

## **3.8 Council Procedure Rules**

3.8.1 Ordinary Meetings of the Council will usually take place at least four times a year, commencing at 7:00pm, or at another time agreed by the Chairman.

3.8.2 Meetings will usually take place at the council's main offices but may take place at other venues with the agreement of the Chairman.

3.8.3 There are three types of Council meetings:

- (a) the Annual Meeting;
- (b) Ordinary Meetings; and
- (c) Extraordinary Meetings.

These are dealt with in more detail below.

3.8.4 Council meetings will be chaired by the Chairman, or in his or her absence, by the Vice-Chairman.

3.8.5 Notice of all meetings of the Council will be given to the public by the Proper Officer in accordance with the Access to Information Rules, five clear working days before the date of the meeting. Notice by summons will also be given by the Proper Officer to each Member of the Council in the manner prescribed in the Access to Information Procedure rules. The summons shall contain the date, time and place of each meeting, specify the business to be transacted and be accompanied by such reports that may be available.

3.8.6 The Proper Officer is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient. Before exercising this authority, the Proper Officer will consult with the Chairman and the Leader of the Council. Any outstanding business will be held over to the next Ordinary Meeting or an Extraordinary Meeting on a date to be arranged.

3.8.7 The council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.

### **3.9 Annual Meeting of the Council**

3.9.1 The Annual Meeting of the Council will be held:

- (a) in a year when there is an ordinary election of councillors to the Council, on such a day within the 21 days immediately following the day of retirement of the outgoing councillors as the Council may fix;
- (b) in any other year, on such a day in the month of March, April or May as the Council may fix; and
- (c) at such hour as the Council may fix.

3.9.2 At the Annual Meeting, the Council will:

- (a) elect a person to preside if the retiring Chairman and Vice Chairman are not present;
- (b) elect the Chairman for the ensuing year;
- (c) appoint the Vice Chairman of council for the ensuing year;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chairman; and/or Head of Paid Service;
- (f) receive any announcements from the Officer advising the Chairman including apologies for absence;
- (g) elect the Leader at the post-election annual meeting;
- (h) if necessary, be told by the Leader about the composition and constitution of the Executive for the ensuing year, and the names of Members chosen to be Executive Members;

- (i) determine the Council's Committee structure and Chairmen/membership;
- (j) determine arrangements for Outside Bodies and receive annual updates on outside body activities;
- (k) appoint at least one scrutiny Committee, a Committee to carry out the functions of a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (l) agree the scheme of delegation;
- (m) approve a programme of Ordinary Meetings of the Council for the year; and
- (n) consider any business set out in the notice convening the meeting.

### 3.9.3 Selection of Members on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (a) decide which Committees to establish for the Civic Year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (d) receive, or arrange the delegation of, nominations of Members to serve on each Committee and any outside body for which a new appointment or re-appointment is required.

## **3.10 Ordinary Meetings**

3.10.1 Ordinary Meetings of the Council will usually take place at 7.00 pm, or at any other time agreed by the Chairman, in

accordance with the programme previously approved by the Council.

3.10.2 The order of business at every Ordinary Meeting of the Council will include:

- (a) electing a person to preside if the Chairman and Vice Chairman are not present;
- (b) dealing with any business required by law to be dealt with first;
- (c) confirming as a correct record and signing the minutes of the last meeting of the Council, except that minutes of the annual or Extraordinary Meeting will be submitted for confirmation to the next Ordinary Meeting of Council;
- (d) the Chairman's announcements;
- (e) the Leader's announcements;
- (f) any announcements from the Officer advising the Chairman (including apologies for absence);
- (g) receiving any declarations of interests from Members;
- (h) receiving any petitions in accordance with the Petition Scheme at paragraph 3.17 to these rules;
- (i) receiving and answering questions from members of the public in accordance with paragraph 3.18 below;
- (j) receiving and answering questions on notice from Members in accordance with paragraph 3.19 below;
- (k) dealing with any business remaining from the last Council meeting in accordance with paragraph 3.16;
- (l) receiving reports from the Executive and from the Council's scrutiny and other Committees and receiving questions and answers on any of those reports;

- (m) receiving reports, questions and answers on the business of joint arrangements and external organisations as appropriate;
- (n) considering any motions under paragraph 3.20 in the order in which they are received;
- (o) considering any other business specified in the summons to the meeting.

3.10.3 The order of business (except for items (a), (b) and (c) of paragraph 3.10.2 of these Rules) may be changed:

- (a) before or at a meeting, as the Chairman sees fit; or
- (b) by a resolution of the meeting passed on a motion under paragraph 3.21.

### **3.11 Extraordinary Meetings**

3.11.1 An Extraordinary Meeting is one that is additional to the scheduled Ordinary Meetings and is called to deal with matters that cannot conveniently be dealt with at one of those meetings. An Extraordinary Meeting will be called for specific purposes. Those listed below may request the Chief Executive to call extraordinary Council meetings in addition to Ordinary Meetings:

- (a) the Council, by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer;
- (d) the Section 151 Officer; and
- (e) in accordance with paragraph 3 of Schedule 12 of the Local Government Act 1972 (as amended), any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and they have refused to call a meeting or has failed to

call a meeting within seven days of the presentation of the requisition.

3.11.2 Extraordinary Meetings will:

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) receive any declarations of interest; and
- (c) deal with the business for which the Extraordinary Meeting was called.

### **3.12 Appointment of substitute Members of Committees and Sub-Committees**

3.12.1 As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members. Up to six named substitute Members per political group will be permitted for any Committees, joint and Sub-Committees having 10 or more Members, and up to three named substitutes per political group will be permitted for Committees, joint and Sub-Committees having fewer than 10 Members. For Committees or Sub-Committees exercising the functions of development management, licensing or appeals, only Members who have received satisfactory training to enable proper and lawful discharge of the functions may be appointed as substitutes.

3.12.2 In the case of Sub-Committees, the appointing committee will determine the number of substitutes and appoint them. Substitute Members must be from the same political group as the absent Member.

3.12.3 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.

3.12.4 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 Proper Officer by 12 midday on the day of the meeting of the intended substitution. This does not apply to the Development Management Committee where the required notification must be either to the Committee Chair or to the Executive Member whose portfolio includes Development Management who, in turn, will notify the Monitoring Officer at least seven hours before commencement of the Development Management Committee meeting. The duration of the substitution shall form part of the notification.

3.12.5 The Monitoring Officer shall change the standing membership of Committees and joint Committees in accordance with the wishes of the political groups to whom seats on these Committees have been allocated.

### **3.13 Notice of and summons to meetings**

3.13.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five Clear Days before a meeting, the Proper Officer will send a summons which 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.

### **3.14 Chairman of the meeting**

3.14.1 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 Chair also include the Chair of Committees and Sub-Committees.

### **3.15 Quorum**

3.15.1 For Council, the Quorum of a meeting will be one quarter of the whole number of Members. For Committees, joint and Sub-Committees, the Quorum shall be one third of the membership of that body. 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 they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

### **3.16 Duration of meeting**

3.16.1 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted until 10.00 p.m. will adjourn on completion of the item being considered. Remaining business will be considered at a time and date fixed by the Chairman. If they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

### **3.17 Petitions**

3.17.1 The Council operates a petitions scheme details of which can be found at: <https://www.eastherts.gov.uk/petitions>

3.17.2 A document submitted by a Member or members of the public shall be identified as a petition where it is a formal written request signed by many people appealing to the authority in respect of a particular cause in the authority's remit. Petitions may be submitted in paper form or online.

3.17.3 Petitions with 150 signatures or more will be presented to the next Ordinary Meeting of the Council. Petitions must be submitted by midday, three working days before the Council meeting.

3.17.4 Lead petitioners shall be invited to address the Council for up to three minutes after which a response shall be given by the

relevant Executive Member outlining how the council intends to deal with the petition. Local Ward Members may also speak on the subject of the petition.

- 3.17.5 Petitions with 50 – 149 signatures will be referred to the relevant Executive Member to provide a written response.
- 3.17.6 Petitions with fewer than 50 signatures will not be accepted as valid petitions.
- 3.17.7 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.
- 3.17.8 Petitions submitted to the council should be accompanied by contact details, including an address, for the petition organiser and must include:
  - (a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take; and
  - (b) the name and address and signature of any person supporting the petition.
- 3.17.9 E-petitions which are created and submitted through the council's website must follow the same guidelines as paper petitions. The petition organiser will need to provide their name, postal address and email address. The petition organiser will also need to decide how long a petition should be open for signatures.
- 3.17.10 E-petitions organised on external websites and referred to the council will also be accepted if in accordance with the above guidelines.

### **3.18 Questions by the public**

- 3.18.1 Members of the public may ask questions of the Leader and Members of the Executive at Ordinary Meetings of the Council.
- 3.18.2 Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- 3.18.3 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to [democratic.services@eastherts.gov.uk](mailto:democratic.services@eastherts.gov.uk) no later than midday, three working days before 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.
- 3.18.4 At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- 3.18.5 The Monitoring Officer may reject a question if it:
- (a) is not about a matter for which the council has a responsibility or which affects the district;
  - (b) is defamatory, frivolous or offensive;
  - (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - (d) requires the disclosure of Confidential or Exempt Information; or
  - (e) contravenes the rules around the Pre-Election Period of Sensitivity, where such rules are in place from time to time.
- 3.18.6 All questions and answers given will be summarised in the minutes of the meeting.
- 3.18.7 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, or if

they so elect, 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.

3.18.8 The time allowed for consideration of any questions submitted under 3.18 shall not exceed 15 minutes unless the Chairman consents to a longer period.

3.18.9 A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to their original 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 paragraph 3.18.5 above.

3.18.10 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. Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting.

3.18.11 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 Executive or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

### **3.19 Questions by Members**

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

3.19.2 A Member of the Council may ask:

- (a) the Chairman;
- (b) the Leader;
- (c) a Member of the Executive; or
- (d) the Chair of any Committee or Sub-Committee

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

3.19.3 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 affect the district and which falls within the terms of reference of that Committee or Sub-Committee.

3.19.4 A Member may only ask a question under paragraph 3.19.2 or 3.19.3 if either:

- (a) they have given notice in writing of the question to the Monitoring Officer, which has been received not later than midday, three working days before 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 Monitoring Officer by midday on the day of the meeting.

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

3.19.6 A Member may ask only two questions under 3.19.2 or 3.19.3 except with the consent of the Chairman of the Council, Committee or Sub-Committee.

3.19.7 The Monitoring Officer may reject a question if it:

- (a) is not about a matter for which the council has a responsibility or which affects the district;
- (b) is defamatory, frivolous or offensive;

(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) contravenes the rules around the Pre-Election Period” of Sensitivity, where such rules are in place from time to time

- 3.19.8 A Member asking a question under 3.19.2 and 3.19.3 and a Member answering such a question shall ensure that the question and the reply is succinct.
- 3.19.9 The time allowed for consideration of any questions submitted under 3.19.2 shall not exceed 15 minutes unless the Chairman consents to a longer period.
- 3.19.10 Any remaining questions shall be responded to in writing before the next Ordinary Meeting of the Council. Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting.
- 3.19.11 Every question on notice will be answered without discussion. The Member who is asked the question on notice may ask another Member to answer. 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;
  - (c) a written answer circulated later to the questioner; or
  - (d) a combination of any of the above
- 3.19.12 If the Member who gave notice of a question is not present at the meeting, the question shall be noted and the Member to whom the question was asked shall reply.
- 3.19.13 A Member asking a question under paragraph 3.19.2 or 3.19.3 may ask one supplementary question without notice of

the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. The Chairman has the right to prevent any Members from asking a protracted supplementary question or giving a protracted answer.

- 3.19.14 If the Member who gave notice of a question is not present at the meeting, there will be no supplementary question after the Member to whom the question was asked has given their response.

### **3.20 Motions on notice**

#### **3.20.1 Notice**

Except for motions which can be moved without notice under paragraph 3.21, written notice of every motion, signed by at least two Members, or if sent by email, confirmed as submitted by at least two Members, must be delivered to the Monitoring Officer in normal office hours not later than 12 noon, six clear working days (excluding the day of the meeting) before the next meeting of the Council.

e.g. if the Council meeting is held on a Wednesday, the motion deadline would be 12 noon on the Monday the week before.

Motions on notice will be entered in a register open to public inspection. The Proper Officer may, with the consent of the Chairman, refuse to accept a motion if the matter to which it relates is referred to in the Forward Plan for consideration at a later meeting or there is otherwise an intention to consider that matter at a meeting of the Council within the next three months.

#### **3.20.2 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.

### 3.20.3 Scope

Motions must be about matters for which the council has a responsibility or which affect the area.

### 3.20.4 One motion per Member

No Member may give notice of more than one motion at any Council meeting, except with the consent of the Chairman.

### 3.20.5 Debate at Council

Motions that have been proposed and seconded shall then be the subject of immediate debate unless the Chairman of the Council considers it to be appropriate for the motion to be referred to the Executive or a Committee for consideration. In such cases the Chairman shall provide reasons for such a decision.

## **3.21 Motions without notice**

### 3.21.1 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 10.00 p.m. in duration;
- (n) to suspend a particular council procedure rule;
- (o) to exclude or readmit the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under 3.30.4 or to exclude them from the meeting under 3.30.5; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

## **3.22 Rules of debate**

### **3.22.1 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.

### **3.22.2 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 or her before it is discussed.

### **3.22.3 Secunder's speech**

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

### **3.22.4 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 five minutes without the consent of the Chairman.

### 3.22.5 When a Member may speak again

A Member who has spoken on a motion may not speak again without the consent of the Chairman 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 they last spoke;
- (c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### 3.22.6 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 or otherwise substantially rewrite 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 decided.
- (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 the substantive motion as amended for debate to the vote.

#### 3.22.7 Alteration of motion

- (a) A Member may alter a motion of which they have 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 they have 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.

#### 3.22.8 Withdrawal of motion

A Member may withdraw a motion which they have 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.

#### 3.22.9 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.
- (d) A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.
- (e) After every reply to which this rule refers, a vote will be taken without further discussion.

#### 3.22.10 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) that the subject of debate:
  - (i) be referred to the appropriate forum for consideration; or
  - (ii) be referred back to the appropriate forum for further consideration.
- (d) that the meeting continue beyond 10.00 p.m. in duration;
- (e) to adjourn the 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 3.30.4 or to exclude them from the meeting under Rule 3.30.5.

Any of the motions under paragraph 3.23.10 of these Rules will not take away from the mover of the original motion the right to reply.

#### 3.22.11 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” or “that the question be now put” is seconded and the Chairman thinks the item has been sufficiently discussed, they will put the closure motion to the vote. If it is passed, the Chairman will give the mover of the original motion a right of reply and then put the original motion to the vote.
- (c) 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 3.22.12 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 Rules of Procedure or the law. The Member must indicate the rule of

law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

#### 3.22.13 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 Chairman on the admissibility of a personal explanation will be final.

### **3.23 Previous decisions and motions**

#### 3.23.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 25 Members. The restrictions contained in 3.25 do not apply to:

- (a) A recommendation contained in a referral from the Executive or any Committee to the Council;
- (b) A recommendation contained in a report presented individually or collectively by Chief Officers.

#### 3.23.2 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 25 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **3.24 Voting**

#### 3.24.1 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.

### 3.24.2 Chairman'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.

### 3.24.3 Show of hands

The Chairman will take the vote by show of hands asking Members to indicate whether they are for, against or abstain, unless a ballot or recorded vote is taken in line with paragraph 3.26.4 and 3.26.5.

### 3.24.4 Ballots

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

### 3.24.5 Recorded vote

If five 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.

### 3.24.6 There will also be a recorded vote when required by law.

This includes that a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the Budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, it cannot be suspended under paragraph 3.32.

### 3.24.7 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.

### 3.24.8 Voting on appointments

- (a) 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.
- (b) In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining (and that candidate does not have a majority), the above provision will not apply and the Chief Executive (or their representative) will draw lots to determine which of the candidates with fewest votes will proceed to the next round.
- (c) In the event of there being an equality of votes for the final two candidates, lots will be drawn by the Chief Executive (or their representative) to decide which person is elected.

## **3.25 Minutes**

### 3.25.1 Signing the minutes

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

### 3.25.2 No requirement to sign minutes of previous meeting at an 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 ), 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.

3.25.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

**3.26 Record of attendance**

3.26.1 All Members present during the whole or part of a meeting will be recorded as having been present by Democratic Services.

**3.27 Exclusion of public**

3.27.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Section 12 of this Constitution or paragraph 3.31 (Disturbance by Public).

**3.28 Members' conduct**

3.28.1 Speaking at Meetings

When a Member wishes to speak at Council they must notify their request by hand and address the meeting through the Chairman. If more than one Member signifies their intention to speak, the Chairman will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

3.28.2 Respect for the Chairman

When the Chairman calls for order during a debate, any Member speaking at the time must stop. The meeting must be silent.

3.28.3 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.

3.28.4 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.

3.28.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they reasonably think is necessary.

**3.29 Disturbance by public**

3.29.1 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.

3.29.2 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. The Chairman may without debate or

resolution adjourn the meeting to allow removal to take place.

### **3.30 Suspension and amendment of council procedure rules**

#### **3.30.1 Suspension**

All of these Council Rules of Procedure except paragraph 3.26.5, 3.26.6, 3.27.2 and 3.29 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 can only be for the duration of the meeting.

#### **3.30.2 Amendment**

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

### **3.31 Application to Committees and Sub-Committees**

3.31.1 All of the Council Rules of Procedure apply to meetings of Council. None of the rules apply to meetings of the Executive. Only paragraphs 3.12 – 3.16, 3.19.3 – 3.19.7, 3.21, 3.24 – 3.29 and 3.31 – 3.32 apply to meetings of Committees and Sub-Committees.

### **3.32 Disclosable Pecuniary Interests**

3.32.1 A Member must withdraw from the meeting room including from the public gallery during the whole of consideration of any item of business in which they have a Disclosable Pecuniary Interest, except where they are permitted to remain as a result of a grant of a dispensation.