

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the  
Standards Committee

Contact: Nicola Calver  
Telephone: 01246 217753  
Email: nicola.calver@ne-  
derbyshire.gov.uk

Thursday, 4 November 2021

Dear Councillor

**STANDARDS COMMITTEE – MONDAY, 8TH NOVEMBER, 2021 AT 14:00 HOURS**

I refer to your recently circulated agenda for the above meeting and now enclose a copy of appendices 3 and 4 for Item 9 - Review of the Constitution (review of the guidance and constitutional rules on public speaking at Council).

Yours faithfully



Solicitor to the Council & Monitoring Officer



**We speak your language**  
Polish **Mówimy Twoim językiem**  
Slovak **Rozprávame Vaším jazykom**  
Chinese **我们会说你的语言**

**If you require this agenda in large print  
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

## STANDARDS COMMITTEE

*Monday, 8th November, 2021 at 14:00 in the Council Chamber, The Arc,  
Clowne*

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
9.	<b>Review of the Council's Constitution</b>  Report of the Monitoring Officer.	3 - 28

## **Public Attendance at Council, Executive and Committee Meetings**

Members of the public are welcome to attend the public part of meetings of the Council, Executive and Committees. Sometimes certain information must be discussed in private and the public will be asked to leave for these parts of the meeting. The agenda will indicate which parts of the meeting are public and which parts are private to consider exempt information.

Seating is available in the Council Chamber for the public who are welcome to sit in and listen to the proceedings. The available seating is limited so entry cannot always be guaranteed where there is significant public interest in a particular meeting.

The public do not need to attend in person to observe meetings of Council, Executive or Planning. These are all live streamed to our website where they can be watched in real time.

### **1. Filming or Audio Recording**

Public meetings may be filmed, recorded or photographed but the following principles must be followed:

- Any filming recording or photography must take place from the allocated position within the meeting room to ensure that views are not obstructed;
- Filming should focus on the Elected Members and away from the public gallery;
- If the filming or recording disturbs the meeting, the Chair may require the operator to comply with a request to relocate or cease.

### **2. Electronic Equipment and Banners**

Mobile phones and electronic equipment must be silenced during meetings.

No banners or signage are permitted within the Council Chamber or any meeting rooms.

### **3. Public Participation**

Members of the public may observe but may not participate in meetings of the Council, Executive or Committees save for the submission of questions or petitions to Council, public speaking time at Planning Committee or when invited to contribute to a scrutiny committee review.

There is no public participation allowed at meetings of the Executive.

### **4. Guidance on asking questions at Council meetings**

Council meetings take place roughly every 2 months and the public have an opportunity to ask questions of the Executive on any matters that the Council is responsible for or matters which affect the District.

Council meetings are usually held at 10am on Wednesday mornings.

Public questions can only be asked at an ordinary meeting of Council, so this guidance does not apply to extraordinary meetings of the Council if they are called, or to the Annual Council meeting in May.

- **Who may ask questions at Council?**

Any member of the public may submit a question to the Council. Questions may be submitted by organisations, but the same rules apply as they do to individuals.

- **How many questions can I submit?**

You may only submit one question per meeting. Once you have received a reply to your question at the meeting, you may ask one supplementary question.

- **Who must my question be addressed to?**

You must address your question to one of the members of the Executive. Each Executive Member holds different portfolios. You can read about the Executive Members and their roles [here](#).

- **How do I submit a question for Council?**

You must submit your question in writing or by email to the Monitoring Officer no later than midday, twelve clear working days before the day of the meeting. The deadline for each meeting in this municipal year are provided below.

You must provide your name and address and the name of the Executive Member (or their title) to whom your question is to be put.

You can submit your question to the Monitoring Officer:

By writing to: Monitoring Officer, Bolsover District Council, The Arc, Clowne, S43 4JY

By email to: [sarah.sternberg@bolsover.gov.uk](mailto:sarah.sternberg@bolsover.gov.uk)

- **What are the deadlines?**

The following are the dates of the Council meetings for the municipal year 2021/22 and the deadlines by which questions must be submitted. Dates for meetings in 2022/23 will follow shortly.

COUNCIL MEETING DATES	DEADLINE FOR SUBMISSION OF QUESTIONS
<u>Wednesday, 2<sup>nd</sup> February 2022</u>	<u>12pm on Friday, 14<sup>th</sup> January 2022</u>
<u>Wednesday, 9<sup>th</sup> March 2022</u>	<u>12pm on Friday, 18<sup>th</sup> February 2022</u>
<u>Wednesday, 18<sup>th</sup> May 2022</u>	<u>ANNUAL MEETING, QUESTIONS DISALLOWED</u>

- **Will my question be answered at the meeting?**

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\_\_\_\_\_ A question will not be dealt with if it:

- is not about a matter the Council has responsibility for, or a matter which affects the District.
- is defamatory, frivolous or offensive
- is substantially the same as a question submitted in the last 6 months
- requires the disclosure of confidential information
- breaches any procedure rule
- relates to an item on the agenda for that meeting
- relates to a District Council planning application that is in the process of being determined.

\_\_\_\_\_ If your question is rejected, you will be notified in writing giving the reasons.

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Your question will not be dealt with at the meeting if you do not attend.

You will not necessarily receive an oral response at the meeting, see below on how questions may be answered.

- **Do I have to attend and read out my question?**

\_\_\_\_\_ If you do not attend the meeting, your question will not be dealt with. You may not ask anyone else to attend on your behalf. You do not have to read your question in full as it will be printed in the agenda papers. The Chair will invite you to come to the lectern to read your question, however you may simply ask for a response to your question as it appears on the agenda if you prefer.

- **How will be question be answered?**

\_\_\_\_\_ If your question is accepted and you are present at the meeting to ask it, you will either receive an oral answer at the meeting or you will be provided with a written answer as soon as possible after the meeting. If the information is contained in a document that is publically available, you may be referred to that document.

- **Can I ask a follow up question?**

\_\_\_\_\_ You may ask one supplementary question, which must be brief and arise out of your original question or the response.

\_\_\_\_\_ Questions and response are not open to debate.

- **Is there a time limit for public questions?**

\_\_\_\_\_ There is a limit of 15 minutes in total for the public question section of the meeting, however if there is only one questioner, there is a limit of 5 minutes.

- **What should I do on the day of the meeting?**

Please arrive at least 15 minutes before the start of the meeting so that you can be shown to the public gallery and where you will be invited to present the question from. You will be sent a copy of the agenda for the meeting about a week in advance. You are welcome to stay for the remainder of the meeting that is open to the public or you may leave after your question has been dealt with.

If you require any assistance in attending the meeting, please contact the Governance Manager on 01247 217753 at least 24 hours in advance of the meeting.

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- **Will I be recorded or videoed when presenting my question?**

Members of the public or journalists attending any public meetings may record the meeting, including either audio or video recordings. This will include any public questions. The Council cannot prevent the recording taking place so please consider this possibility before submitting your question.

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**Will I be recorded or videoed when presenting my question? ¶**

The Council also live streams Council meetings.

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- **How will my question and personal information be recorded?**

Your name will be included in the agenda with your question, which will be publically available information. It will also be included in a log of questions submitted which is also open to the public.

Your address and contact details will not be given out but will be stored by the Governance Team at the Council for up to one year.

## **6. More Information**

The Council Procedure Rules are part of the Council's Constitution which set out how the Council meeting will operate. This is agreed by the Council at a full Council meeting in May every year. The procedure rules can be found in Part 4 of the Constitution, which you can find [here](#) under Constitution.

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**Who can I contact for more information?**

You can contact the Governance Manager if you would like to discuss submitting questions to the Council. You can contact the Governance Manager by phone on 01246 217753 or by email: [Nicola.calver@ne-derbyshire.gov.uk](mailto:Nicola.calver@ne-derbyshire.gov.uk)

## PART 4 .1 Council Procedure Rules

### Council Procedure Rules

These rules set out how meetings of the Council and most committees will be conducted, for example who can speak, when and how proposals are debated.

#### 1. Annual Council Meeting

##### TIMING AND BUSINESS

1.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

##### 1.1A No requirement to hold an Annual Meeting

The requirement to hold an Annual Meeting is to be disregarded and, prior to 7<sup>th</sup> May 2021, an Annual Meeting of Council may only take place:

- a) Where called by the Chair or,
- b) Following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

##### 1.1B The annual meeting will:

- (a) elect a person to preside if the Chairman of the Council is not present;
- (b) elect the Chairman of the Council;
- (c) appoint the *Vice* Chairman of the Council;
- (d) receive any declarations of interest;
- (e) approve the minutes of the last meeting;
- (f) receive any announcements from the Chairman of the Council and/or the Head of Paid Service;
- (g) elect the Leader of the Council in the year of the District Council elections only;
- (h) receive the announcement of the appointment of the Deputy Leader and Members of the Cabinet;
- (i) consider any other business as set out in the notice of the meeting.

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## PART 4 .1 Council Procedure Rules

### COMMITTEES AND OUTSIDE BODIES

- (j) appoint at least one Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council Meeting nor are Executive Functions
- (k) decide the size and terms of reference for those committees;
- (l) decide the allocation of seats to political groups in accordance with the political balance rules set out in Appendix A;
- (m) receive nominations of *Councillors* to serve on each committee and outside body; and
- (n) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.
- (o) agree the scheme of delegation set out in Part 3 of this Constitution.
- (p) approve the financial threshold for Key Decisions.

### 2. Ordinary Meetings

- 2.1 Ordinary meetings of the Council will take place in accordance with the agreed calendar of meetings. Ordinary meetings will:
- (a) elect a person to preside if the Chairman of the Council or Vice Chairman of the Council is not present.
  - (b) approve the minutes of the last meeting and the Chairman will sign them as a correct record;
    - (bb) where the Minutes are approved by virtual means, arrangement will be made after the meeting and within 2 months, for signatures to be made in hard copy.
  - (c) receive any declarations of interest from Members;
  - (d) receive any announcements from the Chairman of the Council, Leader, Members of the Cabinet or the Head of Paid Service;
  - (e) receive any Deputations or consider petitions submitted in accordance with the Council's Petitions Scheme.
  - (f) receive any questions from, and provide answers to, the public;
  - (g) receive any questions from Members of the Council;

## PART 4 .1 Council Procedure Rules

- (h) deal with any business from the last Council meeting;
  - (i) receive reports from the Executive and the Council's committees and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;
  - (j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
  - (k) consider motions on notice;
  - (l) consider any other business specified in the summons to the meeting.
- 2.2 It is the right of Council at any ordinary or extraordinary meeting to establish or dissolve any board or committee (apart from the Cabinet) or to review its size and terms of reference, giving regards to existing rules around proportionality.
- 2.3 If a meeting of Council is to be cancelled before the notice and summons has been sent out, this is to be agreed with the Chairman and Vice Chairman of the Council and the Leader of the Council, or Deputy Leader in their absence.
- 2.4 Under regulation 491) of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, meetings may be moved or cancelled. This shall only be exercised with the consent of the Chair or, in the Chair's absence, the Vice-Chair.
- 3. Extraordinary Meetings**
- 3.1 The people or bodies listed below may require the Head of Paid Service to call Council meetings in addition to ordinary meetings:
- (a) the Council by resolution;
  - (b) the Chairman of the Council;
  - (c) the;
  - (d) the Chief Financial Officer; and
  - (e) 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.

## PART 4 .1 Council Procedure Rules

3.2 When requested, the Head of Paid Service shall call a meeting of the Council unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait until the next ordinary meeting of the Council.

3.3 \*No business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to it being called.

*\*The above paragraph does not restrict the agenda to one item of business and that such items as Questions and Motions shall be included on the agenda for any extraordinary meetings.*

### **4. Time and Place of Meetings**

4.1 All Council meetings will be in accordance with the agreed Meetings Schedule or at such other time and/or place as may be determined by the Chairman or, in the Chairman's absence, the Vice-Chairman in advance of the summons to the meeting being despatched.

4.1A For all purposes of the Constitution the term 'meeting' is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to 'place' is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

### **5. Notice of Meetings**

5.1 The Monitoring Officer or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.

5.2 At least five clear working days before a meeting, the Monitoring Officer will send a summons signed by him/her by post or electronic mail to every Member of the Council or by leaving it at their usual place of residence. Members may provide details in writing of an alternative address or email to which he/she wishes summons to be sent to.

5.3 The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by any relevant reports.

5.3A The summons for a virtual meeting will specify the digital platform on which the meeting will be taking place and how Members can access it. Details of how the public may view or listen to the meeting will also be published with the summons.

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## PART 4 .1 Council Procedure Rules

### 6. Chairman of Meeting

- 6.1 The person presiding at a meeting of the Council may exercise any power or duty of the Chairman of the Council. Where these rules apply to meetings of boards or committees, references to the Chairman of the Council also include the Chairman of boards or committees.
- 6.1A If the Chair is remotely attending a meeting and their connection is disrupted, the Vice Chair shall preside over the meeting in the Chair's absence. If both the Chair and Vice Chair are absent (or disconnected) from the meeting, the meeting will stand adjourned for 15 minutes. If the Chair or Vice Chair is unable to re-enter the meeting, the meeting shall be adjourned to a later date, or the business shall be considered at the next ordinary meeting.

### 7. Quorum

- 7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of members or three voting members, whichever is the greater.
- 7.1A A Member attending a meeting remotely will be counted for the purpose of establishing a quorum so long as that Member can, when they are speaking, be heard (and seen where possible) and they can hear (and see where possible) the other Members attending the meeting and the Monitoring Officer, or other officer appointed to act on his/her behalf. In addition, a remote attendee must be able to be heard (and seen where possible) by, and in turn hear (and see where possible) any members of the public entitled to attend the meeting and who appointed to act on his/her behalf. In addition, a remote attendee must be able to be heard (and seen where possible) by, and in turn hear (and see where possible) any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.
- 7.2 If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned.
- 7.3 During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. If this is caused by technical difficulties experienced by a Member trying to access the virtual meeting, then a period of 15 minutes shall be allowed to able the issue to be resolved. If the meeting remains inquorate, remaining business will be considered at a time and date fixed by the person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 7.3A The failure of any technological provision, whether that leads to a partial or complete loss of contact, shall not invalidate any part of the

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deliberations or any vote taken, providing a quorum is maintained. The person chairing the meeting may adjourn the meeting if they deem that appropriate whilst any technological issues are resolved.

7.3B If there is urgent or time-limited business that must be conducted at a meeting, it should be made clear to Members that the meeting would continue and a vote would be taken without their attendance in the event of a communication/technical failure.

### 8. Questions by the Public

#### 8.1 General.

- (a) Members of the public may ask questions of members of the Executive at ordinary meetings of the Council.
- (b) Time allowed for questions and answers shall not, without the consent of the Council, exceed 15 minutes, or in the case of one questioner, 5 minutes.
- (c) Questions and responses shall not be a matter of debate.

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#### 8.2 Notice of Questions.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday twelve clear working 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.

#### 8.3 Number of Questions.

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

#### 8.4 Scope of Questions.

The Monitoring Officer may reject a question if:

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

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- (e) it breaches any procedure rule;
- (f) it relates to an item on the agenda for that Council meeting; or
- (g) it relates to a planning application that is in the process of being determined by the District Council.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

### 8.5 Record of Questions.

The Monitoring Officer 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.

### 8.6 Order of Questions.

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

### 8.7 Asking the Question at the Meeting.

The Chairman of the Council will invite the questioner to put the question to the member named in the notice.

#### 8.7A Management of Public questions for virtual Meetings

It may not be possible for the questioner to attend the meeting of Council by virtual means, and in those instances the clerk to the Council, prior to the commencement of the meeting, will have arranged for the response to their question to be submitted to the questioner in writing, thus allowing an opportunity for a supplementary question to be formulated and offered (without notice) in the meeting. Council Procedure Rules 8.8 and 8.9 still apply in this scenario.

The clerk will read the original question, following which the Member to which to question was put will respond, as per their prior written response. The clerk will then read the supplementary question which will be answered during the meeting.

### 8.8 Supplementary Question.

A questioner who has put a question in person may also put one brief supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly

## PART 4 .1 Council Procedure Rules

out of the original request or reply. The Chairman of the Council may reject a supplementary question on any of the grounds in rule 8.5 above or if the question takes the form of a speech.

### 8.9 Response

An answer may take the form of:

- (a) a direct oral answer
- (b) where the desired information is in a council publication or another published work, a reference to that publication; or
- (c) a written answer circulated later to the questioner.

### 8.10 Reference of Question to the Executive or a Committee.

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

## 9. **Questions by Councillors**

### 9.1 On Reports of the Executive or Committee.

A Councillor may ask the Leader, the Chairman of the Council or a Committee Chairman questions without notice about an item in a report of the Executive or of that Committee when it is being considered.

### 9.2 Questions on Notice at Council Meetings.

Subject to rule 9.3, a Councillor may ask the Chairman of the Council, the Leader, any Executive Members or the Chairman any Committee a question about any matter in relation to which the Council has powers or duties or which affects the District ~~which is not, in the opinion of the Monitoring Officer, illegal, scurrilous, improper or out of order,~~

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### 9.3 Notice of Questions.

A Councillor may only ask a question under Rule 9.2 if either:

- (a) submitted the question in writing to the question to the Monitoring Officer no later than **midday, twelve clear working days** before the day of the meeting; or
- (b) the question relates to urgent matters, they have the consent of the Councillor to whom the question is to be put and the content of the

## PART 4 .1 Council Procedure Rules

question is given to the Monitoring Officer by 9 am on the day of the meeting.

- (c) details of questions submitted by Councillors on notice will be circulated to Executive Members immediately after the deadline has passed.

### 9.4 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) a written answer circulated to the questioner.

### 9.5 Supplementary Question.

A Councillor asking a question under Rule 9.2 may ask one supplementary question without notice. A supplementary question must arise directly out of the original question or reply.

### 9.6 Number of Questions.

Questions on notice are limited to one per Councillor per meeting, plus one supplementary question.

### 9.7 Time for Questions.

There will be an overall time limit of fifteen minutes on Councillors' questions with no extension of time and questions not dealt with in this time will be dealt with by written response.

### 9.8 Format of Questions.

Councillors must confine their contributions to questions and answers and not make statements or attempt to debate. The Chairman of the Council will decide whether a Councillor is contravening this rule and stop the Councillor concerned. The Chairman of the Council's ruling will be final.

## 10. **Motions - on Notice**

### 10.1 Notice.

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one Councillor, must be delivered to the Monitoring Officer **not later than midday on the day,**

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**twelve clear working days before the date of the meeting.** These will be entered in a book open to inspection by the public. Details of motions submitted by Councillors on notice will be circulated to Executive Members immediately after the deadline has passed.

### 10.2 Scope.

Motions must be about matters for which the Council has a responsibility or which affect the area. The Chairman of the Council may, on the advice of the Head of Paid Service, refuse a motion which is illegal, scurrilous, improper or out of order.

### 10.3 Motions Set Out in the Agenda.

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

## 11. **Motions and Amendments - Without Notice**

11.1 The following motions and amendments 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 Councillor arising from an item on the summons for the meeting;
- (f) to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (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;

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- (m) to suspend a particular Procedure Rule;
- (n) to exclude the public in accordance with the Access to Information Procedure Rules;
- (o) not to hear a Councillor further or to require a Councillor to leave the meeting; (rules 22.2 and 22.3) and
- (p) to give the consent of the Council where its consent is required by this Constitution.

### **12. Rules Of Debate**

#### **12.1A Debate in Virtual Meetings**

In addition to the below provisions, in virtual meetings, Members, where possible, will indicate a wish to speak at the opening of a debate to allow the Chairman to collate a list of Members to call upon. These will be heard in order of receipt.

#### **12.1 Seconding Motions and Amendments**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded, without a seconder, the motion or amendment fails.

#### **12.2 Right to Require a Motion in Writing.**

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

#### **12.3 Secunder's Speech.**

When seconding a motion or amendment, a Councillor may reserve his or her speech until later in the debate.

#### **12.4 Content and Length of Speeches.**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. A Member presenting a report of the Cabinet or other Member Group or moving a motion, of which notice has been given under Rule 10, may speak for up to ten minutes. No other speech may exceed 5 minutes. The Chairman of the Council may consent to extend the time limit on speeches.

#### **12.5 When a Councillor May Speak Again.**

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

### 12.6 Amendments to Motions

- (a) An amendment must be relevant to the motion and should:
  - (i) refer the motion to an appropriate body or individual for consideration or re-consideration;
  - (ii) leave out words;
  - (iii) leave out words and insert or add others;
  - (iv) insert or add words;as long as the effect of (ii) – (iv) above 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.
- (d) After an amendment has been carried, the Chairman of the Council will read out the amended motion before accepting any further amendment or, if there are none, put it to the vote.

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### 12.7 Alteration of Motion

- (a) A Councillor may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Councillor may alter a motion which he or 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.

### 12.8 Withdrawal of Motion.

A Councillor 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 Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### 12.9 Right of Reply

- (a) The mover of a motion has a right to reply at the close 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 also has a right of reply at the close of debate on the amendment, but may not otherwise speak on the amendment.
- (c) The mover of an amendment shall have a right of reply to the debate on the amendment, just before the mover of the original motion.

### 12.10 Motions which may be Moved During Debate

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

- (a) to withdraw the motion
- (b) to amend the motion
- (c) to proceed to the next business
- (d) that the question be now put

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- (e) to adjourn a debate
- (a) to adjourn a meeting
- (b) to exclude the press and public in accordance with the access to information rules
- (h) that a Councillor be not further heard or to exclude the Councillor from the meeting (under rules 22.2 and 22.3).

### 12.11 Closure Motions

- (a) A Councillor may move without comment the following motions at the end of a speech of another Councillor:
  - (i) to proceed to 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 of the Council thinks the item under discussion 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 of the Council thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed, he or 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 adjourn the meeting is seconded and the Chairman of the Council thinks the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### 12.12 Point of Order.

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

### 12.13 Personal Explanation.

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

### **13. Previous Decisions and Motions**

#### **13.1 Motion to Rescind a Previous Decision.**

A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past six months cannot be moved unless the notice of motion is signed by at least one third of the all Councillors.

#### **13.2 Motion Similar to one Previously Rejected.**

A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least one third of all Councillors of Council.

Once a motion or amendment to which this Rule applies has been dealt with, no Councillor can propose a similar motion or amendment within the next six months.

### **14. Voting**

#### **14.1 Majority.**

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

#### **14.2 Chairman of the Council's Casting Vote.**

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

#### **14.3 Show of Hands.**

Unless a recorded vote is demanded (under rule 14.4) the Chairman of the Council will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

#### **14.3A Voting in Virtual Meetings**

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Where a vote is taken within a meeting of Council, where affirmation may not be easily seen on screen or where Members are joining by audio means only, the clerk will assist the Chairman and request a verbal affirmation by roll call. In this instances, the record of the vote will not be entered in to the Minutes as a Recorded Vote.

### 14.4 Recorded Vote.

If three Councillors 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.

Where matters affecting the setting of the Council's budget or Council Tax are considered by Council then a recorded vote will take place as a matter of course.

### 14.5 Right to Require Individual Vote to be Recorded.

Where any Councillor 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.

### 14.6 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.

The number of votes each Member has is restricted to the number of vacancies to be filled.

## 15. Minutes

### 15.1 Signing the Minutes.

The Chairman of the Council will sign the minutes at the next suitable meeting. The Chairman of the Council 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.

### 15.2 No Requirement to Sign Minutes of Previous Meeting at an Extraordinary Meeting.

Where in relation to any meeting, the next meeting for the purposes 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

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paragraph) will be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) of schedule 12 relating to the signing of minutes.

### 15.3 Recording Attendance

An attendance register shall be circulated at each meeting of the Council and Members shall record their attendance at the meeting by signing the register and the names of Members attending the meeting will be recorded in the Minutes.

Where the meeting is attended remotely, Members in attendance will be entered into the register by the clerk.

Any Member leaving a meeting before its conclusion must first indicate to the Chairman their intention to leave.

## 16. **Petitions**

16.1 The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. All petitions submitted under the Council's Petitions Scheme will receive an acknowledgement from the Council within 10 working days of receipt.

16.2 That acknowledgement will set out what the Council plans to do with the petition.

16.3 If a petition contains more than 1,000 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.

16.4 The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

16.5 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of up to 30 minutes.

16.6 The Council will decide how to respond to the petition at this meeting.

*[Please refer to the Petition Scheme appended to the Constitution for full details.]*

## 17. **Deputations**

17.1 Deputations may be received at any meeting of the Council following five clear working days written notice to the Monitoring Officer. They must be about matters for which the Council has a responsibility or which affect the

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area. The notice must be signed by at least five persons and set out the subject which the deputation wishes to raise and how it relates to the Council's functions or affects the area. The Chairman of the Council may, on the advice of the Head of Paid Service, refuse a Deputation which is illegal, scurrilous, improper, out of order or relates to a specific planning application or relates to a matter on which there has been a previous similar deputation within the preceding six months.

- 17.2 A maximum of two Deputations only will be permitted at any meeting and they will be selected in the order notice is received. Only one Deputation will be permitted if the Monitoring Officer receives notice of a petition under Rule 16.
- 17.3 A Deputation may consist of up to five people, of whom no more than two may speak, except to answer Councillors' questions.
- 17.4 The Deputation may address the meeting for no more than five minutes and Councillors may then question the deputation for a further five minutes.
- 17.5 The relevant portfolio holder or appropriate Council member may, if he or she chooses, then address the meeting for up to three minutes.
- 17.6 No vote will be taken on a Deputation. A Councillor may propose that the subject matter be placed on the agenda of the next ordinary meeting of the relevant committee, such a motion to be moved and seconded formally and put without discussion. If no such motion is moved or carried, the Deputation will be referred to the relevant Strategic Director or Head of Service who will respond to it in writing within 28 days.

### **18 Requirements for Members to Withdraw from Meetings**

- 18.1 Where a member has a disclosable pecuniary interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation.
- 18.2 Subject to paragraph 18.3 below and paragraph 11 (d) of the Code of Conduct, where a member has a significant other interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered.
- 18.3 A member with a significant other interest in any business of the authority may still attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Immediately after making representations, answering questions or giving evidence the member must withdraw from

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the meeting room (including the public gallery) for the consideration and vote on the business.

18.3A Where a virtual meeting is taking place or a Member is attending the meeting remotely, if a Member is required to withdraw from the meeting they must do so by disconnecting their telephone/video call.

### **19. Use of Media and Other Communication Methods**

Subject to Rule 22, a person may report on or provide commentary on the proceedings of a meeting using any means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later.

### **20. Exclusion of the Public**

20.1 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 22 (disturbance by the public).

20.1A When confidential or exempt issues as defined in Schedule 12A of the Local Government Act 1972 are under consideration at the meeting, no members of the public at remote locations must be able to hear or see the proceedings during such meetings. Any Member in remote attendance who fails to disclose that there are other persons present who are not so entitled will be in breach of their Code of Conduct responsibilities.

### **21. Councillors' Conduct**

#### Speaking at Meetings

21.1 When a Councillor speaks at Council, firstly they should announce their name and Ward or Cabinet Portfolio (if more appropriate), and he/she must address the meeting through the Chairman. Whilst there is no requirement, Councillors are permitted to stand to address Council should they wish to do so.

21.2 If more than one Councillor wishes to speak, the Chairman will ask one to speak, and the other will refrain. Other Councillors must remain silent whilst a Councillor is speaking unless they wish to make a point of order or personal explanation.

21.3 When the Chairman of the Council stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

21.3A Where a virtual meeting is taking place or a Member is attending the meeting remotely, Members must comply with any Council guidelines on how they should indicate their wish to speak and other rules on participation during the course of debate.

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### Disturbance by Members

- 21.4 If a Councillor is guilty of misconduct by persistently disregarding the ruling of the Chairman of the Council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any Councillor may move that the Councillor is not further heard. If seconded, the motion will be voted on without discussion.
- 21.5 If the Councillor continues to behave improperly after such a motion is carried, any Councillor may move either that the Councillor leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 21.6 If there is a general disturbance making orderly business impossible, the Chairman of the Council may adjourn the meeting for as long as he or she thinks necessary.

### **22. Disturbance By Public**

- 22.1 If a member of the public interrupts proceedings, the Chairman of the Council will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.
- 22.2 If there is a general disturbance in any part of the meeting room open to the public the Chairman of the Council shall order that part to be cleared.

### **23. Suspension and Amendment of Council Procedure Rules**

- 23.1 Any of the Council Procedure Rules to which this Rule applies may be suspended by motion on notice or without notice.
- 23.2 Such a motion cannot be moved without notice unless at least one half of the whole number of Councillors of the Council are present.
- 23.3 Suspension can only be for the duration of the meeting from the point of resolution to the move in to private session.

### **24. Application of Council Procedure Rules to Committees**

Rules 5 to 8, 11.1(a) to (p), 12 to 15 and 19 to 24 apply to meetings of all groups and committees.

### **25. Attendance at Committee Meetings by Members of the Council**

- 25.1 A Member of the Council may, with the approval of the appropriate Chairman, attend any meeting of a Committee or Sub-Committee and, if

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so invited by the Chairman of that Committee or Sub-Committee, may speak but not vote on business before that meeting.

- 25.2 No Member of the Council shall attend any Standing Committee or Standing Sub-Committee or any other Committee, Sub-Committee or other body set up by the Council of which he/she is not a member whilst that Committee/Sub-Committee/Other body is exercising any function which, in the opinion of the Head of Paid Service, is engaged in interviewing candidates for any position with the Council or in existing appellate functions in relation to appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council.
- 25.3 In the event of Executive, any Committee or Sub-Committee deciding in accordance with the Access to Information Procedure Rules to exclude the public whilst any matter of a confidential or exempt nature is discussed, any Member of Council who is present who is not a Member of Executive, that Committee or Sub-Committee may remain unless the Executive, Committee or Sub-Committee ask him/her to leave or if he/she is precluded by any other Rule or Code of Conduct issue from remaining. In the case of Sub-Committee and Working Party meetings, which are not ordinarily open to the press and public, it shall similarly be open to the Sub-Committee or Working Party to ask a non-Member to leave.

**Appendix A**

**Proportionality Rules**

1. Eight clear working days in advance of the Annual Meeting of Council (or in advance of any meeting of Council which considers proportionality), the Monitoring Officer shall inform the Leader of each of the political groups showing what allocation of seats would, in the Monitoring Officer's opinion, best meet the requirements of section 15 of the Local Government and Housing Act.
2. Proposed nominations to Committees by the Political Groups must be given to the Monitoring Officer seven clear working days prior to the Annual Meeting of the Council, or as soon as practicable before the Annual Meeting.

In years where no District Council elections are held, the procedure outlined above will be followed. In election years, the notice will be sent by the Monitoring Officer as soon as practicable following the elections and the political parties to respond as soon as practicable in advance of the Annual Meeting.