

Part 4.1 Council Procedure Rules

1. Introduction
2. Annual meeting of the Council
3. Ordinary Council meetings
4. Extraordinary meetings of Council
5. Special Meetings of Council
6. Place, Date and Time of Council and Committee Meetings
7. Notice of and summons to Meetings
8. Chair of Council meeting
9. Quorum
10. Duration of Meetings
11. Questions and Engagement by the Public
12. Questions by Members
13. Motions on Notice
14. Motions without Notice
15. Rules of Debate for Council
16. Motions to rescind or Amend a Previous Decision
17. Voting
18. Council Officers
19. Representatives on Outside Bodies
20. Confidentiality of Papers
21. Minutes
22. Status of Draft Records of Decisions and Minutes
23. Attendance and Conduct of Members
24. Attendance and Conduct of the Public
25. Attendance by Members at Meetings of which they are not a member
26. No Confidence in the Chair of a Committee
27. The Leader of the Council
28. The Mayor of the Council
29. Business of an Urgent Nature
30. Suspension and Amendment to Council Procedure Rules
31. Application of Rules to Committees and Sub-Committees

Rule 1: INTRODUCTION

1.1 Interpretation

In these Council Procedure Rules, the interpretation of words shall be in accordance with the definitions set out in the Glossary of Terms within the Constitution.

1.2 General

A copy of these Council Procedure Rules shall be made available by the Monitoring Officer to every Member upon acceptance of Office. This may include access to an electronic copy of the rules. A copy is also available on the Council's website.

Any proposal to permanently alter these Council Procedure Rules (other than minor or consequential amendments made by the Monitoring Officer, or in accordance with delegated authority of the Council) other than a motion to implement a recommendation of the Standards & General Purposes Committee, shall be in the form of a motion instructing the Joint Constitution Working Group to report to the Standards & General Purposes Committee upon such proposals, before making recommendation to full Council. Any such motion, upon being seconded, shall be put to the vote without discussion. The Joint Constitution Working Group shall report to the next Standards & General Purposes Committee meeting who shall report to the next Ordinary Council Meeting thereafter upon any matter referred to it under this Council Procedure Rule, unless the motion specifies an alternative time frame.

These Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders and should be interpreted accordingly.

Where any step or action under these Council Procedure Rules is prescribed to be performed by a Designated Officer, that Officer may nominate or authorise another Officer to perform that step or action in their place.

In implementing and effecting these Council Procedure Rules, the Council will comply with its statutory obligations relating to the use, recording and retention of any personal data that it receives.

1.3 Notices

Any Notice required under these Council Procedure Rules may be given to the Monitoring Officer by e-mail addressed to committees@waverley.gov.uk The listing of names as signatures on such documents shall be deemed to be signatures.

1.4 Person Presiding

Any ruling of the Person Presiding at any meeting on any point of order, interpretation of these Council Procedure Rules, matters arising during the debate or regarding the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion. However, in reaching their decision, the Person Presiding must give due consideration to the advice of the Monitoring Officer, or their representative.

RULE 2: ANNUAL MEETING OF THE COUNCIL

2.1 Date

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 calendar days of the usual retirement date of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

Subject to these requirements, the meeting will be held at such place, on such date, and at such time, as may be fixed by the Monitoring Officer in consultation with Group Leaders, subject to Council Procedure Rule 6 below. The Annual Council meeting may be split into two parts; the first part dealing with 'Mayor Making' and the second part dealing with remaining business of the Annual meeting.

2.2 Business

The annual meeting will conduct the following business in the following order:

- (i) Elect a Councillor, other than an Executive Member, to be the Mayor,
- (ii) appoint a Councillor, other than an Executive Member, to be the Deputy Mayor,
- (iii) receive apologies for absence,
- (iv) receive any declarations of interests,
- (v) approve the minutes of the last meeting,
- (vi) receive any announcements from the Mayor, Head of Paid Service, Chief Finance Officer and/or Monitoring Officer,
- (vii) give a vote of thanks to the retiring Mayor,

- (viii) elect the Leader of the Council, if the term of office of the current Leader has come to an end,
- (ix) receive a report from the Leader, as and when required, on the appointment of the Deputy Leader, Executive Members, Executive Arrangements, Joint Executive Arrangements and the Executive Scheme of Delegations,
- (x) in an election year, receive the report of the Returning Officer,
- (xi) establish such committees (including their size and terms of reference) as the Council considers appropriate to deal with matters which are neither reserved to full Council nor are Executive functions, including at least one Overview and Scrutiny Committee and a committee to consider standards and ethics,
- (xii) appoint councillors to committees, including substitute members, where appropriate,
- (xiii) adopt the Council's Constitution and agree the Scheme of Officer Delegations, other than those relating to Executive functions,
- (xiv) consider any other business set out in the notice convening the meeting; and
- (xv) consider any matters deemed urgent by the Mayor, after having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council,
- (xvi) confirm the appointment of the statutory role of the Independent Person(s) as and when required.

2.3 Election of the Mayor and Appointment of the Deputy Mayor

At each Annual meeting, the Council will elect a Councillor to be Mayor and appoint a Councillor to be Deputy Mayor. The Mayor shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as Mayor.

The current Mayor will preside over the election of their successor, unless they are unable to do so, in which case the current Deputy Mayor will do so. If the Deputy Mayor is ineligible to do so, due to the principle that a Councillor should not preside over their own election, the Monitoring Officer will call for a motion that a non-executive Member of the Council take the chair to preside for the first agenda item of business to Elect the Mayor. In the case of an equality of votes, the person presiding at the meeting, shall give a casting vote in the case of an equality of votes.

During his or her term of office, the Mayor shall continue to be a councillor notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of Councillors. If the person presiding at the commencement of the Annual meeting would have ceased to be a councillor, if it were not for this provision, they shall not be entitled to vote in the election of the Mayor except to give a casting vote in the case of an equality of votes.

2.4 Selection of Councillors to Committees

2.4.1 Committees, allocation of seats to political groups and appointments

The Council at its Annual meeting will decide which committees to establish for the municipal year and the size of those committees. Having received a report from the Monitoring Officer, it will decide the allocation of seats to political groups in accordance with the political balance rules. It will then receive nominations of councillors to serve on each committee and appoint to those committees, in accordance with the wishes of the political groups and subject to any other statutory requirements, except where appointment to those bodies has been delegated by the Council or is exercisable by the Leader.

2.4.2 Co-opted Members

Where appropriate, the Council will also appoint non-voting co-opted members to committees, in accordance with those committees' terms of reference.

2.4.3 Recommendations from the Standards Hearing Panel

In making appointments of councillors to committees, the Council will have regard to any recommendations from the Standards Hearing Panel of the Standards & General Purposes Committee as to the appropriateness or otherwise of the nomination of any councillor to a particular committee.

2.4.4 Training Requirements

In considering nominations for appointments to the Planning Committee, Licensing & Regulatory Committee Group Leaders shall take into account the requirements for training referred to in the terms of reference of each Committee set out in Part 3 of the Constitution.

When convening a Standards Hearing Panel the Monitoring Officer will appoint from members of the Standards and General Purposes Committee with reference to those who have completed the mandatory training relating to the conduct of hearings.

2.4.5 Sub Committees

The establishment of sub-committees are made by the 'parent' committee, not the Council. Any appointments to sub-committees, may only be from the membership of the 'parent' committee.

2.4.6 Chairs and Vice-Chairs of Committees

Chairs and Vice-Chairs of committees are appointed by the Council at its Annual meeting. If both the Chair and Vice-Chair of a committee are absent from a committee meeting, the committee shall elect another member of that committee to preside for that particular meeting only.

Unless directed otherwise by Council, Chairs and Vice-Chairs of Sub-Committees are appointed by those Sub-Committees.

Where any vacancy occurs during the municipal year, those Committees will elect a new Chair or Vice-Chair (as appropriate) at the meeting immediately following the announcement of the vacancy.

2.4.7 Substitute Members

For each political group represented on a committee, all members of that group not appointed to that committee, shall be designated as substitute members for the member or members of that group who have been appointed to that committee, subject to the exceptions listed below.

Subject to the exceptions listed, all members of each political group represented on a particular committee, shall be designated as substitute members for the member or members of that same political group who have been appointed by the committee to that sub-committee.

The exceptions are that:

- No member of the Executive may be appointed as a substitute member in respect of an Overview and Scrutiny Committee.
- Substitutes on committees, subject to the political balance regulations may only be substituted for members of the same political group except where a substitute is necessary for the committee to operate effectively, and the political group does not have sufficient membership to appoint a substitute, or the substitute is not able to attend. In these circumstances, the Monitoring Officer may, having regard to the rules of political proportionality, and in consultation with the member who is unable to attend, invite any other member who has been designated as a substitute for that committee, to attend.
- No member may be appointed as a substitute member of the Planning Committee, Licensing & Regulatory Committee and Standards & General Purposes Committee, who does not meet the requirements for training referred to in the terms of reference of any particular committee and set out in Part 3 of the Constitution.
- No member of the Executive may be substituted.

Any member of a committee or sub-committee who is unable to attend a meeting of that committee or sub-committee may give notice to Democratic Services that for the duration of that meeting they will be substituted by another named member. They should do so, in advance of the commencement of the meeting, by email to committees@waverley.gov.uk. The names of any substitute members will be formally notified to the committee or sub-committee by the Democratic Services Officer under the item in the agenda dealing with apologies for absence. If the absence and appointment of substitute is notified to Democratic Services after the publication of the agenda, it is the responsibility of the member to provide any relevant documents and information to the member substituting for them.

During a meeting, substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to automatically exercise any special powers or duties exercisable by the member they are replacing. For example, if they substitute for the member who has been appointed as the Chair, they shall not automatically have the powers of the Chair, unless they are elected as Chair by that Committee.

Substitute members may attend meetings in that capacity only:

- to take the place of the ordinary member for whom they are a designated substitute member,
- where the ordinary member will be absent for the whole of the meeting, and
- provided Democratic Services have been notified, by email as above, of the change prior to the commencement of the meeting.

2.4.8 Vacancies

Any vacancies which arise on committees and sub-committees, for any reason, between annual meetings of the Council shall be appointed to by the Monitoring Officer in accordance with the wishes of the political group to which the vacant seat is allocated. The appointment will take immediate effect. All members of the Council will be asked to note the appointment at the next ordinary Council meeting.

RULE 3: ORDINARY COUNCIL MEETINGS

3.1 Place, Date & Time

Ordinary meetings of the Council will take place in accordance with a programme determined by the Monitoring Officer, in consultation with Group Leaders, and will be held at such places, on such dates and at such times as may be fixed by the

Monitoring Officer in consultation with Group Leaders, in accordance with Council Procedure Rule 6.

3.2 Business

Ordinary meetings will:

- (i) elect a person, who is not a member of the Executive, to preside if the Mayor and Deputy Mayor are not present,
- (ii) receive apologies for absence,
- (iii) receive any declarations of interests from members,
- (iv) approve the minutes of the last meeting,
- (v) receive reports about and receive any announcements from the Mayor, Leader, Head of Paid Service, Chief Finance Officer or Monitoring Officer,
- (vi) receive reports and consider any recommendations to the Council from the Council's Committees, Executive or officers,
- (vii) receive any questions or statements from members of the public in accordance with Council Procedure Rule 11,
- (viii) receive any petitions and consider in accordance with the Council's Petition Scheme,
- (ix) receive questions from Members in accordance with Council Procedure Rule 12,
- (x) deal with any business remaining from the last Council meeting,
- (xi) deal with any business expressly required by statute to be carried out,
- (xii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations,
- (xiii) consider motions of which notice has been given in accordance with Council Procedure Rule 13,
- (xiv) consider any matters deemed urgent by the Mayor, after having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council.

The order of business of a meeting of the Council may be varied by the Mayor or by the meeting in accordance with Council Procedure Rule 8.

3.3 Council Budget Meeting

These Council Procedure Rules are supplemented by the Budget Procedure Rules in Part 4 of the constitution. Where any conflict arises between the two sets of procedural rules, the Budget Procedure Rules will prevail for the annual Budget setting meeting.

RULE 4: EXTRAORDINARY MEETINGS OF COUNCIL

4.1 Calling an Extraordinary Meeting

Those listed below may require the Proper Officer to summons Members to Council meetings in addition to Ordinary meetings:

- the Council by resolution,
- the Mayor,
- the Head of Paid Service,
- the Monitoring Officer, or
- the Chief Finance Officer

Any 5 members of the Council, if they have signed a requisition presented to the Mayor who has refused or failed to call a meeting within 7 calendar days of presentation of the requisition. Any such requisition will be deemed to have been presented to the Mayor if emailed to the Monitoring Officer at committees@waverley.gov.uk

4.2 Business

Extraordinary Meetings will:

- (i) elect a Councillor, who is not a member of the Executive, to preside if both the Mayor and Deputy Mayor are not present,
- (ii) receive any apologies for absence,
- (iii) receive any declarations of interests,
- (iv) in accordance with Council Procedure Rule 11, receive any questions or statements from the public in respect of the business for which the extraordinary meeting has been called,
- (v) in accordance with Council Procedure Rule 12, receive questions from Members in respect of the business for which the extraordinary meeting has been called,
- (vi) consider the items of business for which the extraordinary meeting has been called, and deal with any business remaining from the last Council meeting
- (vii) consider any business that the Mayor deems to be urgent, having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council.

RULE 5: SPECIAL MEETINGS OF COUNCIL

A Special Meeting of the Council is one that is required by statute or by the Council and shall only consider a single substantive item of business. The meeting shall be convened for the specific statutory purpose which shall be contained in the summons. No other business may be transacted at that meeting.

5.1 Calling a Special Meeting

Those listed below may require the Proper Officer to summons Members to a Special Meeting of Council:

- the Council by resolution,
- the Mayor, or
- the Monitoring Officer.

5.2 Business

Special Meetings will:

- (i) elect a councillor, who is not a member of the Executive, to preside if the Mayor and Deputy Mayor are not present,
- (ii) receive apologies for absence,
- (iii) receive any declarations of interests,
- (iv) receive questions or statements from members of the public in accordance with Council Procedure Rule 11, relating only to the specific single item of business on the agenda,
- (v) receive questions from Members in accordance with Council Procedure Rule 12 relating only to the specific item of business on the agenda, and
- (vi) consider the specific item of business for which the meeting has been convened.

RULE 6: PLACE, DATE AND TIME OF COUNCIL AND COMMITTEE MEETINGS

An annual calendar of meetings will be agreed by the Monitoring Officer, in consultation with Group Leaders and will detail the place, dates and times of all Council and Committee meetings.

6.1 Council

Following consultation with the Mayor, the Leader of the Council, Group Leaders and the Chief Executive, the Monitoring Officer may cancel a Council meeting in circumstances where there is insufficient business to be transacted.

Following consultation with the Mayor, the Leader of the Council, Group Leaders and the Chief Executive, the Monitoring Officer may alter the place, date or time previously fixed for a meeting provided that notice of such alteration is given at least 5 clear working days before the date of the meeting as originally arranged, unless where such alteration arises from a matter outside the control of the Council when notice is to be given as soon as practicable.

If an emergency occurs, the Monitoring Officer may, after consulting with such of the Mayor, the Leader of the Council, Group Leaders and the Chief Executive as may conveniently be contacted, vary any arrangement for the holding of Council meetings.

No meeting of the Council shall, except in an emergency, be held on a Friday evening, Saturday, Sunday, Bank Holiday or day on which the Council shall have granted a general holiday for its employees.

The place, date and time of Extraordinary and Special Council meetings will be determined by the Monitoring Officer, in consultation with the Mayor, and will be notified to all Members on the summons to the meeting.

6.2 Committees

Should a committee or sub-Committee agree to hold meetings at a time different to that determined by the Monitoring Officer, the Chair shall notify the Monitoring Officer via email at committees@waverley.gov.uk who will make the necessary amendment to the calendar of meetings. The Committee or sub-Committee may only make such amendment to the time of the meeting at least 2 clear working days prior to the summons for the meeting being published.

The timing and location of Executive meetings will be determined by the Monitoring Officer, in consultation with the Leader and will be notified on the agenda.

RULE 7: NOTICE OF AND SUMMONS TO MEETINGS

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, by publishing the time and location of the meeting on the Council's website and displaying the notice at the Council offices. Where the meeting is called by members of the Council, the notice shall be signed by those members and shall specify the purpose of the meeting.

At least five clear working days before the day of the meeting, the Proper Officer will send a summons or agenda, signed by them or on behalf of them, to every member of the Council, by electronic mail or by post. The summons or agenda will give the date, time and location of each meeting and specify the business to be transacted,

and will be accompanied by relevant reports, or shall provide access to such reports electronically.

RULE 8: CHAIR OF COUNCIL MEETING

At a meeting of the Council, the Mayor, if present, shall preside. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside.

The person presiding at the meeting may exercise any power or duty of the Mayor, subject to the provision that only an elected member of the Council may cast a vote. If it is necessary to choose a member of the Council (who cannot be a member of the Executive) to preside in the absence of the Mayor and the Deputy Mayor, the Monitoring Officer or their representative will preside and call for a motion that a Member of the Council take the Chair. Any such motion, once seconded, will be put to the vote without debate.

The ruling of the Mayor, having taken advice from the Monitoring Officer or their representative, as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Where these rules apply to committee and sub-committee meetings, (see Council Procedure Rule 31), references to the Chair also include the chair of committees and sub-committees.

The Mayor, at a Council meeting or the chair at a committee meeting, or the majority vote of the relevant meeting, can agree to a change in the order of the substantive business on an agenda, except for the first two items at an Annual Council meeting.

RULE 9: QUORUM

The quorum of a meeting of the Council will be one quarter of the whole number of Members of the Council, rounded up to the nearest whole where appropriate. The quorum of any meeting of a committee or sub-committee shall be:

- not less than one quarter of the total membership of the committee or sub-committee, and
- subject to a minimum of three.

If at any time during a meeting the number of members in attendance falls below the quorum, the person presiding will declare that there is not a quorum present, and the meeting will stand adjourned for 15 minutes. If, after 15 minutes, the person presiding declares that there is still no quorum present, then the meeting will be adjourned, and any remaining business considered at the next meeting.

The consideration of all business which is on the agenda of a meeting brought to an end in this way, and which has not been completed before the meeting is brought to an end, shall be deferred to the next meeting, whether Ordinary, Extraordinary or Special, insofar as is allowed by law.

RULE 10: DURATION OF MEETINGS

Where any meeting of the Council, a committee or sub-committee, has lasted 3 hours, the person presiding shall, if necessary, immediately after a member has finished speaking, without discussion, take a vote on whether the meeting should continue following completion of the item of business under consideration at the time.

Unless a majority of members present vote for the meeting to continue, then the person presiding shall, following the vote on the item under consideration, adjourn the meeting. The remaining business will be considered at a time and date fixed by the Mayor or committee, or sub-committee at that time, or, if they do not fix a time and date, at the next meeting of the Council, committee, or sub-committee as appropriate.

If the majority of Members present vote to continue the meeting, then a further vote on whether to continue the meeting will take place half hourly thereafter.

This Council Procedure Rule does not apply to meetings dealing with matters arising under the Licensing Act 2003 and the Gambling Act 2005, Committee meetings dealing with staff appointments or staff appeals and Sub-Committee meetings dealing with code of conduct determinations.

RULE 11: QUESTIONS AND ENGAGEMENT BY THE PUBLIC

11.1 Questions and Statements on Notice by the Public

A member of the public may make a statement to the Council on any matter in relation to which the Council has powers or duties, or which affects the Borough.

A member of the public may ask questions of:

- the Mayor,
- the Leader,
- any Member of the Executive, or
- the Chair of any Committee,

on any matter in relation to which the Council has powers or duties, or which affects the Borough.

A member of the public is limited to asking one such question or making one such statement at any meeting of the Council. No more than one question can be asked, or statement made, on behalf of any organisation or body at any Council meeting. No public questions or statements may be asked or put at the Annual Council meeting.

The question or statement must be sent, in writing, to the Monitoring Officer, via email to committees@waverley.gov.uk to be received no later than 5pm on the fourth working day prior to the day of the meeting. (For the avoidance of doubt, if a meeting were to be held on a Tuesday evening, the deadline would usually be 5pm on the Wednesday of the preceding week).

No questions or statements from the public will be allowed where the requisite notice has not been given.

11.2 Grounds for refusal of a Public Question or Statement

The Monitoring Officer may reject a question or statement if, in their opinion:

- it does not relate to a matter for which the Council has responsibility or does not affect the Borough or its residents, communities or businesses,
- it is defamatory, frivolous, vexatious, or offensive,
- it refers to legal proceedings taken or anticipated by or against the Council,
- it is substantially the same as a question or statement which has been put to a meeting of Council within the previous 6 months,
- it requires the disclosure of confidential or exempt information, or
- it would more appropriately be responded to by the Council under the Freedom of Information Act 2000, or the Data Protection Act 1998 as amended.

11.3 Asking the Question or Putting the Statement and Responding

Copies of all questions and statements, except those that have been rejected, will be included on the supplementary agenda pack for the relevant meeting, and will be circulated to all Members and made available to the public via the Council's website, by 5pm on the working day prior to the day of the meeting. (For the avoidance of doubt, if a meeting were to be held on a Tuesday evening, the publication of the supplementary agenda pack would usually be 5pm on the Monday of that week).

The response to a question will take the form of a written response which shall also be included in the supplementary agenda pack published in advance of the meeting.

The Mayor or Leader of the Council (or an Executive Member on their behalf), may respond to a statement, if they so wish.

Questions and statements will be taken in the order in which they were received by the Monitoring Officer, except that the Mayor may group similar questions or statements together.

The question or statement and any written response, as published in the supplementary agenda pack, may, by agreement, be taken as read, at the meeting. There shall be no discussion upon it.

The question or statement and any written response will also be recorded in the minutes of the meeting.

11.4 Supplementary Questions

The member of the public who asked a question, may ask one supplementary question, which must arise directly from the question itself or the response provided to the question. The Member to whom the question was put may provide a verbal response or provide a written response to the supplementary question within 3 clear working days following the day of the meeting. (For the avoidance of doubt, if a meeting were to be held on a Tuesday evening, the written response to a supplementary question would usually need to be provided by 5pm on the Friday of that week).

Where a written response is provided to a supplementary question, it shall be published with the minutes to the meeting.

No discussion will take place in respect of any question or supplementary question.

11.5 Time Limits

No time will be allocated to the substantive question or statement and response as the written version will be taken as read and there shall be no discussion upon it.

A member of the public asking a supplementary question has a maximum of 3 minutes to do so. Where a verbal response is provided, the Member responding has a maximum of 3 minutes to do so.

A member of the public making a statement has a maximum of 3 minutes to do so. Should a Member wish to provide a response to a statement they shall also have a maximum of 3 minutes to do so. These time limits are subject to an overall time limit of 30 minutes for questions and statements from members of the public.

If the 30 minutes expires during a supplementary question or answer, the Mayor may allow the supplementary question to be heard and responded to.

11.6 Referral to the Executive or a Committee

In addition, any Member of the Council may move that a matter raised by a question or a statement from the public, be referred to either the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

This provision shall apply only at Council meetings.

11.7 Petitions

Petitions, other than statutory petitions, shall be managed in accordance with the Council's Petition Scheme set out in Part 4 of the Constitution.

RULE 12: QUESTIONS BY MEMBERS

12.1 Questions on Notice by Members

12.1.1 Notice and Scope

Provided that the Member has given written notice to the Monitoring Officer, via email to committees@waverley.gov.uk by no later than 5pm on the fourth working day prior to the day of the meeting, at a Council meeting, a Member of the Council may ask:

- the Mayor,
- the Leader,
- a Member of the Executive, or
- the Chair of any Committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough, (subject to Rule 12.2 below).

(For the avoidance of doubt, if a meeting were to be held on a Tuesday evening, the written question on notice would usually need to be received by the Monitoring Officer by 5pm on the Wednesday of the preceding week).

12.1.2 Urgency

Any Member of the Council may ask a question of the Mayor or Leader of the Council, where it relates to an urgent matter which is not already included on the agenda for the meeting, which could not have been foreseen prior to the deadline for submitting questions on notice and cannot reasonably be left in abeyance until the next scheduled Council meeting, provided they have the prior consent of the Mayor, and that notice and a written copy of the question have been provided to the

Monitoring Officer, via email to committees@waverley.gov.uk by no later than 12 noon on the day of the meeting.

12.1.3 Scope

The Monitoring Officer may reject any such question if it is defamatory, frivolous, vexatious, or offensive, or if it relates to:

- a decision, or proposed decision, of the Planning Committee relating to a specific Planning application,
- a decision, or proposed decision, of the Standards & General Purposes Committee or Standards Hearing Panel relating to a Standards determination,
- a decision, or proposed decision, of a Licensing Sub-Committee relating to a specific application, review or similar matter,
- a decision, or proposed decision, on a staffing matter or appeal relating to an individual, or
- a matter which is substantially the same as a question which has been put to a meeting of the full Council by a Member of that Council within the previous 6-month period.

12.1.4 Asking and Responding to the Question

A written response will be provided to all Member Questions, other than those raised under CPR 12.1.2. The question and answer will be included in the supplementary agenda pack and published by 5pm the working day prior to the day of the meeting.

The question and any written response, as published in the supplementary agenda pack, will be taken as read at the meeting and there shall be no discussion upon it.

The Member to whom a question on notice has been put, may refer it to another appropriate Member for a written response but should do so in a timely manner.

Where an urgent question has been raised and accepted under CPR 12.1.2, the Member to whom it is put, shall provide a verbal response at the meeting.

Questions will be taken in the order in which they were received by the Monitoring Officer, except that the Mayor may group similar questions together.

All questions from Members, whether raised under CPR 12.1.1 or 12.1.2, and the responses shall be summarised in the minutes of the meeting.

12.1.5 Supplementary Question

A Member submitting a question under this Council Procedure Rule, whether in accordance with CPR 12.1.1 or 12.1.2, may ask one supplementary question, without notice, of the Member to whom the first question was put, or of the Member who provided the written response. The supplementary question must arise directly out of the original question or the response to it.

The Member may provide a verbal response or provide a written response to the supplementary question by 5pm on the third working day following the day of the meeting.

Where a written response to a supplementary question is provided, it shall be published with the minutes of the meeting.

12.1.6 Referral to the Executive or a Committee

In addition, any Member may move that a matter raised by a question be referred to the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

This provision shall apply only at Council meetings.

12.1.7 Time Limits

No time will be allocated to the substantive question raised under CPR 12.1.1 and the response as the written version published in the supplementary agenda pack will be taken as read and there shall be no discussion upon it.

A member raising a question under CPR 12.1.2 has a maximum of 3 minutes to do so. A Member asking a supplementary question following a question under either CPR 12.1.1 or 12.1.2 has a maximum of 3 minutes to do so. Where a verbal response to a supplementary question is provided, the Member responding has a maximum of 3 minutes to do so. These time limits are subject to an overall time limit of 30 minutes for questions from Members.

If the 30 minutes expires during a supplementary question or answer, the Mayor may allow the supplementary question to be heard and responded to.

12.2 Questions by Members Without Notice

A Member may ask a question, at a meeting of Council, without notice as follows:

- (i) A Member of the Council may ask the Leader, a member of the Executive or the Chair of the relevant Committee, any question of clarity on an item on the agenda for that meeting, when that item is being considered. Such questions of clarity should be raised prior to the item being moved.
- (ii) A Member of the Council may ask the Mayor, Leader, any member of the Executive or the Head of Paid Service, Chief Finance Officer or Monitoring Officer, a question arising from an announcement made by that person at that meeting.

RULE 13: MOTIONS ON NOTICE

13.1 Notice

Except for motions which can be moved without notice under Council Procedure Rule 14, written notice of every motion, must be delivered to the Monitoring Officer, via email to committees@waverley.gov.uk, no later than noon on the seventh working day before the date of the meeting. (For clarity if the meeting is on a Tuesday evening, the motion would usually be delivered by noon on the Friday 2 weeks before). An acknowledgement of its receipt will be emailed to the member submitting the notice of the motion.

13.2 Motion set out on Agenda

Accepted motions of which notice has been given will be listed on the agenda. If the member giving notice proposes to move the motion to a later meeting, they must notify the Monitoring Officer, in writing, via email at committee@waverley.gov.uk by no later than 5pm on the working day prior to the day of the meeting.

Motions will be taken in the order in which they were received.

No councillor may have more than one motion on notice included on the same agenda.

13.3 Scope

Motions must be about matters for which the Council has powers or duties, or which affect the Borough. Any motion must be limited to 500 words.

A motion may be rejected by the Monitoring Officer, if in their opinion, the motion:

- is not relevant either to some matter in relation to which the Council has powers or duties or it does not affect the Borough, or
- is defamatory, frivolous, unlawful, vexatious, or offensive, or

- refers to legal proceedings taken or anticipated by or against the Council, or
- is substantially the same as a motion which has been considered in the previous 6 months.

Where a motion is rejected by the Monitoring Officer, they shall return the Motion to the member of the Council who gave notice of it, stating that it will not be inserted on the agenda, and providing reasons for that decision.

Where the Council is in the process of consulting with the public on a proposal, or responding to a formal consultation process, no notice of motion expressing support or objecting to the proposals shall be accepted.

13.4 Motion not proposed at Meeting

If a motion set out in the agenda is not moved either by the member who gave notice of it or by some other member acting on their behalf it shall, unless postponed by consent, shown by a majority vote of those of the Council present, be treated as withdrawn and shall not be further moved without fresh notice.

13.5 Action on the Motion

If the subject matter of any motion of which notice has been given falls within the remit of any committee of the Council, or of the Executive, when it has been proposed, seconded and debated, it shall stand referred to the next meeting of that committee or the Executive.

If the matter stands referred to a committee, the Council may decide whether it shall be decided by that committee or whether action is to be taken by the Council on report of that committee to a future Council meeting.

Notwithstanding the above, if the subject matter is to be determined by the Council and is not an Executive matter, the Mayor may, having taken appropriate officer advice, if they consider it convenient and conducive to the conduct of business, allow it to be dealt with at the Council meeting to which it is brought forward.

13.6 Attendance at Meeting considering Motion

If a Motion is referred to a committee of which the proposer, or the seconder in the absence of the proposer, is not a member, or to the Executive, the proposer shall be entitled to attend that meeting and to explain the Motion. The member may not partake in the debate, nor vote upon the item.

RULE 14: MOTIONS WITHOUT NOTICE

The following motions, and amendments to motions, may be moved without notice:

- to elect a Chair of the meeting at which the motion is moved,
- in relation to the accuracy of the minutes,
- to change the order of business in the agenda,
- to refer something to an appropriate body or individual, including referring any matter for consideration by the Leader/Executive or a Committee,
- to appoint a Committee and its membership arising from an item on the agenda for the meeting,
- to receive reports or adopt the recommendations of the Executive, Committees or Officers and any resolutions arising from them,
- to withdraw a motion,
- to extend the time limit for speeches,
- to amend a motion,
- to postpone consideration of a motion,
- to proceed to the next business,
- to take an immediate vote on a motion,
- to adjourn a debate,
- to adjourn a meeting,
- to continue the meeting beyond three hours in duration,
- to suspend a particular Council Procedure Rule,
- to exclude the public and press in accordance with the Access to Information Procedure Rules,
- not to hear further a member named under Council Procedure Rule 23 or to exclude them from the meeting under that Rule,
- to give the consent of the Council where its consent is required by this Constitution,
- to take action in response to any announcement from the Mayor, Leader, Head of Paid Service, Chief Finance Officer or Monitoring Officer,
- to carry out a statutory duty of the Council which, by reason of special circumstances, the Mayor is of the opinion should be considered at the meeting as a matter of urgency,
- to invite a Member to withdraw in accordance with the Members' Code of Conduct.

RULE 15: RULES OF DEBATE FOR COUNCIL

In respect of rules of debate for the consideration and determination of the annual budget, reference is made to the Council's Budget Procedure Rules in Part 4 of the Constitution.

15.1 Management of the debate

The Mayor shall have the control of any debate and will use their discretion to ensure the effective, efficient, fair and orderly conduct of the business.

The Mayor will normally follow the rules set out in this Council Procedure Rule but, having taken appropriate officer advice, their interpretation, application or waiver of these rules of debate will be final.

15.2 Speeches and Questions

Before moving the motion, the proposer will take any questions on the motion from Members. Such questions must directly relate to the motion being proposed and are restricted to questions directly relating to clarity of what is proposed.

No speeches of debate may be made after the mover has moved a proposal or amendment until the motion or amendment has been seconded.

Once a proposal has been moved and seconded, no questions nor answers are permitted, other than in respect of an amendment to the motion prior to such an amendment being moved. Once proposed and seconded, only speeches of debate shall be permitted.

15.3 Right to require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to them before it is discussed or put to the meeting.

15.4 Secunder's Speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate and must indicate that they wish to do so immediately after seconding.

15.5 Content and Length of Speeches

Speeches must be directed to the motion under consideration or to a point of order (CPR 15.13) or a personal explanation (CPR 15.14).

No speech by the proposer of a motion (but not an amendment) shall exceed six minutes, and four minutes when exercising the right of reply at the end of the debate on a motion. All other speeches in a debate shall not exceed four minutes.

15.6 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:

- to speak once on an amendment moved by another member,
- to move a further amendment if the motion has been amended since they last spoke,
- if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried),
- in exercise of a right of reply,
- on a point of order, or
- by way of personal explanation.

15.7 Amendments to Motions

An amendment to a motion must be relevant to the motion and will either be:

- to refer the matter to an appropriate body or individual, including the Leader/Executive or a Committee, for consideration or reconsideration, or
- to amend the wording of the motion, provided that the effect is not to negate the motion.

If necessary, the Mayor, may require the amendment to be written down and handed to them before it is discussed or put to the meeting. The Mayor, or an Officer supporting them, will read out the amended motion before the amendment is put.

If the Mayor is of the opinion, having taken appropriate officer advice, that any amendment proposed is of a defamatory, frivolous, vexatious, or offensive nature, they may direct that the amendment be rejected.

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, but the Mayor may permit two or more amendments to be discussed together if in their opinion this would facilitate the conduct of the business, subject to separate votes being taken in respect of each amendment.

If an amendment is not carried, other amendments to the original motion may be moved, provided that no such amendment may have a similar effect to one previously determined by the meeting.

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 may be moved.

After an amendment has been considered and determined, there shall be an opportunity for further debate on the original motion, as amended or otherwise, as the case may be, prior to the taking of a vote.

15.8 Alteration of Motion or Amendment

With the consent of the seconder, and the meeting, signified without discussion, a member may alter:

- a motion of which they have given notice, or
- a motion which they have moved without notice, or
- an amendment to a motion they have moved.

Only alterations which could be made as an amendment to the motion may be made.

15.9 Withdrawal of Motion or Amendment

A member may withdraw a motion of which they have given notice, prior to moving it, by simply not proposing it at the meeting.

A member may withdraw a motion, or an amendment to a motion, which they have moved, with the consent of both the seconder and the meeting. The meeting's consent will be signified without discussion. No member may speak on the matter after the mover has asked permission to withdraw it unless permission is refused.

15.10 Right of Reply

Only the mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it. The mover of the amendment shall have a right of reply immediately after the reply on the amendment by the mover of the original motion before a vote is taken on the amendment.

A member exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this, having taken appropriate officer advice, shall be final and not open to discussion.

15.11 Mayor may sum up debate

The Mayor may, if they think fit, sum up the debate before putting a motion or amendment to the vote and if such debate involves a question of a legal, administrative or technical nature, they may request the appropriate Statutory Officer, or their representative, to draw the attention of the meeting to any relevant factors.

15.12 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural or closure motions, which may be moved by a member, without comment, at the end of a speech by another member:

- (i) to withdraw the motion in accordance with Council Procedure Rule 15.9,
- (ii) to amend the motion,
- (iii) to postpone consideration of the motion,
- (iv) to proceed to the next business,
- (v) to take an immediate vote on the motion,
- (vi) to adjourn the debate,
- (vii) to adjourn the meeting,
- (viii) to continue the meeting beyond three hours in duration and, if necessary, every thirty minutes thereafter,
- (ix) to exclude the public in accordance with the Access to Information Procedure Rules, or
- (x) not to hear further a member named under Council Procedure Rule 23 or to exclude them from the meeting under that Procedure Rule.

If a motion to proceed to next business is proposed and seconded and the Mayor considers the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then move, without further debate, to a vote on the procedural motion to proceed to next item of business. If that motion is carried, then the substantive motion before Council is dropped and no decision has been taken on it and none will be recorded.

If a motion to take an immediate vote is proposed and seconded and the Mayor considers the item has been sufficiently discussed, they will put the procedural motion that the vote now be taken, to the vote, without debate. If the procedural motion is carried, they will give the mover of the original motion a right of reply and then move to the vote on the substantive motion.

If a motion to adjourn the debate or to adjourn the meeting, is proposed and seconded, and the Mayor considers the item has not been sufficiently discussed and cannot be reasonably discussed at that meeting, they shall put the procedural motion to the vote without debate and without giving the mover of the original motion, or amendment, a right of reply. On resuming an adjourned debate, the member who moved the adjournment is entitled to speak first; the proposer of the substantive motion, or amendment, will have their right of reply in the usual way at the end of the resumed debate. The motion may specify the location, date and time at which the adjourned debate or meeting shall take place, but if it does not, such decisions shall be determined following the meeting by the Mayor in consultation with the Monitoring Officer. Members shall be advised in the usual way by notice of summons to the adjourned meeting.

If a motion to exclude the public is proposed and seconded, which is not on the agenda, the Mayor shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer, or their representative, as to whether members of the public may lawfully be excluded. If they may, the Mayor shall put the procedural motion to exclude the public to the vote, without debate and without allowing a right of reply. If the procedural motion is carried, the Mayor may, at their discretion, either immediately require the public to leave the meeting room or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.

If a motion that a named member be not heard further, is proposed and seconded, the Mayor shall put the motion to the vote without debate. If it is carried, the named member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter.

15.13 Points of Order

A member may raise a point of order at any time by indicating to the Mayor, by interrupting the meeting and saying "Point of Order". The Mayor will hear them immediately, subject to Council Procedure Rule 23.4.

A point of order may only relate to either an alleged breach of these Council Procedure Rules or an alleged breach of the law. The member shall be required by the Mayor to indicate the specific Council Procedure Rule(s) or law they consider has been breached and the way in which they consider it has been breached, before they are heard on the point of order.

The ruling of the Mayor, having taken appropriate officer advice, on the matter will be final and is not open to discussion.

15.14 Personal Explanation

A member may make a personal explanation at any time, by indicating to the Mayor, by interrupting the meeting and saying "Personal Explanation". The Mayor shall hear them immediately, subject to Council Procedure Rule 23.4.

A personal explanation may only relate to some material part of an earlier speech by the member in the present debate, which may appear to have been misunderstood. The ruling of the Mayor, having taken appropriate officer advice, on the admissibility of a personal explanation will be final and is not open to discussion.

RULE 16: MOTION TO RESCIND OR AMEND A PREVIOUS DECISION

16.1 Motions to rescind or amend a previous decision or similar to one previously rejected

A motion to rescind, or amend, a decision made at a meeting of Council within the past six months, or a motion on notice similar to one previously rejected in that period cannot be moved unless the notice of motion is supported, in writing, by at least 12 Members of the Council or advice has been given by the Monitoring Officer that the matter should be reconsidered.

16.2 Exceptions

Council Procedure Rule 16.1 does not apply:

- to motions moved in pursuance of a recommendation of the Leader/Executive or a Committee, or
- to motions to carry out any statutory duty of the Council which, in the opinion of the Mayor, having taken appropriate officer advice, is of an urgent nature, or
- where a decision has been made by another body since the Council's decision, which significantly affects the decision and necessitates reconsideration of the matter.

RULE 17: VOTING

17.1 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. For the avoidance of doubt, a member abstaining, does not cast a vote.

Unless a recorded vote is demanded or required, then the Mayor shall take the vote by way of a show of hands, or by members casting their vote by an electronic voting

system, or, where appropriate and there is no dissent, by the affirmation of the meeting.

The Mayor shall ascertain the number of members voting for, against or abstaining on any question, shall announce those numbers to the meeting, and declare the result and whether the motion is carried or not. The Mayor's declaration as to the result will be final.

17.2 Mayor's Casting Vote

If there are equal numbers of votes for and against, the Mayor or person presiding at the meeting will have a second or casting vote. There will be no restriction on how the Mayor, or person presiding, chooses to exercise a casting vote. The Mayor, or person presiding may use a casting vote regardless of whether or how they exercised their substantive vote.

If there are equal number of votes for and against and the Mayor chooses not to exercise their casting vote, then the matter to be determined shall fall for want of a majority.

17.3 Recording of Voting at Budget Decision Meeting

At a budget decision meeting of the authority where making a calculation under the relevant sections of the Local Government Finance Act 1992 or issuing the precept as the case may be was included as an item of business on the agenda for that meeting, the minutes of the meeting shall record in respect of each member present whether they voted for a proposition, or against a proposition, or abstained from voting.

Further reference should be made to the Budget Procedure Rules at Part 4 of this Constitution.

17.4 Recorded Vote

If 5 members request a recorded vote, before the vote is taken, then the vote is to be recorded.

A recorded vote is a vote by way of roll call and shall be recorded in the minutes of the meeting to show how each member present and voting cast their vote. The name of any member present and abstaining from voting shall also be recorded.

17.5 Recording of Individual Vote

Immediately after a vote is taken at a meeting, a member can require, that the minutes show whether their individual vote was for or against the proposition, or whether they abstained from voting.

17.6 Voting on Appointments

If there are more than two people nominated for any position to be filled, each member may only cast a vote in favour of one person nominated. If there is then not a clear majority of votes cast in favour of one person, then the name of the person with the least number of votes will be removed from the process and a new vote taken on the remaining nominations, where again each member may cast one vote in favour of a remaining individual nominated. The process will continue until there is a majority of votes for one person.

17.7 Matters for Noting

Where a meeting of Council is asked to simply note a matter, rather than determine it, or make any substantive decision, the Mayor may take the vote by the affirmation of the meeting, provided there is no dissent.

RULE 18: COUNCIL OFFICERS

18.1 Officers Speaking at Council

Other than in relation to Council Procedure Rule 18.2, no Officer other than:

- the Head of Paid Service,
- the Monitoring Officer, or their representative at a meeting,
- the Chief Finance Officer, or their representative at a meeting,
- a Strategic Director, or
- the Democratic Services Manager, or their representative.

shall be called upon to speak at a Council meeting without the consent of the Head of Paid Service. However, where the consent of the Head of Paid Service is given, Officers in addition to those listed above, may be called upon to contribute by way of advice, guidance or presentations on any matter under consideration at the meeting.

The Officer may decline to answer a question which they perceive to be political in nature.

18.2 Officer Reports to Council

Where any matter is subject to a report direct to Council, from an Officer, the Officer may introduce the report, answer any questions for the purpose of clarification and provide advice during the debate. The Officer may decline to answer a question which they perceive to be political in nature.

18.3 Matters Affecting Officers

If any question arises at a meeting of Council or a Committee at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any specific individual officer or identifiable group of officers of the Council, such question shall not be the subject of discussion until the Council or the Committee, as the case may be, has considered excluding the public under the Access to Information Procedure Rules and section 100A of the Local Government Act 1972, having taken advice from the Monitoring Officer or their representative as to the public interest test and other legal obligations.

RULE 19: REPRESENTATIVES ON OUTSIDE BODIES

Where a member who is a representative on an outside body is of the view that a matter to be considered by that body is of such importance as to require that they are informed as to the Council's opinion on that item, the member shall request the Monitoring Officer to place the item on the agenda of the appropriate Council meeting, the Executive or a Committee. The member shall address the Council, Executive or Committee, on the matter.

The member shall report to the outside body on the Council's views, albeit that such views may not be their own and they cannot fetter their discretion of acting in the capacity in which they have been appointed to that body.

RULE 20: CONFIDENTIALITY OF PAPERS

Save as provided by the Local Government Act 1972, and the Access to Information Procedure Rules, all summonses, agendas, reports and other documents shall be treated as confidential unless and until either they become public in the ordinary course of the Council publishing its business, or the consent of both the Mayor and the Monitoring Officer are obtained.

RULE 21: MINUTES

21.1 Signing the minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

21.2 Minutes 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 i.e. an Ordinary meeting) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

21.3 Form of Minutes

Minutes of Council and non-Executive meetings will contain a summary of any debate, setting out the main points that were considered, all motions and amendments in the exact form and order the Chair put them, and the wording of the final decision. Minutes are not intended to be a verbatim record of events.

Minutes of Executive meetings shall contain a written statement of the executive decisions taken which must include:

- (a) a record of the decision including the date it was made,
- (b) a record of the reasons for the decision,
- (c) details of any alternative options considered and rejected by the Executive when making the decision,
- (d) a record of any conflict of interest declared by any member of the Executive which made the decision, and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Head of Paid Service.

RULE 22: STATUS OF DRAFT RECORDS OF DECISIONS AND MINUTES

Any draft record or minute of a decision shall remain a working draft until such time as the relevant decision maker or decision-making body approves it.

Subject to Council Procedure Rule 21.1, only the decision maker or decision-making body whose record or minute is set out in the draft record or minute may alter or amend it.

RULE 23: ATTENDANCE AND CONDUCT OF MEMBERS

23.1 Record of Attendance

The Democratic Services Officer shall record the names of all Members present during the whole, or part of, the meeting. Any omission may be remedied at the discretion of the Monitoring Officer, or by the amendment of draft minutes of a meeting prior to confirmation, at the next or subsequent meeting in accordance with Council Procedure Rule 21.

23.2 Attendance for Part of a Meeting

Any Member who is not present for the entirety of an agenda item, is precluded from participating in the vote of that matter.

23.3 Speaking at Council

A Member may indicate their desire to speak at full Council, by raising their hand. When called to speak by the Mayor of the meeting, they may stand and should address the meeting through the Mayor. If more than one member indicates a desire to speak, the Mayor will attempt to take speakers in the order in which they indicated. Other Members must remain silent and seated whilst a Member is speaking, unless they wish to make a point of order or a personal explanation.

23.4 Mayor standing

If the Mayor stands during a debate, any Member speaking at the time must stop speaking and be seated. The meeting must be silent, whilst the Mayor speaks.

23.5 Member not to be heard further

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may direct the Member to stop speaking. If following such a direction to stop speaking, the Member continues to speak, the Mayor may move that the Member be not heard further on the agenda item. If seconded, the Mayor shall put the motion to the vote without discussion. If passed, the Member shall not be permitted to speak on the same matter again during that meeting.

23.6 Member to leave the meeting

If a Member persistently disregards the ruling of the Mayor by continued irrelevance or repetitions, or by behaving improperly or offensively, or deliberately obstructs

business, the Mayor may request the Member to leave for the remainder of the meeting. If following a request to leave the meeting, the Member fails to leave, the Mayor may move that the named Member leaves the meeting, or that the meeting is adjourned for a specified period. If seconded, the Mayor shall put the motion to the vote without discussion.

23.7 General disturbance

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

23.8 Electronic Devices

Members may at any meeting use any device for the recording of the meeting, the sending or receiving of communications in relation to the meeting or the publication of the contents of the meeting, provided that:

- they give notice to the Mayor before the commencement of the meeting,
- such device remains silent,
- the Member does not record or communicate any matter or information relating to the contents of any meeting or part of a meeting in respect of which the public have been excluded in accordance with the Access to Information Procedure Rules,
- the use of the device does not disrupt the meeting nor distract members of the public, or any Member from the content of the meeting,
- no oral commentary is recorded,
- the Member complies with statutory provisions relating to data protection and other legislation relating to the recording, use of and retention of personal data,
- if the Member's use of a device does not comply with this Council Procedure Rule, then the person presiding may take action in accordance with Council Procedure Rule 23.6.

23.9 Vacation of Office by failure to attend meetings

If a Member fails for a period of 6 months from the date of their last attendance, to attend a meeting of the authority, they shall, unless the failure was due to a reason approved by the authority before the expiry of that six-month period, cease to be a Member of the Council.

Further advice should be sought, in a timely manner, from the Monitoring Officer as to what would constitute attendance at a relevant meeting to prevent section 85 of the Local Government Act 1972 having the effect of vacating the Member from their office.

RULE 24: ATTENDANCE AND CONDUCT OF THE PUBLIC

24.1 Exclusion of the Public

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

24.2 Removal of member of the public

If a member of the public interrupts proceedings, causes a disturbance or behaves improperly, or offensively, or deliberately obstructs business, the Mayor will warn the person concerned. If they continue their conduct after having been warned, the Mayor may direct that they leave the meeting room. If necessary or appropriate, the Mayor may adjourn the meeting for a short period to enable the person to leave.

24.3 General disturbance

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may direct that the part of the meeting room be cleared. If necessary, or appropriate, the Mayor may adjourn the meeting to enable the area to be cleared.

24.4 Filming and recording

The law allows the proceedings of Council meetings, which are open to the public, to be filmed and/or recorded. Any such filming or recording can be by any member of the public, whether or not they are connected with the media, provided that any device used for filming or recording does not disrupt the meeting nor distract other members of the public or any Member from the content of the meeting and that no oral commentary is recorded. Notice must be given to the Chair before the meeting commences, and the individual filming or recording is responsible for compliance with statutory provisions relating to data protection and other legislation relating to the recording, use of and retention of personal data.

RULE 25: ATTENDANCE BY MEMBERS AT MEETINGS OF WHICH THEY ARE NOT A MEMBER

25.1 Attendance by the mover of a motion

A Member of the Council who has moved a motion, which has been referred to the Executive or a Committee shall be given notice by the Monitoring Officer of the meeting at which it is proposed that the motion be considered. The Member shall

have the right to attend the meeting whilst the motion is being considered, to explain the motion and answer questions.

25.2 Attendance of Members at Meetings

Any Member of the Council may attend, in the public gallery, as an observer, any Committee or Sub-Committee of which they are not a Member. A Member observing may remain in the Meeting where the public are excluded, subject to the provisions of the Access to Information Procedure Rules, provided that they have a need to know about the matter under consideration, and that they do not have a relevant interest in the matter that would preclude their attendance. It is assumed that every Member will have a need to know about the matter under consideration, although this presumption is rebuttable, and the Committee can determine whether or not a member may remain present, having taken advice from the Monitoring Officer.

A Member of the Council who is not a Member of the Executive or a Committee, and has a relevant interest in any item under consideration at a particular meeting, that would prevent them from participating if they were a Member of the Executive or that Committee, is not entitled to be present in any part of the room where the meeting is taking place, including the public gallery, during the discussion of that item, unless a dispensation has been granted by the Monitoring Officer.

No Member is entitled to attend any of the Meetings below unless they are appointed as a Member of that Committee or Sub-committee or, where appropriate, are substituting for such a Member. Council Procedure Rule 26.3 therefore does not apply when:

- the Standards & General Purposes Committee, or its Sub-Committees goes into closed session to determine a Member conduct complaint (unless they are present in the capacity of representing a party or acting as a witness),
- the Licensing Committee or Sub-Committee when it goes into closed session to determine an individual quasi-judicial case,
- any Committee when it goes into closed session to determine the capability or conduct of an individual Officer under the Council's disciplinary or grievance procedure, or any other employment policy, or
- any Committee considering the appointment of a Council Officer.

25.3 Speaking by Members at Committee and Sub-Committee meetings

Subject to the provisions below, a non-member of a committee or sub-committee observer may, at the discretion of the chair be invited to speak on an item under consideration at a meeting of that committee or sub-committee. The Member must have, prior to the commencement of the meeting, notified the chair of their desire to

address the meeting. The chair shall have total discretion as to whether to invite such a Member to address the meeting.

A Member who is not sitting as a Member of the Licensing Committee or the Licensing Sub-Committee may not address that Committee or Sub-Committee unless they have a right to speak under relevant statutory regulations.

25.4 Leader of the Council

The Leader of the Council, or Deputy Leader in their absence, may attend any meeting of a Committee and speak once on any item under consideration as of right, unless they have a relevant interest in the matter that would preclude them from being present.

However, this does not apply to meetings of:

- the Standards and General Purposes Committee or its Sub Committees when it goes into closed session to determine a Member conduct complaint, or
- the Licensing Committee or Sub-Committee when it goes into closed session to determine an individual quasi-judicial case.

25.5 Voting

A Member of the Council attending a meeting of the Executive or a Committee on which they have not been appointed to serve, and are not acting as a substitute Member, is not entitled to vote on any item under consideration.

RULE 26: NO CONFIDENCE IN THE CHAIR OF A COMMITTEE

At any meeting of a Committee, a Member of that Committee may move that ‘the Meeting has no confidence in the Chair’. If seconded, the motion shall, after debate, be put and, if carried by a simple majority of the Members present, the Chair shall immediately stand down and the remainder of the meeting shall be chaired by the Vice-Chair or, in their absence, by a Member elected for that purpose by the meeting.

During the consideration of such a motion the Chair shall cease to be the Chair of the Committee and shall be an ordinary member of the Committee.

Following an affirmative vote of no confidence in the Chair, they shall not officiate at any subsequent meeting of the Committee prior to the next meeting of the Council. At that meeting, the Council shall consider whether to confirm the vote of no confidence. If by a simple majority they decide to confirm the vote, the office of Chair

of the relevant Committee shall be declared vacant and a new Chair shall be elected by the Council at that meeting. If the Council does not confirm the vote by a simple majority, the Member remains as the Chair of the Committee.

RULE 27: THE LEADER OF THE COUNCIL

27.1 Election of the Leader

The Council shall elect a Leader in accordance with Article 7.

Members present at the relevant Council Meeting shall nominate one or more persons to be Leader, from among the Members. Any nomination which is not seconded, shall not be considered further.

Where there is only one Member nominated and seconded, then the Mayor shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present and voting to determine whether the nominated Member shall be elected as Leader.

Where there are 2 Members nominated and seconded then, following the opportunity for debate, the Mayor shall call for a vote and the Member who received the largest number of votes shall be elected as Leader.

Where there are 3 or more candidates nominated to a single position, there shall be a vote for each candidate and:

- if one of the candidates receives more than half of all the votes cast in the election, that candidate is to be elected,
- if no candidate received more than half of all the votes cast then the candidate with the least number of votes will be eliminated and a new vote taken. This process will continue until there is a majority of votes for one candidate.

27.2 Removal of the Leader

If a Member wishes at a Council meeting to move a motion of no confidence in the Leader of the Council, the Member and their seconder, must give not less than 10 clear working days' notice prior to the date of the next ordinary meeting of the Council to the Monitoring Officer via email at committees@waverley.gov.uk

The Monitoring Officer shall place the motion on the agenda for the next ordinary or extraordinary meeting of the Council. The motion before the Council shall be considered after the receipt of any apologies for absence and declarations of interest.

The motion shall be dealt with in accordance with Council Procedure Rule 13 and the voting shall be in accordance with Council Procedure Rule 17.

27.3 Consequence of a Motion of No Confidence

Where a motion of no confidence is carried, the Leader shall cease to be the Leader of the Council with immediate effect. The Council shall proceed to elect a new Leader at that same meeting or the next ordinary or extraordinary meeting of the Council, and if the latter, the Deputy Leader shall be the Leader of the Council in the interim.

27.4 Term of Office

The Leader shall hold the office of Leader in accordance with Article 6/ Article 7 of the Constitution. Should the Leader resign from their office, the next ordinary, or extraordinary Council meeting will deal with the election of a new Leader in accordance with this Council Procedure Rule. The Deputy Leader will assume the role of Leader until such appointment is made.

RULE 28: THE MAYOR

28.1 Election of the Mayor

The Council shall elect a Mayor at each Annual Council Meeting and the process for voting will be in accordance with Council Procedure Rule 17.

28.2 Removal of the Mayor

If a Member wishes at a Meeting of Council to move a motion of no confidence in the Mayor, the Member, and their seconder, must give not less than 10 clear working days' notice in writing to the Monitoring Officer via email at committees@waverley.gov.uk

The Monitoring Officer shall consider the motion in accordance with the provisions of Council Procedure Rule 13. If accepted, the Monitoring Officer shall place the motion on the agenda for the next ordinary or extraordinary meeting of the Council. The motion before the Council shall be considered as the first item of business after the receipt of any apologies for absence, and declarations of interest.

During the consideration of such a motion, the Mayor shall leave the meeting and Deputy Mayor, or if they are absent, the Monitoring Officer, or their representative, shall act as Chair during consideration of the motion.

After debate, the motion shall be put to the vote and if carried by a simple majority of the Members present, the Mayor shall immediately stand down and the remainder of the Meeting shall be chaired by the Deputy Mayor.

28.3 Consequence of a Motion of No Confidence

Where a motion of no confidence in the Mayor is carried, the Mayor shall cease to be the Mayor with immediate effect. The Council shall proceed to elect a new Mayor at that same meeting of the Council. The item of election of the new Mayor shall be chaired by the Deputy Mayor, if present, provided they are not nominated themselves, or alternatively by Monitoring Officer or their representative.

RULE 29: BUSINESS OF AN URGENT NATURE

Where an Officer takes urgent action, in accordance with their authority in the Officer Scheme of Delegation, that would normally be taken by Council, the Executive, or a Committee, such a decision shall be reported to the next available Ordinary Meeting of the Council, Executive or the Committee that would normally have taken the decision.

RULE 30: SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

30.1 Suspension

In accordance with Council Procedure Rule 14, any of these Council Procedure Rules, other than those governed by statutory provisions, may be suspended in respect of any business at the meeting where its suspension is moved, seconded and carried. Suspension can only be for the duration of the meeting.

30.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion and be referred to the Joint Constitution Review Group and the Standards and General Purposes Committee for consideration and recommendation back to the next appropriate ordinary meeting of the Council.

RULE 31: APPLICATION OF RULES TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of full Council. None of the rules apply to meetings of the Executive, except where expressly stated.

Subject to any requirements or exceptions set out in them, the following Rules:

Rule 6 (Place, Date and Time of Council and Committee Meetings)
Rule 7 (Notice of and Summons to Meetings)
Rule 8 (Chair of Council meeting)
Rule 9 (Quorum)
Rule 10 (Duration of meetings)
Rule 11 (Questions and engagement by the Public)
Rule 12 (Questions by Members)
Rule 13 (Motions on notice)
Rule 14 (Motions without notice)
Rule 15 (Rules of debate for Council)
Rule 16 (Motion to rescind or amend a previous decision)
Rule 17 (Voting)
Rule 21 (Minutes)
Rule 23 (Attendance and Conduct by Members)
Rule 24 (Attendance and Conduct by the Public)
Rule 30 (Suspension and Amendment of Council Procedure Rules)

shall apply to meetings of Committees and Sub-Committees, including Overview and Scrutiny Committees, except where separate constitutional arrangements apply.