

Section 1 - Council and committee meeting rules

Underlined paragraph numbers denote rules that apply to committees in accordance with rule 4.1.4.

* denotes rules which cannot be suspended

4.1.1 Council procedure rules

4.1.2* These rules set out how meetings of full Council, committees and other bodies will be conducted.

4.1.3 Application

4.1.4* All of these rules apply to the meetings of full Council. Only rules 4.1.7-10, 4.1.22 – 37 and 4.1.147 – 176 apply to meetings of committees, sub-committees and other decision making bodies; they do not apply to meetings of cabinet. For ease of reference the paragraph numbers of those rules applying to all meetings are underlined.

4.1.5* Where there is any inconsistency between these council and committee rules and the meeting specific rules that follow in the remainder of part 4 of the constitution, the latter shall prevail.

4.1.6* In the application of these rules to meetings other than full Council meetings, greater informality may be exercised at the discretion of the chairperson of the meeting.

4.1.7 Interpretation

4.1.8* The ruling of the chairperson at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.9 Appointment of chairperson

4.1.10* If at any meeting the chairperson and vice-chairperson appointed by Council are absent, or if no chairperson or vice-chairperson has been appointed by Council, the meeting shall appoint a chairperson for that meeting only. The monitoring officer or his/her representative at the meeting shall at the start of the meeting invite nominations for chairperson and will take a vote on a show of hands for those members nominated for chairperson.

4.1.11 Council meetings

4.1.12* There are three types of Council meeting: annual, ordinary, and extraordinary. The table at paragraph 4.1.13 below sets out when these may take place.

4.1.13*

	Type of meeting	When
1	The annual meeting	<ul style="list-style-type: none"> In a year when there have been ordinary elections, within 21 days of the retirement of outgoing councillors In other years in either March, April or May
2	Ordinary meetings	<ul style="list-style-type: none"> A minimum of five meetings a year as set out in a programme decided by Council and, except that one ordinary meeting will be reserved as the budget meeting, with business as outlined in the table at 4.1.15 below.
3	Extraordinary meetings	<p>The chief executive may be requested to call a meeting by:</p> <ul style="list-style-type: none"> Council, by resolution; the chairperson of the council; the monitoring officer; or any five members of the council if they have <ul style="list-style-type: none"> signed a requisition stating the grounds for the extraordinary meeting and the business to be conducted at that meeting; presented it to the chairperson; and the chairperson has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. <p>The chief executive will determine whether the stated business can wait until the next ordinary meeting of Council and, if it cannot, will call an extraordinary meeting.</p>

 4.1.14 **Business to be carried out**

4.1.15* The business to be carried out at meetings of the council is as set out below; those items marked with * are compulsory items the order of which cannot be altered.

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
1	Elect a person to preside if the chairperson and vice-chairperson of the council are not present	✓*	✓*	✓*
2	Elect the chairperson of the council	✓*		

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
3	Appoint the vice-chairperson of council	✓ *		
4	Receive any apologies for absence	✓ *	✓ *	✓ *
5	Receive any declarations of interest	✓ *	✓ *	✓ *
6	Approve the minutes of the previous meeting(s)	✓ *	✓ *	
7	Receive any announcements from the chairperson and/or chief executive	✓	✓	
8	Elect the leader of the council	✓ *		
9	Appoint the chairpersons and vice-chairpersons of committees and other bodies	✓ *		
10	Appoint at least one scrutiny committee and such other committees as Council considers appropriate to deal with matters which are neither reserved to Council nor are cabinet functions	✓ *		
11	Decide the size and terms of reference of those committees	✓ *		
12	Decide the allocation of seats on committees and other bodies to political or other groups in accordance with the political balance rules	✓ *		
13	Make such appointments to committees or outside bodies as are reserved to Council	✓ *		
14	Approve a programme of ordinary meetings of Council for the year	✓	✓	
15	Consider any other business specified in the summons to the meeting	✓	✓	✓
16	Receive any questions from, and provide answers to, members of the public. In the case of extraordinary meetings and budget questions must relate to items on the agenda		✓	✓

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
17	Receive recommendations on statutory plans or other matters that are reserved to Council		✓	
17a	Review effectiveness of committee during previous year	✓		
18	Consider and debate any petitions which have reached the threshold for Council consideration		✓	
19	<p>Receive the following reports from the leader of the council (on which they may be questioned and if so, answer questions):</p> <ul style="list-style-type: none"> the work of the cabinet since the last meeting including a summary of those matters decided by the cabinet, cabinet member or any executive joint committee, and any decisions taken under the urgency provisions; the first meeting following the annual meeting (except in a year when there are ordinary elections) an annual report on the priorities of the cabinet and progress made in meeting those priorities; and any report to Council required by a scrutiny committee 		✓	
20	Consider motions on notice and debate those motions in the order in which they have been received, at the budget meeting motions must relate to the agenda or be time critical. Report will also include progress of all outstanding resolutions.		✓ (except annual meeting following all council elections)	
21	Receive any questions from and provide answers to members of the council. At the budget meeting questions must relate to items on the agenda		✓	

4.1.16 Time of meetings

4.1.17* Meetings of full Council will usually be at 10.00 am or any other such time as the chairperson agrees, and will continue for a maximum of three hours. Where the

chairperson considers that the meeting may exceed 3 hours, then notice will be given at the time of publication of the agenda that the meeting will become an all day meeting

- 4.1.18* At the expiry of three hours, the chairperson may determine:
- (a) that the meeting continue beyond three hours duration; or
 - (b) that the remaining business to be conducted at the meeting be:
 - (i) deferred to the next meeting; or
 - (ii) deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or
 - (iii) put to the vote immediately in the order that the business appears on the agenda or in any order determined by the chairperson; or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or
 - (c) The meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.
- 4.1.19* The chairperson has discretion to:
- order the adjournment of any meeting;
 - following consultation with the leader of the council, alter the date or time of any meeting;
 - cancel or postpone a meeting in the event of an emergency or where there is no business requiring Council approval
- 4.1.20 Notice of meetings**
- 4.1.21* The monitoring officer will, through publication on the council's website, give five clear working days' notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the access to information rules (part 4 section 2).
- 4.1.22 Conduct of the meeting**
- 4.1.23* The chairperson's powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the chairperson on the meaning of the constitution cannot be challenged at a meeting.
- 4.1.24 Quorum (minimum number of members)**
- 4.1.25* Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of voting members, or three voting members, whichever is the greater.
- 4.1.26* If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.

- 4.1.27* During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.
- 4.1.28* Subject to 4.1.29 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.
- 4.1.29* The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment under 4.1.27 that there are sufficient members present to constitute a quorum.

4.1.30 Variations in order of business

- 4.1.31* The chairperson has discretion to vary the order of business in setting the agenda other than where indicated in the table at paragraph 4.1.15 above. The compulsory order of business for ordinary meetings of Council applies to all cabinet and committee meetings of the council.
- 4.1.32* A proposed variation at the meeting may be moved by the chairperson or any other member. Where moved by the chairperson there is no need for it to be seconded. The variation will be put to the vote immediately without debate.

4.1.33 Petitions

- 4.1.34 The chairperson will be available 30 minutes before an ordinary Council meeting to receive petitions. During the meeting, as part of chairperson's announcements, any petitions received will be formally passed to the relevant cabinet member or committee chairperson who will respond in writing to the petition organiser. All petitions received, and responses provided will be published on the council's website.
- 4.1.35 If a petition has been signed by more than 5% of those registered to vote in Herefordshire, and has not been rejected by the monitoring officer it may be debated at a meeting of Council if the petition organiser wishes. This will normally be at the next scheduled ordinary meeting of Council, other than the meeting which is reserved for the budget. Guidance on how to submit a petition and reasons why a petition might be rejected are set out in the Public Participation Guide (Part 5 Section 8).
- 4.1.36 Where a petition is to be debated at full Council, the petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors. A maximum of 30 minutes will be allowed at any meeting to consider up to two petitions. This may be extended at the discretion of the chairperson.
- 4.1.37 Council will decide how to respond to the petition at this meeting. They may decide to:
- (a) take the action the petition requests (if it relates to a matter reserved to Council);
 - (b) not to take the action requested for reasons put forward in the debate;

- (c) refer the matter to the relevant scrutiny committee to investigate further and report back (if it relates to a matter reserved to Council); or
- (d) refer the matter to cabinet or a committee to respond (and in doing so may make recommendations they would wish that body to consider).

4.1.38 Questions on notice

4.1.39 Appropriate questions may be asked by members of the public who live or work in Herefordshire and by elected members at the following public meetings of the council:

- Full Council
- Cabinet
- Audit and governance committee
- Health and wellbeing board
- Employment panel
- Scrutiny committees*

4.1.40 A 'question on notice' means that the question must be in writing (including email) and submitted to the council **4 working days** before the day of the meeting (not including the day of the meeting) and supplemental questions the working day before the meeting.

Members or the members of the public are encouraged to submit questions as soon as agenda papers are released to give the council more time to provide a considered answer as soon as practical. The following deadlines are set out below:

Meeting Day Question deadline – (Where the day given below is a bank holiday, the deadline will be the previous working day.)

Deadline for initial questions (5pm in all cases)	Deadline for initial responses	Deadline for supplemental questions (5pm in all cases)	Day of the meeting
Tuesday	Thursday	Friday	Monday
Wednesday	Friday	Monday	Tuesday
Thursday	Monday	Tuesday	Wednesday
Friday	Tuesday	Wednesday	Thursday
Monday	Wednesday	Thursday	Friday

4.1.41 At each public meeting a period of up to **30 minutes** at full Council or **15 minutes** at other public meetings of the council where written questions are permitted will be allocated for questions and supplementary questions. This period may be varied at the discretion of the chairperson.

4.1.42 Where a question or a supplementary question relates to a report on the agenda and the report is published late, initial questions should be accepted for up to 1 working day after the report is published and supplementary questions will be

accepted up to 1 working day after the initial question is published (but no later than 90 mins before the meeting).

4.1.43 Urgent questions

- 4.1.44 Elected members are able to ask a question that relates to an urgent matter provided they have the prior written consent of the member to whom the question is to be put, and the question is delivered, along with the members written consent to the monitoring officer by **9.30 am** on the day of the meeting, or half an hour before the start of the meeting whichever is the earlier.

4.1.45 Supplementary questions

- 4.1.46 A questioner may ask one supplementary question if they have asked an initial question. A supplementary question must be a question and not a statement and arise directly out of the original question or the reply and must take no longer than one minute to ask.
- 4.1.46a Notice of a supplementary question must have been submitted by the deadline of **5pm the working day** before the start of the meeting.
- 4.1.46b Notice of a supplementary question raised by a member of the public must include the wording of the supplementary question that will be asked. Councillors raising a supplementary question are not required to provide written notice.
- 4.1.46c A supplementary question may be asked in writing if the questioner prefers or cannot attend the meeting.
- 4.1.46d A response to a supplementary question will either be given on the day or in writing within 10 working days of the meeting.
- 4.1.46e Depending on the number of public questions, it will be at the discretion of the chairperson as to how they manage the taking of all supplementary questions
- 4.1.46f The chairperson may reject a supplementary question if the chairperson considers that it is inappropriate (even if initially accepted under paragraph 4.1.53).
- 4.1.46g All supplementary questions raised by the public who are in attendance at the meeting shall be limited to and in accordance with the written supplementary question already submitted.

4.1.47 Order of questions

- 4.1.48 Questions and supplementary questions will be answered in the order in which they are received, unless grouping the questions into themes is appropriate.

4.1.49 Number of questions

4.1.50 One question and one supplementary question per person is allowed at any meeting of the council.

4.1.51 Scope of questions

4.1.52 Questions must relate to the function of the committee or relate to a matter on the relevant agenda. The monitoring officer can redirect questions to the correct officer, executive member, committee, panel or meeting. They should be of a strategic nature, i.e. not personal to the questioner or a person employed by the council. Questions can be addressed to any chairperson or cabinet member and must relate either to something that the council is responsible for or that affects the county. It is accepted that questioners may highlight their experiences to support their question.

4.1.52a **Scrutiny Committees:** questions will only be accepted for scrutiny committees if it relates to the agenda, task or finish group terms of reference or final report, or to the management of the committee's programme or its recommendations. This means that it will be the scrutiny chair (on behalf of the committee) to determine (in consultation with the Statutory Scrutiny Officer) who is the most appropriate person to respond to the question.

4.1.53 The Monitoring Officer will reject a question or Supplementary Question if it is not appropriate to be asked at a public meeting, reasons for rejection or redirection may include but are not limited to:

1. It is not about a matter for which the council has a responsibility, or which affects Herefordshire; or
2. It requires the disclosure of confidential or exempt information; or
3. It relates to an identifiable individual or employee of the council; or
4. it is more than 140 words; or
5. A question (whether an initial or supplementary question) will not be accepted if the same or similar question has been raised to council, cabinet or other committee in the previous **6 months** and the answer has already been provided by Council (whether from an officer, member council, cabinet or other committee) and the answer would be the same or similar if raised again.
6. It relates to a planning or licensing application.
7. It is deemed to substantively relate to a request for data (including statistical information) under EIR or FOI rules. For these purposes, a dataset is a collection of factual, raw data that Herefordshire Council gathers as part of providing services and delivery of our functions as a public authority.

4.1.54 If a question is deemed to be inappropriate, the person who submitted it will be notified and given the reasons. This is a decision for the Monitoring officer/deputy monitoring officer in advance of the meeting (under para 4.1.53) or the chairperson at the meeting (under para 4.1.46f).

4.1.55 Answers to questions

4.1.56 Answers to accepted initial questions will be published two working days before the meeting. An answer to a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within **ten working days** of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.56a Rejected Questions

4.1.56b In respect to questions that have been rejected due to a same or similar question being raised within the last 6 months, then the questioner shall be redirected to the previously provided public answer.

4.1.56c In respect to questions that have been rejected due to non-compliance with timescales in this protocol then a written answer will normally be provided within **ten clear working days** of the meeting.

4.1.56d Questions at Cabinet & Council Meetings

4.1.56e The paragraphs 4.1.38 to 4.1.56 do not apply to questions raised by Group Leaders and other invited attendees under paragraph 4.4.11 in Section 4 of Part 4 of this Constitution.

4.1.56f The paragraphs 4.1.38 to 4.1.56 do not apply to questions raised during the Leader's report under paragraph 4.1.1 in Section 1 of Part 4 of this Constitution.

4.1.57 When questions cannot be asked at a public meeting:

4.1.58 No questions may be asked at the annual meeting of council.

4.1.59 No questions may be asked at the budget meeting except in relation to reports published with the agenda.

4.1.60 No questions may be asked at an extraordinary meeting of council except in relation to reports published with the agenda.

4.1.61 A period of up to **30 minutes** at full Council or **15 minutes** at other public meetings of the council where written questions are permitted, will be allocated for questions and supplementary questions. This period may be varied at the discretion of the chairperson.

4.1.62 At meetings of full Council, members of the public may ask questions of members of the cabinet and any chairperson of a committee of the council; at other public meetings of the council where public questions are permitted the question should be addressed to the chairperson of that committee.

4.1.63 The cabinet may hold question and answer sessions with the public.

4.1.64 – [No longer used following significant revisions to 4.1.38 to 4.1.79 inclusive]
4.1.79

4.1.80 Motions

4.1.81 There are two types of motion: those which can be moved during debate (known as motions without notice), and those for which notice is required. Except for motions which can be moved without notice under these council rules, written notice of every motion, signed by the proposer and the seconder, must be delivered, or submitted electronically to the monitoring officer not later than midday on the seventh working day before the date of the meeting (i.e. a Wednesday when the meeting is on a Friday of the following week). A member cannot propose more than one motion on notice per meeting.

4.1.82 Motions on notice may be amended in consultation with the monitoring officer at any time prior to the publication of the agenda by the member(s) who have signed the notice provided that such amendment shall not change the subject matter of the motion.

4.1.83 Motions set out in the agenda

4.1.84 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, to a maximum of 3, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

4.1.85 Up to one and a half hours will be allocated for debate on notices of motion but that time may be varied at the discretion of the chairperson.

4.1.86 Scope

4.1.87 Motions must be about matters for which the council has a responsibility or which affect the county. The chairperson may, on the advice of the monitoring officer, refuse a motion which is illegal, scurrilous, improper, (subject to paragraph 4.1.132) relates to a matter which has been the subject of debate or decision by Council in the previous six months, or is otherwise out of order. The member intending to give notice of the motion should consult the director(s) with responsibility for the matter, or their nominee, and the relevant cabinet member(s) and determine the context and possible consequences for what is proposed prior to submitting the motion.

4.1.88 If the motion requires referral to either cabinet or a committee of the council, a report must be at a Council meeting within six months of the date of debate on the motion.

4.1.89 Exceptions

4.1.90 Where, following publication of the agenda for a meeting of Council, an urgent matter directly affecting part or all of the county arises and it is not practical to defer consideration of the motion to the next ordinary meeting of Council a motion signed by two members may be accepted by the chairperson following consultation with the monitoring officer.

4.1.91 Motions without notice

4.1.92 The following motions may be moved without notice:

- (a) to appoint a person to preside at the meeting at which the motion is moved
- (b) to amend the minutes on a matter of accuracy
- (c) to change the order of business in the agenda where these procedure rules allow
- (d) to refer something to an appropriate body or individual to consider or reconsider
- (e) to withdraw a motion
- (f) to amend a motion (refer to para 4.1.102 below)
- (g) to proceed to the next business
- (h) that the question be now put
- (i) to adjourn a debate
- (j) to adjourn a meeting
- (k) that the meeting continue beyond three hours duration
- (l) to exclude the public in accordance with the access to information procedure rules
- (m) not to hear a member further or to require a member to leave the meeting
- (n) to give the consent of Council where its consent is required by this constitution
- (o) to suspend a specified council rule it is permitted to suspend
- (p) to request a recorded vote
- (q) to remove the leader following a change in political control.

4.1.93 Rules of debate

4.1.94 A debate will commence only when a proposal has been made, explained and seconded.

4.1.95 No member may speak unless called upon by the chairperson.

4.1.96 Speeches must be directed to the matter being debated.

4.1.97 When a member may speak

4.1.98 Members may speak as detailed in the table below. The flow chart attached at appendix 1 to this section summarises the process of debate:

Purpose of speech	Who can make the speech	Length of speech
Present a report	Leader Cabinet member Committee chairperson	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Secunder (may reserve their right to speak until the end of the debate)	3 minutes
Propose an amended motion	Any member other than proposer/secunder of original motion	3 minutes
Second an amended motion	Any member other than proposer/secunder of original motion	3 minutes
Speak during debate – <i>Please note that the time limit indicates that a member may only speak once during a debate.</i>	Any member other than proposer and secunder of amended motion and proposer of the original motion	3 minutes
Right of reply to debate on motion	Proposer of motion	3 minutes
Right of reply to debate on amended motion	Proposer of original motion	3 minutes
Respond to specific question	Cabinet member	2 minutes
Propose the budget	Leader or their nominee	10 minutes
Second the budget	Deputy Leader or their nominee	5 minutes
Respond to budget proposals	Group leaders	5 minutes
Right to reply to budget debate	Leader	5 minutes
Ask a question of the Leader under Leader's report	Any member	1 minute
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes
Member in attendance	Any member who is not a member of the committee that is meeting	Chairpersons discretion

4.1.99 Amendments to motions

4.1.100 An amendment must be relevant to the motion and may alter the wording as long as the effect is not to negate the motion. Unless notice of the amended motion

has already been given, the chairperson may require it to be written down or in its altered form to be written down and handed to them before it is discussed

- 4.1.101 Amendments will be considered in the order in which they are received or tabled. No further amendment may be moved until the amendment under discussion has been debated and voted on.
- 4.1.102 If an amended motion is not carried, other amendments to the original motion may be moved.
- 4.1.103 If an amended motion 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.
- 4.1.104 After an amended motion has been carried, the chairperson will read out the substantive motion before accepting any further amendment, or if there is none, it is put to the vote.
- 4.1.105 Members intending to propose an amended motion should normally submit in written text the proposed amendment to the monitoring officer by 9.30am on the morning of the meeting or half an hour before the start of the meeting whichever is the earlier.
- 4.1.106 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable before submitting the amendment, in accordance with the budget and policy framework rules.
- 4.1.107 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is approved by Council the leader, on behalf of the cabinet, may indicate acceptance of the amendment.
- 4.1.108 Alteration of motion**
- 4.1.109 A member may alter a motion of which they have given notice with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion.
- 4.1.110 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.
- 4.1.111 Only alterations which could be made as an amendment may be made.
- 4.1.112 Withdrawal of motion**
- 4.1.113 A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.

4.1.114 Right of reply

4.1.115 The proposer of an original motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

4.1.116 If an amended motion is proposed, the proposer of the original motion has a right of reply at the close of debate on the amended motion, but may not otherwise speak on the amendment.

4.1.117 The proposer of an amended motion shall have no right of reply to the debate on the amendment.

4.1.118 Motions which may be moved during debate

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

- (a) to withdraw the motion
- (b) to amend the motion
- (c) to proceed to the next business;
- (d) that the question be now put
- (e) to adjourn a debate
- (f) to adjourn a meeting
- (g) that the meeting continue for a further half hour
- (h) to exclude the press and public in accordance with the access to information rules
- (i) that a member be not further heard or to exclude the member from the meeting.

4.1.120 Closure motions

4.1.121 A member may move without comment the following motions at the end of a speech of another member:

- (a) that the question be now put
- (b) to adjourn a debate
- (c) to adjourn a meeting.

4.1.122 If a motion that the question be now put is seconded and the chairperson thinks the item under discussion has been sufficiently discussed, the proposer of the original motion will have a right of reply before the matter is put to the vote. Any member who has reserved their right to speak later in the debate will not be heard.

4.1.123 Point of order

- 4.1.124 A member may raise a point of order at any time and the chairperson will hear it immediately. A point of order may only relate to the alleged breach of these council rules or the law. The member must indicate the section and the way in which they consider it has been broken. The ruling of the chairperson on the matter will be final and there will be no debate on the matter.
- 4.1.125 Personal explanation**
- 4.1.126 A member may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the member which may appear to have been misunderstood or misquoted in the present debate. The ruling of the chairperson on the admissibility of a personal explanation will be final.
- 4.1.127 Conduct of the debate**
- 4.1.128 A member may indicate their wish to speak and shall wait to be called by the chairperson. If more than one member so indicates the chairperson shall call on them individually and in turn to speak.
- 4.1.129 Motion to rescind a previous decision**
- 4.1.130 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 to the Council is signed by at least eighteen of the members of Council and sets out evidence of a change in circumstances or position or other information that materially affects the decision taken. The chairperson shall, following consultation with the monitoring officer and chief finance officer, make the final determination as to whether the change identified has a material effect.
- 4.1.131 Motion similar to one previously rejected**
- 4.1.132 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least eighteen of the members of Council.
- 4.1.133* Once a motion or amendment to which this rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.
- 4.1.134 Voting majority**
- 4.1.135* Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.
- 4.1.136 Chairperson of the council's casting vote**
- 4.1.137* If there are equal numbers of votes for and against, the chairperson will have a second or casting vote. There will be no restriction on how the chairperson chooses to exercise a casting vote.

4.1.138 On the voices and show of hands

4.1.139* Unless a recorded vote is requested the chairperson will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the chairperson will take the vote by a show of hands.

4.1.140 Recorded vote

4.1.141* If at least eight members (or pro-rata for other committees to which these rules apply) present at the meeting requested it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes. All votes taken at a budget decision meeting and relating to a budget decision are to be recorded votes.

4.1.142* Reference to a “budget decision meeting” for the purposes of 4.1.143 means a meeting of Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

4.1.143 Right to require individual vote to be recorded

4.1.144* 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.

4.1.145 Voting on appointments

4.1.146* Where 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.

4.1.147 Keeping of minutes

4.1.148* Minutes of the proceedings of each meeting of the council will be prepared and will be published on the council’s website.

4.1.149 Signing the minutes

4.1.150* The chairperson will sign the minutes at the next available meeting. The chairperson will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

4.1.151* In the case of any question of the accuracy of the minutes this can only be raised where notice is given to the monitoring officer by 9.30am on the morning of the meeting at which this is to be raised or half an hour before the start of the meeting whichever is the earlier unless the chairperson determines otherwise at the meeting.

4.1.152 No requirement to sign minutes of previous meeting at an extraordinary meeting

4.1.153* Where in relation to any meeting, the next meeting for the purposes of signing the minutes is 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 purpose of signing of minutes.

4.1.154 Exclusion of the public

4.1.155* The public and press may only be excluded either in accordance with the access to information rules (part 4 section 2) or in the case of disturbance by the public in accordance with these council rules 4.1.164.

4.1.156 Members' conduct

4.1.157* When the chairperson stands during a debate any member(s) then speaking must discontinue and the council must be silent.

4.1.158* If a member is guilty of misconduct by persistently disregarding the ruling of the chairperson of the council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.

4.1.159* If the member continues to behave improperly after such a motion is carried, any member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

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

4.1.161* The decision as to whether misconduct is taking place shall rest with the chairperson who will have due regard to the councillor code of conduct.

4.1.162 Disturbance by the public

4.1.163* If a member of the public interrupts proceedings, the chairperson will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.

4.1.164* If there is a general disturbance in any part of the meeting room open to the public the chairperson shall order that part to be cleared and the chairperson may for that purpose adjourn the meeting for as long as is needed, and may resume the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.165 Suspension and amendment of council rules

4.1.166* Any of the council rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, [except rules 4.1.1 to 4.1.31](#),

4.1.135 to 4.1.167, and 4.1.173 to 4.1.176. For ease of reference the rules which cannot be suspended are identified by the symbol *

4.1.167* Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the council is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.168 Substitution

4.1.169 The monitoring officer on behalf of the chief executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted at a meeting for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply for the duration of that meeting. Where apologies are given by a standing member of Scrutiny Management Board (whose position on the committee is by virtue of their position as Chair of one of the other four scrutiny committees) their vice-chair (who may be a member of a different political group) will substitute. If the substituting vice-chair already has a place on Scrutiny Management Board (by virtue of their committee allocation of seats) the group leader for the standing member (whose apologies have been given) will allocate the vacant seat for that meeting only to a member of their political group. The giving of notice by email no later than 3.00pm on the last working day prior to the date of the meeting is encouraged.

4.1.170 The monitoring officer (in consultation with the ungrouped member(s) concerned) may substitute another ungrouped member for an ungrouped member who has notified the monitoring officer in writing that they are unable to attend a meeting for the duration of that meeting. Such notification must be given no later than 3.00pm on the last working day prior to the date of the meeting.

4.1.171 Recording, filming and reporting of meetings

4.1.172 Where meetings of the council are open to the public, any person attending may record, film or report meetings, provided that in doing so there is no disturbance to the meeting.

4.1.173 Interests under the councillors' code of conduct

4.1.174* Members must abide by the councillors' code of conduct (part 5 section 1) adopted by the council and declare all **Table 1 or Table 2** interests in accordance with the code. Where a member has identified and declared a table 1 interest, that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

4.1.175 Confidentiality

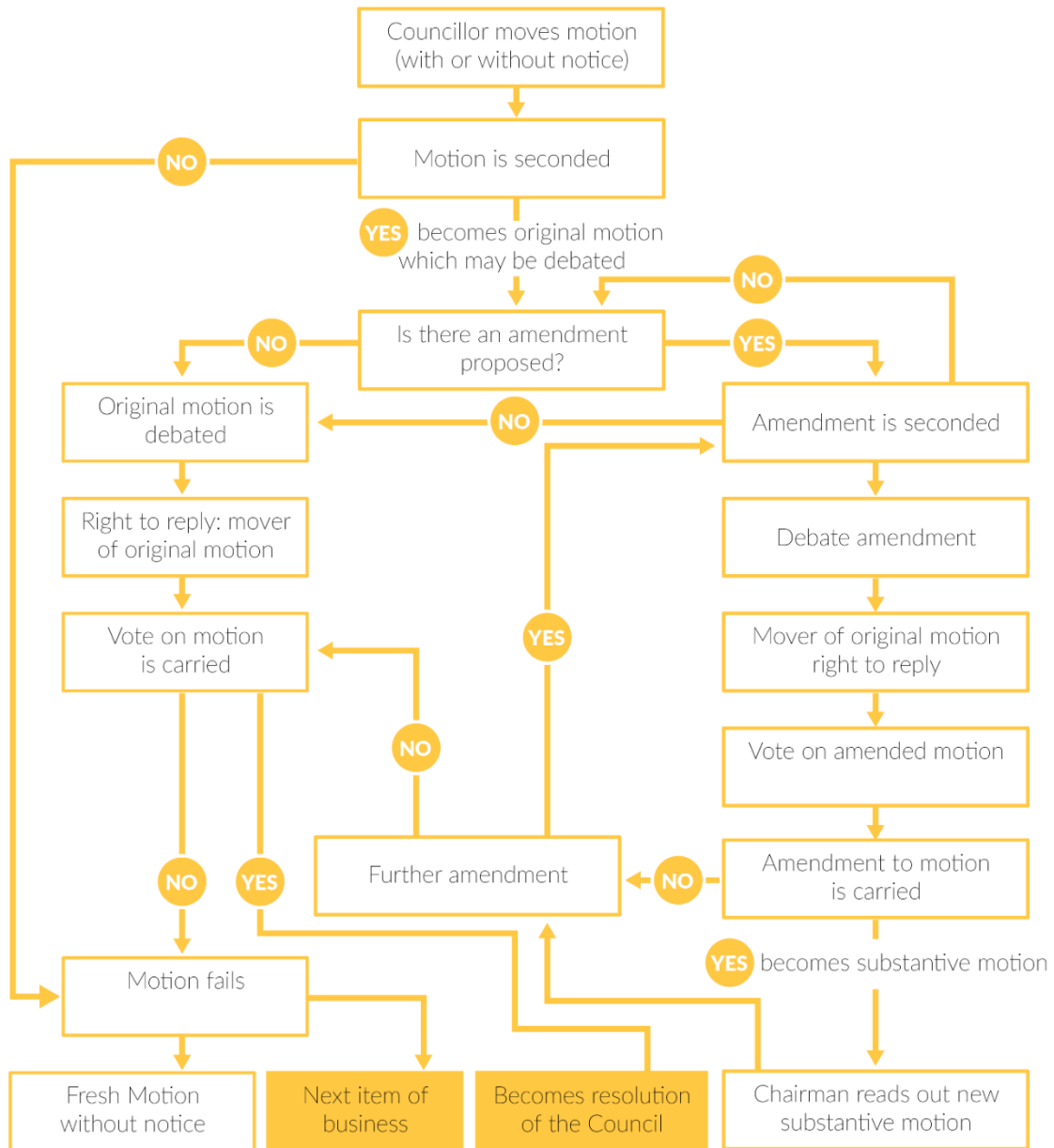
4.1.176* All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the council's business. Such determination shall ordinarily be made by the monitoring officer having regard to the access to information rules. Further, all

members must comply with the obligations as to confidentiality set out in the councillors' code of conduct (part 5 section 1). Any alleged breaches shall be referred by the chairperson of the council to the monitoring officer for consideration and report if not previously referred by some other person. The chairperson may require the surrender of such material at the end of discussion of the relevant item.

Appendix 1

Herefordshire.gov.uk

Process for consideration of motions at Council



1. Amendments to motions can be moved at any time during the debate
2. Please note that this flowchart does not apply to the annual budget debate. The budget debate rules are set out in Part 4, Section 3 of the constitution