

# Council Procedure Rules

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## **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 May.

The Annual Meeting will:

- (a) elect a person to preside if the Chairman of Council is not present;
- (b) approve the Minutes of the last Meeting;
- (c) elect the Leader and Deputy Leader;
- (d) receive any announcements from the Chairman, Leader and Head of Paid Service;
- (e) appoint the Overview and Scrutiny Committee, a Standards Committee and such other Committees as detailed in Part 2 of this Constitution;
- (f) agree the Scheme of Delegation (as set out in Part 3 of this Constitution);
- (g) approve a programme of Ordinary Meetings of Full Council for the year and the cycle of Committees for the year; and
- (h) 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, Full Council will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the proportional allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (d) receive nominations of Councillors to serve on each Committee and outside bodies; and
- (e) appoint to those Committees (including Chairmen and Vice-Chairmen) and outside bodies except where appointment to those bodies has been delegated by Full Council.

### **1.3 Civic Meeting**

The Civic Meeting will:

- (a) elect the Chairman of Council;
- (b) elect the Vice-Chairman of Council.

## **2. ORDINARY MEETINGS**

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

- (a) elect a person to preside if both the Chairman and Vice-Chairman are not present;
- (b) approve the Minutes of the last Meeting;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman, Leader and Head of Paid Service;

- (e) receive questions from, and provide answers to, the public in accordance with the provisions of Rule 10;
- (f) receive questions from, and provide answers to, Members asked pursuant to Rule 11;
- (g) deal with any business remaining from the last Full Council Meeting;
- (h) receive reports from the Council's Committees (including the Overview & Scrutiny Committee) and receive questions and answers on any of those reports;
- (i) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (j) consider motions;
- (k) authorise the sealing of documents (if any); and
- (l) consider any other business specified in the summons to the Meeting.

### 3. EXTRAORDINARY MEETINGS

#### 3.1 Calling Extraordinary Meetings

Those listed below may, by written notice, request the ~~Chief~~ Executive Director – Law and People to call Full Council meetings in addition to Ordinary Meetings:

- (a) Full Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; and
- (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a Meeting or has failed to call a Meeting within seven days of the presentation of the requisition.

#### 3.2 Business

An Extraordinary Meeting will consider only the item or items that have been included in the notice given to the ~~Chief~~ Executive Director – Law and People in accordance with Rule 3.1.

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

#### 4.1 Allocation

As well as allocating seats on Committees and Sub-Committees, Full Council will allocate seats in the same manner for Substitute Members.

#### 4.2 Number

For each Committee or Sub-Committee, Full Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee, up to a maximum of 100% of the ordinary seats held, with the exception of the Overview and Scrutiny Committee.

#### 4.3 Powers and Duties

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

#### 4.4 **Substitution**

Substitute Members may attend Meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are the designated substitute;
- (b) where the ordinary Member will be absent for the whole of the Meeting; and
- (c) after notifying the ~~Chief~~ Executive Director – Law and People no later than the commencement of the Meeting.

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

The time and place of Meetings will be determined by the ~~Chief~~ Executive Director – Law and People and notified in the summons.

No Meetings of Full Council shall be cancelled without the approval of the Chairman, Vice-Chairman and Leader of the Council.

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

The ~~Chief~~ Executive Director – Law and People will give notice to the public of the time and place of any Meeting in accordance with the Access to Information Procedure Rules set out in Part 4 of the Constitution. At least five clear days before a Meeting, the ~~Chief~~ Executive Director – Law and People will send an electronic summons signed by him or her to every Member of the Council ~~or leave it at their usual place of residence~~. The summons will give the date, time and place of each Meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### 7. **CHAIRMAN OF MEETING**

The person presiding at the Meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee Meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

#### 8. **QUORUM**

The quorum of a Meeting will be one quarter of the whole number of Members. For Committees, except the Standards Committee where special rules apply, (see Article 8), the quorum will be one quarter of the whole number of Members or 3 Members, whichever is the greater. If a Committee has only 3 Members then the quorum is 2.

If, during any Meeting 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.

## 9. **DURATION OF MEETING**

Unless the majority of Members present vote for the Meeting to continue, any Meeting that has lasted for 2 hours 30 minutes 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 of the Council and any Chairman of a Committee at Ordinary Meetings, including Area Forums, except for the Planning Committee, the Standards Committee and the Licensing & Appeals Sub-Committee where no questions may be asked by the public.

### 10.2 **Order of Questions**

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

### 10.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the ~~Chief Executive~~ Director – Law and People no later than midday 2 days before the day of the Meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put. The Chairman may, at his / her discretion allow questions to be asked where no notice has been given whilst reserving the right to determine how these will be dealt with.

### 10.4 **Number of Questions**

At any one Meeting no person may submit more than 2 questions and no more than 2 such questions may be asked on behalf of one organisation.

### 10.5 **Scope of Questions**

The ~~Chief Executive~~ Director – Law and People may reject a question if it:

- (a) is not about a matter for which the Local Authority has a responsibility or which affects the District;
- (b) is defamatory, frivolous, offensive, is rhetorical or is not, in fact, a question;
- (c) is substantially the same as a question which has been put at a Meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

### 10.6 **Record of Questions**

The **Chief Executive Director – Law and People** will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions 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**

The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. All questions should be delivered within a maximum of 3 minutes after which time the Chairman may ask the person putting the question to sit down.

**10.8 Supplementary Question**

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 the reply and should be delivered within a maximum of 2 minutes after which time the Chairman may ask the person putting the question to sit down. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

**10.9 Time Limit**

There shall be a time limit of 30 minutes for questions. At the expiry of the time limit the Chairman shall move to the next business.

**10.10 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.

**10.11 Reference of Question to a Committee**

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

**11. QUESTIONS BY MEMBERS**

**11.1 On Reports of Committees**

A Member of the Council may ask the Chairman of a Committee any question without notice upon an item contained in a report of a Committee 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:

- (a) the Chairman;
- (b) the Leader; or
- (c) the Chairman of any Committee or Sub-Committee

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

## 11.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 11.4, a Member of a 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 affects South Derbyshire and which falls within the terms of reference of that Committee or Sub-Committee.

## 11.4 Notice of Questions

A Member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) they have given notice in writing of the question to ~~Chief~~ Executive Director – Law and People by 10.00am on the working day before the day of the Meeting; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the ~~Chief~~ Executive Director – Law and People by noon on the day of the Meeting.

## 11.5 Response

An answer 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 that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

## 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. MOTIONS ON NOTICE

### 12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by the Member or Members giving the notice, must be delivered to the ~~Chief~~ Executive Director – Law and People not later than 7 clear days before the date of the Meeting. These will be entered in a book open to public inspection.

### 12.2 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.

### 12.3 **Scope**

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

## 13. **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 (except where the order is prescribed by law or items 12.1 – 12.2 above);
- (d) to refer something to an appropriate Committee;
- (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) to extend the time limit for speeches;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the Meeting continue beyond 2 hours 30 minutes in duration;
- (o) to suspend a particular Council Procedure Rule;
- (p) to exclude the public and press in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution;
- (q) to not hear further from a Member named under Rule 20.3 or to exclude them from the Meeting under Rule 20.4;
- (r) to give the consent of the Council where its consent is required by this Constitution; and
- (s) any motion which the Council determines to be urgent.

## 14. **RULES OF DEBATE**

### 14.1 **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.

### 14.2 **Right to Require Motion in Writing**

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

### 14.3 **Secunder's Speech**



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

#### 14.4 **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 10 minutes without the consent of the Chairman.

#### 14.5 **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.

#### 14.6 **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.
- (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 Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 14.7 **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.

(d)

#### 14.8 **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.

#### 14.9 **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.

#### 14.10 **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) that the Meeting continue beyond 2 hours 30 minutes in duration;
- (h) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (i) to not hear further from a Member named under Rule 20.3 or to exclude them from the Meeting under Rule 20.4.

#### 14.11 **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 Chairman 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 Chairman 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 Chairman 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.

#### **14.12 Point of Order**

A Member may raise a point of order at any time. The Chairman 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. The ruling of the Chairman on the matter will be final.

#### **14.13 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 that may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

#### **14.14 Withdrawal from Meeting Room**

A Member having an interest in any matter on the agenda leading to non-participation in the matter shall withdraw from the meeting room during the consideration and determination of the matter in question.

### **15. PREVIOUS DECISIONS AND MOTIONS**

#### **15.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a Meeting of Full Council within the past six months cannot be moved unless the notice of motion is signed by at least 9 Members.

#### **15.2 Motion Similar to One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a Meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 9 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## 16. **VOTING**

### 16.1 **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.

### 16.2 **Chair's Casting Vote**

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

### 16.3 **Show of Hands**

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the Meeting.

### 16.4 **Ballots**

The vote will take place by ballot if 8 Members present at the Meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

### 16.5 **Recorded Vote**

If 8 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.

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

### 16.6 **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.

### 16.7 **Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## 17. **MINUTES**

### 17.1 **Signing the Minutes**

The Chairman will sign the Minutes of the proceedings at the next suitable Meeting. The Chair will move that the Minutes of the previous Meeting be

signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

**17.2 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.

**18. RECORD OF ATTENDANCE**

All Members present during the whole or part of a Meeting must sign their names on the attendance sheets before the conclusion of every Meeting to assist with the record of attendance.

**19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

**20. MEMBERS' CONDUCT**

**20.1 Standing to Speak**

When a Member speaks at Full Council they must stand and address the Meeting through the Chair. If more than one Member stands, the Chairman 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.

**20.2 Chairman Standing**

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

**20.3 Member not to be Heard Further**

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

**20.4 Member to Leave the Meeting**

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

**20.5 General Disturbance**

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

21. **DISTURBANCE BY PUBLIC**

21.1 **Removal of Member of the Public**

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

21.2 **Clearance of Part of Meeting Room**

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

22. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

22.1 **Suspension**

All of these Council Procedure Rules except Rule 16.6 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of Full Council are present. Suspension can only be for the duration of the Meeting.

22.2 **Amendment**

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

23. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Procedure Rules apply to Meetings of Full Council. Only Rules 5 –14, 16 – 24 (but not Rule 20.1) apply to Meetings of Committees and Sub-Committees.

24. **SPECIAL MEETINGS OF COMMITTEES**

24.1 The cycle of Ordinary Meetings of Committees shall be determined by Full Council at the Annual Meeting but Special Meetings of Committees may be called at any time by:-

- (a) the Chief Executive either at the request or with the agreement of the Chairman of the Committee (in respect of urgent items only); or
- (b) on the written request of one quarter of the whole number of Councillors on the Committee delivered in writing to the Chief Executive.

24.2 Where a written request is received in accordance with Rule 24.1 the Meeting will consider only the item or items that have been included in that notice.