at a Council Meeting in the past six months; or
 - requires the disclosure of confidential or exempt information.
- 11.4 Questions for which notice has been given and have not been rejected will be listed in the agenda in the order in which they were

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

- 11.5 If the Member who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. In the absence of the questioner, the Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given, or decide that the question will not be dealt with.
- 11.6 If the Member of the Council to whom the question is asked is not present at the meeting, the Chairman may put the question to another Cabinet Member or the Vice-Chairman of any Committee or Sub-Committee as appropriate or indicate that a written reply will be given.
- 11.7 An answer may take the form of:
- (a) a direct oral answer;
 - (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 cannot conveniently be given orally, a written answer circulated later to the questions.
- 11.8 A Member asking a question under this Standing Order may ask one supplementary question without notice to the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply and may be rejected by the Chairman on any of the grounds in Standing Order 11.3.
- 11.9 The time allocated for questions by Members at each meeting will be 30 minutes. This period may be extended at the discretion of the Chairman. Any questions not answered at the end of the time allocated for questions by Members will be answered in writing.
12. **Reference of Question to the Council, Cabinet or a Committee**
- 12.1 Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted upon without discussion.
13. **Notice of Motion**

- 13.1 Notice of a motion shall be given in writing or by electronic mail by the Member to the Director of Legal and Democratic Services by 12 noon at least 10 working days before the Council Meeting (i.e. on a Wednesday 2 weeks before a Council meetings a Wednesday). The Director of Legal and Democratic Services will record the date of receipt in a book which shall be open to inspection by any person.
- 13.2 The Director of Legal and Democratic Services may reject a motion if it:
- is not about a matter for which the Council has a responsibility, or which directly affects Derbyshire;
 - seeks to require Council to make a decision that is ultra vires (outside its powers), unlawful or illegal;
 - is defamatory, frivolous or offensive; or
 - is substantially the same as a motion which has been put at a Council Meeting in the past six months.
- 13.3 A Member may submit a maximum of one notice of motion at a Council Meeting.
- 13.4 Motions for which notice has been given and have not been rejected will be listed in the agenda in the order in which they were received unless the Member who gave notice states in writing that they wish to withdraw it prior to the publication of the agenda.

14. **Motions not requiring notice to be given**

- 14.1 Notice shall not be required for the following Motions:
- (a) to appoint a chair of the meeting at which the motion is moved;
 - (b) in relation to the accuracy of the minutes;
 - (c) to change the order of business in the agenda;
 - (d) to refer a matter to an appropriate body or individual;
 - (e) to appoint the Chairman, Civic Chairman and Vice Civic Chairman for the year, the Leader of the Council, to committees and sub-committees or outside bodies arising from an item on the summons for the meeting;
 - (f) to receive reports or adoption of recommendations of cabinet, committees or officers and any resolutions arising 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 adjourn a debate;
 - (l) to adjourn a meeting;

- (m) that the meeting continue beyond three hours;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press;
- (p) that a named Member should not be heard further;
- (q) that a named Member should be excluded from the meeting; and
- (q) to give the consent of the council where its consent is required by the constitution.

15. **Rules of Debate**

- 15.1 Members shall stand when speaking and address the Chairman, unless the Chairman otherwise directs.
- 15.2 Whenever the Chairman rises, any member then standing shall sit and the Council shall be silent.
- 15.3 If two or more Members wish to speak the Chairman shall call one, ordinarily giving the other(s) a later opportunity to speak.
- 15.4 No speech may exceed 10 minutes except with the consent of the Chairman.
- 15.5 A Member may rise on a point of order, or in personal explanation, and shall be entitled to be heard. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision which the Member will specify. A personal explanation shall be confined to a relevant earlier statement which has been misunderstood.
- 15.6 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 15.7 Where a Member has given notice of a motion but does not propose the motion at the Council Meeting, the motion will be treated as withdrawn.
- 15.8 A Member may alter a motion of which they have given notice with the consent of the Council. The consent of Council will be signified without discussion.
- 15.9 A Member may alter or withdraw a motion they have proposed with the consent of their seconder and the Council. The consent of Council will be signified without discussion.
- 15.10 Only alterations which could be made as an amendment to the motion can be made.

15.11 An amendment must be relevant to the motion and can either be to:

- i) refer a matter to the Cabinet or a committee; or
- ii) insert, add, alter or leave out words.

An amendment must not:

- i) negate or be negative to the motion, or
- ii) seek to introduce into the motion a new issue.

15.12 When a motion is under debate no other motion shall be moved except one of the motions specified in Standing Order 14.1.

15.13 A further amendment shall not be moved while an amendment is being considered.

15.14 The mover of the motion has a right of reply at the close of the debate on the motion or on any amendment. The mover of an amendment has the final right to reply at the close of the debate on the amendment. Any other Member may only speak a second time in a debate under Standing Order 15.5 or with the permission of the Chairman.

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

15.16 If an amendment is carried, the motion as amended becomes the substantive motion to which any further amendments may be moved.

15.17 The ruling of the Chairman under this Standing Order shall not be open to discussion.

16. **Closure Motions**

16.1 At the conclusion of a speech of a Member, another Member may move that the question be now put or the meeting or debate be adjourned. If such closure motion is seconded, and the Chairman does not rule that the matter should be discussed further on that occasion, the Chairman shall put to the vote the closure motion. In the case of a debate closed by a motion that the question be now put the right of reply of the mover of the original motion or amendment under Standing Order 15.14 will then be exercisable.

17. **Budget Motions**

17.1 No motion or amendment to propose a precept shall be considered unless it contains sufficient detail within it to justify the precept. In determining whether or not a particular motion or amendment is in order the Chairman shall have regard to:

- i) advice of relevant officers;
- ii) information available within the motion or amendment concerning proposed reductions or increases in service estimates, or proposed measures which would reduce expenditure or increase income, or the government grant implications of the level of expenditure proposed; and
- iii) any other relevant matter.

18. **Voting**

18.1 When a vote is to be taken the Chairman shall call for Members to use the electronic voting and vote recording system, or a show of hands or, if five Members stand, a recorded vote. If there is a recorded vote a record of those voting for and against will be kept and any Member present but not declaring their vote shall be recorded as abstaining.

18.2 Where immediately after a vote is taken at a meeting of a relevant body, if any Member of that body 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.

In this paragraph "relevant body" means the authority, the Cabinet, a committee or sub-committee of the Authority or a relevant joint committee or sub-committee of such a body.

18.3 Immediately after any vote on any decision relating to the making of the calculation or the issuing of the precept is taken at a budget decision meeting there must be recorded in the minutes the names of the persons who cast votes for the decision or against the decision or who abstained from voting.

18.4 Where three or more persons are nominated for any position and there is not a majority in favour of any one person, the person having the least number of votes shall be disregarded and a fresh vote taken and so on until there is a majority in favour of one person.

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

19. **Interests**

19.1 Where any business of the meeting relates to or is likely to relate to:

- (a) a Disclosable Pecuniary Interest as described at paragraph 4(1) of the Code of Conduct for Members;
- (b) a Personal Interest as described at paragraph 4(2) of the Code of Conduct for Members; or
- (c) any Other Interest as described at paragraph 4(3) of the Code of Conduct for Members.

held by a Member, the Member must, at the commencement of the consideration of that item of business, or as soon as the interest becomes apparent, disclose to the meeting the existence and nature of that interest.

19.2 Where a Member discloses an interest, and that interest is a Disclosable Pecuniary Interest, the Member must withdraw from the meeting room where the item of business is being discussed and, unless the Member has been granted a dispensation by the Monitoring Officer or Governance, Ethics and Standards Committee, they may not:

- (a) participate in any discussion of the matter at the meeting
- (b) vote on the matter at the meeting
- (c) continue to deal with that matter.

19.3 Disclosures of interests will be recorded in the minutes of the meeting.

20. **Disorderly Conduct**

20.1 If at a meeting any Member of the Council commits misconduct by persistently disregarding the ruling of the Chairman, by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chairman or any other Member may move "that the Member named be not further heard" and the motion, if seconded, shall be put and determined without discussion.

20.2 If misconduct by the Member continues the Chairman shall move that the Member named shall be excluded from the meeting and the motion, if seconded, shall be put and determined without discussion.

20.3 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn the person. If the interruption continues the

Chairman shall order the person's removal from the meeting. In the case of a general disturbance in any part of a meeting open to the public, the Chairman shall order that part to be cleared.

- 20.4 The Chairman may, in the event of a disturbance interfering with the orderly dispatch of business, adjourn or suspend a meeting for such period as the Chairman considers appropriate.

21. **Recording and reporting on meetings**

- 21.1 Members of the public may record and report on meetings which members of the public are allowed to attend. However, oral reporting or oral commentary during meetings is not permitted as this would be disruptive to the good order of the meeting and such conduct would be considered to be disorderly in accordance with Standing Order 20. Where the public are excluded from a meeting, persons present shall not report on the meeting using any means for enabling persons not present to see, hear or receive commentary on proceedings (including filming, photography, audio recording or oral/written commentary) unless the meeting resolves that such reporting can take place.

22. **Committees**

- 22.1 When appointing a committee, the Council may also appoint the Chairman and Vice- Chairman, who in each case must be a Member of the Council.
- 22.2 A **substitute** Member may take the place of a Member who is unable to attend a meeting of one of the Committees or Sub-Committees. For each of the Committees and Sub-Committees for the Council, where a member of a committee is listed as a member of a political group for the purposes of allocating committee seats, all other eligible members of that political group properly notified to the proper officer who are not appointed members of that Committee or Sub-Committee are appointed as substitute members, save that Cabinet Members cannot be appointed as substitute members of an Improvement and Scrutiny Committee, Audit Committee or Regulatory Planning Committee.
- 22.3 Such substitute Member, once named by a member of the absent Member's political group, will be accepted onto the Committee with power to speak and vote.
- 22.4 The substitute member shall announce at the start of the meeting which member they are substituting for.

- 22.5 No member may serve as a substitute on the:
- a) Regulatory Planning Committee unless they have undertaken training in accordance with the Code of Good Planning Practice and as may otherwise be required by the Director of Legal & Democratic Services; or
 - b) Pensions and Investments Committee unless they have undertaken training in line with the Fund's Training Policy.
- 22.6 The **quorum** of a committee or sub-committee shall be one quarter of the whole number of Members, or two, whichever is the greater number.
- 22.7 The Chairman of a committee may call a **special meeting** at any time. A quarter of the Members of a committee may require the Director of Legal and Democratic Services to call a special meeting. The requisition must be in writing or by electronic mail setting out the business to be considered. The special meeting will only consider the business so set out. All meetings of committees shall be summoned by the Director of Legal and Democratic Services.
- 22.8 **Information** - A copy of the agenda of every meeting of a Council committee together with the index of reports of Executive Directors and Directors shall be sent to every Member of the Council, in accordance with the Access to Information Rules.
- 22.9 **Local Members** - With the consent of the Chairman, a Member whose electoral division is directly affected by a matter or who has special knowledge which is relevant, may attend any committee and may speak (but not vote) on any particular matter.
- 22.10 **Requests from Members** - The agenda for any committee shall include consideration of any item requested by a member of the committee, subject to the Director of Legal and Democratic Services receiving notice in writing or by electronic mail at least 10 working days before the date of the meeting.
23. **Application of Standing Orders**
- 23.1 Standing Orders 7 (Minutes), 18 (Voting), 19 (Interests), 20 (Disorderly Conduct), 21 (Recording and Reporting on meetings), 22 (Committees) and 25 (Interpretation) shall apply to meetings of Committees with any necessary adaptation.
24. **Suspension and Variation**

- 24.1 Subject to Standing Order 24.2 any of the preceding Standing Orders may be suspended so far as regards any business of the meeting where suspension is moved.
- 24.2 A motion to suspend Standing Orders shall not be moved without notice unless at least one half of the whole number of the Members of the Council are present.
- 24.3 Any motion to add to, vary or revoke any Standing Order, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary Council Meeting.

25. **Interpretation**

- 25.1 The ruling of the Chairman as to the application and meaning of any Standing Order shall not be challenged.