

# **Appendix 3 - Council Procedure Rules**

## **STANDING ORDERS OF THE COUNTY COUNCIL**

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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.
2. **General meetings** of the Council will take place in accordance with the programme of meetings decided at the Council's Annual Meeting. All meetings will be held at County Hall, Matlock, commencing at 2 pm.
  - 2.1 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 Clause 15.
  - 2.2 The Chairman may cancel a scheduled meeting of the Council 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. **Quorum** If there are not at least 16 Members present, the Chairman will adjourn the meeting to a specified time and date.
4. The **order of business** at the Council will be as follows:
  - (a) If necessary, the appointment of the Chairman
  - (b) Apologies
  - (c) Declarations of interests
  - (d) Chairman's announcements
  - (e) Minutes of the previous meeting
  - (f) Report of the Leader of the Council and Members' Questions
  - (g) Questions submitted by the public
  - (h) Petitions
  - (i) Questions submitted by Members
  - (j) Reports of officers
  - (k) Presentations
  - (l) Motions
- 4.1 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 meeting of the Council or an alternative date and time for a meeting will be arranged.
5. No discussion will take place upon the **minutes** of the Council except upon their accuracy.

- 5.1 The Chairman will sign the **Minutes** of the proceedings at the next suitable meeting.
- 5.2 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.
6. **Notice of a motion** shall be given in writing or by email by the Member to the Director of Legal and Democratic Services by 12 noon at least 10 working days before the meeting of the Council. 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.
  - 6.1 Motions for which notice has been given 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.
  - 6.2 Motions must be about matters for which the Council has responsibility or which affect its area.
7. **Notice** shall not be required for Motions
  - (a) Concerning the appointment of the Chairman of the County Council, Civic Chairman of Derbyshire County Council and Vice Civic Chairman of Derbyshire County Council for the year at the meeting, the accuracy of minutes of the Council, the order of business, or
  - (b) Proposing appointments, or references to decision-making bodies, receipt of minutes and approval of any recommendations, amendments to motions, leave to withdraw motions, adjourning the meeting or exclusion of the public, or
  - (c) Under Standing Orders 12 (closure of debate), 15 (that a named member be not further heard) or 19 (suspension of Standing Orders).
8. **Questions by Members**
  - 8.1 After giving written notice to the Director of Legal and Democratic Services by 12 noon on the Friday before the Council Meeting, a Member of the Council may ask the Chairman, a member of the Executive 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 affects Derbyshire.

8.2 If the Member of the Council who has submitted a written question is unable to be present, he/she may ask the Chairman to put the question on his/her 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.

8.3 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

8.4 A Member asking a question under this Standing Order may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

8.5 A Member may ask the nominated representative of the Derbyshire Fire Authority a question on the discharge of the functions of the Authority. Written notice of any such questions must first be given to the Director of Legal and Democratic Services by 12noon on the Friday before the Council meeting.

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

- Exceeds 200 words in length;
- is not about a matter for which the Council has a responsibility, or which affects Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

**9A. Questions by Members on the Report of the Leader of the Council**

- (a) A Member of the Council may ask the Leader of the Council a question directly arising from the report.
- (b) 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.

## 10. Questions by the Public

### General

- 10.1 Members of the public who are on the Derbyshire County Council register of electors, or are Derbyshire County Council tax payers or non-domestic tax payers, may ask questions of members of the Cabinet at ordinary meetings of the Council. The maximum period of time for questions by the public at a Council Meeting shall be 30 minutes.

### Order of Questions

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

### Notice of Questions

- 10.3 A question may only be asked if notice has been given by delivering it in writing email to the Director of Legal and Democratic Services no later than 12noon three working days before the Council Meeting (ie 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.

### Number of Questions

- 10.4 At any one meeting no person may submit more than one question, and no more than one such question may be asked on behalf of one organisation.

### Scope of Questions

- 10.5 The Director of Legal and Democratic Services may reject a question if it:
- Exceeds 200 words in length;

- is not about a matter for which the Council has a responsibility, or which affects Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

### **Asking the Question at the Meeting**

- 10.6 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, he/she may ask the Chairman to put the question on his/her 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.

### **Supplementary Question**

- 10.7 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 his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Standing Order 10.5 above.

### **Written Answers**

- 10.8 The time allocated for questions by the public 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 the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the Cabinet Member to whom it was to be put, will be dealt with by a written answer.

### **Reference of Question to the Council Cabinet or a Committee**

- 10.9 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.

### **Record of Questions**

10.10 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 questions 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 Council Meeting.

### **11. Rules of Debate**

11.1 Members shall stand when speaking and address the Chairman.

11.2 Whenever the Chairman rises, any member then standing shall sit and the Council shall be silent.

11.3 If two or more Members wish to speak the Chairman shall call one, ordinarily giving the other(s) a later opportunity to speak.

11.4 A motion or amendment shall not be discussed unless it has been proposed and seconded.

11.5 The proposer of a motion with the consent of the Council may alter the motion.

11.6 When a motion is under debate no other motion shall be moved except one of the motions specified in Standing Order 7.

11.7 No speech may exceed 10 minutes except with the consent of the Chairman.

11.8 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.

11.9 The mover of the motion has a right of reply at the close of the debate on the motion or on any amendment. Any other Member may only speak a

second time in a debate under Standing Order 11.8 or with the permission of the Chairman.

11.10 An amendment shall be relevant to the motion and shall not merely negate or be negative to it:

- i) it shall be either to refer a matter to the Cabinet or a committee; or
- ii) to insert, add, alter or leave out words in or from the motion. A further amendment shall not be moved while an amendment is being considered.

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

## **12. Closure Motions and Budget Motions**

12.1 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 will then be exercisable.

12.2 No motion or amendment to propose a precept shall be considered unless it contains sufficient detail within it to justify the precept moved. 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.

## **13. Voting**

13.1 When a vote is to be taken the Chairman shall call for 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.



13.2 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 his or her vote for the question or against the question or whether he or she 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.

13.3 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.

13.4 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.

13.5 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.

#### 14. **Interests**

14.1 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.

14.2 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 Governance, Ethics and Standards Committee, he or she 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

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

## 15. **Disorderly Conduct**

15.1 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 wilfully 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.

15.2 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.

15.3 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.

15.4 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.

## 16. **Petitions**

16.1 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 (Appendix 2).

## 17. **Committees**

17.1 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.

- 17.2 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. 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
- 17.3 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;
- 17.4 **Meetings** - 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 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.
- 17.5 **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 (Appendix 6).
- 17.6 **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.
- 17.7 **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 written notice at least 10 working days before the date of the meeting.
- 17.8 **Application of Standing Orders** - Standing Orders 2 (general meetings) 13 (voting), 15 (disorderly conduct) and 20 (interpretation) shall apply to meetings of Committees with any necessary adaptation.
18. **Canvassing** - A Member of the Council shall not solicit for any person any appointment within the Council but this shall not preclude a Member from giving a written reference for a candidate for a post.
19. **Suspension and Variation**
- 19.1 Subject to paragraph 2 of this Standing Order any of the preceding Standing Orders may be suspended so far as regards any business of the meeting where suspension is moved.

- 19.2 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.
- 19.3 Any motion to add to, vary or revoke any Standing Order, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
20. **Interpretation** The ruling of the Chairman as to the application and meaning of any Standing Order shall not be challenged at any meeting of the Council.