

### **COUNCIL PROCEDURE RULES**

#### **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 March, April or May.

The annual meeting will:

- 1.1.1 elect a person to preside if the Chair and Vice Chair of the Council is not present;
- 1.1.2 elect the Chair of the Council;
- 1.1.3 elect the Vice-Chair of the Council;
- 1.1.4 in an election year, the outgoing Chair will preside until the election of a new Chair.
- 1.1.5 elect the Leader and Deputy Leader;
- 1.1.6 appoint such committees as the Council considers appropriate agree the Scheme of Officer Delegations (as set out in Part 3 of this Constitution); and
- 1.1.7 consider any 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 meeting will:

- 1.2.1 decide which committees and sub-committees to establish for the forthcoming municipal year;
- 1.2.2 decide the size and terms of reference for those committees;

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- 1.2.3 decide the allocation of seats to political groups in accordance with the political balance rules;
- 1.2.4 receive nominations of councillors to serve on those committees;
- 1.2.5 appoint the Chairs and Vice-Chairs of Committees save where the Constitution expressly provides otherwise; and
- 1.2.6 appoint non-voting Members to any Committee as it deems appropriate;
- 1.2.7 make appointments to outside bodies except where appointment to those bodies has been delegated by the Council.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with the approved programme. The order of business at ordinary meetings will be as follows:

- 2.1 elect a person to preside if the Chair and Vice-Chair are not present until such time as they are present;
- 2.2 apologies for absence;
- 2.3 approve the minutes of the last meeting and sign the minutes of the last meeting of Council;
- 2.4 receive any announcements from the Chair;
- 2.5 any business required by statute to be undertaken before any other business;
- 2.6 business brought forward by or with the consent of the Chairman;
- 2.7 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chair are relevant to the Council's functions;
- 2.8 receive petitions from the public in relation to matters which in the opinion of the Chair are relevant to the Council's functions;

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- 2.9 Deal with questions from Members in accordance with Rule 10.
- 2.10 consider motions;
- 2.11 receive any declarations of interest from Members;
- 2.12 where the meeting has been called by Members under the provisions of Schedule 12 of the 1972 Act to consider the business specified in the summons;
- 2.13 where a meeting has been summoned to consider:
  - 2.13.1 a change of name of the area of the authority under section 74 of the 1972 Act;
  - 2.13.2 the promotion or opposition of a bill under section 239 of the 1972 Act;
  - 2.13.3 the presentation of a petition to The Queen praying for the grant of a charter under section 245 of the 1972 Act; and
  - 2.13.4 a report from the Chief Financial Officer under section 114 of the 1988 Act; and
  - 2.13.5 a report from the Monitoring Officer under section 5 of the 1989 Act.
- 2.14 Where the meeting is the last ordinary meeting before 2 April in any year, and where the Council has not set an amount for their Council Tax for the ensuing financial year, to consider the setting of such amount;
- 2.15 To consider items of business if any which were on the agenda of the last meeting of the Council and which were not disposed of or did not lapse;
- 2.16 Receive a report from the Leader and receive questions and answers on the report;
- 2.17 Receive reports from the Council's committees and receive questions and answers on those reports;

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- 2.18 Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 2.19 Consider any other business specified in the summons to the meeting, including consideration of proposals from the Strategy and Resources Committee in relation to the Council's budget and policy framework and reports of the Policy Development Committee;

### 3. **EXTRAORDINARY MEETINGS**

#### 3.1 **Calling extraordinary meetings of Council**

The Proper Officer may call Council meetings in addition to ordinary meetings and those listed below may request the Proper Officer to call additional Council meetings:

- 3.1.1 the Council by resolution;
- 3.1.2 the Chair of the Council;
- 3.1.3 any five Members of the Council if they have signed a requisition presented to the Chair of the Council 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;
- 3.1.4 The Monitoring Officer;
- 3.1.5 The Chief Financial Officer;
- 3.1.6 The Chief Executive;

#### 3.2 **Business**

The business to be conducted at an extraordinary meeting shall be restricted to the item(s) of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc.

#### 3.3 **Calling extraordinary meetings of Committees etc**

The Council shall fix the date, time and place of ordinary meetings of Committees subject to the Chair of the relevant Committee having the right to change the date, time or venue of a Committee meeting at their

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discretion. Those listed below may call extraordinary meetings of Committees or Sub- Committees:

3.3.1 The Chair or Vice Chair of Council

3.3.2 The Chair or Vice Chair of the relevant Committee or Sub-Committee

3.3.3 The Chief Executive

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

#### 4.1 **Time and Place of Meetings**

The time and place of meetings will be determined by the Proper Officer and notified in the summons.

#### 4.2 **Duration of Meetings**

At an ordinary meeting of the Council, when 3 hours have elapsed after the commencement of the meeting, the Chair shall, at the conclusion of the debate on the item of business then under consideration, put the matter in hand to the vote and then adjourn the meeting to a time fixed by the Council, Committee or Sub-Committee at the time of the adjournment unless the Members resolve to continue the sitting.

### 5. **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 Procedure Rules. At least five clear working days before a meeting, the Proper Officer will send an electronic summons signed by him to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### 6. **CHAIR OF MEETING**

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

### 7. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members provided that in no case shall the quorum be less than three voting members or in the case of a Sub Committee of the Licensing and Community Safety Committee two voting members. 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 for fifteen minutes. If after fifteen minutes the person presiding, after again causing the number of Members present to be counted, declares that there is still no quorum, the meeting shall end. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### 8. QUESTIONS BY THE PUBLIC

#### 8.1 General

8.1.1 Subject to 8.3 below members of the public may ask questions at ordinary meetings of the Council.

8.1.2 The total time allocated for questions by the public should be limited to 15 minutes.

#### 8.2 Order of questions

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

#### 8.3 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 Monitoring Officer at least 9 clear working days before the day of the meeting. Each question must give the name and address of the questioner, make it clear to whom the question is directed and identifies the meeting of Council to which it is intended to be put. Questions will be no more than 100 words long unless otherwise agreed with the Chair in advance of the meeting.

### 8.4 Number of questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation. There shall be no more than two public questions considered at any one meeting.

### 8.5 Scope of questions

The Monitoring Officer may reject a question if it:

- 8.5.1 is not about a matter for which the Council has a responsibility or which affects the District;
- 8.5.2 is defamatory, frivolous or offensive;
- 8.5.3 is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- 8.5.4 requires the disclosure of confidential or exempt information, or
- 8.5.5 is otherwise inappropriate

### 8.6 Record of questions

The Monitoring Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

### 8.7 Asking the question at the meeting

The Chair will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair will put the question on the questioner's behalf and may indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

### 8.8 Supplementary question

A questioner who has put a question in person may also put one supplementary question without notice. A supplementary question must

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arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds set out in Rule 8.5 above.

### 8.9 Answers

An answer may be given orally or in writing at the meeting or in writing after the meeting. Any written answer will be circulated to all Councillors.

### 8.10 Discussion

No discussion will take place on any question or answer.

## 9. PETITIONS FROM THE PUBLIC

### 9.1 Notice of Petition

If a citizen wishes to present a petition to a Council meeting, notice must be given by that citizen, or by a Member on their behalf, at least 9 clear working days before the meeting. Petitions to be debated at the Council meeting will have been selected according to the Petitions Scheme.

### 9.2 Presentation of Petitions

The petition organiser, or a Member acting on their behalf, will be allowed 5 minutes to present the petition at the meeting. Only one person may speak to present a petition. No Member may present a petition if that Member has signed the petition.

9.3 The Council will then debate the petition for a maximum of 30 minutes.

9.4 The Council will decide how to respond to the petition at the meeting. Such response may include:

- 9.4.1 taking the action requested;
- 9.4.2 not taking the action requested;
- 9.4.3 commissioning further investigation into the matter, eg by the relevant Committee;
- 9.4.4 to hold further meetings with the petitioners;

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9.5 The petition organiser will receive written confirmation of this decision which will also be published on the Council website.

### 9.6 Number of Petitions

At any one meeting no person or organisation may present more than one petition.

### 9.7 Scope of Petitions

The Chief Executive may reject a petition if it:

- 9.7.1 does not qualify under the scheme;
- 9.7.2 is vexatious, abusive or otherwise inappropriate;
- 9.7.3 is a petition qualifying under another enactment;
- 9.7.4 is excluded by order;
- 9.7.5 relates to a planning decision;
- 9.7.6 relates to a licensing decision;
- 9.7.7 relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- 9.7.8 is the same or substantially the same as a petition which has been discussed as a meeting of the Council in the previous 6 months, or
- 9.7.9 it requests that a senior council officer gives evidence at a public meeting.

## 10. QUESTIONS BY MEMBERS

### 10.1 On reports of the Leader or committees

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item contained within a report of the Leader or a committee when that item is being received or under consideration by the Council.

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### 10.2 Questions on notice at full Council

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

10.2.1 the Chair;

10.2.2 the Leader of the Council; or

10.2.3 the chair 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 District.

### 10.3 Questions on notice at Committees and Sub-Committees

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

### 10.4 Notice of questions

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

10.4.1 they have given notice of the question in writing or by electronic mail no later than midday 9 clear working days before the day of the meeting to the Proper Officer or in the case of a question raised under 10.2.2 no later than 9.00am on the day which is one clear working day before the day of the meeting; or

10.4.2 the question relates to urgent matters, they have the consent of the Chair and member to whom the question is to be put and the content of the question is given to the Monitoring Officer by 12.00 noon on the day of the meeting.

For the purpose of this rule, a matter is urgent if:- (a) it could not have been known about and so notice under 10.4.1 above could not have been given, and (b) if the subject matter is of such a nature that consideration of it at the next meeting would not be reasonable.

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### 10.5 Order of Questions

Questions of which notice has been given under Rule 10.2, 10.3 or 10.4.2 will be listed on the agenda in the order determined by the Chair of the Council, committee or sub-committee.

### 10.6 Content of Questions

Questions under Rule 10.2 or 10.3 must, in the opinion of the Chair:

- 10.6.1 contain no expressions of opinion;
- 10.6.2 relate to matters on which the Council has or may determine a policy and for which the Council has responsibility;
- 10.6.3 not relate to planning or licensing applications to be determined or determined by the Council
- 10.6.4 not be defamatory, frivolous or offensive in nature; and
- 10.6.5 not relate to the appointment, dismissal, remuneration condition of service of any person employed by the Council, or the conduct of any Member.

### 10.7 Response

An answer may take the form of:

- 10.7.1 a direct oral answer at the meeting;
- 10.7.2 where the desired information is in a publication of the Council or other published work, a reference to that publication;
- 10.7.3 where the reply cannot conveniently be given orally, a written answer circulated within 10 working days to the questioner, or
- 10.7.4 in respect of a question submitted under 10.2.2 and in accordance with 10.4.1, a written response will be provided at the meeting and if possible will be communicated to all Councillors by mid-day of the day of the meeting.

### 10.8 Supplementary question

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A Member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply and must not consist mainly of a statement or be a repeat of the original question.

### 10.9 Length of Questions

When a Member asks a question under Rule 10.2 or 10.3 the Member answering such a question may speak for no longer than 5 minutes unless the Chair consents to a longer period.

### 10.10 Time Allowed for Questions at Council Meetings

10.10.1 The time allowed for consideration of questions submitted under Rule 10.2 shall not, without the consent of the Council, exceed 30 minutes

10.10.2 At the conclusion of the answer to the question under consideration at the expiry of the relevant period of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chair shall conclude the item and any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

10.11 There shall be no discussion on any matter raised by a question from a Member on notice but a motion may be moved without notice that the subject matter be referred to an appropriate Committee and on such a motion being seconded, it shall immediately be put to the vote.

## 11. MOTIONS ON NOTICE

### 11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion must be delivered to the Monitoring Officer 9 clear working days before the Council meeting at which it is to be considered. Motions received will be entered in a book open to public inspection.

### 11.2 Motion set out in agenda

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Motions for which notice has been given will be listed on the agenda in the order determined by the Chief Executive.

### 11.3 Scope

Motions must be about matters for which the Council has a responsibility, or which affect the District and must not be illegal, improper or defamatory in nature.

### 11.4 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Chair.

### 11.5 Lapse of a Motion

Where notice of a motion has been given for any meeting, and that motion is neither moved, seconded nor deemed to have been referred to a Committee under 11.7 below, the notice shall lapse and the motion shall not be moved without further notice.

### 11.6 Referral to Committee

Where a notice of motion has been given for any meeting and that motion is within the terms of reference of any Committee the motion shall be deemed to have been referred to the next meeting of the Committee within whose terms of reference it falls and any question as to the appropriate Committee to which the motion is to be referred shall be determined by the Chair of Council.

## 12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- 12.1 to appoint a Chair of the meeting at which the motion is moved;
- 12.2 in relation to the accuracy of the minutes;
- 12.3 to change the order of business in the agenda;
- 12.4 to refer something to an appropriate body or individual;

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- 12.5 to appoint a committee or member arising from an item on the summons for the meeting;
- 12.6 to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- 12.7 to withdraw a motion;
- 12.8 to amend a motion, subject to the provisions of the Budget and Policy Framework Procedure Rules in relation to amendment of the proposals for the Council's Budget and Policy Framework;
- 12.9 to proceed to the next business;
- 12.10 that the question be now put;
- 12.11 to adjourn a debate;
- 12.12 to adjourn a meeting;
  
- 12.13 to suspend a particular Council Procedure Rule;
- 12.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
  
- 12.15 to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- 12.16 to give the consent of the Council where its consent is required by this Constitution;
  
- 12.17 that the vote now be taken
- 12.18 that a vote be by way of a recorded vote or ballot
  
- 12.19 to refer to a Committee any petition that has been presented to Council,
  
- 12.20 that a motion, amendment or business of an objectionable nature be not entertained or permitted,
  
- 12.21 on consideration of a report or recommendation, a motion to adopt the report or recommendation or a motion which is in response to the report or any recommendation including a motion to refuse or amend the same.

### 13. RULES OF DEBATE

#### 13.1 No speeches until motion seconded

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

#### 13.2 Right to require motion in writing

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

#### 13.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

#### 13.4 Content and length of speeches

13.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

13.4.2 A speech by the mover of a motion may **not exceed 5 minutes** without the consent of the Chair.

13.4.3 Subject to paragraph 13.4.4 below, speeches by other Members may not **exceed 3 minutes** without the consent of the Chair.

13.4.4 When the Council's annual budget is under discussion, the leader of each political group on the Council may speak for **up to 5 minutes** or such longer period as the Chair shall allow.

#### 13.5 When a Member may speak again

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

13.5.1 to speak once on an amendment moved by another member;

13.5.2 to move a further amendment if the motion has been amended since he/she last spoke;

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13.5.3 if his 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);

13.5.4 in exercise of a right of reply;

13.5.5 on a point of order; and

13.5.6 by way of personal explanation.

### 13.6 Amendments to motions

13.6.1 An amendment to all motions at Council meetings must be relevant to the motion and will either be:

(a) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(b) to leave out words;

(c) to leave out words and insert or add others; or

(d) to insert or add words

(e) as long as the effect of (b) to (d) is not to negate the motion.

13.6.2 Notwithstanding 13.6.1 (e) above, where a motion to approve, refuse or defer an application for planning permission or a license has been made and seconded, it shall be capable of amendment by a motion to approve rather than refuse or defer, or to refuse rather than approve or defer, as the case may be.

13.6.3 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.

13.6.4 If an amendment is not carried, other amendments to the original motion may be moved.

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13.6.5 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.

13.6.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 Alteration of motion

13.7.1 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified by the show of hands.

13.7.2 A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

13.7.3 Only alterations which could be made as an amendment may be made.

### 13.8 Withdrawal of motion

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

### 13.9 Right of reply

13.9.1 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 but shall not introduce a new matter.

13.9.2 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.

13.9.3 The mover of the amendment shall have the right of reply to the debate on his amendment immediately before the amendment is put to the vote.

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### 13.10 Motions which may be moved during debate

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

13.10.1 to withdraw a motion;

13.10.2 to amend a motion;

13.10.3 to proceed to the next business;

13.10.4 that the vote now be taken;

13.10.5 to adjourn a debate;

13.10.6 to adjourn a meeting;

13.10.7 to exclude the public and press in accordance with the Access to Information Procedure Rules;

13.10.8 to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and

13.10.9 that the subject of debate be referred to a Committee or other appropriate body having power to deal with the same

### 13.11 Closure motions

13.11.1 A Member may move, without comment, the following motions at the end of a speech of another Member;

(a) to proceed to the next business;

(b) that the vote now be taken;

(c) to adjourn a debate; or

(d) to adjourn a meeting.

13.11.2 If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he/she will give

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the mover of the original motion a right of reply and then put the procedural motion to the vote.

13.11.3 If a motion that the question be now put is seconded and the Chair 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.

13.11.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### 13.12 **Point of order**

A point of order is a request from a member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A member may raise a point of order at any time. The Chair 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 Chair on the matter will be final.

### 13.13 **Personal explanation**

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

### 13.14 **Participation**

A Member appointed to the Planning Committee or any Committee or Sub-Committee sitting in a quasi-judicial role who arrives at a meeting of that Committee or Sub-committee during the consideration of an item, or leaves a meeting at any time during the consideration of an item, shall not propose or second any motion or amendment or cast a vote in relation to that item.

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### 13.15 Additional Issues

At a meeting of the Council, Members shall stand when speaking, unless unable to do so, and shall address the Chair. While a Member is speaking, other Members shall remain seated unless rising for a point of order, a point of information or in personal explanation.

## 14. MEMBERS RIGHT TO PLACE ITEMS ON COMMITTEE AGENDAS

### 14.1 Members Right

A member of a Committee has the right to request that a matter of policy be placed on the Committee agenda for consideration by the Committee. A Member who is not a member of the Committee may also have the same right where the item relates to an issue that directly affects the Member's ward.

### 14.2 Procedure

The Member shall give the Chief Executive notice in writing not less than 7 clear days before the relevant meeting of the content of the item. The Chief Executive shall consider whether the item can properly be considered by the Committee subject to consultation with the relevant Chair.

## 15. VOTING

### 15.1 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 motion was put.

### 15.2 Chair's casting vote

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

### 15.3 Method of Voting

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Unless a recorded vote is demanded or required under Rule 15.4 or a ballot is demanded under Rule 15.5, the Chair will take the vote by a show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

### **15.4 Recorded vote**

If the majority of members present at the meeting demand it, or if a vote is to be taken on a "budget decision" as defined within the Local Authorities (Standing Orders)(England) Regulations 2001 as amended, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

### **15.5 Ballot**

On a motion being moved and seconded and supported by the majority of Members present, the vote on an item of business will be by ballot.

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

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

### **15.7 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.

## **16. MINUTES**

### **16.1 Signing the minutes**

The Chair of the Council, a Committee or Sub Committee will sign the minutes of the proceedings at the next suitable meeting of that body. The Chair 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

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accuracy. The minutes are deemed as “draft” until approved as a correct record by the next meeting.

### 16.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

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

### 16.3 **Form of minutes**

Minutes of full Council meetings will contain all motions and amendments in the form and order the Chair put them.

## 17. **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.

## 18. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

## 19. **MEMBERS' CONDUCT**

### 19.1 **Speaking at meetings**

When a Member speaks at full Council he/she must stand and address the meeting through the Chair. If more than one member signifies their intention to speak, the Chair will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### 19.2 **Chair speaking**

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When the Chair speaks during a debate, any member speaking at the time must stop.

### 19.3 Member not to be heard further

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

### 19.4 Member to leave the meeting

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

### 19.5 General disturbance

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

## 20. DISTURBANCE BY PUBLIC

### 20.1 Removal of member of the public

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

### 20.2 Clearance of part of meeting room

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

## 21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

### 21.1 Suspension

All of these Council Rules of Procedure except Rule 1.1, 16.1, 15.5 and 16.2 may be suspended by motion on notice or without notice by a majority of those members voting and present in the room at the time. Suspension can only be for the duration of the meeting. Rule 1.1 can only

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be suspended by motion on notice and the motion must have the support of a majority of those members present and voting.

### 21.2 Amendment

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

## 22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 4 - 7, 10 - 23 (but not Rule 19.1) apply to meetings of committees and sub- committees.

## 23. APPOINTMENT OF SUBSTITUTE MEMBERS ON COUNCIL BODIES

- 23.1 The substitution rules will not apply to meetings of the Strategy and Resources Committee, Governance Committee or Licensing and Community Safety Committee save that substitute Members may attend, speak and vote at meetings of a Sub Committee appointed by the Licensing and Community Safety Committee provided that the substitute Member appointed also sits on the Licensing Committee.
- 23.2 The Monitoring Officer may consider a request from a Member of a Council Body, Leader or Deputy Leader of a political group to appoint a substitute Member, providing that the substitute Member is from the same political group.
- 23.3 In order to be eligible to sit as substitutes on the Planning Committee and the Governance Committee, Members must have received formal training in relevant procedures and the law.
- 23.4 A member of the Planning Committee may only appoint a substitute to sit on that Committee if the substitute has been appointed to the Planning Committee Substitution Panel by Full Council. 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. For the avoidance of doubt no substitution is permitted to the Substitution Panel. An appointed substitute Member of the Planning Committee must be present for the whole of the meeting.

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23.5 Substitute Members may attend meetings in that capacity only:

- 23.5.1 to take the place of the ordinary Member for whom they are designated substitute;
- 23.5.2 except where the meeting is a meeting of a Sub Committee of the Licensing and Community Safety Committee, where the ordinary Member will be absent for the whole of the meeting;
- 23.5.3 where the ordinary Member has notified the Monitoring Officer of the intended substitution at least one hour before the start of the relevant meeting.