

# Council Procedure Rules

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*These Rules constitute the Council's Standing Orders in relation to the regulation of Council proceedings and business under paragraph 42 of Schedule 12 to the Local Government Act 1972 and (to the extent specified in Rule 22) constitute the Council's Standing Orders as respects Committees, under Section 106 of that Act.*

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

### **1.1 Timing**

The annual meeting of the Council shall be held on the third Wednesday in May each year or, in an election year, on such other day as the Council shall determine.

### **1.2 Election of Leader and Appointment of Executive**

At the annual meeting of the Council in an election year, the Council will:

- (a) elect the Leader, to hold office for a four year period (until the day of the post-election annual meeting following their election as Leader). The Leader will agree the number of Members to be appointed to the Executive and appoint those Members.

### **1.3 Appointment of Members to serve on Committees**

- (a) As soon as possible after the election in an election year the Assistant Chief Executive Legal and Democratic Services shall:
  - (i) provide each Member with a questionnaire to be returned to the Secretary of their political group (or if the Member chooses not to be a member of a Group to the Assistant Chief Executive Legal and Democratic Services) asking on which of the committees they would prefer to serve.
  - (ii) convene a meeting, chaired by the Chair or Vice-Chair of the Council, of the Leaders and the Secretaries of those political groups which Members have declared to the Assistant Chief Executive Legal and Democratic Services by the date of the meeting. The meeting shall be held no later than the day before the Annual Meeting of the Council in that year to review the number of seats on committees and sub-committees and to allocate seats to the groups, in proportion to the relative numbers of seats on the Council held by the members of each Group, and proportionally to any Member who is not a member of any Group.
  - (iii) submit to the Annual Meeting of the Council the recommendations of the meeting of Group Leaders and Secretaries, (which shall be referred to as the Allocations Committee), as to the number of seats proposed for each of the Council's committees and sub-committees and the proportional allocation of those seats between the political groups (and any Member of the Council who is not a member of any group), having regard to the composition of the Council following such election. That report shall include, if necessary, any minority recommendations from dissenting groups subject to these also reflecting proportional representation.

- (b) The allocation of seats on committees and sub-committees to groups having been agreed, the appointment of Members (and substitute Members, if any) to serve on each committee and sub-committee shall take place in the following manner:- the names of the Members nominated by the political groups to serve on a committee or sub-committee, together with the name of any Member who has been allocated a seat who is not a member of a group, having been proposed and seconded (in one motion), any group may propose as an amendment any other Member or Members of the same group for service on that committee or sub-committee, within the proportional allocation of seats to that group. Any such amendments and the resulting substantive motion shall be voted upon by the Council without debate. Appointments to sub-committees by committees shall be carried out in the same manner.

If appointments are to be made to any committee other than in accordance with the current law relating to the proportional allocation of seats, such proposals will be moved as a separate motion so that it can be ascertained whether any Member of the Council votes against.

- (c) Subject to any statutory provision:
- (i) the Council shall not appoint any member of a committee so as to hold office later than the annual meeting of the Council in the next election year
  - (ii) from the day of retirement of Councillors in an election year until the annual meeting of the Council in that year the duties of each committee shall be discharged by such Councillors as were Members thereof prior to the said day and have been re-elected, whether or not such number of Members is the quorum of the committee
  - (iii) the Council may at any time dissolve or alter the membership of a committee or add to or remove members from a committee
  - (iv) the Council may make arrangement for substitute membership of committees in accordance with such schemes as it may approve
  - (v) any delegation to a committee may be subject to such general or special restrictions or conditions as may from time to time be agreed by the Council, and such delegations may at any time be revoked by the Council
  - (vi) the foregoing paragraphs of this Council Procedure Rule shall with any necessary modification apply to sub-committees.
- (d) On occasions other than that of the first appointment of committees and sub-committees after a quadrennial election, appointments of Members (and substitute Members, if any) to serve on committees shall be made in accordance with para (b) of this Council Procedure Rule except that nominations shall be reported by representatives of the political groups. Appointments of Members (and substitute Members, if any) to serve on sub-committees shall be made in the same manner by the relevant Committee. When changes to appointments arise as a result of a change in the number of seats held by a political group, the Secretaries (or other representatives) of those groups whose number of seats on the Council have changed shall meet

to agree a reallocation of the seats held by their groups, as necessary, in order to reflect the changed relative proportions of the groups.

- (e) In making recommendations to the Council or committees as to the appointment of Members (and substitute Members, if any) to serve on committees and sub-committees respectively, the political groups shall have regard to the desirability of ensuring that all Members of the Council shall, so far as is practicable, be appointed to serve on approximately the same number of committees and sub-committees.
- (f) Should any Member choose to resign from membership of any committee or sub-committee, it is the duty of the resigning Member (or the Secretary of that Member's Political Group, if any) to advise the Assistant Chief Executive Legal and Democratic Services, so that the resulting vacancy can be brought to the attention of the Council or the appropriate committee.

## **2. ORDINARY MEETINGS**

### **2.1 Timing of Meetings**

Ordinary meetings of the full Council shall be held in every year as follows:

- (a) on the third Wednesday in February; this meeting is dedicated to the consideration of the Council's Budget ("the Budget meeting");
- (b) on a Wednesday in March or April
- (c) the penultimate Wednesday in July
- (d) the second Wednesday in November
- (e) or on such other dates as the Council shall determine.

The Friday that falls two days after the Budget meeting shall be reserved in the diary each year for a further Budget meeting, if necessary, to deal with business left outstanding from the meeting held earlier in the week.

Provisions regarding the Annual meeting of full Council are set out in Council Procedure Rule 1 and provisions regarding Extraordinary meetings are set out in Council Procedure Rule 3.

### **2.2 Notice of Meetings**

Five clear working days at least before a meeting of the Council notice of the time and place will be published at the Council's offices. Where the meeting is called by Members of the Council, the notice will be signed by those Members and will specify the business to be transacted. A summons to attend a meeting of the Council, specifying the business proposed to be transacted and signed by the Chief Executive Officer and Assistant Chief Executive Legal and Democratic Services, will be sent by post to the usual place of residence of every Member of the Council, or to such other place specified in writing by the Member to the Assistant Chief Executive Legal and Democratic Services.

## 2.3 Order of Business

- (a) Save as expressly provided otherwise elsewhere in these Council Procedure Rules the order of business at Council meetings shall be:
- (i) if both the Chair and the Vice-Chair are absent to choose a person to preside at the meeting
  - (ii) any business given priority by or required to be done by statute
  - (iii) approval, as a correct record, of the Minutes of the previous meeting, including minutes of any extraordinary meeting
  - (iv) to receive any communication from the Chair
  - (v) to elect the Leader at the annual meeting in an election year
  - (vi) the statement by the Leader and any questions from Members to the Leader
  - (vii) any questions or statements from members of the public who are residents of North Yorkshire relating to Council business, subject to:
    - ♦ notice having been given of the question or statement and the Member to whom it is addressed at least three clear working days before the meeting; and
    - ♦ no member of the public being entitled to speak for more than three minutes.
  - (viii) notices of motion in the order in which they have been received, unless the Chair directs that, for the efficient conduct of business, they should be considered earlier on the agenda. At each meeting of the Council, the Chair may, at their discretion, bring forward to noon, or as soon as convenient thereafter, debate on one motion of which notice has been given under Council Procedure Rule 11 and for which adequate reason has been given why it should be debated on the day
  - (ix) at the annual meeting in an election year, to appoint Members to serve on committees of the Council and/or as representatives of the Council on other bodies unless power to make those appointments has been delegated to other bodies or persons
  - (x) any business remaining from the previous meeting
  - (xi) any matter referred to the Council for decision by:
    - (a) the Executive
    - (b) the Standards and Governance Committee
    - (c) the Head of Paid Service, Monitoring Officer or Chief Finance Officer
    - (d) a committee of the Council, other than an overview and scrutiny committee
    - (e) the Corporate Parenting Members' Group

- (xii) any statement by an Executive portfolio holder, each of which may be followed by any questions or statements.

Each Scrutiny Chair shall present a report on the work of their Committee.

A summary of the key points of any statement made under this Procedure Rule shall be printed and be made available to all Members as part of the agenda for the meeting.

Members putting questions or statements to a portfolio holder or Chair of the Scrutiny Board or of an Overview and Scrutiny Committee are limited to speaking for a maximum of two minutes.

At the Council's July meeting, the Chair or Deputy Chair of the Police Fire and Crime Panel shall present an Annual Report.

At the Council's July meeting, the Chair of the Scrutiny Board shall present an Annual Report.

- (xiii) any matter referred to the Council by the following Committees:
  - (a) Care and Independence Overview and Scrutiny Committee
  - (b) Corporate and Partnerships Overview and Scrutiny Committee
  - (c) Scrutiny of Health Committee
  - (d) Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee
  - (e) Children and Families Overview and Scrutiny Committee
  - (f) Housing and Leisure Overview and Scrutiny Committee.
- (xiv) Council Procedure Rule 10 questions
- (xv) other business, if any, specified in the summons for the meeting.

- (b) The order of business of any meeting of the Council, other than business falling under items (a) (i), (ii) and (iii), may be varied either at the discretion of the Chair or by a resolution passed on a motion duly moved, seconded and put without discussion.

## 2.4 Reports, Statements and Questions

- (a) Any reports of the Executive or committees shall, whenever possible, be printed and circulated to Members of the Council before the meetings at which they are to be considered.
- (b) The Leader of the Council may make a statement to the Council on any matters relevant to the Council and any portfolio holder (including the Leader if they hold a portfolio) or Chair of any overview and scrutiny committee may make a statement to the Council on any matters relevant to that portfolio or the work of that overview and scrutiny committee. The provisions of Council Procedure Rule 10 shall apply to questions under this Council Procedure Rule.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings**

Those listed below may request the Assistant Chief Executive Legal and Democratic Services to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution
- (b) the Chair of the Council
- (c) the Monitoring Officer or the Chief Finance Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven clear calendar days of the presentation of the requisition

and any such request shall specify one or more items of business to be transacted at the meeting.

#### **3.2 Business**

The notice for any extraordinary meeting must specify the business proposed to be transacted at the meeting.

### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

4.1 Save as provided elsewhere in the Constitution, political groups may nominate any Members to be substitutes for appointed Members of committees, joint committees, sub-committees, working groups and panels. The Assistant Chief Executive Legal and Democratic Services shall have authority to give effect to those nominations in accordance with this Procedure Rule, provided that in the case of the:

- (a) Regulatory committees and sub-committees, substitutes must have received the required training; and
- (b) Overview and Scrutiny Committees, Audit and Standards and Governance Committee, all Members except Executive Members are permitted to be substitutes.

4.2 Arrangements for any substitute Member shall be made by the Member for whom the substitution is being sought or if that Member is unavailable or it is not practical for them to do so then by their political group leader by giving notice to the Assistant Chief Executive Legal and Democratic Services as soon as practicable before the meeting to which the substitution relates. In the event of notification not being provided/received before the start of the meeting then the substitute shall not be treated as a member of the committee or sub-committee for the purposes of being able to speak or vote.

4.3 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.

- 4.4 A substitute member may only be appointed for the whole duration of a meeting, not part, in place of the appointed Member.

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

### **5.1 Council Meetings**

Meetings of the Council shall be held at County Hall, Northallerton, commencing at 10.30 am, or such other hour as the Council may from time to time determine; provided that in exceptional circumstances the Chair or, if the Chair position be vacant, the Vice-Chair may direct that a meeting shall be held at such other place, or such hour and on such date as they may deem expedient.

### **5.2 Other Meetings**

5.2.1 The date, time and place of Executive and committee meetings will be determined by the Assistant Chief Executive Legal and Democratic Services and included on the summons for the meeting.

5.2.2 The Assistant Chief Executive Legal and Democratic Services may change the date, time and place of a meeting of a committee, in their discretion, after consulting with the Chair of the committee and Members of the Committee.

### **5.3 Extraordinary Meetings of Committees**

The Chair of a Committee, or the Chair of the Council, may summon an extraordinary meeting of a committee at any time, and either of them shall summon an extraordinary meeting on the requisition in writing of not less than one quarter of the members of the committee. The summons shall specify the business to be considered at the extraordinary meeting, and no business other than that specified shall be considered at the meeting.

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

The Assistant Chief Executive Legal and Democratic Services 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 working days before a meeting, the Assistant Chief Executive Legal and Democratic Services will send a summons signed by them 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. CHAIR AND VICE-CHAIR**

### **7.1 The Council**

- (a) The Chair of the Council shall be elected annually by the Council from among the Councillors, which shall be the first business transacted at the annual meeting.
- (b) The Council shall appoint a Member of the Council to be Vice-Chair.

- (c) The Chair shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as Chair and the Vice-Chair, unless they resign or become disqualified, shall continue in office until immediately after the election of Chair at the next annual meeting of the Council.

## **7.2 Committees**

- (a) Every committee shall have a Chair and may have a Vice-Chair, provided that the Chair and the Vice-Chair, if any, shall be a Member of the Council and the Chair and Vice-Chair of any Overview and Scrutiny Committee and the Chair and Vice-Chair of any Area Planning Committee and the Chair and Vice-Chair of the Pension Fund Committee shall be appointed by the Council save that, in the absence of the Chair and also of the Vice-Chair, if any, at any meeting of a Committee a Chair for that meeting shall be appointed.
- (b) The Council may, at its annual meeting in every election year, having considered nominations by the representatives of the Groups, appoint a Chair (and may appoint a Vice-Chair) of every committee and, in the event of either office being vacated at any time, any such committee shall elect a Chair (and may elect a Vice-Chair) at its next meeting.
- (c) A Chair and Vice-Chair may be appointed or elected either for one year or for such longer period up to the appointment or election of Chair following a quadrennial election as the Council or the committee, as appropriate, may determine.
- (d) A person who was Chair of any committee immediately before annual meeting, in an election year shall continue to be Chair of that committee until the first meeting of the committee following the annual meeting of the Council if re-elected a Councillor and if appointed a member of that committee by the Council.
- (e) The Council may appoint, in any year when Council elections are not held, a Chair to a committee where the committee has failed to reach agreement (for example where, at the committee's meeting, equal numbers of votes are cast for two Members each nominated for appointment as Chair).

## **8. QUORUM**

### **8.1 Council Meetings**

If during any meeting of the Council the Chair declares that there is not a quorum present (one quarter of the whole number of Members) the meeting shall stand adjourned. (If at any time more than one third of the Members have an interest precluding participation (as set out in the Members' Code of Conduct), the quorum shall be one quarter of the Members remaining).

### **8.2 Other Meetings**

The quorum of any other meeting will be one quarter of the total voting membership of the body or three voting members, whichever is the larger. During any meeting if the Chair 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 Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

8.2.1 Regarding formal Council, Executive, Committee or Sub-Committee meetings, “present” means physical presence, in person at the meeting (in order to be able to count towards the quorum and to vote). Electronic ‘attendance’ via the internet may be permissible for other informal meetings - please liaise with Legal and Democratic Services re any such queries.

### 8.3 **Committee Quorum List**

Current Committee quorum are set out below:

Strategic Planning Committee - Quorum (3) voting Members

Area Planning Committees - Quorum (3) voting Members

Statutory Licensing Committee - Quorum (4) voting Members

Statutory Licensing Sub-Committees - Quorum (3) voting Members

General Licensing and Registration Committee - Quorum (6) voting Members

General Licensing and Registration Sub-Committees - Quorum (3) voting Members

Standards and Governance Committee - Quorum (3) voting Members

Audit Committee - Quorum (3) voting Members

Appeals Committee (Home to School Transport) - Quorum (3) voting Members

Employment Appeals Committee - Quorum (3) voting Members

Chief Officers Appointments and Disciplinary Committee - Quorum (3) voting Members

Pension Fund Committee - Quorum (3) voting Members

Harrogate and Knaresborough Area Committee - Quorum (3) voting Members

Richmond (Yorks) Area Committee - Quorum (3) voting Members

Scarborough and Whitby Area Committee - Quorum (3) voting Members

Selby and Ainsty Area Committee - Quorum (3) voting Members

Skipton and Ripon Area Committee - Quorum (3) voting Members

Thirsk and Malton Area Committee - Quorum (3) voting Members

Care and Independence Overview and Scrutiny Committee - Quorum (4) voting Members

Corporate and Partnerships Overview and Scrutiny Committee - Quorum (4) voting Members

Scrutiny of Health Committee - Quorum (4) voting Members

Transport, Economy, Environment and Enterprise Overview and Scrutiny Committee - Quorum (4) voting Members

Children and Families Overview and Scrutiny Committee - Quorum (4) voting Members

Housing and Leisure Overview and Scrutiny Committee - Quorum (4) voting Members

## **9. QUESTIONS AND STATEMENTS BY THE PUBLIC**

### **9.1 General**

With the exception of the Budget meeting, members of the public may ask questions or make statements at ordinary meetings of the Council, and meetings of the Executive and of committees.

9.1.1 the Council Procedure Rule 9 does not apply to:

- (i) the Council's Planning Committees, Statutory Licensing Sub-Committees and General Licensing and Registration Sub-Committees or any other committee of a quasi-judicial nature), where there are other procedures in place to permit public questions/statements. Public questions/statements at planning committees are governed by the Code of Practice for Councillors and Officers dealing with planning matters in Part 5 of the Constitution
- (ii) full Council Budget meetings.

### **9.2 Order of Questions/Statements**

9.2.1 Subject to the other provisions of Council Procedure Rule 9 regarding public questions and statements, the Chair, in consultation with the Assistant Chief Executive Legal and Democratic Services, will decide which questions are asked, or statements made, and in which order. The Chair may refuse to accept questions or statements submitted for full Council or may refer them for consideration to another committee.

9.2.2 The Chair may group together similar questions or statements. Where there are multiple questions/statements on the same theme, there should be one spokesperson. The Chair has discretion when grouping together similar questions to limit the time for asking such questions and may also, in their discretion, accept one question or statement only per theme or topic and has discretion as to the handling and management of multiple questions/statements on one topic.

9.2.3 The Chair may refuse to accept a question or statement for a full Council meeting if it is the same as asked/made at a meeting of full Council or the Executive in the previous six months.

### 9.3 Notice of Questions/Statements

- (a) A question may only be asked (or statement made) if notice including the full text of the question or statement has been given by delivering it in writing or by electronic mail to the Assistant Chief Executive Legal and Democratic Services no later than midday three clear working days before the day of the meeting. Each question must give the name of the questioner. The question will be put to the relevant executive portfolio holder or committee Chair. Each statement must give the name of the person by whom it is to be made.
- (b) Copies of all public questions received for a meeting of Council will be circulated to all Members in the Council Chamber.

### 9.4 Number of Questions/Statements

No individual, organisation or group may submit more than one question or statement to full Council or Executive in a six month period (from when an initial question was asked or statement made by that individual, organisation or group).

### 9.5 Scope of Questions/Statements

The Assistant Chief Executive Legal and Democratic Services may reject a question or statement if it:

- ♦ is not submitted by a person who can demonstrate a connection to North Yorkshire through living, working or studying in the county
- ♦ is not about a matter for which the local authority has a responsibility or which affects the county
- ♦ in relation to full Council meetings, the question or statement does not relate to an item for decision on the Council agenda
- ♦ is defamatory, frivolous or offensive
- ♦ is essentially a complaint about and/or appeal against a committee decision
- ♦ it is directed to full Council and relates to a planning matter (unless the matter is specifically on the agenda for that full Council meeting)
- ♦ is not within the purview of that particular committee
- ♦ is substantially the same as a question which has been put at a meeting of the Council in the past six months
- ♦ is submitted by an individual, organisation or group who has submitted a question or statement to full Council or the Executive in the previous six months; [in respect of a purported question/statement for a full Council meeting]
- ♦ is submitted by a publicly declared candidate for election during the pre-election period; or
- ♦ requires the disclosure of confidential or exempt information.

### 9.6 Record of Questions/Statements

The Assistant Chief Executive Legal and Democratic Services will enter each question and statement in a book open to public inspection and will immediately send a copy of any question to the Member to whom it is to be put. Rejected questions or statements will include reasons for rejection. Copies of all questions and statements will be circulated to all Members and will be made available to the public attending the meeting.

## 9.7 **Asking the Question or Making the Statement at the Meeting**

- (a) The Chair will invite the questioner to put the question to the relevant portfolio holder or committee Chair. If a questioner who has submitted a written question is unable to be present, they may ask a representative to attend to put the question/make the statement on their behalf. Except in exceptional circumstances (as the Assistant Chief Executive Legal and Democratic Services may agree), the questioner must attend the meeting or send a representative to read out the question or statement, otherwise the question/statement will not be dealt with at the meeting and a written response will be provided.
- (b) The Chair will invite the person to ask their question/make their statement. If they are unable to be present they may ask a representative to ask the question or make the statement on their behalf.
- (c) No person asking a question or making a statement may speak for more than three minutes, and the total time allowed at any meeting for questions and statements by the public shall be half an hour. Members answering a public question or statement may speak for up to three minutes. This therefore allows for a maximum of 5 public questions/statements during the thirty minute time period. In accordance with Council Procedure Rule 9.2, the Chair has discretion as to the handling of questions/statements to be taken during that thirty minute time period.

## 9.8 **Supplemental Question**

- 9.8.1 Subject to Council Procedure Rule 9.8.2, a questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply and is permitted solely for the purpose of clarifying the information provided in response to the original question. In these circumstances the speaking time for the questioner asking a supplemental question will be limited to thirty seconds or such longer time as the Chair might agree. The Member responding to the supplemental question has unlimited time to respond. The Chair may reject a supplementary question on any of the grounds in Rule 9.5 above.
- 9.8.2 Council Procedure Rule 9.8 regarding supplemental questions does not apply to meetings of full Council.

## 9.9 **Written Answers**

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 or because notice required by this Rule was not given, will be dealt with by a written answer within two weeks.

## 9.10 **Reference of Question to the Executive or a Committee**

Unless the Chair decides otherwise, no discussion will take place on any question or statement, but any Member may move that a matter raised by a question or statement be deferred to the next meeting or referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be

voted on without discussion. No other decision may be taken in relation to any question or statement.

## **10. QUESTIONS BY MEMBERS**

### **10.1 Written Questions and Written Responses Addressed Outside of Meetings**

- (a) Members may at any time ask a question of the Leader, Executive Member or the Chair of any Committee or sub-committee by providing written notice of the question to the Assistant Chief Executive Legal and Democratic Services.
- (b) The Leader, Executive Member, Committee or sub-committee Chair concerned must provide a written response within 10 clear working days.
- (c) The question and response will be published on the Council's website.
- (d) The Assistant Chief Executive Legal and Democratic Services may reject a question or statement if it:
  - i. is not about a matter for which the local authority has a responsibility or which affects the County
  - ii. is defamatory, frivolous or offensive
  - iii. is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
  - iv. requires the disclosure of confidential or exempt information.

### **10.2 Statement by the Leader and Questions and Statements by Members to the Leader**

- (a) At each Ordinary meeting of the Council the Leader may make a statement to the Council on any matters relevant to the Council and any portfolio holder (including the Leader if they hold a portfolio.)
- (b) A Member may ask the Leader a question or make a statement in relation to the presentation of the Leader's report and statement to Council during the time allocated for such questions and statements.
- (c) A maximum of 10 minutes will be permitted for questions and statements to the Leader under this agenda item.

### **10.3 Statement by an Executive Member and Questions and Statements by Members to the Executive Member**

- (a) At each Ordinary meeting of the Council statements made by portfolio holders will be made in rotation but follow the order set out below, subject to the first statement at any Council meeting being made last at the subsequent meeting:
  - (iii) Communications, safer communities and emergency planning
  - (iv) Finance, Assets including Pension Fund, Property, Procurement and Commercial, Technology, Transformation, Revenue and Benefits and HR
  - (v) Open to Business, including Planning, economic development and regeneration, Visitor Economy, Broadband and Harbours

- (vi) Corporate Services, locality working and structures, including Stronger Communities, Policy and Performance, Refugee and Asylum issues, Community Safety including CCTV, Legal and Democratic Services, Members support, Elections and Customer Contact
  - (vii) Highways and Transportation including Parking Services, Street Scene, Parks and Grounds, Integrated Passenger Transport, Public Rights of Way and Coastal Protection and Flooding
  - (viii) Health and Adult Services including Public Health and Prevention and Service Development
  - (ix) Culture, Arts and Housing including Culture, Arts, Libraries, Museums, Archives, Key venues, Leisure and Housing
  - (x) Children and Families including Inclusion
  - (xi) Managing our Environment including Environment services including Low Carbon, Bio-diversity, Natural capital, Waste Services, Regulatory Services, Registration, Bereavement, Coroners Service and Licensing
  - (xii) Education, Learning and Skills, including Outdoor Education and Skills.
- (b) The Leader of the Council may make a statement to the Council on any matters relevant to the Council and any portfolio holder (including the Leader if they hold a portfolio).
  - (c) A Member may ask the Executive Member a question or make a statement in relation to the Executive Member's statement to Council during the time allocated for such questions.
  - (d) A maximum of 5 minutes will be permitted for questions and comments to the Executive Member under this agenda item.
  - (e) A summary of the key points of any statement made under this Procedure Rule shall be printed and be made available to all Members as part of the agenda for the meeting.

**10.4 Statement by the Chair of the Scrutiny Board or of an Overview and Scrutiny Committee and Questions and Statements by Members to that Chair**

- (a) At each Ordinary meeting of the Council the Chair of the Scrutiny Board and/or any Chair of an Overview and Scrutiny Committee may make a statement to the Council on any matters relevant to the work of that committee.
- (b) A Member may ask the Chair of the Scrutiny Board and/or any Chair of an Overview and Scrutiny Committee a question or make a statement in relation to their statement to Council during the time allocated for such questions.
- (c) A maximum of 5 minutes will be permitted for questions and statements under this agenda item.

**10.5 Questions by Members to the Chairs of any Committee or Sub-committee, the Leader and Executive Members**

- (a) A Member may during the time allowed for this agenda item ask the Chair of any Committee or Sub-committee (other than an Overview and Scrutiny

Committee), the Leader and Executive Members any question on a matter within the purview of their committee or portfolio.

- (b) Every question shall be put and answered, without discussion but the Member to whom a question has been put may decline to answer.
- (c) A maximum of 10 minutes will be permitted for this agenda item.

#### **10.6 Notice and Order of Questions and Supplementary Questions**

- (a) This Rule applies to questions and statements under 10.2-10.5 above.
- (b) Questions for which 3 clear working days' written notice have been given to the Assistant Chief Executive Legal and Democratic Services (to be received no later than midday three clear working days before the meeting), will be dealt with under the relevant agenda item first. Thereafter, the Chair will determine the order of questioning and statements and at their discretion will, as far as possible, invite the questions and/or statements in the order indicated by Members raising their hand but subject to the need to ensure a reasonable balance across the political groups and independent Members of the Council.
- (c) Copies of all written Member questions received for a meeting of full Council will be circulated to all Members in the Council Chamber.
- (d) With the consent of the Chair, Members may be allowed a short supplementary question which must arise from the response. The Member has 30 seconds to ask their supplementary question.

#### **10.7 Discretion of the Chair in relation to Member Questions and Statements**

- (a) This Rule applies to questions and statements under 10.2-10.5 above.
- (b) The Chair may reject any Member question or statement if it does not pertain to a matter for which the Council has a responsibility or which directly affects the County.
- (c) The Chair may reject a Member question or statement if it relates to a matter which is purely of personal concern to an individual Member's division. In such instances the Chair will ask that the relevant Executive Member, committee Chair or Officer respond to the question in writing within 10 clear working days of the meeting.

#### **10.8 Response**

- (a) This Rule applies to questions and statements under 10.2-10.5 above.
- (b) An answer may take the form of a direct oral answer or where the desired information is in a publication of the Council or other published work, a reference to that publication.
- (c) Where the reply to any question or statement cannot conveniently be given orally, or where there has been insufficient time for any question/statement for which written notice has been provided in accordance with CPR 10.6 above, it

shall be deemed a sufficient reply if the answer is supplied to the Member asking the question or making the statement as soon as reasonably possible and copies shall at the same time be placed in the Members' Group Rooms.

## **11. MOTIONS ON NOTICE**

### **11.1 Council Meetings**

- (a) Except in the cases specified in Council Procedure Rule 12, a motion may not be moved unless notice of it has been given in accordance with the following provisions.
- (b) Every notice of motion, shall:
  - i. relate to a matter for which the Council has duties or powers: or
  - ii. relate to a matter which affects North Yorkshire: or
  - iii. relate to the performance of the Chair, the Leader, the Executive or any member of it, or any committee:

AND

- iv. Have a direct impact upon services provided by the Council, subject to the discretion of the Chair and
- v. Include due consideration of the key
  - financial implications
  - legal implications
  - equalities and diversity implications
  - climate change implications

All such notices shall be in writing signed by the Member giving the notice and any proposed seconder and other supporter; and shall be given or sent by post or fax, or by e-mail from a North Yorkshire Councillor email address) in which case signatures are not required, to the Assistant Chief Executive Legal and Democratic Services, who shall enter it in a book, to be open to inspection by Members, at their office. A notice of motion received after midnight on the ninth clear calendar day before a meeting of the Council shall not be specified in the summons for that meeting [NB: For the avoidance of doubt, this means midnight of clear day 10 turning into clear day 9 ie 9 clear days' notice].

- (c) The Assistant Chief Executive Legal and Democratic Services shall insert in the summons for any meeting of the Council all notices of motion duly given in the order in which they have been received, unless the Member giving a notice has stated in writing prior to the ninth day before the meeting that they propose to move the motion at some later meeting or has withdrawn the notice.
- (d) If a Member who gives notice of a motion under this Council Procedure Rule considers that the Chair should allow the motion to be debated by the Council without being referred to the Executive or a relevant committee for prior consideration, they shall give or send by post/fax or email to the Assistant

Chief Executive Legal and Democratic Services a written statement of their reasons. Provided that the statement of reasons is received not later than the ninth day before a meeting of the Council the Assistant Chief Executive Legal and Democratic Services shall arrange for the statement to accompany the summons for that meeting.

- (e) A motion which appears on the summons for a meeting shall be dealt with at that meeting if either:-
  - (i) the Chair considers that to do so would be convenient or conducive to the despatch of business; or
  - (ii) a motion 'That the motion be considered now' is put to the vote and passed. The proposer of the motion "That the motion be considered now" shall not speak for more than five minutes; and the seconder shall second it without comment. One Member may speak in opposition to the motion 'That the motion be considered now' and that Member shall not speak for more than five minutes.
- (f) If the motion is not dealt with at the meeting at which it is brought forward it shall be moved and seconded without comment and, without discussion, shall stand referred to the Executive or to those committees within whose responsibilities or terms of reference it comes, in the view of the Chair, or as the Council may determine. Where the matter stands referred to an overview and scrutiny committee, the Scrutiny Board shall determine which particular overview and scrutiny committee is the most appropriate to consider the matter.
- (g) A member who has proposed or seconded a motion which has been referred to the Executive or a committee shall receive notice of the meeting of the Executive or committee at which it is proposed to consider and debate the motion and shall have the right to attend the meeting and to explain the motion.
- (h) If a motion is referred to the Executive or one committee only, the Executive or that committee shall debate the motion and report to the relevant decision-making body upon that motion together with its recommendation. If a motion is referred to more than one committee, the Executive shall report to the relevant decision-making body upon that motion together with its recommendations. The report of the Executive or any committee to which a motion has been referred shall contain a statement of that motion.
- (i) When the Executive or a committee reports back on a motion with its recommendations, the Executive's or committee's recommendations become the substantive motion before the relevant decision-making body for voting upon. One Member may speak for 3 minutes to introduce the findings and recommendation of the Executive or committee and the mover or seconder of the original motion may speak for 3 minutes to either oppose or agree the recommendation. There will be no moving of amendments in relation to, questions upon or any other discussion of or questions on the motion prior to the vote upon it.

## 11.2 Other Meetings

- (a) The Assistant Chief Executive Legal and Democratic Services shall insert in the summons for a meeting of a committee of the Council every notice of motion which is specified by a Member giving the notice as being for consideration by that committee, provided that:
    - (i) the notice of motion is in writing signed by the Member giving the notice and the proposed seconder and other supporter
    - (ii) the notice of motion is given or sent by post (or by e-mail from a North Yorkshire Councillor email address in which case signatures are not required), to the Assistant Chief Executive Legal and Democratic Services and received by them not later than the twenty-first day before the meeting of the committee\*
- \* This is to allow sufficient time for an Officers' report to be prepared on the subject matter of the notice of motion as an aid to enabling a decision to be taken on it at that meeting.
- (b) A Member shall wherever possible give notice of a motion to committee rather than to Council.
  - (c) A Member who has proposed a notice of motion to committee in accordance with the provisions of this Council Procedure Rule may speak for not more than 5 minutes when the Council considers a report on that notice of motion.

## 11.3 Motions Affecting Council Staff

If the appointment, promotion, dismissal, salary, superannuation, conditions of service, or conduct of any person employed by the Council arises at a meeting of the Council, the Executive, a committee or sub-committee the matter shall not be discussed until the Council, Executive, committee or sub-committee has decided whether or not to exclude the public under Section 100A of the Local Government Act 1972.

## 12. MOTIONS WITHOUT NOTICE

The following motions and amendments may be moved without notice:

- (a) Appointment of a Chair of the meeting at which the motion is made.
- (b) Motions relating to the accuracy of the minutes, closure, adjournment, order of business, or next business.
- (c) Reference to the Executive or to a committee.
- (d) Motion to exclude the public and press under Section 100A of the Local Government Act 1972.
- (e) Appointment of members of a committee or outside body, so far as arising from an item mentioned in the summons for the meeting.

- (f) Adoption of reports and recommendations of the Executive, committees or Officers and any consequent motions.
- (g) Amendment to motions.
- (h) Extending the time limit for speeches.
- (i) That an item of business specified in the summons shall have precedence, or other variation of order of business.
- (j) Suspending Council Procedure Rules in a case of emergency.
- (k) That a Member named under Council Procedure Rules be not further heard or do leave the meeting.
- (l) Giving any consent of the Council required by Council Procedure Rules.
- (m) A motion "That the motion be considered now".
- (n) A motion "That the Council debate this matter in committee."

### **13. RULES OF DEBATE**

- (a) A Member shall stand when speaking and shall address the Chair. If two or more Members rise, the Chair shall call on one of them to speak. (This Standing Order will be deemed to have been complied with if any Member who, as a result of a disability, would find it difficult to stand, indicates their wish to speak by raising their hand.)
- (b) Except with the consent of the Council, and subject to the provisions of Council Procedure Rules, a Member shall not speak for more than three minutes on any motion or amendment, excluding the mover and the Executive Member or Chair of any Committee directly involved, who may speak for not more than five minutes.
  - (i) At Budget full Council meetings, the mover, seconder and each spokesperson of a political group shall each be able to speak for 6 minutes in relation to the budget item.
- (c) Whenever the Chair rises during a debate, any Member who is speaking or standing shall resume his seat and all Members shall be silent.
- (d) The ruling of the Chair on points of procedure or order and their interpretation of Council Procedure Rules shall be conclusive and no debate upon their ruling shall be allowed.
- (e) Every motion or amendment shall be moved and seconded and, unless the Chair agrees otherwise shall be handed in writing to the Chair, or to the Assistant Chief Executive Legal and Democratic Services and shall be read before it is discussed or to put to the meeting.
- (f) When seconding a motion or amendment a Member may reserve their speech until a later period of the debate.

- (g) A Member shall direct their speech to
- ♦ the motion or question under discussion, or
  - ♦ an amendment, or
  - ♦ a point of order to address a perceived breach of the Council Procedure Rules or other perceived procedural irregularity or
  - ♦ a personal explanation.

A Member rising to a point of order or in personal explanation is entitled to be heard forthwith, but a point of order must specify the Council Procedure Rule to which it relates, and a personal explanation must be confined to some material part of a speech by them which may have been misunderstood or misrepresented.

- (h) An amendment shall be either:
- (i) to refer the matter to an appropriate body or individual for consideration or recommendation
  - (ii) to delete words
  - (iii) to delete words and add others; or
  - (iv) to add words

but such deletion or addition of words shall not have the effect of introducing a new proposal into, or of negating the motion before the Council and every amendment must be relevant to the motion to which it is moved. Where an amendment does not directly seek to negate or nullify a motion, the Chair has the discretion to reject any amendment that seeks to substantially alter the proposal of the original motion so as to lose the intention of the original motion.

- (i) Any number of amendments may be moved but once an amendment to a motion has been moved and seconded no other amendment may be moved until the first amendment has been dealt with.
- (j) If an amendment is rejected, other amendments may be moved to the motion. If an amendment is carried, the motion as amended will then be the motion to which any further amendment may be moved.
- (k) An amendment may be withdrawn by the proposer with the agreement of the seconder and the consent of the Council (to be signified without discussion), and after the proposer has asked for consent to withdraw an amendment, no Member shall speak upon it unless such consent is refused.
- (l) A Member shall not speak more than once on any motion or amendment, except in
  - ♦ the exercise of the right of reply, given by paragraph (p) of this Council Procedure Rule, or
  - ♦ on a point of order, or
  - ♦ by way of personal explanation, or
  - ♦ to move any of the motions specified in paragraph (m) of this Council Procedure Rule.

- (m) At the conclusion of a speech of another Member, a Member may move without comment one of the following and, if seconded, the Chair shall proceed as follows:
- (i) “That the Council proceed to the next business”  
  
Unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business
  - (ii) “That the question be now put;”  
  
Unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and, if it is passed, then give the mover of the original motion their right of reply under paragraph (p) of this Council Procedure Rule before putting the motion to the vote
  - (iii) “That the debate be now adjourned” or “that the Council do now adjourn”:  
  
If in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply.
- (n) A second motion “That the Council do now proceed to the next business”, “That the debate be now adjourned” or “That the Council do now adjourn” may not be made during the same debate within a period of one hour unless, in the opinion of the Chair, the circumstances of the debate are materially altered.
- (o) During the same debate, no Member shall propose or second more than one motion for adjournment of the debate or for the adjournment of the Council, or that the Council do proceed to the next business, or that the question be put.
- (p) The mover of an amendment has no right of reply, but the proposer of a motion (other than a motion proposed under paragraph (m) of this Council Procedure Rule) shall have the right of reply and may speak for up to 5 minutes:
- (i) at the close of the debate on the motion and immediately before it is put to the vote (except where paragraph (m) of this Council Procedure Rule requires it to be put to the vote forthwith)
  - (ii) immediately before any motion to proceed to next business is put to the vote.

If any amendment to a motion is proposed, the mover of the motion shall have a right of reply at the close of the debate on each amendment and, whether the motion is amended or not, at the close of the debate on the motion, but, in exercising a right of reply, the mover of the motion may not introduce any new matter.

Once the right of reply has been exercised a decision must be taken without further discussion.

- (q) When a motion is under debate only the following may be moved:
  - (i) that the motion be amended
  - (ii) that consideration of the motion be postponed
  - (iii) that the meeting be adjourned
  - (iv) that the debate be adjourned
  - (v) that the Council proceed to the next business
  - (vi) that the question be now put
  - (vii) that a Member be not further heard
  - (viii) that a Member leave the meeting
  - (ix) that the public be excluded under Section 100A of the Local Government Act 1972
  - (x) that the Council debate this matter in committee.
- (r) The rules of debate set out in this Council Procedure Rule shall be suspended for any debate for which the Council has resolved, either on a motion for which notice has been given in the printed agenda or on a motion moved without notice under the relevant Council Procedure Rule “that the Council debate this matter in committee”.

## **14. PREVIOUS DECISIONS AND MOTIONS**

- 14.1 Subject to Council Procedure Rule 14.2, no motion to rescind a resolution which has been passed within the preceding 12 months or which would have the effect of rescinding such resolution or a material part thereof, and no motion to the same effect as a motion which has been negated within the preceding 12 months, shall be in order unless the notice of it in the summons bears, in addition to the name of the Member proposing the motion, the names of 15 other Members; and, when any such motion has been disposed of by the Council, it shall not be competent for any Member to propose a similar motion within a further period of 12 months.
- 14.2 No matter can be recalled for review or re-debate under Council Procedure Rule 14.1 within 6 months of its original consideration unless there has been a substantial material change in circumstances as determined by the Chair in consultation with the Assistant Chief Executive Legal and Democratic Services.
- 14.3 This Council Procedure Rule shall not apply to motions which are moved on the recommendation of the Executive or a committee.

## **15. VOTING**

## 15.1 Voting In General

- (a) Every question shall be determined by a show of hands or by the use of the electronic equipment, when available and as agreed by the Chair of the meeting. Before any decision to implement electronic voting is taken, there should be consultation with the relevant Executive portfolio holder and the Assistant Chief Executive Legal and Democratic Services.

If the majority is less than seven, the Chair, or not less than 10 Members, may require a division by name, in which case the Assistant Chief Executive Legal and Democratic Services will call the roll of the Council, and each Member present will reply either “for” or “against” or “abstain”. Alternatively, if electronic voting is in operation the system will record whether each Member votes either “for” or “against” or “abstain”. The Assistant Chief Executive Legal and Democratic Services will record and count the votes, and inform the Chair, who will then announce the result. The names of the Members and the manner in which they have voted shall be recorded in the Minutes.

Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of that meeting the names of the Members who cast a vote for the decision or against the decision or who abstained from voting.

- (b) There will be a division by name if at least 20 Members stand in their places and so require.

(The requirements of this Council Procedure Rule will be deemed to have been complied with if any Member who, as a result of a disability, would find it difficult or impossible to stand, indicates their wish by raising their hand.)

- (c) Where, immediately after a vote is taken at a meeting of the Council, a committee, sub-committee or joint committee, any member of that body so requires, the minutes shall record whether that person cast their vote for or against the proposal or abstained from voting.
- (d) All matters shall be decided by a majority of Members present and voting. In the case of equality of votes the person presiding at the meeting shall have a casting vote.

## 15.2 Voting on Appointments

- (a) To Fill a Single Vacancy

Where more than two persons are nominated and the first voting does not produce an absolute majority of votes in favour of any one of them, the name of the person having the least number of votes shall be removed from the list and a further vote must take place, and so on until a voting produces an absolute majority of those voting in favour of one of the persons. The appointment of that person shall then be proposed by motion.

- (b) To Fill Two or More Vacancies

Where there is more than one vacancy and the number of persons nominated exceeds the number of positions to be filled, the following procedure shall be adopted:

- (i) each Member may vote for any number of persons, not exceeding the number of vacancies to be filled, by signing and delivering to the person presiding at the meeting a notice of the names of the person for whom they vote
  - (ii) the person presiding at the meeting shall announce the number of votes cast for each nominee
  - (iii) the name of the person having the least number of votes shall be removed from the list and each of the Members who voted for that person will be asked by the Chair, individually by name, whether they wish to transfer that vote to one of the remaining nominees. The process will be repeated until the number of nominees remaining is the same as the number of vacancies. The appointment of those persons will then be proposed by motion.
- (c) The procedures contained in this Council Procedure Rule shall, so far as possible, be followed when appointments (including the appointments of Officers) are made by a committee or sub-committee.

## **16. MINUTES**

- (a) The minutes of the meetings of the Council will be recorded on loose leaves consecutively numbered and shall be entered in a book. Copies will be circulated with the summons for the next meeting.
- (b) The minutes, having been taken as read, the Chair shall put the question "That the minutes of the meeting of the Council held on be signed as a correct record".
- (c) No discussion shall take place upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised, or so soon as all such questions raised have been disposed of, the Chair shall sign the minutes and initial each leaf comprising those minutes.
- (d) Where the next meeting of the Council is an extraordinary meeting, the next ordinary meeting will be treated as the suitable meeting for signing minutes.

## **17. RECORD OF ATTENDANCE**

The names of the members at a formal meeting of the Council, Executive and their committees shall be recorded.

## **18. 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 20 (Disturbance by Public).

## **19. MEMBERS' CONDUCT**

- (a) If the Chair informs the Council that, in their opinion, a named Member is persistently disregarding the ruling of the Chair, or behaving irregularly,

improperly, or offensively, or wilfully obstructing the business of the Council, the Chair or any other Member may move “That (the Member named) be not further heard”, or “That (the Member named) do leave the meeting”. If seconded the motion shall be put and voted on without discussion and if carried, the Chair shall direct the Member accordingly. If, having been directed by the Chair to leave the meeting, the Member does not leave forthwith, or having left returns to the meeting, the Chair may give directions for their removal, and such other directions as are necessary for restoring order to the proceedings.

- (b) If, after a motion under (a) has been carried, the misconduct or obstruction is continued, and, in the opinion of the Chair, makes the proper despatch of business impossible, the Chair may adjourn or suspend the sitting of the Council for whatever period they consider expedient.
- (c) Members must at all times observe the Members’ Code of Conduct set out at Part 5 of this Constitution. If a Member is present at a meeting when a matter is to be considered or is being considered, in which they have an interest precluding participation (as set out in the Code), they must declare the existence and nature of that interest, speak if they are permitted under the Code but not participate in the discussion or vote and leave the meeting room (subject to the granting of a dispensation by the Standards and Governance Committee or Monitoring Officer). If a Member is relying on a dispensation to participate, they should still declare the existence and nature of the interest and state that they are relying on a dispensation. Whilst observance of the Code is the individual responsibility of each Member, advice may be sought from Officers (in particular the Monitoring Officer, Chief Finance Officer, Chief Executive Officer, Assistant Chief Executive Legal and Democratic Services or any Director) as to the requirements of the Code.

## **20. DISTURBANCE BY PUBLIC**

If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If they continue the interruption the Chair may order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Chair may order that that part shall be cleared.

## **21. AMENDMENT OF COUNCIL PROCEDURE RULES**

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

## **22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

These Council Procedure Rules, in so far as they are applicable and are not expressly excluded in the Rules, shall with any necessary modification apply to committee and sub-committee meetings, except Council Procedure Rules 11.1 and 17 and those parts of Council Procedure Rule 13 which relate to standing, to speaking more than once and to reducing amendments to writing, and those parts of Council Procedure Rule 15 which relate to a division by name.