

# **Council Constitution - Part 4**

## **Rules of Procedure**

- (1) Council Procedure Rules**
- (2) Access to Information Procedure Rules**
- (4) Overview & Scrutiny Procedure Rules**

## **(1) COUNCIL PROCEDURE RULES**

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## **PART I - MEETINGS AND PROCEEDINGS OF COUNCIL**

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

#### **1.1 Timing and business**

In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the Annual Meeting will take place in May, on a date to be fixed in advance.

The Annual Meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council;
- (iii) appoint the Vice-Chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman and/or Head of the Paid Service;
- (vi) appoint an Overview and Scrutiny Committee, a Standards Committee in addition to the Licensing Committee and such other committees as the Council considers appropriate;
- (vii) decide the size and terms of reference for those committees with exception of the Licensing Committee (as set out in Part 3 of this Constitution);
- (viii) to elect Chairman and appoint Vice-Chairman of the Council's Committees, Sub-Committees and Working Groups for the ensuing Municipal Year. If the Council does not make these appointments, Committees, Sub-Committees and Working Groups may appoint their

own Chairman and Vice-Chairman subject to confirmation at the next meeting of the Council.

- (ix) consider any business set out in the notice convening the meeting;
- (x) if following a local election, to receive the report of the Chief Executive upon:-
  - (i) the result of the elections of Councillors to the Wards of the Council held on the day fixed for the purpose by the Secretary of State under the provisions of the Local Government Act 1972;
  - (ii) the acceptance of office of Councillors elected.
- (xi) authorisation to the payment of the proper expenses of the Elections.

The Council may elect a Leader and a Deputy Leader.

## **1.2 Selection of Councillors on Committees and Outside Bodies**

At the Annual Meeting, the Council will:

- (i) decide the allocation of seats to political groups in accordance with the political balance rules;
- (ii) receive nominations of Councillors to serve on each committee and outside body; and
- (iii) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council.

## **1.3 Variation of Order of Business**

Except for items (i), (ii) and (iii) of Rule 1.1 above the order of business may be varied either:

- (a) by the Chairman at his/her discretion; or

- (b) by a resolution of the Council, passed on a motion (which need not be in writing) duly proposed and seconded which, once moved, shall be put without discussion.

## 2. ORDINARY MEETINGS

### 2.1 Timing and Business

Ordinary Meetings of the Council will take place in accordance with a programme decided by the Council at its last Ordinary Meeting in the calendar year. Ordinary Meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) deal with any business required by statute to be done before any other business;
- (iii) Deal with any questions submitted by Members of the Public;
- ~~(iii)~~ approve the minutes of the last meeting;
- (iv) deal with any business expressly required by statute to be done;
- ~~(v)~~ receive any declarations of interest from Members;
- (vi) receive any announcements from the Chairman, Leader or Head of Paid Service;
- ~~(vii)~~ deal with formal questions from Members under Rule 10;
- ~~(viii)~~ deal with petitions, Councillor Calls for Action or similar communications submitted by members of the public under Rule ~~23~~2;
- ~~(ix)~~ dispose of any business from the last Council meeting;

- (xi) receive a statement from the Leader of Council and receive questions and answers on that statement;
- (xii) receive reports from the Council's committees and receive questions and answers on any of those reports;
- (xiii) consider motions submitted by Members pursuant to Rule 11 in the order in which they have been received;
- (xiv) consider any other business specified in the summons to the meeting, and reports of the Overview and Scrutiny Committee for debate; and
- (xv) to authorise, where necessary, the sealing of documents.

## 2.2 Variation of Order of Business

Except for items (i), (ii) and (iii) of Rule 2.1 above the order of business may be varied either:

- (a) by the Chairman at his/her discretion; or
- (b) by a resolution of the Council, passed on a motion (which need not be in writing) duly proposed and seconded which, once moved, shall be put without discussion.

## 3. EXTRAORDINARY MEETINGS

### 3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to Ordinary Meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the Monitoring Officer; [orand](#)

- (iv) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council. If the Chairman refuses to call a meeting or fails to call a meeting within ~~seven~~ 5 working days of the presentation of the requisition, the five members concerned may require the Proper Officer to call the meeting. The requisition must specify the business which it is proposed to transact at the meeting.

### 3.2 **Business**

The summons for the Extraordinary Meeting must set out the specified business to be transacted, and no other business can be considered at the meeting.

## 4. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Council in advance and notified in the summons.

## 5. **NOTICE OF AND SUMMONS TO MEETINGS**

5.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post in writing to every Member of the Council, or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## 6. **CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee meetings, references to the Chairman also include the chairman of committees.

## 7. **QUORUM**



The quorum of a meeting will be one quarter of the whole number of Members and shall, in any event, be not less than 3 Members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

## 8. DURATION OF MEETING

[8.1](#) Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for ~~four~~ [three and a half](#) hours (excluding adjournments) will adjourn immediately following conclusion of the item of business under consideration. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

[8.2](#) The closure time for meetings will be recorded in the minutes.

## 9. QUESTIONS BY THE PUBLIC

### 9.1 General

Members of the public (either residents of or those with a business interest in the District of Ryedale) may ask questions at all ordinary meetings of Full Council. The total time allowed at any meeting for questions by the public shall be half an hour.

### 9.2 Order of questions

Questions will be asked in the order they are received, however the Chairman may group together similar questions.

### 9.3 Notice of questions

A question may only be asked if notice has been given by delivering the question in writing which must be sent to the Chief Executive by post or electronic mail no later than 48 hours before the day of the meeting. Each question must be accompanied by the name, address, telephone number and e-mail address (if applicable) of the questioner.

#### 9.4 **Number of questions**

No person may submit more than one question at any one meeting and no more than one such question may be asked on behalf of any one organisation.

#### 9.5 **Length of questions**

Questions should be no longer than 100 words in length with a preamble limited to 3 minutes duration.

#### 9.6 **Scope of questions**

- (i) The question asked at Council must not depart from the text of the question previously submitted to the Chief Executive in writing.
- (ii) Any questions or statements must relate to a matter for which the local authority has a responsibility or which affects the statutory functions of the District Council.
- (iii) The Chief Executive may reject a question if:
  - It is not about a matter for which the local authority has a responsibility or which affects the statutory functions of the District Council;
  - It is defamatory, frivolous or offensive;
  - It requires the disclosure of confidential or exempt information;
  - It relates to an individual/group business or the questioner's own particular circumstances;
  - It relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a tribunal or to a Government Minister or an investigation by the Local Government Ombudsman;
  - It relates to the personal circumstances or conduct of any Officer and Councillor or conditions of service of employees;
  - It relates to the appointment, promotion, dismissal, salary or other payments, superannuation or conditions of employment or the conduct or ability of any individual employed by the Council or the conduct of a member of the Council;
  - It relates to the activities and aims of a political party or organisation;
  - It relates to individual planning applications;
  - It is a statement and not a genuine enquiry;

- Where the preparation of the answer would require the expenditure of a disproportionate amount of time, money or effort;
- It is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- It is about an operational matter for which an officer response is more appropriate.

#### 9.7 **Record of questions**

The Chief Executive will enter each question in a file open to public inspection. Rejected questions will include reasons for rejection.

#### 9.8 **Asking the question at the meeting**

The Chairman will invite the questioner to put the question to him/her. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman or Chief Executive to put the question on their behalf. A written reply will be given to the questioner within a reasonable period following the meeting.

#### 9.9 **Supplemental questions**

A questioner who has put a question in person may also put one supplementary question without notice. 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 Rule 6(iii) above. No person asking a supplementary question may speak for more than one minute.

#### 9.10 **Written answers**

Any question which cannot be dealt with during public question time for whatever reason will be dealt with by a written answer.

#### 9.11 **Reference of question to a Committee**

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 appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

### 10. **QUESTIONS BY MEMBERS**

#### 10.1 **On reports of committees**

A Member of the Council may ask the Chairman of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

#### 10.2 **Questions on notice at full Council**

Subject to Rule 10.4, a Member of the Council may ask:

- the Chairman;
- the Leader; or
- the Chairman of any committee;

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

#### 10.3 **Questions on notice at committees**

Subject to Rule 10.4, a Member of a committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the Ryedale District and which falls within the terms of reference of that committee.

#### 10.4 **Notice of questions**

A Member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) he/she has given at least three working days notice in writing of the question to the Proper Officer; or
- (b) the question relates to an urgent matter, he/she has have the consent of the chairman to whom the question is to be put and the content of the question is given to the Proper Officer by 9.30 a.m. on the day of the meeting.

#### 10.5 **Response**

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 questioner [and all Councillors](#).

#### 10.6 **Supplementary question**

A Member asking a question under Rule 10.2 or 10.3 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.

### 11. **MOTIONS ON NOTICE**

#### 11.1 **Notice**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least two Members, must be delivered to the proper officer not later than ~~seven~~ [12 noon, eight working](#) days before the date of the meeting. These will be entered in a book open to public inspection.

#### 11.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it.

#### 11.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Ryedale District.

#### 11.4 **Debate**

A motion concerning a matter within the purview of any committee which is moved and seconded shall automatically stand referred to that committee. The Chairman may, however, allow the motion to be dealt with at the meeting at which it is moved if he/she considers it convenient and conducive to the despatch of business.

#### 11.5 **Voting on Motions**

At the end of a debate the motion shall be formally concluded by a vote [and the numbers be recorded](#).

## 12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman 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 something to an appropriate committee, body or individual;
- (e) to appoint a committee or members thereof arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond [four-three and a half](#) hours in duration (see *Rule 8*);
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule [1920.3](#) or to exclude them from the meeting under Rule [1920.4](#); and
- (q) to give the consent of the Council where its consent is required by this constitution.

## 13. RULES OF DEBATE

### 13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### 13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

### 13.3 **Secunder's speech**

When seconding a motion or amendment, a Member may reserve his/her speech until later in the debate.

### 13.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

### 13.5 **When a member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply (see Rule 13.9);
- (e) on a point of order;
- (f) by way of personal explanation; ~~and~~
- (g) if named subsequently in the debate; or
- (h) at the discretion of the Chairman-

### 13.6 **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or

(iv) to insert or add words;

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **13.7 Alteration of motion**

- (a) 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.
- (b) A Member may alter a motion which 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.
- (c) Only alterations which could be made as an amendment may be made.

### **13.8 Withdrawal of motion**

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.



### 13.9 Right of reply

- (a) The mover of a motion has a right to reply, if there has been a debate on the motion, immediately before it is put to the vote ~~at the end of the debate on the motion, immediately before it is put to the vote.~~
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment. In addition the mover of the original motion also has a right of reply whether the motion is amended or not, at the close of the debate on the motion immediately before it is put to the vote. In exercising a right of reply on the motion, the mover of the motion may not introduce any new matter.
- (c) The mover of the amendment has a right of reply to the debate on his or her amendment immediately before the mover of the original motion. In exercising a right of reply to the debate on his or her amendment, the mover of the amendment may not introduce any new matter.

### 13.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond four three and a half hours in duration (see *Rule 8*);
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 1920.3 or to exclude them from the meeting under Rule 1920.4.

### 13.11 Closure motions

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

- (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be 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.

### 13.12 Point of Order

A Member may raise a point of order at any time. The Chairman will hear it immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

### 13.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood or misrepresented in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

## ~~14. STATE OF THE DISTRICT DEBATE~~

### ~~14.1 Calling of debate~~

~~The Policy and Resources Committee will call a State of the District Debate annually on a date and in a form to be agreed with the Chairman of Council.~~

### ~~14.2 Form of debate~~

~~The Policy and Resources Committee will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District Debate.~~

### ~~14.3 Chairing of debate~~

~~The debate will be chaired by the Chairman of Council.~~

### ~~14.4 Results of debate~~

~~The results of the debate will be:~~

- ~~(i) disseminated as widely as possible within the community and to agencies and organisations in the area; and~~
- ~~(ii) considered by the Policy and Resources Committee in proposing the Budget and Policy Framework to the Council for the coming year.~~

## ~~154. PREVIOUS DECISIONS AND MOTIONS~~

### ~~145.1 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 quarter of the whole number of Members of the Council.~~

### ~~154.2 Motion similar to one previously rejected~~

A motion or amendment in the same terms as, or similar terms to, one that has been rejected at a meeting of Council in the past six months cannot be moved for a further six months, unless this rule is suspended pursuant to Rule [234](#) or Rule [356](#).

## [156](#). **VOTING**

### [156.1](#) **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.

### [156.2](#) **Chairman's casting vote**

If there are equal numbers of votes for and 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.

### [156.3](#) **Show of hands**

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### [156.4](#) **Ballots**

The vote will take place by ballot if one quarter of the number of Members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

### [156.5](#) **Recorded vote**

If, before a vote is taken, three Members present at the 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. A demand for a recorded

vote will override a demand for a ballot except when voting for appointments when a demand for a ballot shall prevail.

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

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

#### **156.7 Voting on appointments**

If there are more than two people nominated for any position to be filled, the method of voting will be by way of ballot. If there is not a clear majority of votes in favour of one person (i.e. the number of votes cast for one person is not greater than the total sum of the votes cast for all other nominees), 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. If at any stage in the process there is an equal number of votes cast for two nominees when one of them is to be appointed or taken off the list the issue will be determined by the drawing of lots.

### **167. MINUTES**

#### **167.1 Signing the minutes**

The Chairman will sign the minutes of the proceedings (including confidential minutes) at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

When the minutes have been signed, Members may ask questions to ascertain what progress has been made on a particular matter referred to in the minutes, but not make any other statement or generate discussion on the minutes.

#### **167.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **167.3 Form of minutes**

Minutes will contain all motions and amendments in the form and order the Chairman put them. (The minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information may not be made available to the public but a summary of the proceedings will be made available where the minutes open to inspection do not provide a reasonably fair and coherent record - See the Access to Information Procedure Rules - Page 129.

### **178. 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.

### **189. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 201 (Disturbance by Public).

### **1920. MEMBERS' CONDUCT**

#### **1920.1 Standing to speak**

When a Member speaks at Full Council he/she must, where possible, stand and address the meeting through the Chairman. If more than one Member stands, the Chairman will ask one to speak and the other(s) must sit. Other Members must remain seated whilst a Member is speaking unless they wish to

make a point of order or a point of personal explanation. The Chairman has the right to waive the requirement for a Member to stand to speak where he/she considers it appropriate to do so.

#### 1920.2 **Chairman standing**

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

#### 1920.3 **Member not to be heard further**

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

#### 1920.4 **Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Chairman 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.

#### 1920.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

### 201. **DISTURBANCE BY PUBLIC**

#### 201.1 **Removal of member of the public**

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

#### 201.2 **Clearance of part of meeting room**

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

## **212. RECORDING AND OTHER EQUIPMENT APPARATUS**

With the exception of equipment being used by officers of the Council for the purposes of conducting the business of the Council, or for providing assistance for people with a disability, anyone who wishes to record, photograph or film meetings must receive the prior consent of the proper officer. No one shall bring into the Council Chamber, or other room in which the Council or a Committee is meeting, any camera or other apparatus capable of making a photographic or other pictorial record for subsequent use, or any ray or transmitting apparatus, recording machine or other apparatus capable of recording speech for subsequent use, or any typewriter, or any active mobile phone, or any other such apparatus, without the prior written consent of the proper officer acting in consultation with the Chairman.

Any person acting in breach of this provision can be required to leave the meeting, forthwith.

## **223. PETITIONS**

Except where otherwise provided under the Council's Protocol – Councillor Call for Action ~~Any petition, Councillor Calls for Action~~ or similar communication received by a Member or Chief Officer should first be presented formally to the next meeting of the Council by the Member or Chief Officer concerned and then referred to the relevant Committee for consideration.

These provisions do not apply to any petition or similar communication concerning planning applications or similar matters which must be presented direct to the Planning Committee.

For the purposes of this Rule, a petition or similar communication must contain the names of at least ten people resident within the District.

## **234. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**



### **234.1 Suspension**

All of these Council Rules of Procedure except Rule 156.6 and Rule 167.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### **234.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council.

## **PART II - MEETINGS AND PROCEEDINGS OF COMMITTEES**

### **245. APPLICATION OF COUNCIL PROCEDURE RULES TO COMMITTEES**

All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 5–13 (with the exception of Rule 7 not applying to the Standards Committee, Rule 9 and subject to Rule 13 being extended to allow a Member to speak more than once on a matter at the discretion of the Chairman), and 145–234 (but not Rule 1920.1) apply to meetings of committees. The Licensing Committee has resolved to adopt the Rules that apply to the proceedings of committees, panels etc of the Council but separate proceedings will apply to the hearings of its sub committees.

### **256. APPOINTMENT OF COMMITTEES**

The Council shall at the annual meeting appoint such standing committees as set out in standing order 256A and may at any time appoint other committees or working parties as are necessary to carry out the work of the Council but

- (i) shall not appoint any member of a committee to hold office later than the next annual meeting of the Council

and

- (ii) may at any time dissolve or alter the membership of a committee other than a standing committee.

~~256A.~~ APPOINTMENT OF STANDING COMMITTEES

- (i) The Council shall at its annual meeting appoint the following Standing Committees:-

- Policy and Resources Committee ~~—10 members~~
  - Community Services & ~~—10 members~~  
Licensing Committee
  - Planning Committee ~~—16 members~~
  - Overview & Scrutiny Committee ~~—10 members~~
  - Standards Committee ~~—8 members (5 District Councillors, 2 Independent Members & 1 Parish Councillor)~~
- Licensing Committee ~~— 10 Members (being those Members of the Community Services and Licensing Committee)~~

- (ii) With the exception of the Licensing Committee, the powers and duties of committees and sub-committees and the Planning Committee and the extent of their authority to act are determined by Council on the recommendation of the Policy and Resources Committee or other committee as appropriate. They are incorporated in the Council's Scheme of Delegation.

- (iii) All Councillors may be Members of an Overview & Scrutiny Committee, however no Member may sit on the Policy and Resources or Community Services Committees while also being a Member of Overview & Scrutiny Committee unless they are a named substitute from the same political group. Where a Member of Overview & Scrutiny Committee has acted as a named substitute at either the Policy and Resources or Community Services Committees they may not subsequently scrutinise any decision

~~in which they have been involved. No Councillor who is a member of the Policy and Resources or the Community Services and Licensing Committees shall be a member of any Scrutiny Committee or Sub-Committee.~~

**256B. SUB-COMMITTEES**

- (i) Every standing committee appointed may appoint sub-committees for purposes to be specified by that committee.
- (ii) The Chairman of a standing committee shall be an ex officio member of every sub-committee appointed by that standing committee and shall be ex officio chairman of such sub-committee.
- (iii) If the chairman of a sub-committee is absent from a meeting of the sub-committee another member of the sub-committee chosen by the members of the sub-committee present shall preside.
- (iv) With the exception of the Licensing Committee, a standing committee may appoint members who do not serve on that standing committee to serve on a sub-committee.

**256C. WORKING PARTIES**

- (i) Every standing committee may appoint working parties for purposes to be specified by the committee.
- (ii) The chairman of a standing committee shall have the right to be an ex officio member and Chairman of every working party appointed by that standing committee.
- (iii) If the Chairman of a Working Party is absent from a meeting of the Working Party another member of the Working Party chosen by the members of the working Party present shall preside.
- (vi) A standing committee may appoint members who do not serve on that standing committee to serve on a Working Party.

**267. ORDINARY MEETINGS OF COMMITTEES**

Ordinary Meetings of Committees must be held on dates and times fixed by the Council. The date and time fixed may be altered by the Chairman of the Committee if, for good reason, he/she considers that the date fixed is inconvenient for the despatch of business.

## **278. SPECIAL MEETINGS OF COMMITTEES**

The Chairman of the Council or the Chairman of the Committee may call a Special Meeting of the Committee at any time. Any Special Meeting can also be requisitioned by at least one quarter of the whole number of the Members of the Committee, subject to a minimum of three Members. The requisition must be delivered in writing to the Proper Officer and must specify the business which it is proposed to transact at the meeting. The summons for the Special Meeting must set out the specified business to be transacted, and no other business can be considered at that meeting.

## **289. SUBSTITUTE MEMBERS OF COMMITTEES**

### **289.1 Number**

For each committee where substitution is applicable, the maximum number of substitutes in respect of each political group (including non-aligned Members) at any meeting shall be two.

### **289.2 Powers and duties**

Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting. Substitute Members shall abide by any voting restrictions which would have applied to the Member for whom they are substituting and when on the Planning Committee shall not be able to vote or make/second propositions/ amendments on applications for planning permission, listed building consent, conservation area consent, advertisement consent; or certificates of lawful use or development; or enforcement issues; ~~or issues relating to legal agreements within their own Wards or the Wards of any Member for whom they are substituting.~~

### **289.3 Substitution**

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are the designated substitute;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) after notifying the Proper Officer by 12 noon on the day of the meeting ~~prior to the day of the meeting~~ of the intended substitution.

### **289.4 Standards Committee**

Substitution shall not apply to the Standards Committee.

### **289.5 Overview and Scrutiny Committees**

Substitute Members cannot be drawn from those Members who sit on the Policy and Resources and Community Services ~~and Licensing~~ Committees.

### **289.6 Licensing Committee and Licensing Sub-Committee**

Substitution shall not apply to the Licensing Committee and Licensing Sub-Committee

## **2930. QUORUM OF THE STANDARDS COMMITTEE**

**2930.1** A meeting of the Standards Committee or Standards Sub-Committee shall not be quorate unless at least three Members of the Committee or Sub-Committee are present for its duration, including at least one independent Member who is present for its duration unless the independent Member is precluded from participating by virtue of the Council's Code of Conduct.

~~29~~30.2 A meeting of a Standards Committee or a Standards Sub-Committee shall not be quorate when dealing with a Parish Council matter unless a Parish Council Member of the Committee or Sub-Committee is present for its duration.

### ~~30~~1. CHAIRMEN OF COMMITTEES

If the Council has not done so at its Annual Meeting every Committee at its first meeting in every year must, as its first item of business, elect a Chairman and appoint a Vice-Chairman.

The Chairman of the Council, by virtue of office, is not eligible to hold office as a Chairman of a Committee during his/her term.

No Member of the Council is entitled to hold the office of the Chairman of more than one Committee at any time.

### ~~32~~. POWER OF REQUISITION

~~Once a vote has been taken on a matter for which a Committee has power to act, the decision of the Committee is made.~~

~~If, however, three Members of a Committee so request, the matter is classed as "unresolved" and stands referred to the next Ordinary Meeting of Council for decision.~~

~~The request must be made immediately after the vote is taken, and before the Meeting moves on to the next item of business as set out on the agenda or on a Schedule of Applications being determined by the Planning Committee.~~

~~The effect of such an action is that the power of the Committee to deal with the matter is cancelled. The Committee will report to the Council Meeting with a recommendation. The Council will receive all the paperwork in support of the item to be decided.~~

### ~~31~~3. PROPOSER OF MOTION MAY ATTEND

A Member of the Council who has proposed a motion which has been referred to any Committee of which he/she is not a Member is entitled to attend the

Committee at which the motion is to be considered and to speak at the meeting, but may not vote.

#### **324. ITEMS FOR AGENDA**

A Member can require that an item be placed on the agenda for a Committee if he/she gives notice of such a request not later than noon ~~on the Monday of the~~ week six working days preceding the meeting in question; provided that no Member may seek to exercise his/her right under this Rule in relation to an item which he/she has previously had placed on an agenda within the preceding six months, or where the matter has been debated and determined within the preceding six months.

#### **335. ATTENDANCE OF MEMBER AS OBSERVER**

Non-Members of Committees have the right to attend the meetings as observers. They may speak by invitation only from the Chairman, but may not vote.

#### **346. SUSPENSION OF PROCEDURE RULES**

All of the Rules of Procedure which apply to meetings of Committees except Rule ~~165~~.6 and Rule ~~176~~.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Committee are present and support the suspension. Suspension can only be for the duration of the meeting.

#### **357. SPEAKING RIGHTS AT PLANNING COMMITTEE**

- (1) At meetings of the Planning Committee the applicant, District Councillor not on the Planning Committee, Parish Council, one supporter and one objector may speak on individual planning applications which the Committee is being invited to determine. Only one speaker per category is allowed to address the Committee.
- (2) People wishing to speak are advised to register with the Committee Secretariat by 11.00 am on the day of the meeting. Speakers have a

maximum of three minutes to speak. The District Councillor is normally heard first, the Parish/Town Council second, then the supporter, objector and finally the applicant or agent. There is no public right of reply following the decision of the Planning Committee.

### **PART III - MISCELLANEOUS MATTERS**

#### **368. PLANNING TRAINING**

(1) Any Member selected for service on the Planning Committee ~~and/or an Area Planning Sub-Committee (“the Committees”)~~ and any substitute Member for any of those Committees

(i) shall attend a training course on planning law and practice for Members prior to first attending a Planning Committee; ~~and~~

~~(ii) shall attend at least one training course on planning law and practice issues by 31 December following the start of each municipal year whilst they are a member of any of the Committees.~~

~~(2) Any Member who has not attended such a training course.~~

(i) prior to first attending a Planning Committee; ~~or~~

~~(ii) during any municipal year;~~

shall automatically cease to be a member of the Committees and Full Council shall appoint a replacement at its next meeting.

(3) Once a Member becomes disentitled to serve on any of the Committees under this Standing Order a substitute member shall attend any relevant meeting of the Committees until a replacement is selected for the vacant seat on the Committee.

(4) Any Member

(i) becoming disentitled to sit on the Committees by reason of this Standing Order; or

(ii) not having been a member of any of the Committees for more than 6 months shall be subject to the provisions of paragraph (1) (i) as if on a first nomination if they are re-selected for service on any of the Committees as a full member or a substitute.



### **379. MATTERS OF URGENCY**

The Head of Paid Service has delegated authority to take any action he/she considers necessary in the interests of the Council in cases of urgency. He/she [where possible](#) must only act after consultation with the Leader of the Council, the Chairman of the appropriate Committee and the relevant Ward Member(s), if any. Any action taken in this way shall be reported to the first available meeting of the Council or relevant Committee, as appropriate.

## **(2) ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, the Policy and Resources, Community Services, ~~and~~ Licensing and Regulatory Committees, the Standards Committee ~~and~~ Joint Committees ~~and any Area Committees~~ (together called meetings). The Licensing Committee has resolved to adopt the Rules for the purpose of its meeting but separate proceedings will apply to the hearing of its sub-committee

### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **3. RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

### **4. NOTICES OF MEETING**

The Council will give at least ~~three~~ five clear days notice of any meeting by posting details of the meeting at the principal office of Ryedale District Council at Ryedale House, Malton.

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports open to the public available for inspection on the website and at the designated offices at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

## 6. **SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) any other documents supplied to Councillors in connection with an item, if the Proper Officer thinks fit;

to any person on payment of a charge for postage and any other costs.

## 7. **ACCESS TO MINUTES ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## 8. **BACKGROUND PAPERS**

### 8.1 **List of Background Papers**

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

## **8.2 Public Inspection of Background Papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. SUMMARY OF PUBLIC'S RIGHT**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's offices at Ryedale House, Malton.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **10.1 Confidential Information - Requirement to Exclude Public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### **10.2 Exempt Information - Discretion to Exclude Public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### 10.3 **Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### 10.4 **Meaning of Exempt Information**

Exempt information means information falling within the following 7 categories (subject to any qualification):

Descriptions of Exempt Information:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders, under the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications:

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:-
  - (a) the Complaints Act 1985 [3];

- (b) the Friendly Societies Act 1974[4];
- (c) the Friendly Societies Act 1992[5];
- (d) the Industrial and Provident Societies Acts 1965 to 1978 [6];
- (e) the Building Societies Act 1986[7];
- (f) the Charities Act 1993[8].

9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992[9].

10. Information which:-

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In addition, there are additional categories of exempt information when the Standards Committee consider certain matters under the Local Government Act 2000. The additional categories are:-

- information which is subject to any obligation of confidentiality;
- information relating to matters of national security;
- the deliberations of the Standards Committee reaching any finding on a matter referred to it under certain Sections of the 2000 Act.

## 11. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Exempt" together with the category of information likely to be disclosed.