

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.

The Annual Meeting will:

- (i) elect a person to preside if the Mayor or Deputy Mayor is not present;
- (ii) elect the new Mayor of the Council;
- (iii) elect the new Deputy Mayor of the Council;
- (iv) receive any announcements from the Mayor and/or Head of the Paid Service;
- (v) elect the Leader;
- (vi) agree the number of Members to be appointed to the Cabinet and appoint those Members;
- (vii) appoint Overview and Scrutiny Committees, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (viii) approve a programme of ordinary meetings of the Council for the year; and
- (ix) consider any other business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats and substitutes;
- (iv) receive nominations of Councillors to serve on each Committee and outside body; and
- (v) appoint to those Committees and outside bodies.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any announcements from the Mayor or the Chief Executive;
- (iv) deal with any business from the last Council meeting;
- (v) answer questions (if any) from Members;
- (vi) receive statements from the Leader and Cabinet Members and answer questions (if any) on any of those statements;
- (vii) receive the minutes of Cabinet and Committees and pass resolutions in respect of any approval items ("A items").
- (viii) consider any other business specified in the summons to the meeting including any reports of the Overview and Scrutiny Committees.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor

- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 **Business**

- (i) the business to be conducted at an Extraordinary Meeting of the Council shall be limited to the item or items in respect of which the meeting has been called.

4. **COMPULSORY TRAINING AND SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

4.1 Where a member is unable to attend a meeting of a Committee or sub-Committee the Group Leader for the political group to which the member belongs may identify a substitute member from within that political group to attend in their place subject to the limitations that:

- (i) No member of the Cabinet may act as a substitute for a member of an Overview and Scrutiny Committee
- (ii) No member of Council may act as a member or substitute of the Planning and Development Committee, Licensing Committee or the Standards Committee unless they have attended training to enable them to carry out that role.
- (iii) For the avoidance of doubt no member may sit as a substitute member of the Licensing Committee when that Committee is undertaking functions under the Licensing Act 2003 or the Gambling Act 2005.
- (iv) For the purpose of determining whether a member has undertaken training to enable that member to carry out his or her role on the Planning and Development and Licensing Committee it will be accepted that a member has undertaken sufficient training for this purpose if that member has attended a minimum of:
 - (a) 10 hours training identified as compulsory in either the year of his appointment to a Committee, or the year preceding that appointment, and
 - (b) 5 hours training identified as compulsory each year thereafter
- (v) In the event that a member fails to attend five hours compulsory training in any year, that member must attend ten hours training in the following year to remain eligible to sit on the Committee.

4.2 **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 they are substituting.

4.3 **Substitution**

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are substituting;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) if the Group Leader has notified the Chief Executive of the intended substitution before the start of the day of the meeting.

5. **TIME AND PLACE OF MEETINGS**

Unless otherwise specified the time and place of meetings will be determined by the Council and notified in the summons.

6. **NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive 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 Chief Executive will send a summons signed by him or her by post 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.

7. **CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these Rules apply to Committees and Sub-Committees, references to the Mayor also include the Chairman of Committees and Sub-Committees.

8. QUORUM

(a) The quorum of a meeting of the Council will be 15 Members. During any meeting if the Mayor 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 Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

(b) The quorum for other meetings is as follows:

Cabinet and any Committee or Sub-Committee except where a different quorum is expressly specified as in the cases set out below	At least one quarter of the membership but in no case less than 3 Members
Cabinet (Grants and Relief) Sub-Committee	A minimum of 2 Cabinet Members
Planning and Development Committee	At least one quarter of the membership but in no case less than 5 Members
Licensing Committee	At least one quarter of the membership but in no case less than 3 Members
Standards Committee	3 Members including at least one independent Member and at least one Parish Council Member when considering matters in relation to Parish Councils.
Overview and Scrutiny Committees	At least one quarter of the membership but in no case less than 3 Members
Audit Committee	At least one quarter of the membership but in no case less than 3 Members
Appointments Committee	5 Members including the five Group Leaders
Area Committees	At least one quarter of the membership

9. STATEMENTS BY THE LEADER AND OTHER CABINET MEMBERS

The Leader and other Cabinet Members may each make a Statement to the Council on matters relevant to their individual portfolios. Statements shall be limited to 5 minutes except in the case of the Leader who is permitted to speak for up to 10 minutes.

10. QUESTIONS BY MEMBERS AT ORDINARY MEETINGS OF THE COUNCIL

10.1 On statements of the Leader and Cabinet Members or concerning Minutes

A Member of the Council may ask the Leader or a Cabinet Member or a Committee Chairman, without notice, questions relating to their Statements to Council (in the case of the Leader or Cabinet Members only), or in relation to any Minutes being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 10.3, a Member of the Council present at the meeting may, through the Chief Executive, ask:

- the Mayor, a Member of the Cabinet or, the Chairman of any Committee or Sub-Committee

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

10.3 Notice of questions

Members may only ask a question under Rule 10.2 if either:

- (a) they have given at least 2 clear days notice in writing of the question to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the Mayor, and notice of the question in writing is given to the Chief Executive by 10.00 am on the day of the meeting.

10.4 **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.
- (d) every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer or may nominate another member to answer; such other member may also decline to answer.

10.5 **Supplementary question**

A Member asking a question under Rule 10.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

11. **MOTIONS**

11.1 **Motions on notice**

- (a) Except for motions which can be moved without notice under Rule 11.2, every notice of motion shall be in writing, signed by the Member or Members of the Council giving the notice and by the seconder, and delivered at least seven clear days before the next meeting of the Council at the office of the Chief Executive by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every member of the Council;
- (b) Every motion shall be in respect of issues affecting the budget and/or policy framework of the Council;
- (c) Motions for which notice has been given will be listed on the summons in the order in which notice was received, unless the member giving notice states, in writing, that he/she proposes to move it at a later meeting or withdraw it;
- (d) If a motion set out in the summons is not moved either by the member who gave notice or by some other member on his/her behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice;
- (e) Upon being formally moved and seconded, every motion shall be referred without discussion to the Cabinet for consideration and report back unless, following a proposal put by the mover, and duly seconded, the Council formally agrees to deal with the motion at the meeting at which it is brought forward;
- (f) When the report of the Cabinet is submitted to the Council, the mover of the motion shall retain the right to reply at the close of the debate.

11.2 Motions without Notice

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting;
- (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 body or individual;
- (e) to appoint the Cabinet, a Committee, or Members thereof arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of 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) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

12. RULES OF DEBATE

12.1 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.

12.2 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 him/her before it is discussed.

12.3 Secunder's speech

When seconding motions or amendments, Members may reserve their speeches until later in the debate.

12.4 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 5 minutes without the consent of the Mayor.

12.5 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;
- (e) on a point of order; and
- (f) by way of personal explanation.

12.6 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 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 Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

12.7 Alteration of motion

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

12.8 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.

12.9 Right of reply

- (a) 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.
- (b) If an amendment is moved, the mover of the original motion also has the right of reply at the close of the debate on the amendment, but may not otherwise speak on the amendment.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

12.10 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) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

12.11 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 that the question be now put is seconded and the Mayor 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.
- (c) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor 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.

12.12 Point of order

A Member may raise a point of order at any time. The Mayor will hear them 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 Mayor on the matter will be final.

12.13. 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 in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

13. VOTING

13.1 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 is put.

13.2 Chairman's casting vote

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

13.3 Show of hands/Electronic Voting

Unless a recorded vote is demanded under Rule 13.4, the Mayor will take the vote by show of hands or by electronic means where this is available, or if there is no dissent, by the affirmation of the meeting.

13.4 Recorded vote

If 8 Members present at the meeting demand it by rising in support, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

13.5 Right to require individual vote to be recorded

Where any Members request it immediately after the vote is taken, their votes will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

13.6 **Voting on appointments**

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

14. **MINUTES**

14.1 **Signing the minutes**

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

14.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where the next meeting of the Council is an extraordinary meeting, the next ordinary meeting will be treated as a suitable meeting for signing minutes.

15. **PUBLIC QUESTION TIME**

15.01 **General**

Members of the public may ask questions at any Meetings of the Cabinet or a Committee or Sub-Committee.

15.02 **Order of questions**

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

15.03 **Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive (at the Town Hall, St Nicholas Street, Scarborough, YO11 2HG or ce@scarborough.gov.uk) at least 2 clear working days before the day of the meeting (if it relates to an item on the agenda for the meeting), or at least 3 clear days before the day of the meeting (in any other case). Each question must give the name and address of the questioner.

15.04 **Scope of questions**

A question will be rejected if it:-

- is, in substance, a statement and not a question;
- is not about a matter for which the Council has a responsibility or which does not affect the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting in the past six months; or
- requires the disclosure of confidential or exempt information;
- relates to a matter in respect of which the Council is exercising a quasi judicial role or where there is a statutory or local procedure for public consultation or appeal

including planning applications, traffic regulation orders, public rights of way applications and licensing applications..

15.05 Asking the question at the meeting

Any question is limited to a maximum of 2 minutes speaking time. If questioners who have submitted written questions are unable to be present the question will not be dealt with.

15.06 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. A supplementary question may be rejected on any of the grounds in Rule 15.04 above.

15.07 Written answers

Public question time will be limited to a maximum of 15 minutes. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer within 7 days of the meeting.

15.08 Reference of question to the Cabinet or a Committee

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to a future meeting of the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

16. SELECTION OF CABINET, COMMITTEES AND SUB-COMMITTEES

16.01 Prior to the Annual Meeting, the Cabinet shall consider and submit recommendations to the Council on the appointment of Councillors to the Cabinet, the various Committees and Sub-Committees, the Substitute Members for each Committee and Sub-Committee and Chairmen and Vice Chairmen of the various Committees and Sub-Committees.

17. SPECIAL MEETINGS OF THE CABINET, COMMITTEES AND SUB-COMMITTEES

17.01 The Chief Executive may call a special meeting of the Cabinet, a Committee or Sub-Committee at any time.

The Chief Executive will also call a special meeting on the requisition of either the Leader, or Chairman of a Committee or Sub-Committee or of a quarter of the whole number of the Cabinet, Committee or Sub-Committee, delivered in writing to the Chief Executive. The notice of the special meeting shall set out the business to be considered and no business other than that set out in the notice shall be considered at that meeting.

18. 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.

19. 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 21 (Disturbance by Public).

20. **MEMBERS' CONDUCT**

20.1 **Standing to speak**

When Members speak at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others 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.

20.2 **Mayor standing**

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

20.3 **Member not 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 move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

20.4 **Member to leave the meeting**

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

20.5 **General disturbance**

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

21. **DISTURBANCE BY PUBLIC**

21.1 **Removal of member of the public**

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

21.2 **Clearance of part of meeting room**

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

22. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

22.1 **Suspension**

All of these Council Rules of Procedure except Rules 13.5 and 14.2 may be suspended 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.

22.2 **Amendment**

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

23. **APPLICATION TO CABINET, COMMITTEES AND SUB-COMMITTEES**

These Council Procedure Rules shall, except as otherwise indicated, apply to all Council meetings, and shall, in so far as applicable and with the necessary modifications, apply to Cabinet, Committee and Sub-Committee meetings, but excluding Rules 1-3, 4.1, 4.2, 10, 15, 17, 18 and 20.1 (in so far as the latter relates to Members standing to speak).

24. **CLEAR DAYS**

Clear days do not include the day of the meeting, a Saturday, Sunday or any day on which the Town Hall is closed for business by reason of a public or other holiday.