

PART 4

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BOSTON BOROUGH COUNCIL

CONSTITUTION MAY 2016

Part Four

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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:

- (i) elect a person to preside at the meeting if neither the outgoing Mayor nor Deputy Mayor are present;
- (ii) elect the incoming Mayor of the Council who will, amongst other duties, preside over Council meetings;
- (iii) elect the Deputy Mayor who will, amongst other duties, preside over Council meetings in the absence of the Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or Chief Executive;
- (vi) elect the Leader of the Council for a four year period (only at the Annual Meeting held in a year when there is an ordinary election of Councillors, when the Leader's term of office comes to an end by virtue of Section 44E (3) of the Local Government Act 2000 (as amended)).
- (vii) appoint Overview and Scrutiny Committees and such other committees sub-committees or working parties as are necessary to deal with matters which are neither reserved to the Council nor are executive functions, including, where appropriate, the Chairman and Vice-Chairman thereof;
- (viii) appoint substitute Members of certain committees in accordance with Rule 4;
- (ix) approve a programme of ordinary meetings of committees and the Council for the year; and
- (x) 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:

- (i) decide which panels (not including Scrutiny task and finish panels), committees, sub-committees or working parties to establish for the municipal year;
- (ii) decide the size and terms of reference for those panels, committees, sub-committees or working parties;
- (iii) in the case of those panels, committees and sub-committees where the political balance rules apply, decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.
- (vi) appoint Chairmen and Vice-Chairmen of Committees, excluding the Boston Town Area Committee, Panels and Working Parties.

2. ORDINARY MEETINGS

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

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve as a correct record the minutes of the last meeting;
- (iii) receive any declarations of interest from Members and Officers;
- (iv) receive any announcements from the Mayor or the Chief Executive;
- (v) deal with any business from the last Council meeting;
- (vi) receive questions from, and provide answers to, Members under Rule No. 11;
- (vii) receive questions from, and provide answers to, the public under Rule 10;
- (viii) receive petitions and deputations;

- (ix) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xi) receive minutes from the Audit and Governance Committee;
- (xii) consider motions of which notice has been submitted by Members of the Council in accordance with Rule 14 in the order in which they are recorded as having been received;
- (xiii) consider any other business specified in the summons to the meeting, including;
 - consideration of proposals and recommendations from the Cabinet in relation to the Council's budget and policy framework;
 - reports of the Overview and Scrutiny Committees referred to the Council for debate;
 - business referred direct to the Council by the Chief Executive, the Monitoring Officer or a Corporate Director;
 - consideration of reserved decisions from Regulatory Committees;
 - items required by statute or the Council's Constitution;
 - "call-ins" by Overview and Scrutiny Committees;
- (xiv) The business to be conducted at meetings shall be set out on the agenda accompanying the notice of the meeting. No business shall be conducted if it is not set out on the agenda, unless the Chairman of the meeting is of the opinion that the business is a matter of urgency, by reason of special circumstances, and the reason is recorded in the Minutes, and at least 75% of all voting Members present are in agreement

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;

- ii) the Mayor;
- iii) the Monitoring Officer or Section 151 Officer; and
- iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

The business to be transacted at an extraordinary meeting of the Council will be restricted to a single item, with no consideration of previous minutes or reports from committees unless such a report relates to that agenda.

4. APPOINTMENT OF SUBSTITUTE MEMBERS

In addition to allocating seats on committees and sub-committees according to political balance (in accordance with the Local Government and Housing Act 1989) the Council shall also allocate seats in the same manner for substitute councillors on the Planning Committee and Audit and Governance Committee.

The Council will appoint the same number of named substitutes in respect of each political group as that group holds ordinary seats on those committees, up to a maximum of 2 for the Planning Committee and up to a maximum of 1 for the Audit and Governance Committee.

Open substitution will be permitted in the case of other Member groups and bodies (e.g. scrutiny committees, panels, consultative committees and working groups) provided the appropriate form is completed prior to the meeting.

Substitute councillors will not be permitted for meetings of the Cabinet and Licensing / Regulatory & Appeals Committee.

Substitutes may attend meetings in that capacity only:

- (a) to take the place of the ordinary Councillor for whom they are the designated substitute;
- (b) after the Group Leader (or his/her representative) has notified the Chief Executive, prior to the commencement of the meeting, of the intended substitution using the appropriate form;
- (c) Absence and substitution shall be for the whole duration of the meeting.

Substitute councillors will have all the powers and duties of any ordinary councillor of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Councillors nominated to serve as substitute Members on the Planning Committee and Audit and Governance Committee must undergo appropriate training.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meetings in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence or via electronic-mail. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to panel, committee and sub-committee and working party meetings, references to the Mayor also include the chairman of committees and sub-committees, panels and working parties.

8. QUORUM

8.1 The quorum of a meeting will be as set out in Schedule 1 to these rules. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8.2 If, during any meeting of the Council, the person presiding, after causing the number of members present to be counted, declares that the meeting is inquorate, the meeting shall stand adjourned for fifteen minutes.

- 8.3 If, after fifteen minutes, the person presiding again causing the number of members present to be counted, declares that the meeting remains inquorate, the meeting shall end.
- 8.4 Notwithstanding any provision in these Rules that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph and which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the Council, whether ordinary or extraordinary.

9. DURATION OF MEETING

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours (excluding any temporary adjournment) will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC

10.1 General

Members of the public may ask questions of the Leader, any Cabinet Member or the Chairman of any Panel or Committee at ordinary meetings of the Council. Questions by the public will be allowed at the beginning of each ordinary meeting of the Council, or other Standing Committee or Panel as appropriate. The period allowed for questions shall not exceed 20 minutes except with the consent of the Mayor (Chairman).

10.2 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 5 pm two clear working days before the day of the meeting. Each question must give the name and address of the questioner and must identify the office holder to whom it is to be put.

Questions must be written as succinctly as possible.

Answers to questions submitted by the public are required to be made available to the questioner four working hours prior to the commencement time of the meeting.

10.3 Number of Questions

No person or organisation may submit more than one question at any one meeting.

10.4 Scope of Questions

The Chief Executive may reject a question if it :-

- (i) does not relate to a matter of general interest; or
- (ii) does not relate to a matter for which the Council has responsibility or which affects the interests of the Borough: or
- (iii) relates exclusively to an individual grievance or personal issue: or
- (iv) is defamatory, offensive, or frivolous; or
- (v) is substantially the same as a question which has been put at a meeting of the Council within the previous six months; or requires the disclosure of exempt or confidential information.

10.5 Record of Questions

The Chief Executive will maintain a register of questions received which will be available for public inspection. A copy of the question shall be sent to the office holder to whom it is to be put.

Details of all questions will be circulated to all Members and will be made available to the public attending the meeting.

10.6 Rejection of Questions

Any person whose question is rejected in accordance with 10.4 above will be informed in writing including the reason for the rejection.

10.7 Asking the Question at the Meeting

Questions will be asked in the order in which notice of them was received, except that any person who has asked a question at the preceding meeting of the Council will only be entitled to put his or her question after questions from persons who have not asked questions at the preceding meeting have been dealt with. The Mayor will invite the questioner to put the question to the office holder named in the notice. The questioner must read out the question in person unless he or she is prevented from doing so by physical or mental disability or infirmity. The question must be put strictly in the form in which it was submitted. Answers will be given by the office holder the question is directed to, unless it properly falls within the remit of another office holder.

10.8 Supplemental Questions

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or reply. The Mayor may reject a supplementary question on any grounds in Rule 10.4 or if the time limit in Rule 10.1 has expired.

10.9 Written Answers

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

10.10 Reference of questions to the Cabinet or a Committee/Panel

Unless the Mayor (Chairman) decides otherwise, no discussion will take place on any questions, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Panel. Once seconded, such a motion will be voted on without discussion.

11. QUESTIONS BY MEMBERS

11.1 On reports of the Cabinet or Committees and Panels

A Member of the Council may ask the Leader, a Cabinet Member or the Chairman of a Committee or Panel any question without notice upon an item of the report of the Cabinet or a Committee/Panel when that item is being received or under consideration by the Council.

11.2 Questions on Notice at full Council

Subject to Rule 11.4, a Member of the Council may ask:

- The Mayor
- The Leader
- A Member of the Cabinet
- The Chairman of any Panel, Committee or Sub-Committee

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

11.3 Questions on Notice at Committees, Panels and Sub-Committees

Subject to Rule 11.4 a Member of a Panel, Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that Panel, Committee or Sub-Committee.

11.4 Notice of Questions

A Member may only ask a question under Rule 11.2 or 11.3 where notice has been given in writing, or by electronic mail, to the Chief Executive at least two working days before the day of the meeting.

11.5 Response

Answers to questions submitted by Members are required to be made available to the questioner four working hours prior to the commencement time of the meeting.

An answer to any question raised under Rules 11.2 and 11.3 may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to the publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and all Members of the Council or Committee (as the case may be).

11.6 Supplementary Question

A Member asking a question under Rule 11.2 or 11.3 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.

12. DEPUTATIONS

12.1 Deputations relevant to some matter in relation to which the Council has power or duties or which affects the area of Boston may be received at any meeting of the Council, except the Annual Meeting, provided that notice in writing or by electronic mail has been given to the Chief Executive no later than seven working days before the day of the Council Meeting of the proposed deputation and of the objective thereof. Any Member may move a motion that the deputation be received and such motion, on being seconded, shall be voted on without discussion. On the motion being approved, the deputation shall be admitted.

12.2 The deputation shall not exceed five persons in number, only one of whom shall speak, and the speech, inclusive of the reading of a petition, if one is to be presented, shall not exceed five minutes.

- 12.3 When a deputation is received by the Council no discussion shall take place but any Member shall be at liberty to move a motion, without notice, that the subject matter be referred to the Cabinet or appropriate Committee or Panel and such motion, on being seconded, shall be at once put to the vote.

13. PRESENTATION OF PETITIONS

- 13.1 Petitions relating to any matter on which the Council has powers or duties or which affects the Borough may be presented to any ordinary meeting of the Council, in accordance with the Petitions Scheme as set out in Schedule 2.
- 13.2 The presentation of a petition shall be limited to not more than 3 minutes, and shall be confined to reading out the petition indicating the number and description of the signatories, and making further supporting remarks relevant to the petitions as the person presenting it thinks fit.
- 13.3 For petitions which contain less than the required number of signatories to trigger a Council debate (1,500 signatures, as set out in the Petitions Scheme), no discussion will take place, but any member shall be at liberty to move a motion, without notice, that the petition be referred to the Cabinet or appropriate Committee and such motion on being seconded shall be at once put to the vote.
- 13.4 If a petition contains the required number of signatories (1,500) to trigger a full Council debate the issue raised in the petition will be considered at the next ordinary meeting of the Council, unless it is impractical to do so then it will be considered at the following meeting.
- 13.5 For petitions which trigger full Council debates the petition organiser shall be given five minutes in which to present the petition at the meeting and the matter will then be open for discussion by Members for a maximum of 15 minutes.
- 13.6 The Council will decide how to respond to the petition at that meeting.

14. MOTIONS ON NOTICE

14.1 Notice

Except for motions which can be moved without notice under Rule 16 written notice of every motion signed by at least five Members, one of whom must be named as the proposer and another as the seconder of the motion, must be delivered to the Chief Executive not later than seven working days before the date of the meeting at which it is to be moved. The notice shall state for which meeting of the Council the notice is given. These will be entered in a book open to public inspection.

14.2 Delivery

The method of delivery of a Notice of motion submitted under Rule No. 14.1 shall be:-

- (i) by submitting an original in writing signed by the proposer, seconder and assentors of the motion; or
- (ii) by submitting a faxed or scanned copy showing the signature of the proposer, seconder and assentors of the motion; or
- (iii) by electronic mail which shall show the names of the proposer, seconder and assentors of the Motion, together with the name and address of the sender;

and in the case of (ii) and (111) above, shall be subject to verification to the satisfaction of the Chief Executive.

The Chief Executive shall record the time and date at which every such notice is delivered to him/her.

14.3 Motion set out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

The motion shall only be moved by the proposer and seconder by whom notice has been given. Where notice of a motion has been given for any meeting and it is not moved and seconded by the proposer and seconder it shall, unless postponed by consent of the meeting, be treated as withdrawn and shall not be moved without fresh notice.

14.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

15. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at any meeting regarding the appointment, promotion, dismissal, salary, superannuation or conditions of service, or the conduct of any person employed by the Council, such questions shall not be the subject of discussion until the meeting has decided whether or not the power of exclusion of the public under Section 100 A (4) of the Local Government Act 1972 shall be exercised.

16. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 3 hours in duration;
- (n) to suspend a particular Council procedure rule, including extension of the time limit for speeches;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule No. 25.4 or to exclude them from the meeting under Rule 25.5;
- (q) to give the consent of the Council where its consent is required by this Constitution; and

17. RULES OF DEBATE

17.1 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.

17.2 Right to require motion in writing

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

17.3 Secunder's speech

When seconding a motion or amendment, a Member may reserve the right to speak until later in the debate.

17.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the meeting.

17.5 When a Member may speak again

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply (summing up);
- (e) on a point of order; and
- (f) by way of personal explanation.

17.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

As long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, but notice of any number of amendments may be given.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

17.7 Alteration of motion

- (a) 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 without discussion.
- (b) 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.
- (c) Only alterations which could be made as an amendment may be made.

17.8 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.

17.9 Right of reply

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

17.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the time limit for a speech;
- (h) that the meeting continue beyond 3 hours in duration;
- (i) to exclude the public and press in accordance with the Access to Information Rules;
- (j) to not hear further a Member named under Rule 25.4 or to exclude them from the meeting under Rule 25.5; and
- (k) to refer the subject of debate back to a relevant Panel or Committee.

17.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member.
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be 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.

17.12 Point of Order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken.

A Member may not upon raising a point of order express differences of opinion with, or contradict a speaker on the question before the meeting.

The ruling of the Mayor on a point of order shall be final and not open to discussion. The Member against whom the point of order is raised shall sit until the Mayor has given his/her decision.

17.13 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.

A Member may not, upon a personal explanation, otherwise comment upon or answer the speech of another Member to seek to clarify or add to his former speech.

The ruling of the Mayor on the admissibility of a personal explanation will be final and not open to discussion.

17.14 Recommendations subject to Debate

- (a) The recommendation shall be introduced by the appropriate Cabinet Member or the Chairman of the Committee which made the recommendation or by some other member on that Member's behalf.
- (b) The introducing Member may either:
 - (i) move acceptance; or
 - (ii) move a reference back
- (c) A motion to accept a recommendation shall not be debated unless seconded.
- (d) A vote shall not be taken on a motion to accept a recommendation unless the proposer has been given an opportunity to sum up the debate.
- (e) If the recommendation or reserved decision is not in accord with their own views, the proposer and seconder of the formal motion shall be permitted to speak against the same in the debate, but the proposer shall not then have a right of reply to the debate.

17.15 Consideration of items referred direct to the Council by Officers

Where the Council considers an item of business which has been referred direct to it by either the Chief Executive, the Monitoring Officer or a Corporate Director (Chief Officer) pursuant to Rule 2 (xi) the following procedure shall apply:-

- (a) the appropriate officer shall be requested to introduce any officer report presented to the meeting in connection with the item; and

- (b) thereafter the item may be disposed of in accordance with the Council's usual procedures with regard to motions and possible amendments thereto.

17.16 Additional Rules of Debate for Council Meetings

- (i) A Member shall stand when speaking unless disabled from doing so.
- (ii) While a Member is speaking, the other Members shall remain seated and silent unless rising to a point of order or in personal explanation.
- (iii) Whenever the Mayor rises during the debate, a Member then standing shall resume his/her seat, and the Council shall be silent.

18. STATE OF THE AREA DEBATES

18.1 Calling of debate

The Leader of the Council may call a state of the area debate on important local issues from time to time in consultation with the Mayor and the Chief Executive.

The Leader of the Opposition may also call for a state of the area debate with the agreement of the Leader of the Council

18.2 Form of debate

The Leader of the Council, in consultation with the Chief Executive, will decide the form of the debate with the aim of enabling the widest possible involvement and publicity. This may include holding workshops and other events prior to or during the state of the area debate.

18.3 Chairing of debate

The debate will be chaired by the Mayor.

18.4 Results of debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader of the Council in proposing the budget and policy framework to the Council for the coming year.

19. PREVIOUS DECISIONS AND MOTIONS

19.1 Motions to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council. This rule shall not apply to motions moved in pursuance of the report or a recommendation of a Committee.

20. VOTING

20.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

20.2 Mayor's casting vote

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

20.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 20.4 and 20.5 the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.4 Ballots

The vote will take place by ballot if at least one-third of the Members present at the meeting demand it. The Mayor will announce the numerical results of the ballot immediately the result is known.

20.5 Recorded vote

If at least one-third of the Members present at the meeting demand it, 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.

20.6 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.

20.7 Dissent

Subject to Rule 20.6, no expression of dissent or disapproval shall be recorded in the minutes.

20.8 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.

20.9 Recorded Vote at Budget Meeting

Immediately after any vote is taken relating to the budget and Council Tax setting at a budget decision meeting there shall be recorded in the minutes of the proceedings of the meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

'Budget decision' shall have the meaning prescribed in the Local Authorities (Standing Orders) (England) Amendment) Regulations 2014.

21. MINUTES

21.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

21.2 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.

21.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order in which the Mayor put them. Whilst outcomes and decisions will be fully recorded the preamble will comprise a summary of what transpired at a meeting.

22. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names in the attendance register before the conclusion of every meeting to assist with the record of attendance.

23. EXCLUSION OF PUBLIC AND PRESS

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule No. 26 (Disturbance by Public).

24. RECORDING AND OTHER APPARATUS AT MEETINGS

24.1 Members of the public are entitled to report on meetings of the Council, Cabinet, and committees, except in circumstances where the public have been excluded as permitted by law.

24.2 Reporting means :-

- Filming, photographing or making an audio recording of proceedings at a meeting;
- Using any other means for enabling a person who is not present to see or hear proceedings at a meeting as it takes place or later; or
- Reporting or providing commentary on proceedings at a meeting, orally or in writing, so the report or commentary is available as the meeting takes place or later if the person is not present.

24.3 Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

24.4 Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

24.5 For meetings held in the Municipal Buildings, members of the public are welcome to use the Council's Wi-Fi facilities, which can be accessed by selecting from the list of available networks shown the device. Occasionally, meetings may take place in venues not operated by the Council and in such circumstances members of the public are advised to check with the venue whether Wi-Fi is available.

24.6 In order to avoid accidents, the Council regrets that it is unable to facilitate members of the public using electric plug sockets in meetings for their equipment.

25. MEMBERS' CONDUCT

25.1 Interests

Members with interests to declare in respect of any item of business to be transacted at a meeting should do so at the earliest opportunity on the agenda.

Where a Member has a Disclosable Pecuniary Interest as defined by Regulations under the Localism Act 2011, they are required to leave the meeting during discussion and voting on the item in which they have a Disclosable Pecuniary Interest (unless a dispensation has been granted).

25.2 Standing to speak

When a Member speaks at the Council meeting they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

25.3 Mayor standing

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

25.4 Member not to be heard further

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

25.5 Member to leave the meeting

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

25.6 General disturbance

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

26. DISTURBANCE BY PUBLIC

26.1 Removal of member of the public

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

26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared, and may adjourn the meeting for so long as he/she thinks necessary.

27. SUSPENSION AND AMENDMENT OF MEETING PROCEDURE RULES

27.1 Suspension

All of these Council Rules of Procedure except:

- 6.0 (Notice of a Summons to Meetings)
- 15.0 (Motions Affecting Persons Employed by the Council)
- 20.5 (Ability to call for a recorded vote)
- 20.6 (Right to require individual vote to be recorded)
- 21.1 & 21.2 (Signing the Minutes)
- 25.1 (Interests)
- 25.6 (General Disturbance)
- 27.1 (Suspension of Procedure Rules)
- 27.2 (Variation and Revocation of Procedure Rules)
- 28.5 (g) (Opportunity for Corporate Director to advise)
- 29.0 (Interpretation)

may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension may be for the duration of the meeting or in respect of any particular item of business.

27.2 Variation and Revocation of Procedure Rules

- (a) These Procedure Rules may not be varied or revoked except by the Council.
- (b) Variation and revocation of these Procedure Rules shall not be discussed or considered by the Council except on the recommendation of a Committee of the Council. Other motions to vary and revoke these Standing Orders shall, if seconded, be adjourned to the next ordinary meeting of the Council and the motion shall be referred to a Committee for its recommendation in relation to the motion.

28. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

28.1 Application of Council Procedure Rules

All of the Council Procedure Rules apply to meetings of full Council except rule 28. None of the rules apply to meetings of the Cabinet. Only rules 4 – 10, 11.3 – 11.6, 12 – 17 (but not 17.5), and 20 – 29 (but not 25.2) apply to meetings of committees and sub-committees.

(Note: Any reference in these Procedure Rules to committees and sub-committees includes any panel, panel, working group or other such body of the Council).

28.2 Co-option

- (a) No committee shall co-opt members under Section 102 of the Local Government Act 1972 or Section 21 of the Local Government Act 2000 without the approval of the Council.
- (b) The Council may approve the co-option of members to any committee for such limited periods or for such specific purposes as the Council sees fit.

28.3 Attendance at Meetings

- (a) Subject to paragraph (6), any Member of the Council may attend any meeting of any committee on which he/she is not a member.
- (b) A Member attending a meeting under paragraph (a) may remain at the meeting even though the public has been excluded unless the committee, by resolution specifying the reason for doing so, requests him/her to leave.
- (c) A Member attending a meeting of the committee under paragraph (a) may not take part in the committee's discussion of any item except at the discretion of the Chairman.
- (d) A Member attending a meeting of a committee under paragraph (a) shall not take part in the voting on any item, unless acting as a substitute (see Rule 4).
- (e) Paragraph (a) shall not entitle a member of the Council to attend any meeting of a committee of which he/she is not a member whilst any matter in which he/she has a Disclosable Pecuniary Interest or significant conflict of interest under the Boston Members Code of Conduct, is under discussion.

28.4 Chairman and Vice-Chairman

- (a) Chairmen and Vice-Chairmen shall be appointed at the Annual Meeting of the Council, or elected at the first meeting of the committee thereafter.
- (b) If the Chairman or Vice-Chairman resigns by giving written notice of resignation to the Chief Executive, the committee shall, as the first item of business at the next meeting, elect a successor.-
- (c) The Chairman if present, shall preside.
- (d) If the Chairman is absent, the Vice-Chairman shall preside.
- (e) If the Chairman and Vice-Chairman are absent, the Committee shall elect one of the members present as Chairman of the meeting.

28.5 Business in Committees and Sub-Committees

Subject to the provisions in the Overview and Scrutiny Procedure Rules (Section 5);

- (a) Ordinary meetings of committees shall be held on such dates as the Council shall at its annual meeting decide.
- (b) Committees may decide to hold such special meetings as they consider necessary .
- (c) The Chairman or, in his absence, the Vice-Chairman may call a special meeting of a committee at any time following consultation with the Chief Executive.
- (d) No business shall be transacted at a special meeting of a committee unless notice of that business has been given in writing to all members of the Committee.
- (e) Items of business of a Committee or Sub-Committee shall be arranged in such order as the Chief Executive considers will best ensure the effective despatch of that business.
- (f) During the consideration of any item each Committee and Sub-Committee shall afford to such Strategic Director or such officer representing the Strategic Director as requests it the opportunity to advise upon that item.

- (g) The business to be conducted at meetings shall be set out on the agenda accompanying the notice of the meeting. No business shall be conducted if it is not set out on the agenda, unless the Chairman of the meeting is of the opinion that the business is a matter of urgency, by reason of special circumstances, and the reason is recorded in the Minutes, and at least 75% of all voting Members present are in agreement.

28.6 Working Parties and Task and Finish Groups

Committees may establish working parties or task and finish groups to act in an advisory capacity and to make recommendations to the parent committee.

Where such a working party or task and finish group is established the Committee will be required to determine:-

- (i) Its remit
- (ii) Its duration and procedures for reporting back to the parent committee
- (iii) Its membership (including eligibility)

All working parties and task and finish groups shall be held in private unless an express resolution is passed to the contrary.

Where appropriate, the Committee will appoint a lead officer for the conduct of the working party or task and finish group's business.

29. INTERPRETATION

The ruling of the Mayor or the Chairman as to the construction or application of any of these Procedure Rules, or regarding any proceedings of Council meeting or Committee shall not be challenged at any meeting of the Council.

30. EMERGENCY ACTION

Where the Chief Executive or a Strategic Director is satisfied that a decision of or action by the Council is required to meet an urgent or emergency situation that decision may be made or action may be authorised by the Chief Executive or a Strategic Director, after consultation with the Leader and Deputy Leader of the Council, the relevant portfolio holder, the Chairman and the Vice-Chairman of the Regulatory Committee which is delegated the authority to discharge functions in relation to that situation and the appropriate Chairmen of the Overview and Scrutiny Committees.

Any decision made or action taken under this Procedure Rule shall be reported to all members of the Council within seven working days and to the next meeting of the Cabinet or an appropriate Committee.

SCHEDULE 1

TABLE OF COMMITTEES AND QUORUM

Name/Type	Quorum
Council	11
Cabinet (Executive)	4
Overview & Scrutiny Committees	5
Audit and Governance Committee	3
Planning Committee	5
Licensing/Regulatory and Appeals Committee	3
Boston Town Area Committee	6
Other Committees and Working Panels	3

SCHEDULE 2

SCHEME FOR HANDLING PETITIONS

1. Guidelines

- 1.1 All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out how the petition is to be dealt with. We will treat something as a petition if it is identified as being a petition or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:-

Democratic Services Manager
Boston Borough Council
Municipal Buildings
West Street
Boston. PE21 8QR

Or, via www.boston.gov.uk, in electronic form if created, signed and submitted online by following a procedure to be introduced for the purpose and to be set out on the Council's website.

- 1.2 Petitions can also be presented to any ordinary meeting of the Council. These meetings take place on a regular basis and dates and times are published by Notice and on the Council's website. To present a petition to the Council in person, or to request your Councillor or someone else to present it on your behalf, please contact the Democratic Services Manager on 01205 314224 at least 10 working days before the meeting and they will talk you through the process.
- 1.3 If your petition has received 1500 signatures or more it will be scheduled for debate at Full Council. If this is the case we will let you know whether this will happen at the same meeting you present your petition or at a later meeting of the Council.
- 1.4 Guidelines for submitting a petition

Petitions submitted to the Council must include:-

- a clear and concise statement covering the subject of the petition
- what action the petitioners wish the Council to take
- the name and address and signature of the persons supporting the petition

- 1.5 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
- 1.6 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.
- 1.7 In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
- 1.8 If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.
- 1.9 The Council reserves the right to verify signatures to a petition. This can be significant when establishing if a petition has obtained the requisite number of signatures to trigger specific processes.

2. What will the Council do when it receives a petition?

- 2.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- 2.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- 2.3 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply and the matter will be dealt with accordingly.
- 2.4 We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

2.5 To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate.

3. How will the Council respond to petitions?

3.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:-

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by an appropriate scrutiny Committee
- writing to the petition organiser setting out our views on the request in the petition

3.2 In addition to these steps, the Council will consider what specific actions are available to address the issues highlighted in a petition.

3.3 The Council's response to a petition will set out the steps we intend to take and the reasons for taking this approach.

3.4 If the petition is about something over which the Council has no direct control we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to the petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible on our website.

3.5 If the petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

4. Full Council debates

- 4.1 If a petition contains more than 1500 signatures it will be debated by the Full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting.
- 4.2 This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.
- 4.3 The Council will endeavour to consider the petition at its next ordinary meeting although on some occasions this may not be possible and it will then be referred to the next following meeting.
- 4.4 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes.
- 4.5 The Council will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.
- 4.6 Where the issue is one on which the Council Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of the decision. This confirmation will also be published on the Council's website.

5. Officer evidence

- 5.1 A petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, the petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
- 5.2 If the petition contains at least 750 signatures the relevant senior officer will give evidence at a public meeting of the appropriate Overview & Scrutiny Committee. The senior officers that can be called to give evidence are those officers who are members of the Council's Corporate Management Team.
- 5.3 The relevant Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in a petition, for instance if the named officer has changed jobs. The committee may also decide to call the relevant Portfolio Holder to attend the meeting.

5.4 Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee by contacting the Council's Democratic Services Section at the above address up to six working days before the meeting.

6. E-petitions

6.1 The Council intends to introduce e-petitions by December 2010. These will be created and submitted through the Council's website. E-petitions will follow the same guidelines as paper petitions.

6.2 The petition organiser will need to provide us with their name, postal address and email address and will also need to decide how long the petition is to be open for signatures. Most petitions are expected to run for six months, but you will be able to choose a shorter or longer timeframe, up to a maximum of 12 months.

6.3 We expect the following to apply to our e-petitions:

- When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- When an e-petition has closed for signature, it will automatically be submitted to our Democratic Services team. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services as above within 10 working days of receipt of the acknowledgement.
- A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.
- All the e-petitions currently available for signature will be on our website.
- When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your

name in the list of those who have signed it but your contact details will not be visible.

7. What can I do if I feel my petition has not been dealt with properly?

- 7.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the steps that the Council's overview and scrutiny committee review the steps that the council has taken in response to your petition.
- 7.2 The petition organiser must give a short explanation of the reasons why the Council's response is not considered to be adequate.
- 7.3 The Committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council Executive and arranging for the matter to be considered at a meeting of the Full Council.
- 7.4 Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.