

SECTION 15

RULES FOR CONDUCTING MEETINGS

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15.1 Introduction

- 15.1.1 This section of the Constitution contains the rules of procedure and the rules of debate which apply to meetings of the different bodies of the Council. We have tried to make these procedures for meetings as informal and simple as possible.

There are some additional rules for meetings of the full Council because these meetings have to be more formal. There are also special rules which apply to meetings of the Cabinet and the Scrutiny Board relating to the functions carried out by these bodies.

During some meetings of the Planning Board, Licensing Board and the Standards Committee, there are decisions that have to be dealt with in a more formal, quasi-judicial process. For these decisions there are fairly strict rules that must be followed which cover such things as the presentation and questioning of evidence.

Meetings of joint committees set up between the Council and other local authorities are conducted according to specific rules agreed between those authorities and set out in the relevant body's governance documents.

These additional and alternative rules of procedure are noted in the sections of the Constitution dealing with the relevant body. All meetings of Council bodies must also comply with legal rules providing for public access to information, and these are set out in Section 16.

15.2 The Chair of Meetings of Bodies of the Council

- 15.2.1 **Election:** The Chair and Vice Chair of all Boards and Committees (except the Standards Committee) will be elected annually at the Annual Meeting of the Council by the members of the relevant Board or Committee only. The Chair and Vice Chair of the Standards Committee will be elected at the first meeting after the Annual Meeting of the Council.

In any case, where there is a vacancy, the election will take place at the first meeting of the member body after the vacancy occurs.

When the Chair is not present the Vice Chair will preside at a meeting. Where the Chair and Vice Chair are both absent then the meeting must elect someone to preside. That person may exercise any role of the Chair.

- 15.2.2 **The role of the Chair:** The Chair's role is to manage the meeting so that:
- the proceedings are easy to understand;
 - the work of the meeting is conducted properly and expeditiously.

In particular the Chair will:

- manage debates so that they are relevant, and not over-long or repetitive;
- ensure that the exact wording of a recommendation or an amendment to be voted on is read out clearly immediately before the vote;
- ensure that the reasons for decisions are clear, and are recorded clearly in the minutes.

The Chair may, in **exceptional** circumstances, and where it is necessary to fulfil the above objectives, make exceptions to the rules of debate set out below.

15.3 **Motions without Notice**

- 15.3.1 During the debate any member may move one of the following motions without notice so that the business of the meeting can be conducted properly and expeditiously:
- (a) to appoint a chair 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, sub-committee or member arising from an item on the Summons for the meeting;
 - (f) to receive reports or adoption of recommendations of committees, boards 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) to suspend a particular council procedure rule;
 - (n) to exclude the public and press in accordance with Section 15.5.11;
 - (o) to not hear further a member named under Rule 15.6.2 or to exclude them from the meeting under Rule 15.6.3;
 - (p) to give the consent of the Council where its consent is required by this Constitution; and
 - (q) to address representations made by members of the public at the

meeting.

15.4 **Rules of Debate**

15.4.1 **No speeches until motion seconded:** No speeches may be made after the proposer has moved a motion or amendment and explained the purpose of it until it has been seconded. If not seconded, it will be deemed to have been withdrawn.

15.4.2 **Right to require motion in writing:** Unless notice of the motion or amendment has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

15.4.3 **Seconders' speech:** When seconding a motion or amendment, a member may reserve their speech until later in the debate.

15.4.4 **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 three minutes without the consent of the Chair.

15.4.5 **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.

15.4.6 **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 Chair will read out the

amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.4.7 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.

15.4.8 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.

15.4.9 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.

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

(h) to not hear further a member named under Rule 15.6.2 or to exclude them from the meeting under Rule 15.6.3.

15.4.11 Closure motions:

(a) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(b) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of

the original motion a right of reply before putting his/her motion to the vote.

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

15.4.12 **Point of order:** A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the rules for conducting meetings in this Section or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

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

15.5 **Other Rules of Procedure for Meetings of Bodies of the Council**

15.5.1 **Who can speak, what on, and when:** Members can only speak when invited by the Chair.

Members can only speak on matters which are on the agenda for the meeting. This excludes matters covered in the minutes of previous meetings. All speeches must be relevant to the agenda item under discussion. However, members may speak about any issue which is relevant to the Council body holding the meeting, and which they think that body should consider at a later meeting, under the agenda item 'Suggestions for Future Business'.

Suggestions for future business will only be adopted if agreed by the Chair and Vice-Chair of the meeting and if they are within the functions and delegated authority of the Council body.

15.5.2 **Questions:** Generally questions which are intended to obtain information should be asked of the relevant officer or member prior to the meeting. It is not helpful to have questions requesting detailed information raised without notice at public meetings.

However, questions on policy can be asked.

15.5.3 **Ending Meeting:** Normally the meeting will end when all the business on the agenda has been completed.

As soon as any meeting has lasted for three hours the Chair will ask members to vote on whether to end the meeting. There will be a short briefing from officers on implications but no debate on whether the

meeting should end. If the vote is in favour of ending the meeting it will end immediately or at such point as the meeting agrees.

15.5.4 Voting: Decisions will be made by voting. A simple majority will suffice.

Where there is a tie of votes the Chair will have a second or casting vote to decide the matter.

Normally voting will be by a show of hands, or if there is no dissent, by the affirmation of the meeting. However, if two members of the body meeting ask for a recorded vote prior to the vote starting, then the names and the vote or abstention of each member of the body at the meeting will be recorded in writing.

15.5.5 Any member of the body may request immediately before or after the vote that the minutes record their vote or abstention on an item.

15.5.6 In accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, immediately after any vote is taken at a budget decision meeting there must be recorded 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.

“Budget decision” means a meeting at which;
(a) a calculation is made (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992, as amended; or
(b) a precept is issued under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting.

References to a vote are references to a vote not only on the substantive budget motions agreeing the budget, setting council taxes or issuing precepts, but also on any amendments proposed at the meeting.

15.5.7 Voting on Appointments: If 3 or more people are nominated for any position to be filled and, at the first vote, there is not a clear majority of votes in favour of one person, then the person with the least number of votes will be excluded. A new vote will be taken on the remaining candidates. The process will continue until there is a majority vote for one person.

15.5.8 Notice and Summons to Meetings: The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Section 16. At least five clear days before a meeting (excluding the day of sending, the day of the meeting and weekends), the proper officer 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. 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.

15.5.8A Appointment of Substitute Members to Planning Board, Scrutiny Board and Audit Committee

- (1) This procedure rule shall be subject to review at each Annual Meeting of the Council and shall cease to apply unless the Council resolves it shall continue.
- (2) Other than is provided for in this paragraph no other substitute arrangements are allowed. No substitution is allowed in relation to the Standards Committee or Cabinet or any committee of the council except Planning Board, Scrutiny Board and Audit Committee.
- (3) If a member of Planning Board, Scrutiny Board or Audit Committee is unable to attend a meeting or meetings of that Board then they should provide their Group Leader (i.e. the relevant Leader of their political group or the Leader of the independent Members as applicable) with the identity of another member who is both appropriately trained in accordance with this procedure rule and prepared to act as their substitute. The Group Leaders are entitled to appoint any member to act as a substitute and are not under any obligation to accept the recommendation of the member who is seeking a substitute. The Group Leaders will use reasonable endeavours to discuss and agree any proposed substitutions with the Chairman or Vice Chairman of the relevant Board before the meeting but does not require the Chairman or Vice Chairman's consent to any substitution. Due to the restrictions referred to in paragraph (4) below, members need to ensure that the appropriate training has been or will be undertaken by the proposed substitute member before the meeting.
- (4) Before the substitute can attend a meeting of the relevant Board as a substitute member they must have received appropriate training and instruction from officers and the Chairman of the relevant Board sufficient to enable them to be familiar with the working arrangements, any legal requirements, the procedures of the Board and the work for which the committee is responsible. The minimum level of training or instruction required for each Board is set out in the Constitution.
- (5) A substitute may only be appointed to attend a meeting when an appointed member of the relevant Board is not able to attend and the substitute appointment shall last only for that meeting unless otherwise agreed by the Group Leader.
- (6) Before the start of any meeting where a substitute is to be used, the Leader of the political group concerned or the Leader of the independent members (or their Deputies) shall notify the Democratic

Services Officer of the substitution and which member is to attend the meeting as a substitute member. It is recommended that this notification be in writing rather than verbal and be given as soon as reasonably practicable.

- (7) At the start of any meeting for which a substitution has been arranged in accordance with these rules, the Democratic Services Officer, shall announce that the absent member or each of them (if more than one) apologises for their absence and that the named member has been appointed to serve as their substitute.
- (8) If the absent member is subsequently able to attend a meeting for which a substitute has been appointed and he is present for the start of the meeting (and before the announcement in paragraph (7) has been made) then, with the agreement of the nominated substitute, they can be re-instated and take part in the meeting.
- (9) If the absent member is subsequently able to attend a meeting for which a substitute has been appointed, but arrives after the meeting has opened and the announcement has been made in paragraph (7) above, they shall be entitled to attend the meeting and speak in accordance with Rule 15.5.1 of the Rules for Conducting Meetings of the Constitution, but not vote.

15.5.9 Signing the minutes: The Chair will sign the minutes of the proceedings at the next suitable meeting (i.e. not at an extraordinary 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.

Form of minutes: Minutes will contain all motions and amendments in the exact form and order the Chair put them.

15.5.10 Record of Attendance: A record of attendance will be kept of each meeting in a register kept by the committee officer.

15.5.11 Quorum: The quorum for a meeting will be one quarter of the whole number of members entitled to attend, subject to a minimum of three members. There are special rules for the quorum of the Standards Committee: see Section 11 and the Planning Board: see Section 8

During any meeting if the Chair counts the number of members present and declares there is no quorum then the meeting will adjourn for as long as the Chair thinks fit. The Chair may wait to see if the meeting will regain its quorum or may declare the meeting at an end.

If the Chair declares a meeting is at an end then any remaining business will be considered at a time and date fixed by the Chair or (if he/she does not fix a time and date) at the next ordinary meeting.

15.5.12 **Exclusion of the Public and Press:** Members of the public and press may only be excluded from meetings under Rule 15.6 (Disorderly Conduct) or on the grounds that confidential or exempt information is likely to be disclosed, in accordance with the Access to Information Rules in Section 16.

15.6 **Disorderly Conduct**

15.6.1 All those attending a meeting shall comply with the requests and instructions of the Chair.

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

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

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

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

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

15.7 **Public Participation**

15.7.1 At the Chair's discretion, members of the public can participate at meetings of a Council body by making representations on any matter. The maximum time for each speaker is three minutes, with a maximum time of 20 minutes for all speakers in total. Anyone who wishes to speak must:

- either notify the Committee Officer at least three hours before the start of the meeting, or
- complete the form which will be in, or immediately outside, the room where the meeting is going to take place and hand this to the Committee Officer before the start of the meeting.

There are additional opportunities for public participation at full Council **and at Community Partnerships** and special rules for the more formal quasi-judicial processes of the Planning Board, Licensing Board and the

Standards Committee as described in their sections of this Constitution. For example, members of the public wishing to speak on a planning application at the Planning Board must notify the committee officer no later than 5.00 pm on the last working day before the meeting.

15.7.2 **Public Participation on items on the agenda:** Members of the public, at the Chair's discretion, may make representations about any item on the agenda for the meeting. They may either speak during the Public Participation agenda item or before the agenda item of interest.

15.7.3 **Public Participation on matters not on the agenda:** Members of the public, at the Chair's discretion, may make representations about any matter which is not on the agenda for the meeting. Any matters raised cannot be debated at the meeting but may be referred to a future meeting.

15.8 **Suspension and Amendment of Rules**

15.8.1 Any of these Rules (other than Rule 15.5.5) may be suspended in whole or in part for the duration of any meeting by motion without notice, provided that at least one half of the whole number of members entitled to attend that meeting is present.

15.8.2 These Rules may only be amended by the full Council. The Monitoring Officer may make minor changes or correct errors in accordance with any powers delegated to him or her.

15.9 **Third Party Recording of Council Meetings**

15.9.1 Recording and reporting of Council Meetings by a third party is permitted providing the person wishing to record the meeting informs the Chair and/or the Democratic Services Officer prior to the beginning of the meeting.

15.9.2 Where the Council is notified in advance of an intention to record, the Chairman at the start of the meeting will announce that the meeting or part of it may be recorded by a third party and will ask if any member of the public objects to being recorded. If objections are raised, then the person responsible for the recording must take all reasonable steps to ensure that an individual request not to be recorded is complied with.

15.9.3 Recordings may only be taken from the area designated for the public and:

- Recording devices must be in silent mode.
- No flash or additional lighting is permitted.
- Recordings must be taken from one fixed position and must not obstruct others from observing proceedings.

15.9.4 If a meeting includes the consideration of exempt or confidential business then recording must cease prior to the consideration of such business and the recording equipment must be removed from the meeting room for the duration of the consideration of such business. If the person doing the

recording is not present then the Democratic Services Officer shall remove the equipment from the meeting room for the consideration of confidential or exempt business.

15.9.5 Any person can provide a written commentary during the course of a meeting that falls under this Protocol. Oral commentaries are not permitted within the meeting room during the course of the meeting.

15.9.6 The Chairman can require recording to be stopped where:

- The requirements of section 3 above are not met by the person doing the recording.
- The press and public are excluded from the meeting due to the nature of (exempt or confidential) business being discussed.
- There is public disturbance or a suspension/adjournment of a meeting.
- The recording has become disruptive or distracting to the good order and conduct of the meeting.
- Where it is considered that continuing the recording might infringe the rights of an individual or intimidate them.