



MERSEYSIDE WASTE DISPOSAL AUTHORITY

PROCEDURAL RULES

Authorised by: MWDA Full Authority

Issued by: AV

Issue: 02

Document Control: CG01-Procedural Rules-CS-PRu-02-AV-02

Date of Issue: 6th July, 2011

MERSEYSIDE WASTE DISPOSAL AUTHORITY

PROCEDURE RULES

1. DEFINITIONS
2. PROCEDURE RULES
3. ANNUAL MEETINGS OF THE AUTHORITY
4. ORDINARY MEETINGS OF THE AUTHORITY
5. EXTRAORDINARY MEETINGS OF THE AUTHORITY
6. PERSON PRESIDING AT MEETINGS OF THE AUTHORITY
7. QUORUM OF MEETINGS OF THE AUTHORITY
8. NOTICE OF AND SUMMONS TO MEETINGS
9. QUESTIONS BY MEMBERS
10. QUESTIONS BY THE PUBLIC
11. ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES
12. QUORUM OF COMMITTEES
13. MINUTES
14. RECORD OF ATTENDANCE AT MEETINGS
15. MOTIONS ON NOTICE
16. MOTIONS WITHOUT NOTICE
17. RULES OF DEBATE
18. PREVIOUS DECISIONS AND MOTIONS
19. VOTING
20. PREVENTION OF DISORDERLY CONDUCT
21. SEAL OF THE AUTHORITY
22. AUTHENTICATION OF LEGAL DOCUMENTS

- 23. ARRANGEMENTS FOR DEALING WITH URGENT MATTERS/EMERGENCIES**
- 24. EXCLUSION OF THE PUBLIC**
- 25. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**
- 26. RELATIVES OF MEMBERS AND OFFICERS**
- 27. PETITIONS**

Authorised by: MWDA Full Authority

Issued by: AV

Issue: 02

Document Control: CG01-Procedural Rules-CS-PRu-02-AV-02

Date of Issue: 6th July, 2011

MERSEYSIDE WASTE DISPOSAL AUTHORITY

PROCEDURE RULES

1. DEFINITIONS

- (1) In these Procedure Rules, unless the context otherwise demands, the following terms have the meaning assigned to them:-

"Authority" - the Merseyside Waste Disposal Authority acting by any means which they lawfully adopt

"committee" - a committee of the Authority

"Chief Executive" - means the Chief Executive of the Merseyside Waste Disposal Authority or his/her duly authorised representative

"Key Decision" – an executive decision

- (i) incurring expenditure or making savings which are financially significant, unless the specific expenditure or saving has previously been agreed by the Authority; or
- (ii) which, in the view of the Chief Executive, in consultation with the Chairperson, is significant in terms of its effect on communities living or working in Merseyside.

A decision will be considered financially significant if:-

- a) in the case of revenue expenditure, it results in incurring expenditure or making savings of £250,000 or greater;
- b) in the case of capital expenditure, the capital expenditure/savings are in excess of £1 Million;

unless the specific expenditure or savings have previously been agreed by the Authority or have been taken in line with the Authority's Financial Management Policy.

In determining whether a decision is significant in terms of its effect on communities, the Chief Executive and lead Member will give consideration to:-

- a) the number of residents/service users/District Council areas that will be affected;
- b) whether the impact is short term, long term or permanent;
- c) the impact on the community in terms of the economic, social and environmental well-being.

"employee" - an employee of the Authority or the holder of a paid office under the Authority

"meeting" - a meeting of the Authority or committee as the case may be

"member" - in relation to the Authority, a member of the Authority in relation to any committee, a person appointed as a member of that committee whether or not entitled to vote

"person" - includes any persons and any body or association, corporate or incorporate

"person presiding" - the person entitled or appointed to preside at any meeting

"proper officer" - the Clerk to the Authority

"monitoring officer" means the officer appointed in accordance with Section 5 of the Local Government and Housing Act 1989.

"the 1972 Act" - the Local Government Act 1972

"the 1989 Act" - the Local Government and Housing Act 1989

"the whole number of members" - in relation to the Authority, the total number of persons who may become members of the Authority

"Treasurer to the Authority" means the appointed person responsible for the provision of the financial services to the Authority or his/her duly authorised representative

"without comment" - in relation to the moving, seconding or putting of a motion without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put or (in the case of the person presiding) the effect of adopting the motion

2. **PROCEDURE RULES**

- (1) No arrangements may be made whereby a committee or officer may exercise any power of the authority to vary, revoke or add to these Procedure Rules.
- (2) Any of the Procedure Rules may be suspended by the Authority provided that either:
 - (a) notice of intention to move such suspension has been included in the agenda for the meeting; or
 - (b) at least one half of the number of members of the Authority are present.
- (3) A suspension under (2) shall have the effect that the Procedure Rule suspended is not in force during the period of suspension. A suspension shall last only for the meeting at which it is adopted.
- (4) A printed copy of these Procedure Rules and of relevant extracts from enactments regulating the proceedings and business of the Authority shall be given to each member of the Authority.

- (5) The ruling of the person presiding at any meeting as to the construction or application of any of these Procedure Rules shall not be challenged.

3. **ANNUAL MEETINGS OF THE AUTHORITY**

3.1 The annual meeting of the Authority shall be held on such date between 1st March and 30th June (inclusive) and at such place and time as the Authority may fix.

3.2 The annual meeting will:

- (i) elect the Chairperson;
- (ii) elect the Deputy Chairperson;
- (iii) receive apologies for absence;
- (iv) approve as a correct record the minutes of the last meeting of the Authority and for the Chairperson to sign them;
- (v) receive any Chairperson's communications;
- (vi) agree the scheme of delegation;
- (vii) consider any business set out in the notice convening the meeting.

3.3 At the annual meeting, the Authority meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference of those committees;
- (iii) receive nominations of councillors to serve on each committee and outside body;
- (iv) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Authority.

4. **ORDINARY MEETINGS OF THE AUTHORITY**

4.1 Ordinary meetings of the Authority will take place in accordance with a programme agreed by the Authority.

4.2 The Chairperson, in consultation with the Proper Officer and the Chief Executive, may cancel any of such meetings if, in their opinion, insufficient business has arisen for consideration.

4.3 Ordinary meetings will:

- 4.3.1 (i) elect a person to preside if the Chairperson and Deputy Chairperson are not present;

- (ii) receive apologies for absence;
- (iii) approve the minutes of the last meeting;
- (iv) receive declarations of interest from members;
- (v) receive any announcements from the Chairperson;
- (vi) receive questions from, and provide answers to, members of the Authority in accordance with Procedure Rule 9;
- (vii) receive questions from and provide answers to, the public in accordance with Procedure Rule 10;
- (viii) deal with any business which was not disposed of at the last Authority meeting;
- (ix) receive and consider reports, minutes and recommendations of committees;
- (x) consider motions of which notice has been given submitted by members of the Authority in accordance with Procedure Rule 15, in the order in which they are recorded as having been received;
- (xi) consider key decisions specified in the Summons for the meeting;
- (xii) consider scrutiny issues in respect of delegated Executive Decisions called in by any two members of the Authority and specified in the Summons for the meeting;
- (xiii) consider other business, if any, specified in the Summons for the meeting.

4.3.2 The order of business in 4.3.1 may be varied by

- (a) direction of the Chairperson made with the unanimous consent of the members present, but not so as to alter the order of items (i) to (v);
- (b) a resolution of the Authority (moved, seconded and put without comment) but not so as to alter the order of items (i) to (v).

4.3.3 The items of business under (i) in paragraph 4.3.1 shall be considered in the order in which they are listed in the agenda for the meeting.

4.3.4 If the Chairperson decides that an item of business not included in the agenda for the meeting sent with the Summons for the meeting may be taken for reasons of urgency, that item shall, subject to any direction or resolution under 4.3.2 above be taken at the end of the other items of business.

5. EXTRAORDINARY MEETINGS OF THE AUTHORITY

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

- (i) the Authority by resolution;
- (ii) the Chairperson;
- (iii) the Deputy Chairperson, if the office of Chairperson is vacant or the Chairperson is unable to act for some reason;
- (iv) any three members of the Authority if they have signed a requisition presented to the Chairperson 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.

5.2 Any requisition under 5.1(iii) may be presented to the Chairperson by being left for him/her with the Proper Officer.

5.3 The meeting shall be held within 10 working days of being called. The Proper Officer will ensure that the requisite notices and summonses are published and sent.

5.4 No extraordinary meeting of the Authority may be called unless it is proposed to transact business which, in accordance with the relevant legislation and these Procedure Rules, may be transacted at that meeting.

6. PERSON PRESIDING AT MEETINGS OF THE AUTHORITY

6.1 Any power of the Chairperson in relation to the conduct of a meeting of the Authority may be exercised by the person presiding at that meeting.

6.2 If it is necessary to choose a Member of the Authority to preside in the absence of the Chairperson and Deputy Chairperson, the Proper Officer shall call on a Member of the Authority to move that a Member of the Authority to be named by that Member shall take the chair.

6.3 If discussion arises on that motion, the Proper Officer shall exercise all the powers of the person presiding to regulate that discussion and to maintain order at the meeting.

6.4 The motion and any amendments shall be put to the meeting in accordance with Rule 19 (3) (voting on appointments).

7. QUORUM OF MEETINGS OF THE AUTHORITY

7.1 No business shall be transacted at a meeting of the Authority unless at least one quarter (rounded up) of the whole number of Members of the Authority are present.

7.2 Notwithstanding the provision contained in 7.1, if more than one third of the Members become disqualified at the same time, the quorum for meetings of at least one quarter (rounded up) shall be determined by reference to the number of members remaining qualified and not to the whole number.

7.3 The provision contained in 7.2 shall apply only until such time as the number of Members in office is increased to not less than two thirds of the whole number

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

8.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information provisions.

8.2 At least 5 clear days before a meeting, the Proper Officer will send a Summons signed by him/her by post or email to every Member of the Authority or leave it at their usual place of residence. The Summons will give the date, time and place of each meeting, and specify the business to be transacted, and will be accompanied by such reports as are available.

9. **QUESTIONS BY MEMBERS**

9.1 Subject to Rule 9(2), if a Member of the Authority wishes to ask a question at a meeting of the Authority of:

- (a) the Chairperson of the Authority;
- (b) the Chairperson of any Committee;
- (c) a Member of the Authority who is as a result of any action taken by or on behalf of the Authority, a member or director of any company

on any item which is not the subject of a report to that meeting, he/she shall give notice in writing to the proper officer of the question at least seven working days before the meeting at which the question is to be asked.

9.2 No Member shall give notice of more than two questions for any meeting.

9.3 A list of the question of which notice has been given shall be circulated to Members of the Authority at or before the meeting at which they are to be asked.

9.4 If the person presiding at the meeting of the Authority considers that by reason of special circumstances it is desirable that a question shall be asked at a meeting of the Authority, although due notice has not been given, and if he/she is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he/she may permit the question to be asked.

9.5 **Response**

Every question shall be put and answered without discussion.

An answer may take the form of:

- a) a direct oral answer

Authorised by: MWDA Full Authority

Issued by: AV

Issue: 02

Document Control: CG01-Procedural Rules-CS-PRu-02-AV-02

Date of Issue: 6th July, 2011

- b) where the desired information is in a publication of the MWDA or other published work, a reference to that publication; or
 - c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and to all Members of the MWDA.
- 9.6 A Member asking a question under Rule 9.1 may ask one supplementary question of the Member to whom the first question was asked without notice. The supplemental question must arise directly out of the original question or the reply. A second supplementary question may be asked by any other Member. The answer may take the same form as described in Rule 9.5.

10. **QUESTIONS BY THE PUBLIC**

10.1 A period of not more than 30 minutes shall be allowed for questions submitted by members of the public.

10.2 Members of the public may ask questions of the Chairperson at ordinary meetings of the Authority.

10.3 A question may only be asked if:

- (a) notice has been given by delivering it in writing to the Proper Officer seven clear working days preceding the meeting of the Authority at which it is to be asked. Each question must give the name and address of the questioner.

10.4 At any one meeting no person may submit or put more than one question.

10.5 The Proper Officer may reject a question if it:

- does not relate to a matter for which the Authority has responsibility
- is defamatory, frivolous or offensive
- is substantially the same as a question which has been put at a meeting of the Authority in the past six months; or
- requires the disclosure of confidential or exempt information

10.6 Record of Questions

The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member who is the most appropriate to answer the question. Rejected questions will include reasons for rejection.

Copies of all questions which are accepted by the Proper Officer will be circulated to all Members and will be made available to the public attending the meeting.

10.7 Asking the Question at the Meeting

Authorised by: MWDA Full Authority

Issued by: AV

Issue: 02

Document Control: CG01-Procedural Rules-CS-PRu-02-AV-02

Date of Issue: 6th July, 2011

The Chairperson will invite the questioner to put the question to the appropriate Member. If a questioner who has submitted a written question is unable to be present, they may nominate in writing another member of the public to ask the question on their behalf. The question will not be put if the questioner or his/her nominee is not present.

The questioner will have two minutes to ask the question.

10.8 Response

Every question shall be put and answered without discussion. The respondent will have five minutes to reply to the initial question.

An answer may take the form of:-

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

10.9 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/her original question. The questioner will have two minutes to ask a supplementary question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5.

11. **ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES**

- (1) The Authority may appoint at their Annual Meeting from among the voting members the Chairperson and Deputy Chairperson of a Committee.
- (2) If any appointment possible under the previous paragraph is not made the Committee at their first meeting after the Annual Meeting of the Authority shall before proceeding to any other business elect from their voting members a Chairperson and Deputy Chairperson.
- (3) If the Chairperson and Deputy Chairperson are absent at a meeting of a Committee shall appoint, from among the voting members present, a person to preside at that meeting.
- (4) If it is necessary for the committee to appoint a Chairperson, the proper officer, or his/her representative, shall call on a member of the committee to move that a voting member of the committee shall take the chair.
- (5) If discussion arises the proper officer, or his/her representative, shall exercise the powers of the Chairperson to regulate that discussion and to maintain order at the meeting.

- (6) The motion and any amendments shall be put to the meeting in accordance with Rule 19 (3) (voting on appointments).

12. **QUORUM OF COMMITTEES**

- (1) No business shall be transacted at any meeting of a Committee unless at least one quarter of the whole number of voting members of the Committee as the case may be are present.

Provided that in no case shall any business be transacted unless at least two voting members are present.

- (2) The provisions of Rule 7 shall apply to a meeting of a Committee at which a quorum is not present as they would apply if it were a meeting of the Authority.

13. **MINUTES**

- (1) The Chairperson will sign the minutes of proceedings at the next suitable meeting. The Chairperson will move that the minutes of the previous meeting be signed as a correct record. The only issue with regard to the minutes that can be discussed is their accuracy.

- (2) Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following ordinary meeting will be treated as a suitable meeting for the purposes of signing of minutes.

- (3) At Authority meetings the confirmation of those proceedings, resolutions and reports of every Committee which require the approval of the Authority shall be moved by the Chairperson or some member of the Committee.

- (4) In presenting the minutes the Chairperson or other member may request the approval of the Authority to withdraw for further consideration by the Committee concerned or to amend any Committee decision requiring information, provided:

- (a) the reason for such withdrawal or amendment shall be stated on request; and
- (b) such amendments shall be limited to matters of detail or accuracy only and shall not purport to alter the substance of the Committee decision.

Any voting by the Authority upon withdrawal or an amendment proposed under this Rule shall be by a show of hands without debate.

- (5) Resolutions of Committees which have been passed in the exercise of delegated powers shall be indicated by the placing of an asterisk opposite such resolution which shall not be open for debate.

14. **RECORD OF ATTENDANCE AT MEETINGS**

- (1) All members present during the whole or part of the meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

15. **MOTIONS ON NOTICE**

(1) Notice

Except for motions which can be moved without notice under Rule 16, or which the Chairperson considers should be considered as a matter of urgency, notice of every motion must be given by delivering it in writing or by electronic mail to the Proper Officer at least 7 clear working days prior to the relevant Authority meeting. These will be entered in a book open to public inspection.

(1) Scope

Motions must be about matters for which the Authority has a responsibility.

(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.

- (4) A motion shall only be moved by either the member who gave the notice or by a member authorised in writing by that member.

16. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:-

- (a) to appoint a Chairperson 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 receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (f) to withdraw a motion;
- (g) to amend a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;

- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) to suspend a particular Authority procedure rule;
- (m) to exclude the public and press in accordance with the Access to Information rules;
- (n) to not hear further a member named under Rule 20 (1)(a), or to exclude them from the meeting under Rule 20 (1)(b); and
- (o) to give the consent of the Authority where its consent is required.

17. **RULES OF DEBATE**

(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.

(2) Right to Require Motion in Writing

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

(3) Secunder's Speech

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

(4) Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except with the consent of the Authority signified without comment the mover of a motion shall not speak for more than ten minutes (excluding the right of reply) and no other person shall speak for more than five minutes.

(5) When a Member may Speak Again

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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

(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 wordsas 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 provided that the Chairperson may permit two or more amendments to be discussed (but not voted upon) together if he/she thinks that this will facilitate the proper conduct of business.
- (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 Chairperson 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) 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.

(8) Withdrawal of Motion/Amendment

Authorised by: MWDA Full Authority

Issued by: AV

Issue: 02

Document Control: CG01-Procedural Rules-CS-PRu-02-AV-02

Date of Issue: 6th July, 2011

A member may withdraw a motion or amendment 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 or amendment after the mover has asked permission to withdraw it unless permission is refused.

(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 of 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 to the debate on his or her amendment.

(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) a closure motion under Rule 16(11);
- (d) to exclude the public and press in accordance with the Access to Information Rules;
- (e) to not hear further a member named under Rule 20 (1)(a) or to exclude them from the meeting under Rule 20 (1)(b).

(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, the Chairperson will give the mover of the original motion a right of reply

and then put the procedural motion to the vote; if that motion is carried the original motion shall lapse.

- (c) If a motion that the question be now put is seconded and the Chairperson 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 Chairperson 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; the original motion or remaining business shall then stand over as uncompleted business to the next meeting.

(12) Point of Order

A member may raise a point of order at any time. The Chairperson will hear them immediately. A point of order may only relate to an alleged breach of these Authority Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairperson on the matter will be final.

(13) Personal Explanation

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

18. **PREVIOUS DECISIONS AND MOTIONS**

(1) Motion to rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of the Authority within the past six months cannot be moved unless the notice of motion is signed by as many members as would constitute a quorum of the Authority.

(2) Motion similar to one Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of the Authority in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one quarter of Members of the Authority. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

19. **VOTING**

- (1) The method of voting at meetings of the Authority and Committees any matter will be decided by a simple majority of those Members voting and present.
- (2) Any Member who is present when the vote was taken may require that his/her vote or abstention shall be recorded in the minutes by notifying forthwith the proper officer of his/her wish.
- (3) Where a vote is required on a motion to appoint or elect a Member of the Authority to a position to be filled by the Authority and there are two or more members nominated for that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on, until a majority of votes is given in favour of one person.
- (4) If there are an equal number of votes for and against, the Chairperson will have a second or casting vote.

20. **PREVENTION OF DISORDERLY CONDUCT**

- (1) If the person presiding is of the opinion that a member has misconducted, or is misconducting himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Authority he/she may notify the meeting of that opinion and may take any of the following courses either separately or in sequence:-
 - (a) He/she may move that the member named be not further heard; this motion shall not require to be seconded but shall be put and decided without comment; if it is carried; the member named shall not speak further at that meeting;
 - (b) He/she may move that the member named shall leave the meeting; this motion shall not require to be seconded; but shall be put and decided without comment; if it is carried, the member named shall forthwith leave the meeting;
 - (c) He/she may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.
- (2) If a member of the public interrupts proceedings at any meeting the person presiding shall warn him/her. If he/she continues the interruption the person presiding shall order him/her to leave the room where the meeting is being held. If he/she does not leave the person presiding may order him/her to be removed. If a member of the public persistently creates a disturbance the person presiding may adjourn the meeting for as long as he/she thinks expedient.
- (3) In the event of general disturbance in any part of the room where the meeting is being held which is open to the public the person presiding

may order that part to be cleared and may adjourn the meeting for such period as shall seem expedient to him/her.

21. **SEAL OF THE AUTHORITY**

- (1) The common seal of the Authority shall be kept in a safe place in the custody of the proper officer;
- (2) The common seal of the Authority shall be affixed to a document only on the authority of:
 - (a) a resolution of the Authority
 - (b) a resolution of a committee which the Authority has empowered to authorise the use of the seal; and
 - (c) a decision by the Authority, or by a duly authorised committee or officer, to do anything where a document under the common seal is necessary to complete the action.
- (3) The affixing of the common seal shall be attested by the Proper Officer or the Monitoring Officer. An entry of every sealing of a document shall be made and numbered consecutively in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

22. **AUTHENTICATION OF LEGAL DOCUMENTS**

Any document which is necessary for legal proceedings shall be signed by the Proper Officer or the Monitoring Officer (or their authorised signatory) unless some other person

- (a) has been given the necessary authority by resolution of the Authority;
or
- (b) is so authorised or required by some enactment.

23. **ARRANGEMENTS FOR DEALING WITH URGENT MATTERS/EMERGENCIES**

- (1) Where urgent matters arise and time does not allow for the calling of the committee concerned or Authority there shall be delegated to the Chief Executive all the powers of the Authority to deal therewith, provided that:
 - (a) the power is exercised in consultation if possible with the Chairperson and Deputy Chairperson of the Authority;
 - (b) no decision shall be made which is contrary to a resolution of the Authority or to an established practice; and
 - (c) all decisions shall be documented in the form of a minute as soon as possible after they are taken and a copy thereof signed by the Chief Executive and the Chairperson and Deputy Chairperson if consulted and sent to the Proper Officer. All decisions taken under these powers will be notified to the Authority.

24. **EXCLUSION OF THE PUBLIC**

- (1) Members of the public and press may only be excluded from the meeting either in accordance with the Access to Information Rules or under Rule 20.

25. **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- (1) Canvassing of members of the Authority or of any committee of the Authority directly or indirectly for any appointment under the Authority, shall disqualify the candidate concerned for that appointment. The purport of this paragraph shall be included in every advertisement inviting applications for appointments or in the form of application.
- (2) A member of the Authority shall not solicit for any person any appointment under the Authority or give a written testimonial to any person for such appointment or promotion.

26. **RELATIVES OF MEMBERS AND OFFICERS**

- (1) Candidates for any appointment under the Authority who knows that he/she is related to any member or senior officer of the Authority shall when making application disclose that relationship in writing to the Chief Executive.
- (2) Every member and senior officer of the Authority shall disclose to the Chief Executive any relationship known to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Authority.

For the purpose of this Procedural Rule, "senior officer" means any officer of the Authority being paid at or above SCP 33.

27. **PETITIONS**

- (1) In this rule "petition" means any written matter directed at the Authority and signed by 25 or more Council Tax Payers and containing a request, representation, complaint or objection which falls within its function but does not include a response to a statutory advertisement of the proposal.
- (2) Petitions relating to matters which are the responsibility of the Appeals Committee shall not be considered.
- (3) When objections and representations about a proposal, which is the subject of a statutory advertisement, are considered, nothing in this rule shall prevent the decision maker from meeting and discussing with the petitioners any petition submitted in response to the statutory advertisement.
- (4) Any petition shall be brought to the attention of the Chairperson. If the petitioner so requests a deputation comprising not more than 3

persons may present the petition to a panel comprising of the Chairperson, Lead Member for the issue concerned, another Member and the Chief Executive. That panel shall have a report from an appropriate officer on the issues raised by the petition. One of the petitioner's deputation or their local elected council representative shall be permitted to address the panel for not more than 5 minutes.

- (5) The Chairperson shall have discretion to amend the procedure for considering petitions in accordance with this procedure rule, as necessary.
- (6) The Chairperson shall be responsible for responding to the issues raised by the petition. If the Chairperson so wishes he/she may refer the petition to the full Authority.