

COUNCIL AND COMMITTEE PROCEDURE RULES

The section describes the types of meetings of the Council and the procedure rules that 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.

The last part of this section explains the rules regarding public access to information and what rights invited guests and Councillors who are not members of the relevant committee, will have.

Updated May 2020

FULL COUNCIL MEETINGS

1. There are four types of Council meeting:

- A the Annual General Meeting;
- B Ordinary meetings;
- C Extraordinary meetings;
- D the Budget meeting

1.1. (A) ANNUAL MEETING OF FULL COUNCIL

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

At the AGM 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 is not present;
- (d) Receive any declarations of interest from Members;
- (e) Approve the Minutes of the last meeting;
- (f) Receive any announcements from the Chair and/or the Chief Executive;
- (g) Agree changes to the Constitution
- (h) Appoint the membership and Chairmen and Vice-Chairmen of Committees.
- (i) Agree the initial proposals for municipal diary of meetings for the year (if not previously approved by Council at an ordinary meeting);
- (j) Receive details of the civic fund expenditure for the previous municipal year
- (k) Consider any business set out in the notice convening the meeting.

1.2. (B) 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;
- (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;
- (f) Receive reports from Committees;

- (g) Answer Members' questions asked under the rules in this section; consider motions; and
- (e) Consider any other business specified in the summons to the meeting.

1.3 **(C) BUDGET MEETINGS**

A Budget Meeting of the Council will take place in accordance with a programme decided by the Council. 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) Set the Budget Parameters;
- (d) Receive reports from Committees; and
- (e) Consider any other urgent business set out in the notice convening the meeting.

1.4 **(D) EXTRAORDINARY MEETINGS**

1.4.1 **Calling extraordinary meetings.**

Those bodies listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chair of the Council;
- (c) the Head of Paid Service, 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.

1.4.2 **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 on the subject of the extraordinary meeting.

PROCEDURE RULES APPLYING TO ALL MEETINGS

(unless otherwise specified under the exceptions below)

1. EXCEPTIONS OF RULES TO CERTAIN MEETINGS

Meetings	Exceptions
Audit and Standards Committee	No motions No requirement to stand to address the meeting 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 No requirement to stand to address the meeting 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 requirement to stand to address the meeting No limit on number of questions from members No restriction on the number of times a member can speak during debate

2. QUORUM

- 2.1 The quorum for meetings of the Council or its committees shall be 50% of the total membership of each of those bodies with the exception of remote meetings when the quorum shall be 25% for Council and 33% for committees.
- 2.2 The quorum for any Licensing Panel of the Community Services and Licensing Committee consisting of three Members shall be 100%.
- 2.3 If a meeting becomes inquorate then 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.
- 2.4 For the avoidance of doubt when calculating the quorum any fractional figures will be rounded up.

3. NOTICE OF AND SUMMONS TO MEETINGS

- 3.1 The Chief Executive will give notice to the public of the time and place of any meeting.
- 3.2 At least five clear working days before a meeting, the Chief Executive will send a summons to every Member of the Council or the Committee.

4. URGENT ITEMS

The Chair of the meeting may take urgent items subject to the issue having arisen since the dispatch of the agenda for the meeting and with the agreement of the Chair of the relevant meeting in consultation with the Council's Monitoring Officer. The need for the item being considered prior to the next scheduled meeting of the relevant body must be clear, transparent and be explained to the meeting and recorded in the minutes.

5. CHAIR OF MEETING

- 5.1 The person presiding at the meeting may exercise any power or duty of the Chair. Members can only speak when invited by the Chair and must stop speaking if directed by the Chair.
- 5.2 If present, the Chair must preside unless he/she is required to leave the Chamber due to a declaration of interest.

6. DURATION OF MEETING (not applicable to Development Control)

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3 hours 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.

7. QUESTIONS

7.1 QUESTIONS FROM THE PUBLIC (not applicable to Licensing Panel or Development Control Committee)

7.1.1 General

Members of the public and organisations may ask questions of the Chair of a meeting. At Council, questions may also be addressed to the Chairmen of committees.

7.1.2 Order of questions

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

7.1.3 Notice of questions

Notice of questions must be given by no later than 12 noon, 2 clear working days before the day of the meeting. Such notice must be in writing or by electronic mail to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud, Glos GL5 4UB (e-mail, democratic.services@stroud.gov.uk).

Each question must be supported by the name and address of the questioner and must identify the relevant committee to whom it is to be put. Democratic Services staff will provide assistance in identifying the relevant committee if required.

7.1.4 Number of questions

At any one meeting no person or organisation may submit more than 3 questions and no more than 3 such questions may be asked on behalf of one organisation or person.

7.1.5 Scope of questions from the public

The Chief Executive may reject a question if it:

- is not about a matter for which the member body to which it is addressed has a responsibility; or
- is 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

7.1.6 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 and will be recorded in the minutes. In exceptional circumstances an oral answer may be provided at the meeting.

7.1.7 Asking the question at the meeting

The Chair will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, the Chair may, at his/her discretion ask the question on the questioner's behalf.

7.1.8 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 that apply for the original question.

7.1.9 Written answers

Any question which cannot be dealt with during public question time will be dealt with by a written answer by the person to whom the question was put within a reasonable timescale and at the latest before the next scheduled meeting.

7.1.10 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.

7.2. 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.

7.2.1 Questions Without Notice

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

7.2.2 Questions Requiring Notice

Other than under the provisions for questions without notice described above, a Member may only ask a question if they have given written notice of it to the Chief Executive by noon at least 2 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.

7.2.3 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 has a responsibility or which affects the district; or
- is 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
- 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.

7.2.4 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.

7.2.5 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.

8. MOTIONS

8.1 MOTIONS ON NOTICE (not applicable to Audit and Standards, Licensing Panel or Development Control Committee)

8.1.1 Notice

Except for motions which can be moved without notice, written notice of every motion, signed by at least 2 Members, must be delivered to Chief Executive not later than noon, 12 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.

8.1.2 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.

8.1.3 Scope of Motions

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

- (i) Motions must be about matters which are related to the responsibilities of the Council or which directly affect the Council or the District.
- (ii) Motions must not relate to the personal affairs or conduct of individual Members.
- (iii) Motions should avoid inappropriate or inflammatory language.

8.1.4 Motions not moved

If a motion, notice of which is specified in the summons, is not moved by the Member who has given 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 notice will have to be submitted.

8.2. 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.

8.3. 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.
- (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 whom the motion is in respect of and gives details of the reason(s) why the motion is to be proposed. Details may be supplied by electronic means.
- (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 affect 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).

8.4. MOTIONS AND PREVIOUS DECISIONS

8.4.1 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.

8.4.2 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.

8.5. RULES OF DEBATE

8.5.1 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.

8.5.2 Right to require a motion or amendment in writing

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

8.5.3 Seconder's speech

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

8.5.4 Content and length of speeches

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

8.5.5 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.

8.5.6 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.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of;
- (c) If an amendment is not carried, other amendments to the original motion may be moved;
- (d) If an amendment is carried, the motion as amended takes the place of the original motion 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.

8.5.7 Alteration of motion

A Member may, with the consent of the Council, alter a motion that s/he has proposed or of which notice has been given if the alteration is one which could have been moved as an amendment thereto. However, the amendment should not propose to substantially amend the intent of the written notice of motion

8.5.8 Withdrawal of motion

A Member may withdraw a motion which s/he has moved with the consent of the seconder. No Member may speak on the motion after it has been withdrawn.

8.5.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

8.5.10 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business 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 now 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.

8.5.11 Point of order

A Member may raise a point of order at any time. The Chair will hear it immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken prior to making any other comment. The ruling of the Chair on the matter will be final.

8.5.12 Personal explanation

A Member may, with the consent of the Chair, 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.

8.5.13 Debates affecting Persons employed by the Council

If any matter arises at a meeting of the Council or a committee concerning the conduct of any person employed by the Council, such a matter shall not be the subject of discussion until the Council or a committee, as the case may be, has decided whether or not the power of exclusion of the public and press in accordance with the law shall be exercised.

9. VOTING

9.1 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.

9.2 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.

9.3 Vote

Unless legislation requires otherwise or a recorded vote is demanded 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.

9.4 Recorded vote

If legislation requires or at least 10% of Members present at the meeting demand 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 provided always that a recorded vote must be taken when required by legislation.

9.5 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.

10. MINUTES

10.1 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 aspect of the Minutes that can be discussed is their accuracy.

10.2 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 as defined by paragraph 3 of schedule 12 to the Local Government Act 1972 or subsequent legislation.

11. EXCLUSION OF PUBLIC AND MEDIA

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

12. MEMBERS' CONDUCT

12.1 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. If more than one Member stands, the Chair will ask one to speak and the others must sit. 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.

12.2 Chair Standing

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

12.3 Disturbance

The Chair in presiding over the meeting 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 for any person present at the meeting.

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. 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.

13. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

13.1 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.

13.2 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 Council.

14. QUESTIONS AS TO PROCEDURE OR PROPRIETY

Except as provided for in the Council Procedure Rules or by statute where otherwise provided, all questions as to procedure or the propriety of any action or matter in Council/committee shall be determined by the Chair of the meeting, whose decision shall be paramount.

15. MEETINGS OF COUNCIL/COMMITTEES

The dates of meetings for the municipal year will 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.

16. ATTENDANCE OF OTHER MEMBERS AT COMMITTEE MEETINGS

A Member of the Council 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 and may not vote.

17. ACCESS TO INFORMATION PROCEDURE RULES

17.1 SCOPE

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

17.2 ADDITIONAL RIGHTS TO INFORMATION

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

17.3 RIGHTS TO ATTEND MEETINGS

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

17.4 NOTICES 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 or on the Council's website.

17.5 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).

17.6 SUPPLY OF COPIES

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.

For 6 years after the meeting subject to reasonable charges for photocopying and postage.

17.7 WEBCAST RECORD

Copies of webcast meetings will be retained for 6 years and will be available to members and officers and will thereafter be archived.

18. BACKGROUND DOCUMENTS

18.1 List of background documents

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 or those which disclose exempt or confidential information as provided for by law.

18.2 Public inspection of background papers

The Council will make available for public inspection for 4 years after the date of the meeting one copy of each of the documents on the list of background papers.

19. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

19.1 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.

19.2 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.
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.	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.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is not exempt information unless, in view of the Head of Legal Services legal privilege could be maintained in legal proceedings.
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.	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.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	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.

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.

20. **EXCLUSION OF ACCESS BY THE PUBLIC AND PRESS TO REPORTS**

If the Chief Executive 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.

21. 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 the work of the committee. 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 make a contribution to the business of the committee.

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 time treat invited guests with respect and will acknowledge their voluntary contribution in asking questions appropriately.

The invited guest will be afforded webcast and microphone provision and will be recognised in the minutes.

Members of the Council who are in attendance but are not members of the committee will be treated the same as invited guests.

22. PETITIONS

Petitions cannot be submitted directly to committee or Council meetings, but may be submitted to the Council by delivering them to the Ebley Mill offices, Ebley Wharf, Stroud, GL5 4UB for the attention of the Monitoring Officer.

If the petition has less than 1100 signatures, it will be referred to the appropriate Strategic Head for a response to be provided to the lead petitioner.

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 Head or Head of Service and decide if a response by the Head of Service or reference to committee or Council for debate is appropriate.

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 Head or Head of Service whether the matter should be responded to by the Strategic Head or Head of Service; or referred to Council for debate.

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.

23. PROCEDURE RULES FOR THE REGULATION OF REMOTE MEETINGS

General

- 23.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regulations) make provision for remote attendance at, and remote access to, Council meetings held on or before 7 May 2021.
- 23.2 The Regulations enable the Council to hold meetings without all, or any, of the members being physically present in a room. This allows for remote meetings through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing. The Council intends to use Zoom as its preferred platform for the foreseeable future but reserves its ability to use a different platform if it considers that necessary.
- 23.3 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 over other procedure rules in relation to the governance of remote meetings.
- 23.4 The Chair, following consultation with the Chief Executive may alter the frequency move or cancel a remote meeting without notice.
- 23.5 The Council will endeavour to enable the public to participate in meetings 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 will be restricted to the parties taking part in the meeting. 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.
- 23.6 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.
- 23.7 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

- 23.8 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.
- 23.9 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.
- 23.10 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

- 23.11 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.
- 23.12 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

23.13 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.

23.14 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

23.15 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.

23.16 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.
- 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

- 23.17 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 (this is unlikely to be practical for a meeting of full council).
- 23.18 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.
- 23.19 The normal quorum requirements for meetings as set out in the Constitution 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 23.20):
- 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.
- 23.20 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.
- 23.21 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.

- 23.22 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 being discussed.
- 23.23 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 under discussion as they would not have heard all the facts.
- 23.24 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.
- 23.25 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.
- 23.26 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

- 23.27 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.

23.28 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

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

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

- A vote by electronic means or
- A show of hands where all members can be seen by the Chair - save that this will not apply to Development Control Committee or meetings of the full Council where a roll call or electronic vote will be the only means of voting
- A roll 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.

23.31 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.

23.32 Details of how members voted will not be kept or 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.

Declaration of Interests

23.33 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.

23.34 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.

23.35 The Chair will place the member into the waiting room whilst the matter is considered and their departure will be confirmed by the Democratic Services Officer 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.