

# **Council Procedure Rules**

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# Warwick District Council

## Council Procedure Rules

(Each Item defines which meetings it shall apply to within the text)

### 1. Meetings of the Council

Meetings of the Council, Cabinet, Committees or Sub-Committees will normally be held at 6.00 p.m. (or, by exception at other times, determined by the Chair of the meeting) on such day or days as may be determined by the Chair of the meeting, at the Town Hall, Riverside House, Royal Leamington Spa, in a remote on/line setting\*, or such other venue as may be agreed by the Chair of the meeting.

In a year when there is an ordinary election of councillors, the Annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year the Annual meeting will take place in May.

\*for matters being considered under the Licensing Act 2003 only; or Council or its Committees, Cabinet, or any Sub Committees to meet remotely if legislation or regulations are passed by Parliament.

### 2. Chair of Meeting

- (1) Any power or duty of the Chair in relation to the conduct of a meeting of the Council, the Cabinet, Committee or Sub Committee may be exercised by the person who will preside or is presiding at the meeting.
- (2) Vice-Chair will only be appointed for Council, Planning, Licensing and Regulatory and Standards Committees. A deputy Leader will be appointed for the Cabinet.
- (3) If both the Chair, and the Vice-Chair of the Planning, Licensing and Regulatory or Standards Committees, or the Leader and Deputy Leader are absent from a meeting, the members present will choose one of their number to chair the meeting.
- (4) If the Chair of a Committee or the Leader arrives at a meeting after it has started, they will be invited to preside over the meeting after any item under discussion on their arrival has been disposed of.

### 3. Quorum of Meetings

Council: The quorum will be a quarter of the membership subject to a minimum of 11.

Cabinet: The quorum will be a quarter of the membership subject to a minimum of four.

Committees: The quorum will be a quarter of the membership subject to a minimum of four.

Licensing & Regulatory Panels: The quorum will be three.

Sub Committees: The quorum will be a quarter subject to a minimum of three members.

If at any stage during the meeting the number of members present falls below the quorum, the meeting will be adjourned immediately. The balance of the agenda will be considered either at the next meeting or at a special (reconvened) meeting.

#### **4. Order of Business**

- (1) The order of business at every meeting of the Council other than the annual meeting will be:
  - (a) To choose a person to preside if the Chair and Vice-Chair are absent
  - (b) To deal with any business required by statute to be done before any other business
  - (c) Apologies for absence
  - (d) declarations of interest
  - (e) To approve as a correct record and sign the minutes of the last meeting of the Council
  - (f) To deal with any business expressly required by statute to be done
  - (g) To receive such communications as the Chair or the Chief Executive may wish to present to the Council
  - (h) Chair announcements
  - (i) Public Interest Debate – this will be added to the agenda if needed
  - (j) Petitions
  - (k) Notices of Motion
  - (l) Leader’s and Portfolio Holders’ Statements
  - (m) Questions to Portfolio Holders & the Leader of the Council
  - (n) To dispose of business, if any, remaining from the last meeting
  - (o) To receive the reports of the Cabinet and/or any Committees that contain recommendations for Council to consider
  - (p) Other business, if any, specified in the summons
  - (q) To authorise the sealing of documents so far as the Council's authority is required.
  
- (2) The order of business at the Annual Meeting will be:
  - (a) To choose a person to preside if the Chair and Vice-Chair are absent
  - (b) To elect the Chair of the Council
  - (c) To elect the Vice-Chair of the Council
  - (d) To approve the minutes of the last meeting of the Council
  - (e) To appoint the Leader of the Cabinet (as set out in Procedure Rule 19)
  - (e) To note the members to be appointed to the Cabinet
  - (f) To appoint the Committees
  - (g) To consider any business set out in the notice convening the meeting
  
- (3) With the exception of (2)(a) to (d) the order of business at normal meetings and at the Annual Meeting may be varied by:
  - (a) the Chair at their discretion, or
  - (b) a resolution passed on a motion moved under Procedure Rule 13 (15) (c) and duly seconded, which will be moved and put without discussion.
  
- (4) Where in relation to any meeting of the Council the next meeting is called under paragraph 3 of Schedule 12 of the Local Government Act 1972, (special meeting) the next following meeting of the Council (not

called under that paragraph 3) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of that Schedule (signing of minutes).

## **5. Public Interest Debate**

- (1) The Council welcomes suggestions for topics of debate by any individual and any suggestions will be considered by Group Leaders and a debate can be held following agreement by all Group Leaders and Chair.
- (2) Group leaders will meet as required to discuss any requests and to decide the topics on which debates will take place at the coming two or three meetings. Following this a request will be submitted to the Chair to include the item on a forthcoming agenda. This will include requesting representatives on significant outside bodies to make reports on the activities of those bodies.
- (3) At the Council meeting, excluding the Annual Council Meeting and additional meetings arranged to consider specific items of business, a maximum of one hour can be allocated for debates.
- (4) External contributors can be invited to participate by general agreement of all Group Leaders
- (5) The Chair of the Council is authorised to agree the format and length of this item of business on a meeting by meeting basis, taking into account the amount of other business to be considered.
- (6) During the debates, relevant officers can be asked for clarification and information about the issues under consideration but their opinions on the issues under debate will not be requested.

## **6. Notices of Motion**

- (1) Any Member of the Council may give notice of a motion to a meeting of the Council, the Cabinet or a committee.
- (2) Notice of every motion must be by e-mail or in writing, signed by the member, or by 10 members in the case of motions submitted under Procedure Rule 16, and delivered by 10.00am on the seventh clear working day before the next meeting of the Council, the Cabinet or committee they wish it to be considered at, to the office of the Chief Executive.
- (3) Every motion must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.
- (4) The Chief Executive will set out in the agenda for every meeting of the Council, the Cabinet or committee any motions of which notice have been given in the order in which they have been received unless the member giving the notice intimates in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.

- (5) If a motion set out in the agenda is not moved either by the member who gave notice of it or by some other member on their behalf, it will, unless postponed by consent of the Council, the Cabinet or committee, be treated as withdrawn and will not be able to be moved without fresh notice.
- (6) When a Motion comes to Council the procedure will be as follows:
  - (i) For matters that can be determined by Council a short introductory speech will be made by the proposer followed by the proposal of the motion. Once seconded the procedure for debating motions will be followed. After any debate the Motion will be put to a vote and will either be carried or lost;
  - (ii) For matters that are the responsibility of the Cabinet or a Committee a short introductory speech will be made followed by the motion which will be closed with a request the matter is referred to the relevant meeting along with a report from officers. The procedure for debating motions will then be followed. After any debate the Motion will be put to a vote and will either be carried (referred to the relevant committee) or lost (no further action is taken).

## **7. Notices of Item for an Agenda**

- (1) Any member of the Council may give notice that they require an item to be placed on an agenda of the Council, the Cabinet or a committee.
- (2) Notice of every item must be by e-mail or in writing, signed by the member and delivered at least nine clear days before the next meeting of the Council, the Cabinet or committee they wish it to be considered at, to the office of the Chief Executive.
- (3) Every item must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.
- (4) The Chief Executive will set out in the agenda for every meeting of the Council, the Cabinet or committee all items of which notice has been given in the order in which they have been received.
- (5) The member who placed the item will be permitted to address the meeting as set out in Council procedure Rule 24(1), thereafter the debate on the item will be at the discretion of the Chair of the meeting.

## **8. Leader's and Portfolio Holders' Statements**

At every Council meeting, excluding the Annual Council Meeting and additional meetings arranged to consider specific items of business, the Leader of the Council and Portfolio Holders will be given the opportunity to report on any issues within their remits which they consider to be of importance, for the Council's information.

## **9. Questions to Portfolio Holders and Leader**

(This is in addition to the normal rights of any Councillor to ask a question without notice about an item in any report which is under consideration at the meeting.)

At each Council meeting, excluding additional meetings arranged to consider specific items of business, a period of up to one hour 20 minutes will be allocated for questions to the Leader of the Council and Portfolio Holders. The Chair of the Council will have discretion to extend question time according to the amount of business to be considered at the meeting overall.

Questions must relate to the exercise of any of the functions of the Council.

No prior notice of any question is required.

The questions can be circulated to all Councillors before the meeting and unless the contents would involve disclosure of exempt or confidential information shall normally be made public.

The Chair of the Council, after consultation with the Chief Executive, and acting reasonably has the power to exclude any question (or supplementary question) which they consider:

- (a) has already been answered (either at the meeting or previously);
- (b) is not relevant to Council business; or
- (c) is unsuitable.

Questions will normally be taken in the order in which they were received but the Chair of the Council will have the discretion to group the questions by subject matter. The questioner will be invited to ask the question and the relevant Councillor will be invited to reply.

Subject to the discretion Chair of the Council,

- (a) the questioner may ask one supplementary question; and
- (b) one further question may be asked by any other member

The questions and summary of the answers given at the meeting will be recorded in the minutes.

Answers not provided at the meeting will be given to all Councillors as soon as practicable following the meeting, or provided at the next Council meeting.

Written answers given following the meeting will be circulated to all Councillors and, appended to the Minutes of that meeting (if containing confidential information in a confidential appendix).

## **10. Petitions**

Petitions received by the Council, in line with the Petitions Scheme of the Council.

## **11. Minutes**

- (1) The Chair (or the Leader in the case of the Cabinet) will put the motion that the minutes of the meeting of ..... held ....day of ..... be

approved as a correct record.

- (2) No discussion will take place on the minutes, except on their accuracy. Any question of their accuracy must be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chair will sign the minutes.

## **12. Record of Attendance**

Every member of the Council attending a meeting of the Council, the Cabinet, committee or sub-committee must sign their name in the attendance book or sheet provided for that purpose unless the meeting is taking place remotely.

## **13. Rules of Debate for Meetings**

(Those marked \* will also apply to all meetings and if unmarked only apply to Council)

### **\*(1) Institution of Debate**

A motion or amendment cannot be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Procedure Rule 6. Any Member can request that an amendment should be put in writing before it is further discussed or put to the meeting. The Chair will make the final decision.

### **\*(2) Secunder's Speech**

A member when seconding a motion or amendment may, if they then declares their intention to do so, reserve their speech until a later period of the debate.

### **(3) Only one member to stand at a time**

A member when speaking must stand and address the Chair, unless they are physically unable to or are attending the meeting remotely. If two or more members rise, the Chair will request one to speak, the other(s) must then sit. While a member is speaking, the other members must remain seated, unless rising to a point of order or in a personal explanation.

### **\*(4) Content and length of speeches (See also Council Procedure Rule 13 15(h))**

(a) A member must direct their speech to the matter under discussion or to a personal explanation or to a point of order.

(b) No speech will exceed ten minutes (excluding Planning Committee where District Councillors who are not part of the Committee but are addressing the Committee are restricted to five minutes) except by the consent of the Chair of the Council, Cabinet or Committees.

### **(5) When a member may speak again**

A member who has spoken on any motion must not speak again whilst it is the subject of debate except:



- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since they last spoke, to move a further amendment;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- (d) in exercise of a right of reply given by paragraph (9) or (11) of this Procedure Rule;
- (e) on a point of order; or
- (f) by way of personal explanation.

\* (6) Amendments to motion

- (a) An amendment must be relevant to the motion and be a deletion or addition of words which do not have the effect of negating the motion or the reference of the matter to an appropriate body or individual for consideration or reconsideration.
- (b) Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If any amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the substantive motion in place of the original motion and will become the motion on which any further amendment may be moved.
- (d) 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.

\* (7) Alteration of motion

A member may, with the consent of the meeting, signified without discussion:

- (a) alter a motion of which they have given notice, or
- (b) with the further consent of their seconder, alter a motion which they have moved,

If (in either case) the alteration is one which could be made as an amendment to it.

\* (8) Withdrawal of motion

A motion or amendment may be withdrawn by the proposer with the consent of their seconder, and no member may speak on it after it has been withdrawn.

\*(9) Right of reply

Subject to paragraph 11 (9) (b) of this procedure rule below, the closure of a motion will be with the following speakers

- Portfolio Holder (Unless proposer or seconder with reserved right to speak)
- Secunder (if reserved right to speak)
- Proposer

Then the vote will be taken.

A reply under this paragraph must be confined to matters raised in the debate. The mover of an amendment will have a right to reply at the close of the debate immediately before the proposer of the original motion.

This Procedure Rule will not apply to meetings of the Planning, Licensing, Regulatory and Standards Committees.

\*(10) Motions which may be moved during debate

When a motion is under debate no other motion can be moved except the following:

- (a) to amend or withdraw the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) under Procedure Rule 15 (1) that a member be not further heard;
- (g) by the Chair under Procedure Rule 15 (1) that a member do leave the meeting;
- (h) a motion under Section 100 (A) of the Local Government Act 1972, to exclude the public and press.

*To adjourn the debate for an item would seek to defer consideration of the item to a future meeting when different information could be available and different members could consider the matter. **To adjourn the meeting** would be to pause the meeting for it reconvene on a future date with the same membership and agenda items as it is a continuation of the original meeting.*

\*(11) Closure motions

A member may move without comment at the conclusion of a speech of another member; 'That the Council proceed to the next business'. 'That the question be now put'. 'That the debate be now adjourned', or 'That the Council do now adjourn', on the seconding of which the Chair will proceed as follows:

- (a) on a motion to proceed to the next business; they will put the motion to the vote after giving the mover of any amendment before the meeting and the mover of the original motion (in that order) a right of reply;

- (b) on a motion that the question be now put; they will first put to the vote the motion that the question be now put and, if it is passed, then give the mover of any amendment before the meeting and the mover of the original motion their rights of reply under paragraph (9) of this Procedure Rule before putting the motion to the vote; or
  - (c) on a motion to adjourn the debate or the meeting; they will put the motion to the vote after giving the mover of any amendment and the mover of the original motion their rights of reply.
- \*(12) A member may raise a point of order or personal explanation at any time. A point of order may relate only to an alleged breach of a Procedure Rule or statutory provision and the member must specify the Procedure Rule and the way in which they consider it has been broken. 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.
- \*(13) The ruling of the Chair on a point of order or on the admissibility of a personal explanation will not be open to discussion.
- (14) Whenever the Chair rises during a debate a member then standing must resume their seat and the Council must be silent.
- \*(15) 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.
  - (c) That an item of business specified in the summons have precedence.
  - (d) Reference to a committee.
  - (e) Appointment of the Cabinet or a committee or its members, occasioned by an item mentioned in the summons to the meeting.
  - (f) Adoption of the Cabinet or committee minutes or reports of officers and any consequent resolutions.
  - (g) That leave be given to withdraw a motion.
  - (h) Extending the time limit for speeches.
  - (i) Amendments to motions.
  - (j) That the Council proceed to the next business.
  - (k) That the question be now put.
  - (l) That the debate be now adjourned.
  - (m) That the Council do now adjourn.
  - (n) Suspending Procedure Rules, in accordance with Article 16 of the Constitution.
  - (o) Motion under section 100 A of the Local Government Act, 1972, to exclude the public and press by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.
  - (p) That a member named under Procedure Rule 15 be not further heard or do leave the meeting.
  - (q) Inviting a member to remain under Procedure Rule 29 (1)
  - (r) Giving consent of the Council where the consent of the Council is required by these Procedure Rules.

- (s) That a committee or member be appointed arising from an item on the summons for the meeting.

#### (16) Call-In Procedure

When a decision of the Cabinet has been referred to the Council under the call-in procedure, the rules of debate will be as follows and if not stated, Council Procedure Rule 11 will be followed:

- (a) A member may raise for discussion any aspect of the issue which is the subject of the call-in.
- (b) Where further action or an amendment to the decision taken by the Cabinet is proposed, a motion can be moved by a member which, if agreed, will be forwarded to the Cabinet to make the final decision. (If the original decision is then subsequently confirmed by the Cabinet, it cannot be subject to the call-in procedure again. If the decision, or wording of the decision is changed by the Cabinet in any way, then it becomes a new decision and can be subject to the call-in procedure).
- (c) At the conclusion of the debate on the motion, the Leader or relevant Portfolio Holder will have the right to reply immediately before the proposer of the motion.

A flow chart explaining the Rules of Debate is attached as Appendix A to this document.

### **14. Motions Affecting Persons Employed by the Council**

If any question arises at a meeting of the Council, the Cabinet or a committee to which the public (including the press) are admitted on the appointment, promotion, dismissal, salary, superannuation or conditions of service, or on the conduct of any person employed by the Council, the question will not be discussed until the public and the press have been excluded by resolution. Unless the Council, Cabinet or committee decide otherwise by resolution.

### **15. Disorderly Conduct**

- (1) If the Chair of a meeting of the Council, a committee, sub-committee or the Leader considers that a member of the Council is acting improperly in any way they may put to the vote without further discussion, that the member be no longer heard and if the misconduct continues that the member leave the meeting.
- (2) If the Chair of a meeting of the Council, committee, subcommittee or the Leader considers the orderly conduct of the business is not reasonably possible then they may adjourn the meeting.

The action of improper behaviour by a Member would include the participation of a Member in an item at a meeting when they have not been party to the consideration of all discussions for that item, therefore affecting proper consideration of an item and natural justice.

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

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

## **16. Rescission of Preceding Resolution**

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, can be proposed unless the notice given under Procedure Rule 6, bears the names of at least ten members of the Council. When any such motion or amendment has been disposed of by the Council, it will not be open to any member to propose a similar motion within a further period of six months.

Provided that this Procedure Rule will not apply to motions moved under a recommendation of the Cabinet or a Committee, to Council.

## **17. Voting**

- (1) Voting at meetings of the Council, the Cabinet and committees will be by the show of hands (*or in the case of a remote meetings via secure electronic voting system or the Chair (or an officer at their request) asking each member for their vote.* and in the case of an equality of votes the Chair (or Leader in the case of the Cabinet) will have the casting vote.
- (2) Any member present may, before the vote is taken with the support of two other members, require that the voting be recorded in the minutes so as to show whether each member present gave their vote for or against the question or abstained from voting.
- (3) Where immediately after a vote is taken any member so requires there must be recorded in the minutes of the proceedings of the meeting whether the member cast their vote for or against the question or abstained from voting.
- (4) At the annual budget setting and Council Tax meeting, a recorded vote will be taken in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

If a decision taken at a meeting of the Cabinet is not carried unanimously, a record will be made in the minutes of those members who voted against or abstained.

## **18. Voting on Appointments**

Where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes will be struck off the list and a fresh vote be taken, and so on until a majority of votes is given in favour of one person.

## **19. Appointment of Leader**

- (1) A Leader be appointed by the Council from among its elected councillors for a four year period.

- (2) The Leader must decide either to carry out the Council's executive functions or delegate executive functions to the Cabinet (that shall be known as the Cabinet), its members or Council officers.
- (3) The Leader ceases to hold the position of Leader:
  - a. at the Annual meeting after their 4 year period expires;
  - b. when the Council removes them from the position (which can be at any time);
  - c. they resign from the position;
  - d. they are suspended from being a councillor (although they can resume the position at the end of the suspension); or
  - e. they cease to be a councillor.
- (4) In the case of a vacancy arising a further appointment will be made for the remainder of the term.

(The Leader of the Cabinet will be a member of the Cabinet and Employment Committee as one of their political group's representatives.)

## **20. Appointment of Committees**

(20.1) Any committee is the child of the Council, therefore it can take any decision except Cabinet decisions.

(20.2) The Council will appoint such committees as are necessary to carry out the work of the Council, subject to any statutory provision and;

- (a) will not appoint any member to a committee for a period later than the next Annual Meeting of the Council;
- (b) will not appoint the Chair of the Council or Vice-Chair of the Council to Standards Committee, or a member of the Cabinet to an Overview and Scrutiny Committee or the Standards Committee;
- (c) may at any time dissolve or alter the membership of a committee;
- (d) Overview and Scrutiny Committees will have the discretion to appoint non-Councillors to sit on the Committee but without voting powers;
- (e) will make alterations at subsequent meetings of the Council during the year, where appropriate;
- (f) will appoint the Leader of the Cabinet to the Employment Committee as one of their political group's representatives; and
- (g) Members of Planning Committee and Licensing and Regulatory Committee should receive appropriate training prior to them sitting on the Committee.

(20.3) The Leader shall:

- (a) appoint two but no more than nine Councillors to the Cabinet (the Cabinet shall comprise of no more than ten members including the Leader); and
- (b) Not appoint either the Chair or the Vice-Chair of the Council to the Cabinet.

(20.4) That to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee

## **21. Decisions of the Cabinet**

- (a) This call-in procedure can apply to any decision taken by the Cabinet which is not a recommendation to Council. It will not apply to:

- a decision which has been defined as urgent under Council Procedure Rule 26;
  - a decision that has previously been called-in or is of the same subject matter of an item that has been called-in within the previous 6 months;
  - any decision relating to a non-executive function, whether taken by a Committee or an officer under delegated powers; and
  - a decision made by or is the responsibility of the Council.
- (b) Any decision taken by Cabinet shall be published on the Council's website, normally, within two working days of the decision being made. Notification of the publication of the decision will be sent to all Warwick District Councillors via email.
- (c) The decision will come into force and may then be implemented after 5.00pm on the expiry of the fifth working day after the date of electronic publication of the decision, unless the Monitoring Officer receives a written request as set out in (d) below.
- (d) If, before the expiry of the period referred to in (c) above, the Monitoring Officer receives a written request from at least three non-Cabinet members of the Council to call-in an Cabinet decision, setting out the nature of their concern and the reasons for the call-in, then the matter shall be treated as "called-in"
- (e) Any such request must provide a reason for the call-in. This should specify why the decision:
- is considered to be contrary to the normal requirements for decision-making; or
  - is considered to be contrary to the Council's agreed policy framework and/or budget; and/or
  - what further information needs to be provided by the Cabinet to explain why the decision was taken.
- (f) If an item is "called-in" the Monitoring Officer will notify all Councillors, the Corporate Management Team and relevant Head of Service(s) that the decision has been called-in.
- (g) Where it is cited that the decision is contrary to the Policy or Budget Framework the Monitoring Officer will consider this under Article 12 and will advise the Overview & Scrutiny Committee in the covering report for when they consider the called in item, that either:
- (i) the decision complies with Policy & Budgetary Framework; or
  - (ii) the decision does not comply with Policy & Budgetary Framework and therefore should be recommended to Council for consideration.
- (h) The Overview & Scrutiny Committee will meet to consider a report on the called- in item within 10 working days of the item being called-in. The Committee will decide to either:
- (i) refer it back to the Cabinet for reconsideration, setting out in writing the nature of its concern; or
  - (ii) decide to take no action; or
  - (iii) refer the matter to Council for debate.
- (i) The outcome of the Overview and Scrutiny Committee consideration will normally be published electronically within two working days of the

meeting and all Councillors will be notified of this.

- (j) If the Overview and Scrutiny Committee decide to take no action, the original decision shall take effect at 5.00pm on the expiry of the fifth working day from the date of publication of the outcome, unless a request has been made as set out at (k) below.
- (k) Any six non-Cabinet members of the Council may, by written notice to the Monitoring Officer before 5.00pm on the fifth working day after the date of publication of the outcome of the Overview and Scrutiny Committee meeting, require the decision (either refer to Cabinet or take no further actions) to be referred to a meeting of the Council. The Council will meet to consider the decision no later than 10 working days after the fifth working day following publication of the decision by the Overview & Scrutiny Committee. Any such request for a referral of the decision must set out the nature of the concern and the reasons for the referral.
- (l) Council will meet to consider the called-in item, that has been referred to them, within 10 working days of the item being referred to them. Council can determine:
  - (i) to take no action (If this is the case the decision can be implemented the next working day); or
  - (ii) refer the matter to the Cabinet for reconsideration setting out in writing the nature of its concerns; or
  - (ii) make the decision with or without amendment, if the Monitoring Officer has determined that it falls within the Council's power to do so. (If this is the case the decision can be implemented the next working day)
- (m) When the matter is referred back to the Cabinet the decision will be reconsidered at a meeting of the Cabinet no later than 10 working days after receipt of the matter was referred to them. The Cabinet will:
  - (i) Confirm the original decision – it then takes effect on the day after that reconsideration and cannot be called in, or
  - (ii) amend their original decision in anyway – in which case the decision can be subject to a further call in as detailed above.

## **22. Substitution of Members**

- (1) Subject to Procedure Rule 18, each political group may nominate, and the Council will appoint, a named Councillor(s) of the Council who will act as a substitute(s) (with full right of discussion and voting) for any member(s) of the group who is a member of the relevant committee (except Standards Committee) and who is unable to attend a particular meeting.
- (2) If there are two or more members of the Council who are not members of a political group they may nominate and the Council will appoint a named Councillor(s) of the Council who will act as a substitute(s) (with full rights of discussion and voting) for them at any meeting of a committee of which they are a member, which they are unable to attend. Save as provide above.
- (3) Notification of the name of the substitute and of the member being substituted must be given in writing or by e-mail to the Chief Executive by the Group Leader, or a Councillor nominated by them, five hours before the start of the meeting.
- (4) Substitutes for Planning and Licensing and Regulatory Committees must



- have undertaken relevant training for this role before sitting on the Committee.
- (5) that to be appointed to a Sub-Committee (as either a member or a substitute) the Councillor must be a member of the parent Committee

### **23. Selection of Chair and Vice-Chair of the Council**

The Cabinet will each year recommend, in principle, to the Annual Meeting of the Council a person or persons for consideration for election as the next Chair and Vice-Chair of the Council.

### **24. Attendance at the Cabinet and Committees**

- (1) Where a motion or petition stands referred to the Cabinet or a committee or is submitted directly to the Cabinet or a Committee or an item is placed on an agenda in accordance with Procedure Rule 7 the member who moved the motion, sponsored the petition or gave notice of the item will, if they are not a member of the Cabinet/committee, have notice of the meeting of the Cabinet/ committee at which it is proposed to consider the motion, petition or item and will have the right to attend the meeting and explain the motion petition or item.
- (2) The Chair of Overview and Scrutiny Committee will be able to speak if the Committee is making a recommendation or comment to the Cabinet.
- (3) Any members wishing to attend meetings of the Cabinet or committees to speak on matters relating to their ward will be entitled to do so, excluding Planning Committee where the Councillor will need to register to register in accordance with the Planning Committee procedure.
- (4) Any member of the Cabinet wishing to attend meetings of Overview and Scrutiny Committees and to speak on items will be entitled to do so.
- (5) Any members wishing to attend meetings of the Cabinet or committees of which they are not members whether such meetings are open to the public and press or not, will be entitled to do so but without any right to take part in the proceedings except under Procedure Rule 22 (1) (2) (3) or (4) or by leave of the Leader or Chair which will not be unreasonably withheld, subject to such attendance not contravening any legal requirement, the Code of Conduct or any local procedure and excluding Planning Committee where the Councillor will need to register to speak as per the Planning Committee procedure.
- (6) Any members wishing to attend meetings of the Licensing and Regulatory Committee of which they are not members will be entitled to do so but without any right to take part in proceedings, except by leave of the Chair subject to such attendance not contravening the Code of Conduct or any local procedure. This entitlement will not extend to the discussion of any exempt information under Part 1, Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006 or the decision making process. In those circumstances, however, non-committee members shall be entitled to an explanation of the decision as soon as is reasonably practicable after the meeting.
- (7) The political groups not represented by formal membership of the Cabinet will be given the right to send one observer each, to the Cabinet meetings with full speaking but not voting rights.

### **25. Agenda Papers**

Every meeting of the Council, the Cabinet, committees and Sub-Committees

will be convened by the Chief Executive five clear working days before a meeting (other than a special meeting called as a matter of urgency).

## **26. Urgent Items**

If an urgent item needs to be considered the following procedure will need to be followed:

- Council, Committees or Sub-Committees: Consent is needed from the Chair of the respective meeting.
- Cabinet Consent is needed from the Chief Executive, following consultation with the Group Leaders and Scrutiny Committee Chair.

The reason for the need for an urgent item to be considered at a meeting will be recorded in the minutes of that meeting.

## **27. Special Meetings**

- (1) Additional Meetings** – are meetings called by the Chair in addition to those published at the beginning of each municipal year in the Schedule of Meetings. The agenda for additional meetings must be published at least five clear working days ahead of the meeting.
- (2) Urgent Meetings** – are meetings called in accordance with the guidance below, to deal with urgent matters which could not be foreseen and which cannot wait until the next scheduled meeting or an additional meeting to be scheduled. The notice of the urgent meeting will set out the business to be considered and no business other than that set out in the notice will be considered at that meeting. These meetings shall not be considered suitable meetings for the signing of minutes of the previous meeting. The reason for the need for urgent meeting will need to be specified in the agenda for the meeting and recorded in the minutes of the meeting. The notification, in line with access to information procedure rules, does not need to be published with five clear working days notice, but as much notice as possible should be provided.
  - a) An urgent meeting of the Council will be called on the requisition of the Council by resolution, the Chair, the Monitoring Officer or any five members.
  - b) An urgent meeting of the Cabinet, Committees or Sub-Committees will be called on the requisition of either the Leader or the Chair or of a fifth of the whole number of the Cabinet, Committee, or Sub-Committee submitted in writing or by e-mail to the Chief Executive.

## **28. Inspection of Documents**

- (1)** A member of the Council may, for the purposes of their duty as such member but not otherwise, on application to the Chief Executive, inspect any document which has been circulated for consideration by the Cabinet, a committee, sub-committee or by the Council, and if copies are available, will on request be supplied with a copy of such a document. This Procedure Rule will not preclude the Chief Executive or any solicitor to the Council from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.

- (2) All reports made to, or minutes of, the Cabinet, a committee, or sub-committee will be open for inspection by any member of the Council electronically or on request in paper.
- (3) These rights of members are in addition to any other statutory rights which they may possess by virtue of the Local Government (Access to Information) Act 1985 and any subsequent amending regulations.

## **29. Disclosable Pecuniary Interests & Other Interests**

- (1) That any Councillor with an interest must declare that interest in any relevant item at a meeting, and if required by law or the Code of Conduct leave the meeting for the duration of that item, unless a dispensation has been granted by the Standards Committee
- (2) Any such declaration and subsequent action must be recorded after the meeting in a register kept for the purpose by the Monitoring Officer

## **30. Variation and Revocation of Procedure Rules**

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

## **31. Suspension of Procedure Rules**

- (1) Any of these Procedure Rules except 4(4) and 17(3) may be suspended for any business at a meeting of the Council, the Cabinet or a committee, where its suspension is moved; and
- (2) A motion to suspend Procedure Rules must specify the business to which the motion related and, if carried, will cease to have effect upon the conclusion of that business.

## **32. Interpretation of Procedure Rules**

The ruling of the Chair for the meeting on the interpretation of any of these Procedure Rules, will not be challenged at any meeting of the Council, the Cabinet, committee or sub-committee.

## **33. Recording of Meetings**

The decision to record a meeting(s) of Council, the Cabinet, a Committee or Sub-Committee will be down to the individual body.

Council, Cabinet, Finance & Audit Scrutiny Committee, Overview & Scrutiny Committee, Planning Committee, Employment, Standards and Licensing and Regulatory Committee (and its Panels) have resolved to record all of their meetings including where the press and public are excluded (but not any private deliberation for example under the Licensing Act 2003), when they take place within the Council Chamber.

The Council will ensure that all parties present at its meetings which it is recording are notified that they are being recorded and that in line with the Openness of Local Government Regulation 2014 members of the public are entitled to record the meeting as well.

The filming, videoing, photographing or recording of any meetings of the Council, Cabinet, Committees or Sub-Committees of the Council, which are open to the public and press, is allowed, providing it does not disturb the conduct of the meeting.

Anyone visually recording a meeting will be expected to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting.

The Chair of the meeting will have the power to rescind this permission for individuals(s) if, in their opinion, it is disruptive or distracting to the good order and conduct of the meeting.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

### **34. Public Speaking**

The Council welcomes public participation at meetings and members of the public will be permitted to speak at meetings of Council, the Cabinet, Committee or Sub-Committee meeting as long as this is permitted by any local procedure adopted by the Committee.

The public will only be permitted to address the Council, Committees or Sub-Committees on confidential matters when they are specifically invited to do so. For example as an applicant for a Hackney Carriage/Private Hire Driver's licence.

#### **(a) Council**

The public be permitted to speak in relation to the following items included on the agenda: notice of motion, Petitions (as defined by the Council's Petition Scheme) and any reports that requires a decision by Council at that meeting. Any request to speak on other items will be a matter of discretion for the Chair.

You must register your wish to speak by telephoning Members' Services on 01926 456114 or emailing [committee@warwickdc.gov.uk](mailto:committee@warwickdc.gov.uk) by 12 noon on the working day before the Council meeting.

A maximum period of 5 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 20 minutes.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak, until the 5 minute period ends.

#### **(b) Cabinet**

Apart from the members of the Cabinet who may both speak and vote, and officers advising as to who may speak, those persons who may speak but not vote are listed in Council Procedures Rule 23 (Members) and 8 (Petitioners).

Any request to speak on other items will be a matter of discretion for the Chair but if approved, will be for a maximum to 5 minutes.

(c) **Committees**

**Licensing & Regulatory Committee**

As defined in the local procedure rules adopted by the Committee.

Any request to speak on other items will be a matter of discretion for the Chair.

**Planning Committee**

People wishing to speak will fall into five categories, and these are:  
Parish/Town Council;  
Warwick District Towns Conservation Area Advisory Forum;  
Objector(s) to the application;  
Applicants/Supporters of the application; and  
Warwick District Councillor.

That Parish/Town Councils, CAF and WDC Councillors be allowed to speak on planning applications when they have registered to do so. This is unless they are speaking as the applicant, in which case they will have to speak in the applicants/supporters category.

Parish/Town Council representatives, Warwick District Towns Conservation Advisory Forum representatives and Warwick District Councillors can only speak either in favour or objecting to the application.

To ensure equity, applicants/supporters of the application will only be allowed to address the Committee if somebody has registered to speak objecting to in the objectors category for the application, except for cases where the recommendation is to refuse. An objector to the application may only address the Committee if anyone Applicant/Supporter is registered to speak in support of the application, except for cases where the recommendation is to grant.

There is a time limit of three minutes for each category of speaker, excluding District Councillors, on all applications.

If there is more than one speaker in the same category for an item, the three minutes will be shared among them.

This is with the exception of major applications, where up to four speakers will be permitted to address the Committee in both the Objectors and Applicants/Supporters categories for a maximum of three minutes each.

The times allocated for Parish & Town Councils, CAF, Objectors and Applicants/Supporters may be varied at the discretion of the Chair of the Planning Committee, when they believe there is significant public interest

in an application, for example, regional developments such as the former gateway proposal and the passenger terminal at Coventry Airport.

Warwick District Councillors are not permitted to address the Planning Committee for more than five minutes on any application. Unless they are providing contrary views or representing views from different District Wards, no more than one Warwick District Councillor will be permitted to address the Committee on any application.

The time for District Councillors to address the Planning Committee may be increased, at the discretion of the Chair of the Planning Committee, when they believe there is significant public interest in an application.

### **Scrutiny committees**

A maximum period of 3 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 30 minutes. The Chair will have discretion to increase the time available for speakers where they consider the matter has a significant public interest.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak

### **Other Committees**

In line with the procedures adopted by Council.

#### **(d) Sub-Committees**

##### **Licensing & Regulatory Committee Panels**

As defined within legislation and the procedures adopted by the Licensing & Regulatory Committee as its parent Committee

##### **Standards Committee Hearing Panels**

As defined within the procedures adopted by the Standards Committee, as its parent Committee.

##### **Health Scrutiny Sub-Committee**

As defined within the procedures adopted by the Overview & Scrutiny Committee as its parent Committee.

##### **Other Sub-committees**

As defined within the procedures adopted by Committees parent Committee

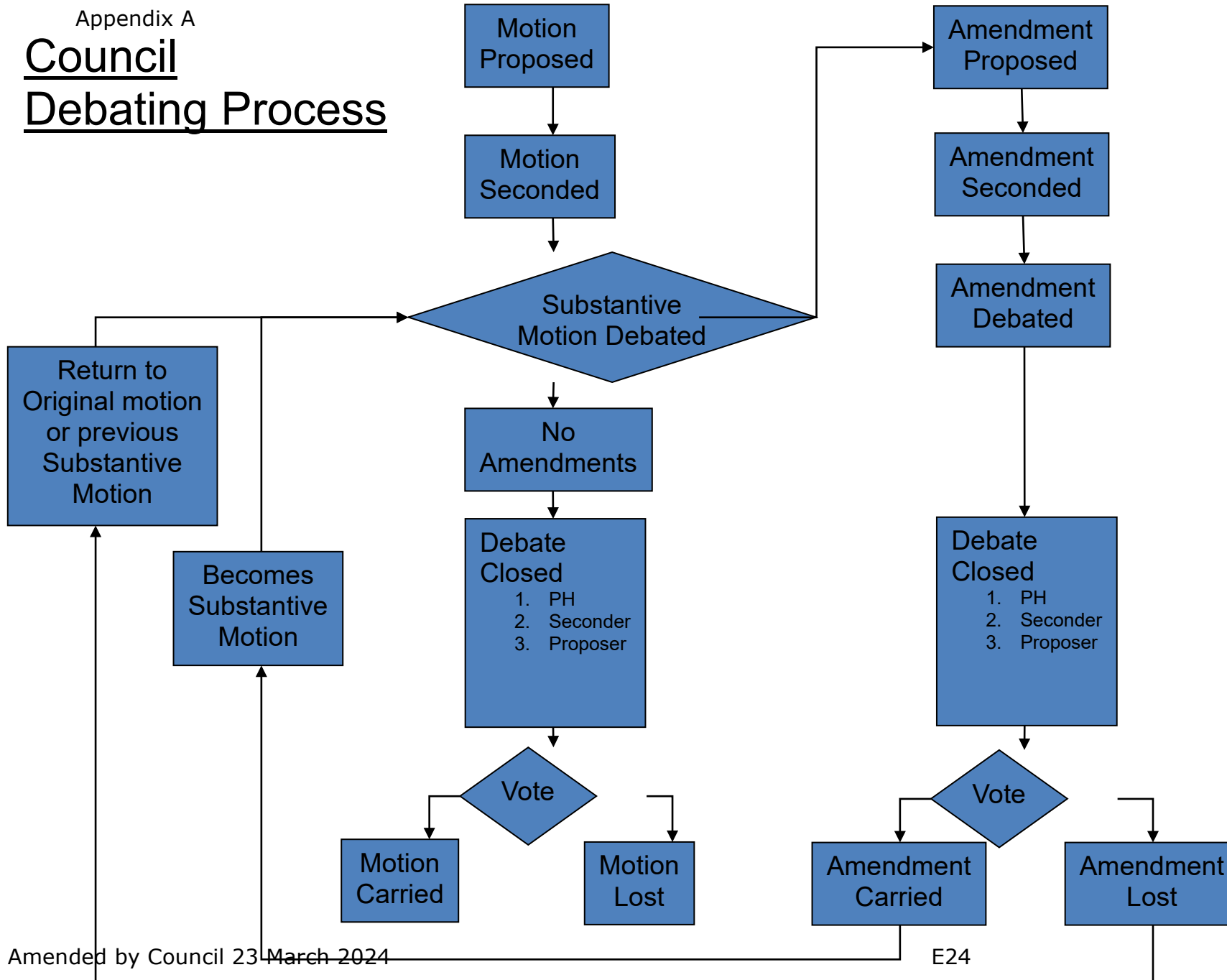
## **35. Local Procedures/Job Role**

Each Committee will be entitled to produce its own procedure rules and job roles that build upon and enhance the Council Procedure Rules and these will be annexed to, but not form part of, the Constitution.

### **36. Length of Meetings**

- (1) A formal break in the meeting is to be taken, of no less than 10 minutes, after no later than two and a half hours into a meeting, at the at the conclusion of an item, unless at least half of those present agree to continue.
- (2) no item of business will be started after 9.30pm, with the exception of the authorisation of the affixing of the Common Seal of Council, unless at least half of those present agree to proceed. The proposal must be moved by the Chair of the meeting, duly seconded and voted upon.
- (3) If the motion in 2 is lost any remaining business will either be adjourned/deferred to a time and date fixed, which is to be no earlier than 6.00pm the next working day, by the Chair; but if no date is fixed any item not considered will stand deferred to the next scheduled meeting of the Council/Cabinet/Committee.

Appendix A  
Council  
Debating Process

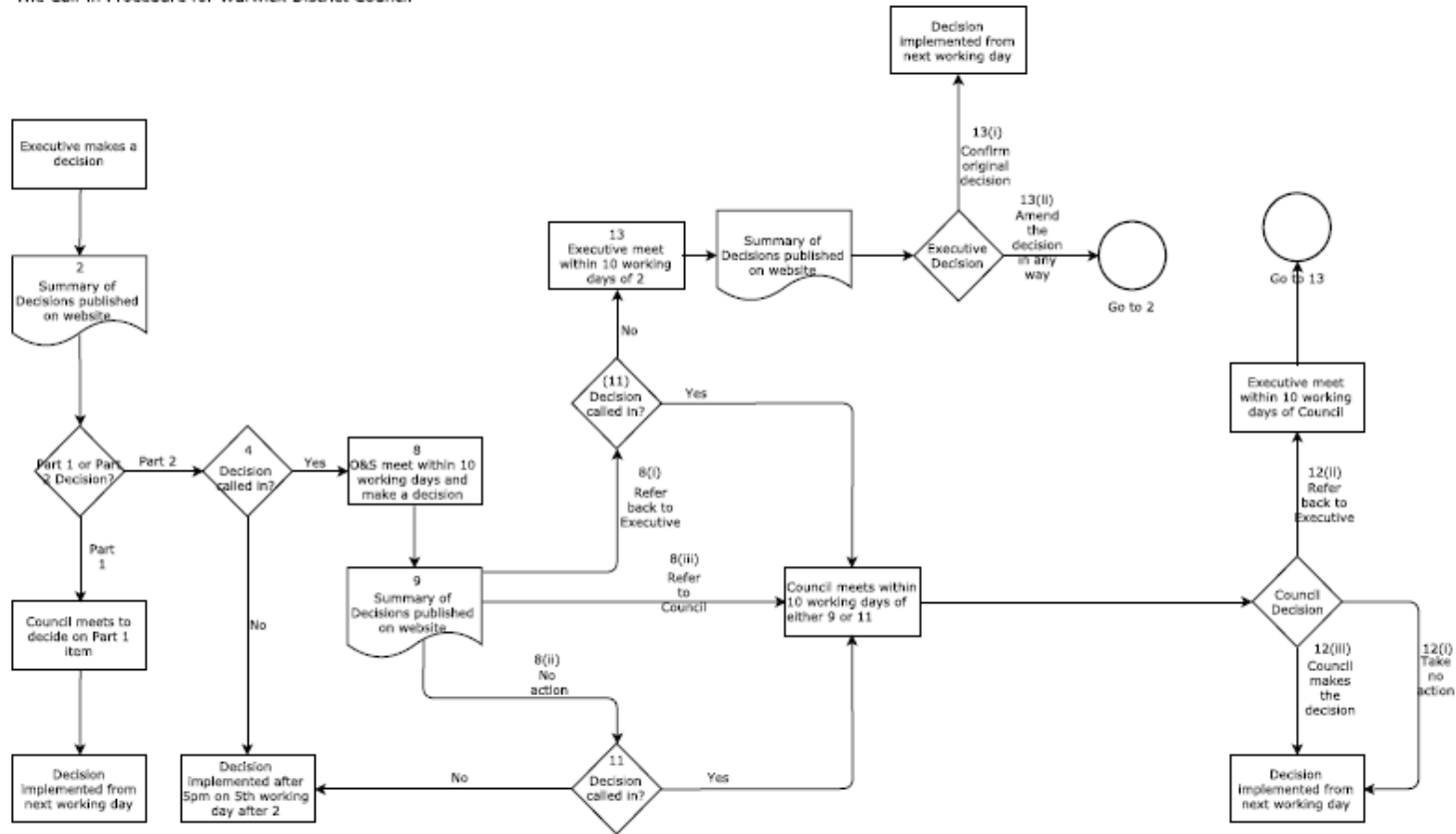


Amended by Council 23 March 2024

E24



The Call-in Procedure for Warwick District Council



(4) - The decision must be called in by at least 3 councillors within 5 working days of the published decision

(11) - The decision must be called in by at least 6 councillors within 5 working days of the published decision

NB: Where it is cited that the decision is contrary to the Policy or Budget Framework, the Monitoring Officer will consider this under Article 12 and will advise the Overview & Scrutiny Committee in the covering report for when they consider the called in item, that either:

- (i) the decision complies with Policy & Budgetary Framework; or
- (ii) the decision does not comply with Policy & Budgetary Framework and therefore should be recommended to Council for consideration.