

## **COUNCIL PROCEDURE RULES**

These procedure rules apply to meetings of the full Council (when all members attend as voting members) and committee meetings; and states any exceptions which apply to some of these rules for certain meetings.

## ***PROCEDURE RULES APPLYING TO ALL MEETINGS***

**(unless otherwise specified under the exceptions below)**

### **1. EXCEPTIONS OF RULES TO CERTAIN MEETINGS**

<b>Meetings</b>	<b>Exceptions</b>
Audit and Standards Committee	No motions No limit on number of questions from members No restriction on the number of times a member can speak during debate
Development Control Committee	No restriction on length of meeting No written questions or motions Public speaking permitted on the planning schedule in accordance with operational details agreed between the Head of Planning and the Chair of Development Control Committee No limit on number of questions from members No restriction on the number of times a member can speak during debate
Service Committees	No limit on number of questions from members No restriction on the number of times a member can speak during debate
Licensing Panel	No Public/Member Questions No Motions

## **FULL COUNCIL MEETINGS**

There are four types of Council meeting:

- Annual Meeting
- Ordinary meetings
- Extraordinary meetings
- Budget and Council Tax Setting meetings

### **2. ANNUAL MEETING**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days immediately following the day of retirement of the Councillors. In any other year, the annual meeting will take place on such date in May as the Council may fix.

2.2 At the annual meeting the Council will:

- (a) Elect the Chair of Council
- (b) Elect the Vice-Chair of Council
- (c) Elect a person to preside if the Chair and Vice-Chair of council are not present
- (d) In an election year, receive a report on the outcome of District elections
- (e) Elect the Leader of the Council (Chair of Strategy & Resources)
- (f) Elect the Deputy Leader of the Council (Vice Chair of Strategy & Resources)
- (g) Receive any declarations of interest from Members
- (h) Approve the Minutes of the last meeting
- (i) Receive any announcements from the Chair of Council and / or the Chief Executive
- (j) Agree any changes to and affirm the Constitution
- (k) Appoint to committees, in that the annual meeting will:
  - appoint such committees as are required or the Council considers appropriate for the municipal year (noting that Council may decide at subsequent meetings to dissolve committees, alter their terms of reference or to appoint new committees).
  - decide the allocation of seats to political groups in accordance with the rules on political balance

- receive nominations of Members to serve on each committee
  - appoint to those committees (except where appointment to those bodies has been delegated by the Council)
  - appoint the Chairs and Vice-Chairs of those Committees.
- (l) appoint Members to such panels, advisory committees, working parties and miscellaneous other bodies and appoint Members (and/or other individuals) to outside bodies and organisations, unless otherwise delegated; and
- (m) Agree the initial proposals for municipal diary of meetings for the year (if not previously approved by Council at an ordinary meeting)
- (n) Receive details of the civic fund expenditure for the previous municipal year
- (o) Consider any business set out in the notice convening the meeting.

Unless otherwise determined by statute, the Chair may vary the order of the agenda at his/her absolute discretion and may allocate or reallocate an appropriate time for the transaction of each item.

### **3. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council and will:

- (a) Elect a person to preside if the Chair and Vice-Chair are not present
- (b) Receive any declarations of interest from Members
- (c) Approve the Minutes of the last meeting(s) of Council
- (d) Receive any announcements from the Chair, Leader, or the Chief Executive
- (e) Receive questions from, and provide answers to the public in relation to matters which in the opinion of the Chair at the meeting are relevant to the business of the Council in accordance with Standing Order 11 below
- (f) Receive any reports from the Council's Committees for consideration and receive questions and answers on any of those reports
- (g) Receive questions on notice from, and provide answers to, Members in accordance with Standing Order 12 below
- (h) Consider motions on notice in accordance with Standing Order 13
- (i) Consider any other business specified in the summons to the meeting.

### **4. BUDGET AND COUNCIL TAX SETTING MEETINGS**

A Budget Meeting of the Council will take place in accordance with a programme decided by the Council and will:

- (a) Elect a person to preside if the Chair and Vice-Chair are not present
- (b) Receive any declarations of interest from Members
- (c) Set the Budget and any other financial matters as advised by the Section 151 Officer
- (d) Receive any budget reports from Committees
- (e) The business to be conducted at a budget and council tax setting meeting shall be restricted to reports of a financial nature and there shall be no consideration of motions, questions etc. except that the Chair (or person presiding) may at his or her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

## **5. EXTRAORDINARY MEETINGS**

### **5.1 Calling extraordinary meetings.**

Those listed below may convene extraordinary Council meetings in addition to ordinary meetings:

- (a) the Council by resolution
- (b) the Chair of the Council
- (c) the Chief Executive, Monitoring Officer or Chief Financial Officer; or
- (d) any five Members of the Council if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

5.2 The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes, motions, questions or reports from committees etc. except that the Chair (or person presiding) may at his or her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

### **5.3 At extraordinary meetings the Council will:**

- (a) Elect a person to preside if the Chair and Vice-Chair are not present
- (b) Receive any declarations of interest from Members
- (c) Receive a report about the subject of the extraordinary meeting.

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

The time and place of meeting will be determined by the Chief Executive and notified in the summons.

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

The Chief Executive 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 working days before a meeting, the proper officer will send a signed summons to every member of the Council. The summons will normally be sent via electronic means. The summons will give the date, time and place of each meeting and specify the business to be transacted at the meeting (the agenda) together with accompanying reports.

## **8. CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chair of Council. Where these rules apply to committee meetings, references to the Chair of Council also include the Chair of Committees.

- 8.1 Members can only speak when invited by the Chair and must stop speaking if directed by the Chair.
- 8.2 The Chair of the meeting may allow urgent items which have arisen since the dispatch of the agenda in consultation with the Council's Monitoring Officer. The reason for urgency must be explained to the meeting and recorded in the minutes.

## **9. QUORUM**

- 9.1 The quorum for meetings of the Council and its committees shall be 50% of the total membership of each of those bodies. For the avoidance of doubt when calculating the quorum any fractional figures will be rounded up.
- 9.2 The quorum for any Licensing Panel of the Community Services and Licensing Committee consisting of three Members shall be 100%.
- 9.3 If at the end of 15 minutes after the time at which any meeting of the Council is scheduled to start or at any later point during any meeting, the Chair declares

that there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting. If there is any urgent business requiring decision the matter should be referred to the Chief Executive.

## **10. DURATION OF MEETING**

**(This rule does not apply to meetings of a quasi-judicial or regulatory nature)**

The Chair may adjourn the meeting at any point but will in any event adjourn the meeting for a period of ten minutes at a convenient point after one and a half hours.

- 10.1 At the first convenient point after three hours have elapsed since the commencement of any meeting (and in the case of an extraordinary meeting of Council when two hours have elapsed since the commencement of the meeting) the Chair shall ask the members whether the meeting shall continue. Unless the majority of members present vote for the meeting to continue, the meeting shall then dispose of the item then under consideration as if the motion '*That the question be now put*' had been carried (i.e., the debate shall be concluded by the seconder and by the Member who has the right of reply and the vote will then be taken without further discussion), and the Chair will then declare the meeting closed.
- 10.2 Any remaining business of the meeting will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting unless an extraordinary meeting is convened for that purpose.
- 10.3 If a recorded vote is called for during this process it will be taken immediately
- 10.4 This rule will not apply to meetings of a quasi-judicial or regulatory nature.

## **11. QUESTIONS FROM THE PUBLIC**

Members of the public who are residents of the District or are representatives of a local firm or organisation may ask questions of the Leader or Deputy Leader of the Council, or the Chair of any Service Committee at ordinary meetings of Council. A question may only be asked if notice has been given in accordance with Standing Order 11.2.

### **11.1 Order of questions**

Questions will be asked in the order they were received, except that the Chair may group together similar questions.

If the questioner has asked a question at a previous meeting, the Chair shall have the right to change the order of questions or to reject questions which are repetitive.

### **11.2 Notice of questions**

A question may only be asked if notice has been given by sending it no later than 12 noon, 3 clear working days before the day of the meeting. Such notice must be in writing or by electronic mail to the Chief Executive c/o:

Democratic Services,  
Ebley Mill,  
Ebley Wharf,  
Stroud,  
Glos, GL5 4UB

e-mail, [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk)

Each question must give the name and address of the questioner and must identify the relevant Member to whom it is to be put. Democratic Services staff will help in identifying the relevant Member if required.

### **11.3 Number of questions**

A person or organisation may submit a maximum of 3 questions to each meeting.

### **11.4 Scope of questions from the public**

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority or committee to which it is addressed has a responsibility; or
- is illegal, improper, defamatory, frivolous or offensive; or
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information; or
- is related to confidential staffing matters; or
- relates to something that is or should be the subject of alternative recognised procedures for example, staffing issues, complaints, Licensing or Development Control matters



Questions may be edited as necessary by the Chief Executive, in consultation with the Chair, to bring them into proper form and to ensure brevity.

#### **11.5 Record of questions**

The Chief Executive will send a copy of the question to the Member to whom it is to be put within 24 hours of its receipt. Rejected questions will include reasons for rejection.

Copies of all questions and answers will be circulated to all Members and will be made available to the public attending the meeting. In exceptional circumstances an oral answer may be provided at the meeting which will be recorded in the minutes.

#### **11.6 Asking the question at the meeting**

The Chair will invite the questioner to put the question to the Member named in the notice. A short preamble to the question may be permitted at the discretion of the Chair. If a questioner who has submitted a written question is unable to be present, the Chair may, at his/her discretion ask the question on the questioner's behalf, indicate that a written reply will be given, or decide that the question will not be dealt with.

#### **11.7 Supplementary question**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds set out in Standing Order 11.4.

#### **11.8 Answers**

Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer. An answer may take the form of:

- (a) a direct oral answer, for which two minutes are allowed for answering a question and two minutes are allowed for answering a supplementary question;
- (b) where the information requested is contained in a publication of the Council, a reference to that publication; or
- (c) a written answer to be provided later to the questioner, where the reply cannot conveniently be given orally, in which circumstance the councillor questioned will arrange for the written response to be provided to the questioner and circulated to all members within 10 working days

thereafter.

### **11.9 Reference of question to a Committee**

Unless the Chair decides otherwise, no discussion will take place on any question. At a Council meeting the Chair or another member may move that a matter raised by a question be referred to an appropriate Committee. Once seconded, such a motion will be voted on without discussion.

## **12. *WRITTEN QUESTIONS BY MEMBERS (not applicable to Licensing Panel or Development Control Committee)***

Written questions from members should not be asked at Council or committees in relation to service or performance issues unless a request for information to the appropriate Head of Service has been unsuccessful.

### **12.1 Questions Without Notice**

At a Council meeting a member may ask up to 3 questions about a matter on the agenda without giving notice. The 3 question limit includes any supplementary questions. At Council meetings, the questions would be put to the person presenting the report which would normally be a committee chair. There is no limit to the number of questions at committee meetings.

### **12.2 Questions Requiring Notice**

Other than under the provisions under Standing order 12.1 above, a Member may only ask a question if they have given written notice of it to the Chief Executive by noon at least 3 clear working days before the meeting or the question relates to urgent matters and they have the consent of the Chair of Council, the Leader or, in the case of a Council meeting, the Chair of the committee to whom the question is to be put.

Copies of all written questions and answers will be circulated to all Members and will be made available to the public attending the meeting, and recorded in the Minutes.

### **12.3 Scope of written questions from Members**

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority or committee to which it is addressed has a responsibility; or
- is illegal, improper, defamatory, frivolous or offensive; or
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information; or
- is related to confidential staffing matters; or
- is contrary to the Constitution; or
- is relating to the personal affairs or conduct of individual Members. Complaints about members should be made using the standards system complaints process which is set out in the Constitution.

Questions may be edited as necessary by the Chief Executive, in consultation with the Chair, to bring them into proper form and to ensure brevity.

#### 12.4 **Response**

An answer will be recorded in the minutes and may take the form of:

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

#### 12.5 **Supplementary question**

A Member asking a question under the provisions requiring notice may ask one supplementary question, without notice, of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

### **13. *MOTIONS ON NOTICE (not applicable to Audit and Standards, Licensing Panel or Development Control Committee)***

#### 13.1 **Notice**

Except for motions which can be moved without notice under Standing Order 13.5 written notice of every motion, signed by at least 2 Members, must be delivered to Chief Executive not later than noon, 10 clear working days before the date of the meeting.

Where a motion is submitted by email, an indication of support signed by another Member must also be received – this may also be by email. No

Member may propose or second more than 3 motions at a single meeting. If the meeting is not specified, then the Chief Executive shall decide which meeting it shall be addressed to.

### **13.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda, with the names of the proposer and seconder, in the order in which they were received, unless the Member giving notice withdraws it in writing prior to the agenda dispatch. If the motion relates to a matter already on the agenda, they will appear alongside that matter.

### **13.3 Scope of Motions**

The following will be determined by the Chief Executive in consultation with the relevant committee Chair, and Motions must:

- (i) be about matters which are related to the responsibilities of the Council or which affect the Council or the District.
- (ii) not relate to the personal affairs or conduct of individual Members.
- (iii) not be substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (iv) not require the disclosure of confidential or exempt information
- (v) avoid inappropriate or inflammatory language.

### **13.4 Motions not moved**

If a motion which is specified in the summons is not moved by the Member who has submitted it, or, in their absence by some other Member on their behalf, then, unless postponed by consent of the Council, it will be treated as abandoned, and a fresh motion will have to be submitted.

### **13.5 MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting if the usual Chair and Vice-Chair are not present at the meeting;
- (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;
- (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 3 hours in duration;
- (n) to exclude the public in accordance with the law regarding public access to information;
- (o) to not hear further a Member named under the relevant rule or to exclude them from the meeting under the relevant rule;
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) To suspend standing orders within the Constitution.

### **13.6. MOTIONS OF NO CONFIDENCE (applicable to full Council meetings only)**

The following procedure shall apply at a meeting of full Council, if a motion of no confidence is proposed in the Chair of Council or a Chair of Committee:

- (i) A written motion proposing 'no confidence' shall be delivered in person to the Chair of Council (or in his/her absence the Chief Executive) at least 12 clear working days before the meeting of the Council at which it is proposed to be debated. Motions may be supplied by electronic means.
- (ii) No such motion shall be inserted in the summons for a meeting of the Council unless it is signed by at least 20 Members of the Council, sets out in full to whom the motion is directed and gives details of the reason(s) why the motion is to be proposed.
- (iii) If moved and seconded at Council, the motion shall be properly debated and a simple majority of the whole Council shall suffice to carry the motion.
- (iv) If the motion is carried it shall have the effect of removing the person or persons against whom it is directed from their position as Chair.
- (v) Following such a removal, the meeting of the Council shall be adjourned for such period of time as the Chair (or Vice Chair if the Chair has been removed) shall determine in order to allow the election of a replacement person or persons to fill the vacated post(s).

## **14. MOTIONS AND PREVIOUS DECISIONS**

### **14.1 Motion to rescind a previous decision**

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

#### **14.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council or a committee in the past six months cannot be moved, unless the notice is signed by at least five Members of the committee. If such a motion or amendment is considered then no-one can propose a similar motion or amendment for a further six months.

#### **14.3 Reconsideration during the meeting**

No resolution or recommendation (other than a procedural resolution) made by a committee during a meeting shall be rescinded or amended by the committee during the same meeting or any adjournment of it unless there are reasonable grounds for believing that all of the material information was not available at the time that the resolution or recommendation was passed.

### **15. *RULES OF DEBATE***

#### **15.1 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.

#### **15.2 Right to require a motion or amendment in writing**

Unless notice of the motion or amendment has already been given, the Chair will normally require it to be written down and handed to him/her before it is discussed.

#### **15.3 Secunder's speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate which will normally be immediately prior to the reply by the mover of the original motion. Where the seconder opts to speak later in the debate, no further ordinary speeches shall be made after the seconder has spoken

#### **15.4 Questions**

When the motion has been moved and seconded, Members may ask questions at the discretion of the Chair

### **15.5 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. The proposer of a motion may speak for up to 5 minutes when introducing a motion. No other speech may exceed 3 minutes without the consent of the Chair.

### **15.6 When a Member may speak again**

At a committee meeting there is no limit on the number of times a member may speak during debate. At a Council meeting 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 s/he 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 s/he spoke was carried);
- (d) in exercise of a right of reply (as described below);
- (e) on a point of order; or
- (f) by way of personal explanation.

### **15.7 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and must be seconded 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.

Provided that the effect of (ii) to (iv) is not to negate the motion (negatory 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 upon which any further amendments may be moved;
- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments. If there are none and no further debate, the Chair will put it to the vote.

#### **15.8 Alteration of motion**

A Member may alter a motion which they have given notice with the consent of the meeting (referred to as a friendly amendment). The meetings consent will be signified without discussion.

The alteration must be one which could have been moved as an amendment and should not propose to substantially amend the intent of the written notice of motion.

#### **15.9 Withdrawal of motion**

A Member may withdraw a motion which s/he has moved with the consent of with the consent of both the meeting and the seconder. No Member may speak on the motion after the mover has asked permission to for it to be withdrawn unless permission to withdraw is refused.

#### **15.10 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.

#### **15.11 Motions which may be moved during debate**

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

- to withdraw a motion;
- to amend a motion;
- to proceed to the next business;
- that the question be now put;



- to adjourn a debate
- that the meeting continues beyond 3 hours in duration (2 in the case of an extraordinary meeting)
- to exclude the public and press in accordance with the Access to Information Rules; and to not hear further a member named under Standing Order 20.3 or to exclude them from the meeting.

#### 15.12 **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 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 Chair thinks the item has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

If the vote on this procedural motion is successful then the item falls and will not be voted on and the meeting will move to the next item of business.

(c) If a motion that the question be put is seconded and the Chair thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the mover of the original motion a right of reply before putting their motion to the vote.

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

#### 15.13 **Point of order**

A Member may raise a point of order at any time. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law and the Member must indicate the rule with reference to the specific Council Procedure Rule or law and the way in which s/he considers it has been broken prior to

making any other comment. Where a valid point of order has been raised, the Chair will hear it immediately and his or her ruling on the matter will be final.

#### **15.14 Personal explanation**

A Member may, only with the consent of the Chair, make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the Member which appears to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

#### **15.15 Debates affecting Persons employed by the Council**

No matters concerning the conduct of any person employed by the Council shall be discussed at a meeting of Council or committee unless properly constituted for that purpose.

### **16. VOTING**

#### **16.1 Majority**

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

#### **16.2 Chair's casting vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote, i.e. he or she is not bound to vote the same way as previously.

#### **16.3 Vote**

Unless legislation requires otherwise or a recorded vote is requested under the relevant rules, the Chair will take the vote by show of hands or by electronic means, or if there is no dissent, by the affirmation of the meeting, i.e. no dissentients.

#### **16.4 Recorded vote**

If legislation requires, or at least 10% of Members present at the meeting request it immediately prior to the vote being taken, the names for and against

the motion or amendment or abstaining from voting will be recorded and entered into the minutes.

#### **16.5 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, or abstained from voting.

### **17. MINUTES**

#### **17.1 Signing the Minutes**

The Chair will sign the Minutes of the proceedings at the next suitable meeting. The Chair will ask if the meeting agrees that the Minutes of the previous meeting be signed as a correct record and will ask the meeting to affirm this. The only aspect of the Minutes that can be discussed is their accuracy.

#### **17.2 No requirement to sign minutes of previous meeting at an extraordinary Council meeting**

Minutes from a previous meeting will not be signed at an extraordinary meeting of Council but will be carried over to the next ordinary meeting.

### **18. EXCLUSION OF PUBLIC AND MEDIA**

Members of the public and media may only be excluded in accordance with the law concerning public access to information or Council rules regarding disturbance by the public as set out in this Standing Order.

### **19. MEMBERS' CONDUCT**

#### **19.1 Standing to speak (applicable to full Council meetings only)**

When a Member speaks at full Council they must stand and address the meeting through the Chair. Other Members must remain seated whilst a Member is speaking, unless they wish to make a point of order or a point of personal explanation in accordance with relevant rules. The Chair will have discretion to allow Members to remain seated where a request is made.

#### **19.2 Chair Standing**

When the Chair stands during a debate, any Member speaking at the time must stop and sit down immediately. All other attendees must also be silent.

### **19.3 Disturbance**

The Chair decides who is permitted to speak and when someone must stop speaking. The Chair also has the power to ask someone to stop undertaking a particular action if it is causing a disturbance to the meeting. These powers apply to any person present at the meeting.

19.4 If anyone present at the meeting by words or actions causes disturbance or annoyance to proceedings making orderly business impossible, the Chair will warn the person concerned in the first instance. If the disturbance or annoyance continues the Chair may ask the person to leave the room. If the person refuse to leave the Chair may order the removal of the person and / or:

- may order that the room or part of the room be cleared; and / or
- may adjourn the meeting for as long as s/he thinks necessary.

## **20. *SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES***

### **20.1 Suspension**

The right of an individual Member to have their vote recorded and the requirement to sign the Minutes at the next suitable meeting may not be suspended.

### **20.2 Amendment**

Any motion to add to, vary or revoke the Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Constitution Working Group.

### **20.3. Questions as to procedure or propriety**

All questions as to procedure or the propriety of any action or matter in Council or a committee shall be determined by the Chair of the meeting whose decision shall be final.

## **21. *MEETINGS OF COUNCIL/COMMITTEES***

The dates of meetings for the municipal year will normally be approved no later than the Annual General Meeting of the Council but may, if required, be varied with the consent of the Chair and Vice Chair of the relevant meeting.

## **22. ATTENDANCE OF OTHER MEMBERS AT COMMITTEE MEETINGS**

A Member may be present at any meeting of a committee of which they are not a Member and may participate as specified for in the provisions for invited guests and non-committee members. If they are attending in relation to matters within their Ward, they may speak only once on any one issue but may not vote.

## **23. ACCESS TO INFORMATION PROCEDURE RULES**

### **23.1 Scope**

These rules apply to all meetings of the Council and its committees.

### **23.2 Additional Rights to Information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **23.3 Right to Attend Meetings**

Members of the public may attend all formal meetings of the Council and its Committees subject only to the exceptions in these rules.

### **23.4 Notice of Meeting**

The Council will give at least 5 clear working days notice of any meeting of the Council and its committees by posting details of the meeting at the Council Offices, Ebley Mill, Ebley Wharf, Stroud and on the Council's website.

### **23.5 Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agendas and reports open to the public available for inspection at its Offices at least 5 clear days before the meeting. If an item is added to the agenda later, the revised agenda and any report will be available for public inspection as soon as practicable.

All agendas, reports, decision notices and minutes which are open to public inspection will be made available on the Council's web site ([www.stroud.gov.uk](http://www.stroud.gov.uk)).

### **23.6 Supply of Copies**

For 6 years after the meeting subject to reasonable charges for photocopying and postage the Council will supply copies of:

- (a) any agenda and reports which are open to public inspection.
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda.

### **23.7 Webcast Record**

Copies of webcast meetings will be retained for 6 years and will be available to members and officers for that period, after which they will be archived.

## **24. BACKGROUND PAPERS**

### **24.1 List of background papers**

In every report a list will be included of those documents (called background papers) relating to the subject matter of the report which in the author's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works, legislation, previous reports in the public domain, or those which disclose exempt or confidential information as provided for by law.

### **24.2 Public inspection of background papers**

The Council will make available for public inspection for 6 years after the date of the meeting one copy of each of the documents on the list of background papers.

## **25. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **25.1 Confidential information – requirement to exclude public and press**

The public and press must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

## 25.2 Exempt information – discretion to exclude public and press

The public and press may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

**To be exempt, the information must fall within the following categories (subject to any condition) AND it must be considered that the information should be excluded in the PUBLIC INTEREST:**

Category	Relevant condition for the category
1. Information relating to any individual.	Information is not exempt information unless it relates to any individual.
2. Information which is likely to reveal the identity of an individual.	Information is not exempt information unless it would reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt information unless it relates to the financial or business affairs of any person, including the body holding that information.

<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>Information within paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. "Labour relations matters" are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974 i.e. matters which may be the subject of a trade dispute.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information is not exempt information unless, in view of the Legal Services Manager, legal privilege could be maintained in legal proceedings.</p>
<p>6. Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.</p>	<p>Information within paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information is not exempt information unless it relates to action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

### **25.3 Exclusion of Access by the Public and Press to Reports**

If the Monitoring Officer thinks fit, the Council may exclude access by the public and press to reports which in his or her opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.



The final decision on whether an item should be considered in exempt session is that of Council or the Committee.

## **26. INVITED GUESTS AND NON COMMITTEE MEMBERS ATTENDING COMMITTEES**

Committees have the ability to invite guests to committee meetings. These are likely to be expert witnesses or interested parties whom the committee considers will be able to contribute to its work. The committee will determine the length of the appointment which may be for one meeting or longer but it should only be for as long as the person is likely to contribute to the business of the committee.

- 26.1 The person will not be a co-optee of the committee and will have no voting rights. They will have the ability to speak and participate in the debate at the discretion of the Chair. Members will at all times treat invited guests with respect and will acknowledge their voluntary contribution in asking questions appropriately.
- 26.2 The invited guest will be afforded webcast and microphone provision and will be recognised in the minutes.
- 26.3 In accordance with CPR 22, Members of the Council who are in attendance but are not members of the committee will be treated the same as invited guests.

## **27. PETITIONS**

Petitions cannot be submitted directly to committee or Council meetings, but may be submitted to the Council by delivering them to:

Ebley Mill,

Ebley Wharf,

Stroud, GL5 4UB

for the attention of the Corporate Policy and Governance Manager.

- 27.1 If the petition has less than 1100 signatures, it will be referred to the appropriate Strategic Director for a response to be provided to the lead petitioner.
- 27.2 If the petition has 1100 or more signatures and concerns a committee matter, the petition will be referred to the Chair of the appropriate committee and the Chair of Council who will consult the relevant Strategic Director or Head of Service and decide if a response by the service or reference to committee or Council for debate is appropriate.

- 27.3 If the petition has 1100 or more signatures and relates to a matter which Council rather than a committee would be responsible, the petition will be referred to the Chair of Council and the Leader of Council to determine in consultation with the relevant Strategic Director or Head of Service whether the matter should be responded to by the Strategic Director or Head of Service; or referred to Council for debate.
- 27.4 If the item is to be debated at a committee or Council meeting, the lead petitioner will be given 3 minutes to present the petition to the meeting. The committee or Council may debate the item for up to 15 minutes.

**NB – there is currently no legal ability to hold formal meetings remotely, but in the event of a change in the law, the following Council Procedure Rule will apply to remote and or hybrid meetings.**

**In addition, depending on what the legislation says, adjustments may have to be made to this rule.**

## **28. *PROCEDURE RULES FOR THE REGULATION OF REMOTE MEETINGS***

### **General**

- 28.1 This Procedure Rule applies to remote and / or hybrid meetings, i.e. a meeting where not all members are physically present at a place at the same time. (Hereafter referred to as remote meetings) Remote meetings may be held through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing. The Council uses Zoom as its preferred platform for this purpose, but reserves its ability to use a different platform if it considers that necessary.
- 28.2 The Procedure Rules in this Constitution apply to remote meetings in the same way as they do for other meetings of the Council except where they conflict, in which case this Procedure Rule takes precedence in relation to the governance of remote meetings.
- 28.3 The Chair, following consultation with the Chief Executive may alter the frequency move or cancel a remote meeting without notice.
- 28.4 The Council will endeavour to enable the public to participate in meetings in accordance with legal requirements where possible in terms of asking questions at Council and Committee meetings and making representations at regulatory meetings (Development Control Committee and Licensing)

However, this may be restricted to the parties taking part in the meeting depending on the circumstances existing at the time. Other members of the public and press will be able to view the meeting as it will be streamed at a remote location which will be advised in the meeting notice.

- 28.5 For the avoidance of doubt, neither the press nor members of the public will be able to access remote meetings which will consider exempt information and those meetings will not be webcast nor will the meeting access arrangements be made available other than to members of the Council.
- 28.6 If during a remote meeting a matter which could be considered exempt arises, the Chair in consultation with the Monitoring Officer or the Democratic Services Officer, will move that the item should be considered in private session and, if that motion is approved, will move the item to the end of the meeting agenda and the press and public will be excluded from that item. Members of the public and press can either leave the meeting or will be moved to the waiting room and the live stream will be cut.

#### **Access to Information**

- 28.7 In terms of public and press access, requisite notice of the time of the meeting, the agenda and all agenda papers, together with details of how to view the meeting will be made available on the Council's website.
- 28.8 Elected Members and members of the public who wish to speak at a Council or Committee meeting and those who wish to make representations at regulatory meetings will be notified of a remote meeting by email which will provide them with the joining details.
- 28.9 For all purposes, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:
- (a) "open to inspection" shall include for these and all other purposes as being published on the website of the council; and
  - (b) to be published, posted or made available at offices of the Council shall include publication on the website of the Council.

#### **Remote Access to Meetings**

- 28.10 For all purposes the term "meeting" is not limited in meaning to a meeting of persons who are present in the same place. Any reference to:
- (i) "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. (The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.)

- (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, teleconference, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

28.11 If the Chair is made aware that the meeting is not accessible to the public through remote means due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately for the connection to be restored. If the provision of access through remote means cannot be restored within fifteen minutes, the remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

### **Members in Remote Attendance**

28.12 A member in remote attendance is present and attends the meeting, including for the purposes of the quorum, if at any time both of the following conditions are satisfied, those conditions being that the member in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be heard and, where practicable, be seen by, the other members in attendance.
- (ii) to be heard and, where practicable, be seen by any other members of the public attending the meeting.

28.13 Attendance at the meeting will be recorded by a Democratic Services Officer and a member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained above are not met.

### **Questions and Representations by members of the public**

28.14 There will be speaking rights for members of the public or their representatives at remote meetings in accordance with the provisions of the Council Standing Orders.

28.15 Members of the public will be able to participate in remote meetings in the following ways:

- Questions, representations and petitions should be submitted in advance of the meeting and will be made available to all members of the remote meeting by Democratic Services.
- Questions for Council and Committees (with the exception of Development Control Committee and Licensing Panel must be received by no later than 12 noon, 2 clear working days before the day of the meeting. Such notice must be by electronic mail to [democratic.services@stroud.gov.uk](mailto:democratic.services@stroud.gov.uk).
- Representations for Development Control Committee should be received by 12 noon 1 clear working day before the day of the meeting, exceptionally, the Council will consider late representations if appropriate.
- Representations for Licensing Panel may be submitted prior to the meeting, but applicants and their representatives will make oral submissions to the committee at their election.
- Members of the public or their representatives will be able to present their questions, or petitions to Council and Committees (with the exception of Development Control Committee and Licensing Panel) in the remote meeting.
- Public questions will, where appropriate, receive a response in the meeting. One Supplementary question will be permitted.
- Public petitions not referred to an officer in accordance with Council Standing Orders will be received by the Chair of the meeting without debate and sent to the relevant committee or council officer for a response.

### **Process at remote meetings**

28.16 The Chair will confirm at the outset and at any reconvening of a committee meeting that they can see and hear all participating members by carrying out a roll call of members present.

28.17 Unless the member has declared an interest which precludes them from taking part, their attendance at the meeting must be continuous throughout the item and will be monitored and recorded by the Democratic Services Officer.

28.18 The normal quorum requirements for meetings as set out in Council Procedure Rule 9 will also apply to a remote meeting. In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate and (Subject to Paragraph 29.21):

- if it is, then the business of the meeting will continue; or
- if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be a maximum of fifteen minutes, to allow the connection to be re-established after which time the meeting will be abandoned and any remaining items adjourned to the next meeting.

28.19 If there is a disruption to any members attendance due to the quality of internet connection, the Chair will, initially, pause the meeting for up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate.

28.20 In the event of a connection failure, the member(s) will be deemed to have left the meeting at the point of failure. If the connection is successfully re-established, then the remote member(s) will be deemed to have returned at the point of re-establishment.

28.21 If a connection to the Chair is lost, the Vice Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, the Vice Chair will proceed with the meeting in the absence of the Chair. If the connection to both the Chair and Vice Chair is lost, the committee will wait for a period of five minutes and, if the meeting is still quorate, will elect a Chair Pro Tem. If connection to the Chair or Vice Chair is restored, they will take control of the meeting at the end of the item then being discussed.

28.22 If a connection to a member is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, subject to the meeting being quorate, the meeting will proceed, but any member who has been disconnected will not be able to vote on the matter then under discussion as they would not have heard all the facts.

28.23 The Chair will follow the normal rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content of speeches in the normal way.

28.24 Members will be able to indicate to the Chair that they wish to ask a question or speak in the debate on an item by raising their hand physically, by using the raise hand function or by sending a message via the chat facility.

28.25 In respect of large committees, it will assist the meeting if those members who wish to speak on a particular item could indicate their wish to speak to the Chair

and to the Democratic Services Officer in advance of the start of the meeting. Political groups are also encouraged to co-ordinate this activity wherever possible.

### **Meeting Etiquette**

28.26 Members are asked to adhere to the following etiquette during remote attendance at a meeting:

- Committee members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and the Democratic Services Officer the opportunity to test the equipment.
- Elected members and any members of the public who are to speak at the meeting will initially enter the waiting room and will be admitted to the meeting by the Chair.
- All entrant microphones will be muted on entry.
- Any video-feed should show a non-descript background with no background noise where possible.
- Members should be careful not to allow exempt or confidential papers to be seen in the video-feed.
- To enable identification for the public in the remote meeting and to gain access from the 'waiting room', members must log in using the username provided to them by Democratic Services.
- All members should have microphones muted when not talking unless they have joined with audio only (e.g. telephone).
- Members will unmute their microphone when the Chair invites them to speak and then mute their microphone when they have finished speaking.
- The chat facility must not be used for private conversations between members and will be mindful that if they select 'everyone' all participants in the meeting will be able to see what they write.
- Members should only speak when invited to by the Chair and only one person may speak at any one time.
- For the benefit of anyone listening to an audio feed, anyone speaking should state their name before making a comment.
- When referring to a specific report, page, or slide, members should mention the report, page, or slide so that all members have a clear understanding of what is being discussed at all times.

28.27 The Chair and / or the Democratic Services Officer may:

- Pause (adjourn) the meeting by taking down the stream (live feed) from public viewing and then resume it when needed and / or placing everyone in the waiting room.

- Switch on each active participant's microphone when they are invited to speak and switch them off afterwards.
- Mute someone speaking at any time.
- Mute everyone speaking except themselves at any time.
- Allocate different levels of access to people logging in based upon whether they are a councillor, an officer, or a member of the public or press who is an observer of the meeting.
- Switch some observers off or move observers to a 'waiting room', so they are paused and have neither 'live' visual or audio feed whilst the committee deliberates in private or an officer present gives the committee advice. By taking down the live feed content from the public and just displaying a holding slide, decision makers may hold a separate meeting. The live stream can then be resumed when needed.

## **Voting**

28.28 When the Chair is satisfied that there has been sufficient debate and there is a proposer and seconder, who will indicate by showing their hand on the video or speaking if on an audio feed, for the item being discussed the Chair will progress to a decision.

28.29 The method of voting may be one of the following methods:

- A vote by electronic means or
- A role call where the Chair or Democratic Services Officer will call out the name of each member present with members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called.
- By a show of hands providing the Chair can see all members at the same time

28.30 At the conclusion of the voting the Chair shall announce the numbers of votes cast for, against and abstentions and announce whether the motion has been passed or lost.

28.31 Details of how members voted will not be minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask members in turn to signify verbally whether or not they support that request. A recording of the meeting will be kept and be available on the Council's website for a period of 6 years after which it will be archived.

## **Declaration of Interests**

28.32 Members will declare interests in the normal way at the appropriate point in the meeting, or if they realise that they have an interest in the item under discussion.



28.33 Any member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting.

28.34 Democratic Services will place the member into the waiting room whilst the matter is considered who will confirm that this has been done before progressing with the item of business. The Chair will then allow the member to re-enter the meeting from the waiting room when the matter has been determined and before moving onto the next item of business.