

## **SECTION 4**

### **4. Full Council**

#### **4.1 Introduction**

The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's Budget and the Council's share of the Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Cabinet. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

#### **4.2 The Policy Framework**

4.2.1 The Policy Framework means the following plans and strategies required by law to be adopted by the Council, or which the Council has chosen to adopt:

- (a) the Constitution;
- (b) Annual Report [note the Council does not currently produce such a report];
- (c) Community Safety Plan;
- (d) Development Plan documents;
- (e) Licensing Policy statements under Licensing Act 2003 and Gambling Act 2005;
- (f) Priorities/ Objectives for the District.

4.2.2 Any plan or strategy required by law to be sent to a Minister of the Crown for approval.

#### **4.3 The Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decision relating to the control of the Council's borrowing requirement, the control of its capital expenditure. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 16 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet).

#### **4.4 Functions of the Full Council**

4.4.1 Only the Full Council will exercise the following functions:

- (a) approving or adopting the Policy Framework;
- (b) approving or adopting the budget;
- (c) Considering a referendum on Council Tax increases and associated matters;

- (d) making decisions about any matter in the discharge of an executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;
- (e) electing the Chair and electing a Vice-Chair of the Council;
- (f) electing the Leader;
- (g) appointing committees of the Council and agreeing and/or amending the terms of reference of any committees or other bodies appointed by the Full Council deciding on their composition and making appointments to them;
- (h) nominating District Councillors to outside bodies unless the nomination is an executive function;
- (i) considering recommendations from the Independent Remuneration Panel and adopting an allowances scheme or assessing, revoking or replacing the whole or part of any such scheme;
- (j) the offer of appointment or notice of dismissal to the Head of Paid Service, Chief Finance Officer or Monitoring Officer, prior to such action being taken (and in respect of dismissal, having taken into account any advice, views or recommendations, conclusions of any investigation from the Panel and representations of the Officer concerned);
- (k) making arrangements for the proper administration of financial affairs (section 151 Local Government Act 1972);
- (l) appointing an Electoral Registration Officer;
- (m) appointing a Returning or Acting Returning Officer (to act in connection with Parliamentary, District, County, Police Commissioner, European elections and referenda);
- (n) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- (o) receiving reports from the Head of Paid Service on the senior management structures of the organisation;
- (p) agreeing procedure rules, standing orders and financial regulations;
- (q) review and agree proposals on polling districts, polling places and polling stations, district boundaries, electoral wards and the number of District Councillors;
- (r) agreeing an Annual Schedule of meetings;
- (s) adopting and amending the Authority's Code of Conduct for members and other codes and protocols comprising the ethical framework;
- (t) arranging for the discharge of any other functions of the Authority which are not executive functions;

- (u) to authorise the disposal (by sale or lease) of land or buildings where the sale price, premium or initial annual rent (after the expiry of any rent free period) exceeds £2,500,000;
- (v) to authorise the acquisition of land or buildings where the purchase price, premium or initial annual rent (after the expiry of any rent free period) exceeds £2,500,000;
- (w) to make, amend or withdraw Compulsory purchase orders;
- (x) approving and revising the Petition Scheme;
- (y) to consider or receive presentations from members of the public, community groups and outside bodies on matters relating to the District;
- (z) approving the Council Tax Reduction Scheme;
- (aa) agreeing any award which would exceed the financial limits set out in the Council's Pay Policy Statement;
- (bb) to recognise exceptional contributions to the community by groups or individuals;
- (cc) approving the treasury management strategy;
- (dd) to determine those financial matters reserved to Council by the Financial Regulations.

#### **4.5 Membership**

4.5.1 All members of the Council shall be members of Full Council.

4.5.2 Substitution is not possible at meetings of the Council.

4.5.3 Chairing the Council

- (a) The Councillor elected annually by the Council to chair its meetings will be called the "Chair".
- (b) The Chair will cease to be Chair if they resign, are dismissed by a vote of Full Council, cease to be a member of the Council, or are unable to act as a member of the Council.

#### **4.5.4 Role and Function of the Chair**

The Chair of the Council and in their absence, the Vice-Chair will have the following roles and functions:-

- (a) Ceremonial Role

The Chair of the Council:

- (i) is the civic leader of the District of North Hertfordshire;
- (ii) promotes the interests and reputation of the Council and North Hertfordshire as a whole and acts as an ambassador for both; and

(iii) undertakes civic, community and ceremonial activities and fosters community identity and pride.

(b) Responsibilities of the Chair

- (i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the Community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet and/or Committee Chair to account;
- (iv) to encourage public involvement in the Council's activities;
- (v) to be the conscience of the Council; and
- (vi) to attend such civic and ceremonial functions as the Council and they determine are appropriate.

**4.5.5 Role of Councillors**

Information of the role of Councillors within the Council can be found on the Council's and on the Local Government Association's websites.

**4.6 Council Meetings**

There are three types of Council meeting:-

- 4.6.1 the annual meeting;
- 4.6.2 ordinary meetings; and
- 4.6.3 extraordinary meetings.

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 and may be wholly or partly through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming provided such remote means are legally permissible under relevant legislation.

**4.7 Rules of Procedure and Debate**

The Standing Orders contained in Section 4.8 below will apply to meetings of the Full Council.

**4.8 Rules for Conducting Meetings ("Standing Orders")**

**4.8.1 Annual Meeting of the Council**

- (a) Timing and business

In a year when there is an ordinary day of election of councillors, the annual meeting will take place between 8 and 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Chair or Vice-Chair of the Council is not present;
- (ii) elect the Chair of the Council;
- (iii) elect the Vice-Chair of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chair and/or the Head of Paid Service;
- (vi) elect the Leader of the Council once every four years;
- (vii) note the number of Members to be appointed to the Cabinet and the appointment those Members;
- (viii) appoint the Overview and Scrutiny Committee, Finance, Audit and Risk Committee, Standards Committee, Licensing and Appeals Committee, Planning Control Committee, Area Committees, Council Tax Setting Committee and Employment Committee and such other Committees, Sub-Committees and Panels as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 14 of this Constitution);
- (ix) appoint the Chair and Vice-Chair of Committees, with the exception of the Area Committees, subject to any requirements of this Constitution concerning who may be appointed to such positions;
- (x) agree the Scheme of Delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Section 14 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council for the year; and
- (xii) consider any business set out in the notice convening the meeting.

**(b) Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council meeting will:

- (i) decide which Committees and Sub-Committees to establish for the civic year;
- (ii) decide the size and terms of reference for those Committees and Sub-Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;

- (iv) receive nominations of Councillors to serve on each Committee and outside body;
- (v) make appointments to those Committees and nominations to outside bodies except where nomination to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

#### **4.8.2 Ordinary Meetings**

There will be six ordinary meetings each year. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Meetings will not be cancelled by the Chair without consulting all Group Leaders in advance. The order of business at ordinary meetings will be as follows:

- (a) select a person to preside if the Chair and Vice-Chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chair, Leader, members of the Cabinet or the Head of Paid Service;
- (e) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (f) deal with any business of the last Council meeting;
- (g) receive and debate reports from the Cabinet and the Council's Committees and Chair of the Area Committees and receive questions and answers on any of those reports. For this purpose, the agenda for each meeting of the Council will include a standing item under which such reports can be presented, subject to compliance with the provisions of the Access to Information Rules regarding notice;
- (h) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (i) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committee and Finance, Audit and Risk Committee;
- (j) consider motions; and
- (k) deal with questions from Members in accordance with 4.8.11.

#### **4.8.3 Extraordinary Meetings**

##### **(a) Calling Extraordinary Meetings**

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;

- (ii) the Chair of the Council;
  - (iii) the Monitoring Officer;
  - (iv) any five Members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (b) Business

At an extraordinary meeting of the Council the only business to be transacted will be that included within the summons to attend the meeting.

#### **4.8.4 Appointment of Substitute Members of Committees, Sub-Committees and Panels**

- (a) As well as allocating seats on Committees, Sub-Committees and Panels the Council will allocate seats in the same manner for substitute Members.
- (b) For Committees or Sub-Committees listed at 4.8.4(d) below and Panels, but not the Cabinet, the Council will appoint a proportionate number of substitutes in respect of each political group as that group holds ordinary seats on that Committee, Sub-Committee or Panel. The number of substitutes shall be a minimum of two substitutes per group and a maximum of 50% of the total of each group's full committee or Panel membership rounded up to the nearest whole number.
- (c) The Democratic Services Manager ('the Proper Officer') may change substitutes on Committees, Sub-Committees or Panels for a meeting at the request and in consultation with the relevant Group Leader providing:
  - (i) any Member substituting must have undertaken any pre-Committee compulsory training before such a request is made to act as the substitute; and
  - (ii) the request is sent via email to the Proper Officer at least 7 clear working days before the meeting.
  - (iii) The appointment as substitute is for a particular meeting and shall then cease.
- (d) The Committees for which substitutes are permitted are; Employment Committee, Planning Control Committee, Overview and Scrutiny Committee, Finance, Audit and Risk Committee, Council Tax Setting Committee, Joint Staff Consultative Committee and the Standards Committee. Substitutes are allowed for Panels.
- (e) Substitute members will have all the powers and duties of any ordinary member of the Committee or Panel but will not be able to exercise any special powers or duties exercised by the person they are substituting.
- (f) Substitute members may attend meetings in that capacity only:
  - (i) to take the place of the ordinary member for whom they are designated substitute;

- (ii) when the ordinary member will be absent for the whole of the meeting;
- (iii) after notifying the Proper Officer by 12 noon on the day of the meeting of the intended substitution.

#### **4.8.5 Time and Place of Meetings and Agenda setting the Agenda and Recording of Meetings by the Council**

- (a) The time and place of meetings will be determined by the Proper Officer and notified in the summons. Place is to be interpreted as where a meeting is held, or to be held, and includes reference to more than one place including electronic, digital or virtual locations through remote means such as internet locations, web addresses or conference call telephone numbers.
- (b) Responsibility for setting the agenda lies with the Chair in consultation with the Proper Officer. It must, however, be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on the agenda. The Chair is not entitled to require the removal of such an item from the agenda, unless agreed by the Leader and Managing Director<sup>4</sup>.
- (c) The Leader of the Council, Executive Member and relevant officers will routinely be consulted as part of the process of drawing up an agenda for a forthcoming meeting. Any item requested to be included on the agenda by the Chair shall be included.
- (d) The Council takes an audio recording of all parts of its committee meetings which the public are entitled to attend. This and any visual recording the Council takes are retained in accordance with the Council's data retention policies.

#### **4.8.6 Notice of and Summons to Meetings**

- (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the above and Section 15. At least five clear days before a meeting, the Proper Officer publish the summons and with date, time, place and specify the business to be transacted, and will be accompanied by such reports as are available (subject to the requirement under Section 15, that all reports must be available at least five clear days before the meeting unless the report is genuinely urgent).
- (b) For all purposes of the Constitution, the terms "notice", "summons", "agenda", "report", "written record", "background papers" "open to the public" when referred to as being:
  - (i) "open to inspection" shall include for these and all other purposes as being published on the Council's website (or electronic meetings management system);
  - (ii) to be published, posted or made available at Council's offices is satisfied if this is by publication on the Council's website (or electronic meetings management system);

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<sup>4</sup>. The right to remove does not apply to Statutory Officer reports (CFO & MO) under ss114/114A Local Government Finance Act 1988 & s5 Local Government and Housing Act 1989.

- (iii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, 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.

#### 4.8.7 Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chair, but must request the permission of the Council before speaking on matters other than procedural. The person presiding will ensure that formality is maintained throughout the proceedings. Where these rules apply to Committee and Sub-Committee meetings, references to the Chair also include the Chair of Committees and Sub-Committees.

#### 4.8.8 Quorum and Members in Remote Attendance of Meetings

Quorum:

- (a) The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. In the event that there is a quorum present for subsequent agenda items, the meeting will resume. 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.

Remote Attendance of Members:

- (b) A Member is in remote attendance if the conditions under 4.8.23 (a) (i)-(iii) are met.

#### 4.8.9 Presentations by the Public

- (a) Unless otherwise stated in the rules for Full Council or a particular Committee, presentations from the public under the Public Participation item of a Committee agenda must not exceed five minutes in length.
- (b) Points of clarification may be asked by Council or a particular Committee through the Chair, of the person making a presentation. The Chair can decline to put a point of clarification if they consider this irrelevant or this has been covered during the presentation.
- (c) Public presentations on matters decided in the past 6 months, or those already made to Cabinet, Committees/ Sub-Committees or Council on the same issue prior to a decision will not be accepted without the agreement of the Chair of the meeting.
- (d) Notice of Presentations

A presentation may only be made if notice has been given in writing or by electronic mail to the Proper Officer no later than midday, two working days before the day of the meeting.

- (e) Number of Presentations

At any one meeting no person may make more than two presentations and no more than two such presentations may be made on behalf of one organisation.

(f) Scope of Presentations

The Chair and/or Proper Officer may reject a presentation if it:

- (i) is not about a matter for which the Council has a responsibility or which affects the District;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a presentation which has been made at a meeting of the Council in the past six months;
- (iv) is a duplicate of a same or similar one at the meeting;
- (v) requires the disclosure of confidential or exempt information.

(g) Exceptions to this rule apply to the Planning Control Committee and the Area Committees (see Appendix 1 to Section 8 and Section 9.8.3 respectively).

**4.8.10 Questions by the Public**

(a) General

Members of the public may ask questions of the Leader and members of the Cabinet at ordinary meetings of the Full Council, Cabinet, Committees and Sub-Committees.

(b) Order of Questions

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

(c) 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 Proper Officer no later than midday, five 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. The Proper Officer shall endeavour to make the question that has been accepted under 4.8.10 available to Members three days before the day of the meeting.

(d) Number of Questions

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

(e) Scope of Questions

The Chair and/or Proper Officer may reject a question if it:

- (i) is not about a matter for which the Council has a responsibility or which affects the District;

- (ii) is defamatory, frivolous or offensive;
  - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - (iv) is a duplicate of a same or similar one at the meeting;
  - (v) requires the disclosure of confidential or exempt information.
- (f) Record of Questions
- (i) The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.
  - (ii) Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.
- (g) Asking the question at the meeting
- The questioner will normally be expected to attend the meeting and put the question in person. The Chair will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.
- (h) Supplementary question
- A questioner who has put a question in person may also put one supplementary question without notice to the Councillor 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 4.8.10(e) above.
- (i) Written answers
- Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer as soon as practicable and any written answer will be made available on the Council's website.
- (j) Reference of question to the Cabinet or a Committee
- Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.
- 4.8.11 Questions by Members**
- (a) On Reports of the Cabinet or Committees

A Member of the Council may ask the Leader or the Chair of a Committee or a Cabinet member any question without notice directly arising from an item of the report of the Cabinet, a Cabinet member or a Committee, when that item is being received or is under consideration by the Council.

(b) Questions on Notice at Full Council

Subject to 4.8.11(d), a Member of the Council may ask:

- (i) the Chair;
- (ii) a member of the Cabinet;
- (iii) the Chair of any Committee or Sub-Committee;

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

(c) Questions on Notice at Committees and Sub-Committees

Subject to 4.8.11(d), a Member of the Council may ask the Chair of a Committee or Sub-Committee a question on any matter in relation to which the Council has powers or duties or which affects the District and which falls within the terms of reference of that Committee or Sub-Committee.

(d) Notice of Questions

For any one meeting each Political Group may submit up to three questions under 4.8.11(b) or 4.8.11(c) if either:

- (i) they have given at least three clear working days' notice in writing of the question to the Proper Officer; or
- (ii) the question relates to urgent matters, they have the consent of the Chair or Member to whom the question is to be put and the content of the question is given to the Proper Officer by 10.00 a.m. on the day of the meeting.

(e) Scope of Questions

The Chair and/ or Proper Officer may reject a question if it:

- (i) is not about a matter for which the Council has a responsibility or which affects the District;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (iv) is a duplicate of a same or similar one at the meeting;
- (v) requires the disclosure of confidential or exempt information.

(f) Maximum Number of Questions

The maximum number of questions that may be asked under 4.8.11 (b) and 4.8.11 (c) is three per political group. If there are multiple parts, then each will be treated as an individual question for the purposes of this Rule.

(g) Order of Questions

Questions of which notice has been given under 4.8.11(b) or 4.8.11(c) will be listed on the agenda in the order determined by the Chair of the Council, Committee or Sub-Committee.

(h) Response

An answer may take the form of:

- (i) a direct oral answer at the meeting;
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.

(i) Supplementary question

A Member asking a question under 4.8.11(b) or 4.8.11(c) may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

**4.8.12 Motions on Notice**

(a) Notice

Except for motions which can be moved without notice under 4.8.13, written notice of every motion, signed by at least five Members where the motion calls for the removal from office of the Leader, or by at least two Members in any other case (as proposer and seconder), must be delivered to the Proper Officer not later than midday, six clear working days (excluding the day of the meeting and the day of delivery) before the Council meeting at which it is to be considered<sup>5</sup>. Motions received will be retained in a record of motions which is available for public inspection. The Proper Officer may, with the consent of the Chair, refuse to accept a motion if the matter to which it relates is referred to in the Forward Plan for consideration at a later meeting or there is otherwise an intention to consider that matter at a meeting of the Council within the next three (3) months.

(b) Motion Set Out in Agenda

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

(c) Scope

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<sup>5</sup> The motion may be signed by hand, or by electronic signatures and may either be emailed or delivered by hand to the Proper Officer.

Motions must be about matters for which the Council has a responsibility for or which are relevant to or specifically affect the District. The final decision to include any Motion on the agenda shall lie with the Chair of Council in consultation with the Proper Officer.

(d) Debate at Council

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

**4.8.13 Motions without Notice**

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Standing Order;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Member named under 4.8.20(c) or to exclude them from the meeting under 4.8.20(d) or (e); and
- (p) to give the consent of the Council where its consent is required by this Constitution.

**4.8.14 Rules of Debate**

(a) 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.

(b) Right to Require Motion in Writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed.

(c) Seconder's Speech

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

(d) Councillor's Speaking Right<sup>6</sup>

After a motion has been moved and seconded, any Member who has indicated that they wish to exercise a Councillor's Speaking Right in relation to any item of business shall be entitled to speak to the item from the public area of the meeting room. The rules as to content and length of speeches set out at 4.8.14(e) shall apply. Once the right to speak has been exercised, the member must leave the room before the debate and vote.

(e) Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.

(f) When a Member may Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (i) to speak once on an amendment moved by another Member;
- (ii) to move a further amendment if the motion has been amended since they last spoke;
- (iii) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (iv) in exercise of a right of reply;
- (v) on a point of order; and
- (vi) by way of personal explanation.

(g) Amendments to Motions

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<sup>6</sup> As defined in the Councillor Code of Conduct which comes into force from 4 May 2018

- (i) An amendment to a motion must be relevant to the motion and will either be:
  - A. to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - B. to leave out words;
  - C. to leave out words and insert or add others; or
  - D. to insert or add words

as long as the effect of 4.8.14(g)(i)B to 4.8.14(g)(i)D is not to negate the motion.

- (ii) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been decided.
- (iii) If an amendment is not carried, other amendments to the original motion may be moved.
- (iv) 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.
- (v) After an amendment has been carried, the Chair may if requested read out the amended motion before accepting any further amendments, or if there are none, put the substantive motion as amended for debate and to the vote.

(h) Alteration of Motion

- (i) A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (ii) A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (iii) Only alterations which could be made as an amendment may be made.

(i) Withdrawal of Motion

A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

(j) Right of Reply

- (i) 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.

(ii) 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.

(iii) The mover of the amendment has no right of reply to the debate on their amendment.

(k) Motions which may be Moved During Debate

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

(i) to withdraw a motion;

(ii) to amend a motion;

(iii) to proceed to the next business;

(iv) that the question be now put;

(v) to adjourn a debate;

(vi) to adjourn a meeting;

(vii) to exclude the public and press in accordance with the Access to Information Rules; and

(viii) to not hear further a Member named under 4.8.20(c) or to exclude them from the meeting under 4.8.20(d).

(l) Closure Motions

(i) A Member may move, without comment, the following motions at the end of a speech of another Member;

A. to proceed to the next business;

B. to ask that the question be now put;

C. to adjourn a debate; or

D. to adjourn a meeting.

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

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

(iv) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the

procedural motion to the vote without giving the mover of the original motion the right of reply.

(m) Point of Order

A point of order is a request from a member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

(n) Personal Explanation

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

**4.8.15 Previous Decisions and Motions**

(a) Motion to Rescind a Previous Decision

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

(b) Motion Similar to One Previously Rejected

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

(c) There shall be an exception to 4.8.15 (a) and (b) for motions moved as part of a Budget proposal at the Full Council meeting at which the annual budget is set. Such a motion must be made in accordance with the procedures set out in 4.8.14.

**4.8.16 Voting**

(a) Majority

Unless this Constitution provides otherwise, and subject to Standing Order 4.8.24, any matter will be decided by a simple majority of those Members voting at the time the question was put.

(b) 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.

(c) Method of Voting

Unless a recorded vote is called for or applied under 4.8.16(e),(f) or (h) the Chair will take the vote by:

- (i) electronic voting system(s) for remote voting and, or voting in the Chamber; or
- (ii) roll-call of Members and the number of votes for, against or abstaining will be recorded; or
- (iii) show of hands; or
- (iv) if there is no dissent, by the affirmation of the meeting.

Only a recorded vote will be detailed in the minutes, although there will be a record if an electronic voting system is used, or audio or visual recording of the meeting taken.

(d) **Ballots**

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

(e) **Recorded Vote**

If one Member present at the meeting so demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote must be taken when a budget decision is made under 4.8.16(h).

(f) **Right to Require Individual Vote to be Recorded**

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

(g) **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.

(h) **Voting on Budget Decisions (a recorded vote is required)**

A recorded vote must be taken when a budget decision is made. For the avoidance of doubt the application of this rule and necessity for a recorded vote will be set out in any relevant report. Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

A “budget decision” means a meeting at which the Council:

- (i) makes a calculation (whether originally or by way of substitute) of: council tax; basic amount of tax; additional calculations of special items to part only areas (precept or special expenses); different tax for different bands; substitute calculations; amounts payable by each billing authority;<sup>7</sup> or
  - (ii) issues a precept<sup>8</sup> relating to (i) above and this includes a meeting where the calculation or issuing a precept is included as an item of business on the agenda.
- (i) References to a vote means voting on any decision related to (i) and (ii) above.

#### **4.8.17 Minutes**

##### **(a) Signing the Minutes**

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

##### **(b) No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

##### **(c) Form of Minutes**

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

#### **4.8.18 Public Petitions – Full Council Debate**

- (a) Petitions must comply with the Council's Petition Scheme set out at Section 3 Appendix 1.
- (b) Petitions under this Standing Order 4.8.18 shall be taken immediately before reports but if a petition relates to a particular item on a report then it shall be presented immediately before consideration thereof.

#### **4.8.19 Remote Attendance by and exclusion of the Public**

- (a) A member of the public is entitled to attend a public Council meeting. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Section 15 of this Constitution or Standing Order 4.8.21 (Disturbance by Public).

<sup>7</sup> As defined under sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992.

<sup>8</sup> Under Chapter 4 of Part 1 of the Local Government Finance Act 1992

- (b) If during a remote meeting the Chair is made aware that a public meeting is not open to the public, due to any technological or other failure, then the Chair shall adjourn the meeting. If the provision of access through remote means cannot be restored within a reasonable period, then 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.

#### 4.8.20 Members' Conduct

- (a) Speaking at Meetings

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

- (b) Chair Speaking

When the Chair speaks during a debate, any Member speaking at the time must stop and sit down<sup>9</sup>. The meeting must be silent.

- (c) Member not to be Heard Further

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

- (d) Member to Leave the Meeting

If the Member continues to behave improperly after such a motion not to be heard further is carried, a motion may be moved that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without debate. If after such a vote to leave or adjourn has been passed and the Member fails to remove themselves from the meeting, the Member shall be treated as though they have left the meeting (and shall not be heard further or have their vote counted for the remainder of the meeting). If the presence of that Member would prejudice the council's interests the Chair may suspend the meeting.

- (e) If a Member attends a Meeting, where any business of the meeting relates to or is likely to affect that Member's Disclosable Pecuniary Interest<sup>10</sup> (DPI) or a Declarable Interest which in the latter case is so significant (both as described in the NHDC Code of Conduct), then the Member:

- (i) must not participate in any discussion on that item of business;
- (ii) must not vote on that item of business;

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<sup>9</sup> If standing sit down.

<sup>10</sup> Without a dispensation from the Monitoring Officer.

- (iii) must retire from the Meeting, until the discussion and vote on that item of business has taken place.

In the event that the Member with an Interest as described does not abide by Rule 4.8.20(e), the Chair shall follow the procedure under 4.8.20 (c) and (if required) 4.8.20(d).

(f) General Disturbance

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

(g) Recording Meetings

Members taking their own recording of a committee meeting must comply with the Council's Protocol for Recording of Council Meetings and ensure that Council business is not disrupted or disturbed. Examples of such behaviour are set out at 3.2.1(c)(ii).

(h) Where a Member is required to leave under (d) or (e) above, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business to which this relates or remainder of the meeting in the case of (d).

#### **4.8.21 Disturbance by Public**

(a) Removal of Member of the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting. If this meeting is partly or wholly remote, then use of language, or electronic methods or imagery which disrupts the meeting (whether intended or not) would lead to the person being muted, and or video stream from them being disabled to excluded them from any further participation.

(b) Clearance of Part of Meeting Room

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

(c) Recording Meetings

Members of the Public taking recordings of a committee meeting must comply with the Council's Protocol for Recording of Council Meetings and ensure that Council business is not disrupted or disturbed. Examples of such behaviour are set out at 3.2.1(c)(ii).

#### **4.8.22 Suspension and Amendment of Standing Orders**

(a) Suspension

All of these Standing Orders, except 4.8.16(f),(h) and 4.8.17(b) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

(b) **Amendment**

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**4.8.23 Decision Making**

- (a) In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present for the entirety of the debate and consideration of that item. A Member in remote attendance is present and attends the meeting if at all times they can:
- (i) hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance; and
  - (ii) hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
  - (iii) be heard when entitled to speak and, where practicable, be seen by any other members of the public attending the meeting.

If the above are not met as soon as the Chair is made aware, the Chair may:

- (iv) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;  
or if quorate
  - (v) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.
- (b) All decisions of the Council and Committees will be made in accordance with the following principles:
- (i) Proportionality (that is the action must be proportionate to the desired outcome);
  - (ii) Due consultation and the taking of professional advice from officers;
  - (iii) Respect for human rights;
  - (iv) A presumption in favour of openness; and
  - (v) Clarity of aims and desired outcomes.

**4.8.24 Application to Committees and Sub-Committees**

- (a) All of these Standing Orders apply to meetings of Full Council.
- (b) The following Standing Orders apply to Cabinet: 4.8.6; 4.8.8(b) remote attendance; 4.8.9 - 4.8.11(a),(e)-(h); 4.8.13(b)-(d), (f)-(l),(n)-(p); 4.8.14(a)-(d),(g),(k),(m); 4.8.15 - 4.8.17; 4.8.19 - 4.8.21 (but not 4.8.20(a)); and 4.8.23.

- (c) The following Standing Orders apply to Committees and Sub-Committees (excluding the Employment Panel): 4.8.5 - 4.8.11(a),(c)-(i); 4.8.13(b)-(d),(f)-(l), (n)-(p); 4.8.14(a),(b),(d),(e),(g)-(i), (k), (m); 4.8.15 - 4.8.17; 4.8.19 - 4.8.22 (but not 4.8.20(a)); and 4.8.23.
- (d) The following Standing Orders apply to the Employment Panel: 4.8.2(a), 4.8.5(a)(d), 4.8.6 (note the Panel must be appointed 20 days before the meeting under 12.8.12), 4.8.13(a)(b)(c)(l)(m)(n), 4.8.19 and 4.8.23.
- (e) Standing Order 4.8.9(d) shall not apply to Planning Control Committee or Area Committees. See applicable rule under Appendix 1 to section 8.