


Agenda Item No:	10	
Committee:	Council	
Date:	6 August 2020	
Report Title:	Constitutional Amendments Update	

1 Purpose / Summary

In any circumstance where the Monitoring Officer exercises delegated authority under Part 3, Table 4, paragraph 47 to make amendments to the Constitution, it is a requirement that those changes are then notified to and ratified by Full Council at its next meeting. The purpose of this Report is to notify Full Council of the changes that have been made since its last meeting.

2 Key issues

- The Monitoring Officer, in compliance with Part 3, Table 4, paragraph 47 is permitted to amend the Constitution in any way whatsoever in order to secure compliance with the law and the convenient, effective discharge of any Council function.
- On 22nd July 2020 the Business and Planning Act 2020 came into force amending the Licensing Act 2003 to automatically incorporate off-sales into existing licences and to introduce a temporary new regime in relation to the grant of pavement licences. Fenland District Council is obliged to comply with the Business Planning Act 2020 and in any event wishes to support local businesses to reopen and operate safely whilst social distancing measures remain in place. The Constitution has therefore been amended to incorporate these arrangements with new delegations having been made to officers and the Licensing Committee.
- At its meeting on 17th June 2020, Members ratified the addition of the Virtual Meetings Procedure Rules at Part 11 of the Council's Constitution as well as the associated changes to the Council Procedure Rules (Standing Orders) at Part 1. During the debate of this item a commitment was made to review the Virtual Meetings Procedure Rules and following the conclusion of that exercise the associated amendments have been made.

3 Recommendations

Members are requested to note and ratify the changes that the Monitoring Officer has made to the Constitution in exercise of the authority delegated to her under Part 3, Table 4, paragraph 47 of the Constitution and as set out at Appendix A and B to this Report.

Wards Affected	All
Forward Plan Reference	N/A

Portfolio Holder(s)	Cllr Chris Boden – Leader of the Council Cllr Sam Clark – Portfolio Holder for Leisure and Licensing
Report Originator(s)	Carol Pilson, Corporate Director and Monitoring Officer Amy Brown, Chief Solicitor and Deputy Monitoring Officer Dan Horn, Head of Housing and Community Support
Contact Officer(s)	Paul Medd – Chief Executive Carol Pilson, Corporate Director and Monitoring Officer Amy Brown, Chief Solicitor and Deputy Monitoring Officer Peter Catchpole, Corporate Director and Section 151 Officer Dan Horn, Head of Housing & Community Support
Background Paper(s)	The Business and Planning Act 2020 The Licensing Act 2003 MHCLG Guidance in relation to Pavement Licences - https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal

1. CONSTITUTIONAL CHANGES – VIRTUAL MEETINGS

Members will recall following The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (the ‘Regulations’) coming into force on 4th April 2020 that it became possible for meetings of the Council, its Committees and Cabinet to take place virtually rather than having to be ‘in person’. As a consequence it was necessary to draw up a set of Procedure Rules governing Virtual Meetings and to amend the Council’s existing Standing Orders to reflect those arrangements. The first version of the Virtual Meetings Procedure Rules was produced having regard to both national and local arrangements at the time. However, since their introduction on 30th April 2020, continual progress has been made in adapting to the new ways of working and it was recognised at the meeting of Full Council on 17th June 2020 that a review was required to ensure that all provisions remained relevant and appropriate. That review has since taken place and has resulted in the amendments to the Virtual Meetings Procedure Rules and Standing Orders shown complete with track changes at Appendix A of this Report. The amendments so far as possible seek to reinstate as many of the previous Standing Orders as existed prior to the Regulations coming into force, ensuring to the fullest extent possible that business as usual is resumed within the virtual context and with the agreement of Group Leaders. The Monitoring Officer has used her delegated authority to bring the amendments into immediate effect to ensure that they were in place and applicable to the meeting of Full Council to which this report is being presented.

2. CONSTITUTIONAL CHANGES – BUSINESS AND PLANNING ACT 2020

Current social distancing guidelines will significantly impact upon the capacity of food and drink businesses within their existing premises. A new fast-track process has therefore been implemented by the Business and Planning Act 2020 (BPA2020) for the purpose of enabling relevant businesses to obtain a pavement licence permitting furniture such as tables and chairs to be placed outside their premises thereby maximising capacity whilst still ensuring compliance with safety requirements.

The BPA20 also modifies the Licencing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales until the end of September 2021. These measures are designed with the intention to enable licenced premises that only have an on-sales licence to sell alcohol for consumption off the premises again for the purpose of enabling trade to coexist with social distancing measures. The provisions will not however be available to licence holders who have had an application for an off-sales permission refused within the last 3 years.

Fenland District Council is responsible for implementing and overseeing both regimes within the District and consequently arrangements needed to be put in place to provide certainty to residents and to ensure that officers were able to deliver the legislative changes immediately upon the BPA20 coming into effect on 22nd July 2020. The Monitoring Officer therefore exercised her delegated authority to make the necessary changes to the Constitution to enable additional delegations to officers and the Licensing Committee. In conjunction with this and in order to aid financial recovery, the Chief Finance Officer exercised his delegated authority in conjunction with the Leader and Corporate Director for Licensing to waive the requirement for a fee to be paid in connection with pavement licences.

APPENDIX B - CONSTITUTIONAL AMENDMENTS – BUSINESS & PLANNING ACT 2020

TABLE 4 – FUNCTIONS DELEGATED TO OFFICERS

Licensing

In the table immediately following paragraph 104, (applying the same headings inserted for ease or reference only below), to insert a new row under 'application to review premises licence or club premises certificate' as follows:

Matter to be dealt with	Sub-Committee	Officers
Off-sales review following the automatic modification of a relevant premises licence under the Business and Planning Act 2020.	All Cases	
Interim steps pending off-sales review.		All Cases
Determination of representations against interim steps pending off-sales review.	All Cases	

To insert a new paragraph 104A as follows:

104A Pavement Licences

In relation activities under the Business and Planning Act 2020:

To conduct a public consultation review in respect of an application for a pavement licence;

To grant a pavement licence for a minimum of 3 months but for no longer duration than 30th September 2021 and subject to any conditions published by the Secretary of State or as reasonably required by Fenland District Council;

To refuse the grant of a pavement licence;

To revoke the pavement licence or service notice on the licence holder requiring them to take steps to remedy a breach of the conditions of that licence where it is considered that such a breach has occurred;

To revoke the pavement licence where the licence holder fails to comply with a notice served under paragraph 104A(iv) above or to take the required steps and recover the costs of doing so from the licence holder.

Appendix A

PART 4 RULES OF PROCEDURE

- 1 Council Procedure Rules (Standing Orders).
- 2 Access to Information Procedure Rules
- 3 Budget and Policy Framework Procedure Rules
- 4 Cabinet Procedure Rules
- 5 Overview and Scrutiny Procedure Rules
- 6 Financial Rules and Scheme of Financial
Delegation
- 7 Code of Procurement
- 8 Officer Employment Procedure Rules
- 9 Standards Committee Hearing Procedure Rules
- 10 Corporate Governance Committee Procedure
Rules

RULE 1 COUNCIL PROCEDURE RULES (STANDING ORDERS)

These Standing Orders should be read alongside the Virtual Meetings Procedure Rules which will remain in force until 7th May 2021 unless otherwise revoked or extended. For the avoidance of doubt, where there is any inconsistency the Virtual Meetings Procedure Rules shall take precedence.

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

(i) In a year when there is an ordinary election of councillors the annual meeting will take place within 21 days of the retirement of the outgoing councillors. This meeting will in addition to the ordinary business of the annual meeting:

- (a) Elect the Leader of the Council
- (b) Be notified by the Leader of the Council of their Cabinet, to include the names and portfolios and who has been appointed the Deputy Leader. ⁴ 1(i)

(ii) In any other year, the annual meeting will take place in May and conduct the ordinary business of the annual meeting. ~~however, in the 2020/21 municipal year and in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020, the meeting shall be postponed until otherwise called by the Chairman.~~

(iii) ~~The Annual Meeting of 2020/21, when called, will be held virtually using Zoom conferencing facilities and, unless an item of business is confidential or exempt from publication will be broadcast to the press and public via YouTube.~~ The ordinary business of the annual meeting will be¹:-

- (a) receive apologies for absence
- (b) elect a person to preside if the Chairman of the Council is not present (a member of Cabinet may not be appointed);
- (c) elect the Chairman of the Council (a member of Cabinet may not be appointed);
- (d) elect the Vice-Chairman of the Council;
- (e) approve the minutes of the last ordinary meeting or of any extraordinary or other meeting since then;

¹ Amendment approved 16th December 2010

- (f) receive any announcements from the Chairman and/or Head of the Paid Service;
- (g) [Deleted]²
- (h) appoint at least one Overview and Scrutiny Panel, a Standards Committee and such other panels and committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (i) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (j) agree a programme of ordinary meetings of the Council for the year;
- (k) receive any declarations of interest from members;
- (l) receive questions from and provide answers to, Councillors in relation to matters which, in the opinion of the person presiding at the meeting, accord with the provisions of Procedural Rules 8.4 and 8.6 save in respect of the annual meeting held during 2020/21 where this item will be deferred to the next Ordinary Meeting;
- (m) receive reports from Cabinet members with portfolio holder responsibilities in accordance with Procedure Rule 8.2 save in respect of the annual meeting held during 2020/21 where this item will be deferred to the next Ordinary Meeting ;
- (n) consider recommendations from Cabinet, the Overview and Scrutiny Panel and committees such recommendations to be presented by the Chairman of those bodies or their nominated representative;
- (o) receive petitions requiring debate at Full Council submitted in accordance with the Councils Petition Scheme³, and public questions in accordance with Procedure Rule 9A⁴ save in respect of the annual meeting held during 2020/21 where this item will be deferred to the next Ordinary Meeting;
- (p) consider motions save in respect of the annual meeting held during 2020/21 where this item will be deferred to the next Ordinary Meeting.

² Amendment approved 16th December 2010

⁴ Amendment approved 23rd July 2015

³ Amendment approved 29th July 2010

⁴ Amendment approved 25th February 2010

- (q) consider any business set out in the notice covering the meeting in the order in which it appears in the Council summons but that order may be varied at the discretion of the Chairman or by resolution of the Council.

1.2 Selection of Councillors on Committees and Panels

At the annual meeting, the Council will:-

- (a) decide which committees and panels should be established for the ensuing municipal year;
- (b) decide the terms of reference for those committees/panels;
- (c) decide the allocation of seats and position of Chairman and Vice Chairman⁵ to political groups in accordance with the political balance rules where appropriate;
- (d) receive notification⁶ of councillors to serve on each committee and panel and to serve as Chairman and Vice Chairman from the political groups⁷; and
- (e) appoint to those committees and panels except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

2. ORDINARY MEETINGS OF THE COUNCIL

2.1 Ordinary Council Meetings will be held virtually using Zoom conferencing facilities (or any other platform of the Council's choosing) and, unless an item is confidential or exempt from publication, will be broadcast to the press and public via YouTube. The business of the meeting will be as follows:

- (a) receive apologies for absence
- (b) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (c) approve the minutes of the last meeting and of any extraordinary or other meeting since then;
- (d) receive any announcements from the Chairman and/or the Head of Paid Service;
- (e) receive any declarations of interest from members;

⁵ Amendment approved 25th February 2010

⁶ Amendment approved 25th February 2010

⁷ Amendment approved 25th February 2010

- (f) receive questions from and provide answers to, Councillors in relation to matters which, in the opinion of the person presiding at the meeting, accord with the provisions of Procedural Rules 8.4 and 8.6;
- (g) receive reports from Cabinet members with portfolio holder responsibilities in accordance with Procedure Rule 8.2;
- (h) consider recommendations from Cabinet, the Overview and Scrutiny Panel and committees such recommendations to be presented by the Chairman of those bodies or their nominated representative;
- (i) receive petitions requiring debate at full Council submitted in accordance with the Council's Petition Scheme⁸, and public questions in accordance with Procedure Rule 9A⁹;
- (j) consider motions;
- (k) consider any other business specified in the notice covering the meeting in the order in which it appears in the Council summons but that order may be varied at the discretion of the Chairman or by resolution of the Council.

2.2 At ordinary meetings, the Council will only deal with business that is set out on the summons, unless the Chairman decides that a matter is urgent. If the Chairman decides that a matter is urgent he/she will announce at the beginning of the meeting after apologies have been announced that an extra item is to be placed before the Council and will explain why the matter is so urgent. The reasons will be recorded in the minutes of the meeting.

2.3 The order of business set out in paragraph 2.1 above and as amended by the Virtual Meetings Procedure Rules where applicable may be changed:

- (a) by the Chairman with the Council's permission or
- (b) by resolution passed by the Council. The motion will be put without discussion, and does not have to be in writing.

⁸ Amendment approved 29th July 2010

⁹ Amendment approved 25th February 2010

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

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

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of presenting the requisition.

3.2 Business

The summons to an extraordinary meeting of the Council shall set out the business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.

The meeting will take place in accordance with the Virtual Meetings Procedure Rules whilst they remain in force.

4. TIME AND PLACE OF MEETINGS

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

5. NOTICE OF AND SUMMONS TO MEETING

- 5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Where the meeting is to take place remotely, information as to how to join or view the meeting will also be provided.
- 5.2 At least five clear days before a meeting, the Chief Executive will send a summons to every member of the Council by such means as are appropriate including electronic delivery. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available. Where the meeting is to take

place remotely, information as to how to join or view the meeting will also be provided. ¹⁰

6. CHAIRMAN OF MEETING

6.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Whenever the Chairman rises during a discussion or a debate a member then standing shall resume his/her seat and the Council shall be silent. Where these Rules apply to Cabinet, committee and panel meetings, references to the Chairman also include the Chairman of those bodies.

7. QUORUM

7.1 The quorum of a meeting of full Council will be one quarter of the whole number of members. If during any meeting the number of members present falls below that sufficient for a quorum, the Chairman must adjourn the meeting. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Council. The same arrangements will apply if technical difficulties cause a remote meeting to become inquorate following all reasonable attempts to rectify the problem.

8. QUESTIONS BY MEMBERS

8.1 Every member of the Cabinet shall present a report to each ordinary meeting of the Council on matters of interest for which they have responsibility that have arisen since the last ordinary meeting of the Council.

8.2 ~~Unless the meeting is taking place remotely a~~ member of the Council may, without first giving notice, ask any Member of the Cabinet questions about any matter which falls within the portfolio of that Cabinet member. ~~Where the meeting is taking place remotely, the Virtual Meetings Procedure Rules will apply and in order to be asked, questions must be presented in writing via the Chief Executive no later than the third working day before the date of the meeting.~~

8.3 The Council will set aside a maximum of 60 minutes for members to put questions under Procedure Rule 8.2.

¹⁰ Amendment approved 29th July 2010

8.4 The Council will set aside a maximum of 20 minutes for the Leader of the main opposition group (or his/her nominated representative) to put questions to the Leader.

8.5 An answer under 8.2 and 8.4 above may take the form of:-

- (a) A direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated to all members of the Council always providing that where the reply to a question may reveal exempt or confidential information, the question can only be answered after the Council has decided whether to exclude the media and public from the meeting.

8.6 Written questions at full Council

A member of the Council who gives written notice, via the Chief Executive no later than the third working day before the date of the meeting (not including the day on which the notice is given or the day of the meeting) may ask the Chairman, a member of the Cabinet, or the Chairman of any committee, any question on any matter in relation to which the Council has powers or duties or which affects the district

8.8 The Chief Executive may allow any question asked under this Procedure Rule if:

- (a) the subject matter of the question relates to the responsibilities of the person of the person who is asked to reply to it; and
- (b) the question touches clearly upon a matter over which the Council possesses a power or duty, or which affects substantially the interests of the people of the district.

8.9 Unless the Chairman decides otherwise, every permissible question shall be asked and answered without debate but any member who receives an oral answer may ask one supplementary question of the member who answered. The supplemental question must arise directly out of the original question or the reply and will be limited to 2 minutes.

9. PETITIONS¹¹

9.1 In receiving a relevant Petition requiring a Full Debate at Council submitted under the Councils Petition Scheme the following provisions of this section will apply ~~unless the meeting is taking place remotely~~.

9.2 The Petition Organiser will be given 5 minutes to present the petition to Members.

9.3 Members shall have a period of no more than 15 minutes (unless such time is extended by majority vote of the Council) to debate the petition in accordance with the rules of debate. Members will on the completion of the debate determine the outcome of the Petition in accordance with the Petitions Policy.

9.4 Where the meeting is taking place remotely, the provision to submit petitions with more than 500 signatures for debate will be suspended and will instead be received and published in accordance with the Virtual Meetings Procedure Rules.

9A. PUBLIC QUESTIONS¹²

9A.1 The conduct of public question time will be regulated by the Chairman of Council, having regard to the following guidelines. The Chairman's decision on the relevance of a question and on the method of dealing with any issue in connection with this procedure will be final.

9A.2 All questions:

- Must be clear and concise and be relevant to matters for which the Council has powers or duties.
- Should be limited to obtaining information or pressing for action.
- Should be capable of being adequately answered in three minutes.

9A.3 Questions should not:

- Contain offensive expressions.
- Divulge, or require the answer to divulge, confidential or exempt information.
- Repeat questions previously asked at earlier meetings unless there has been a material change of circumstances

¹¹ Amendment approved 29th July 2010

¹² Amendment approved 25th February 2010

9A.4 Questions may only be asked of the following:

- The Leader of Council.
- A portfolio holder (Cabinet member).
- The Chairman of a Scrutiny Committee.

9A.5 Members of the public wishing to ask a question at the Council meeting should provide the following details to the Council's Member Services team by no later than 12.00 noon, seven working days before the meeting:

- Name and address and contact details of the person asking the question.
- The name of an organisation if the question is being asked on their behalf.
- Details of the question to be asked.
- The name or position of the member of the Council to whom it is to be put.
- Brief information about how the subject of the question relates to the person asking the question (e.g. as a resident of the area, as a recipient of a service, the owner of a property affected by a proposal).

Only one question may be asked by each member of the public or organisation and the question must relate to a single topic.

9A.6 The following process will apply at the meeting ~~unless it is taking place remotely~~:

- The Chairman will invite questions to be asked at the meeting usually in the order in which they are received by Member Services.
- The Chairman of the Council will invite the member of the public to put his/her question from the floor of the Council Chamber using the microphone provided.
- The member of the public will then ask their question. Up to a maximum of three minutes will be allowed in which to ask the question.
- The named member will respond to the question which may take the form of:
 - a direct oral response of up to a maximum of two minutes;
 - where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- where the reply cannot conveniently be given orally, a written response circulated later to the questioner and made available to all members of Council and to the public.
- After the response has been given, the questioner has up to a further minute in which to put one supplementary question or seek clarification of the response to the original question. The supplementary question must arise directly out of the original question or the reply and must not introduce new material.
- The recipient of the original question then has up to a further three minutes in which to reply to the supplementary question.
- The Chairman of the Council may, in exceptional circumstances, extend the time either for a question or its response. The timing of questions and responses is controlled by Member Services.
- Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written response.
- No debate will be allowed on any question or the response.

~~9A.7 Where the meeting is taking place remotely, in accordance with the Virtual Meetings Procedure Rules the Chairman will read out the question and the provision for a supplementary question will be removed.~~

10. MOTIONS ON NOTICE

10.1 Notice

Except for motions which can be moved without notice under Rule 11, notice of every motion signed by the member giving the notice must be delivered in writing or by electronic mail to the Chief Executive by not later than 5 pm at least 7 clear days before the date of the relevant meeting (that is not counting the day of delivery or the day of the meeting). These will be dated, numbered in the order in which they are received and entered into a book which shall be open to public inspection.

10.2 **Motions set out in agenda**

The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the members giving such notice intimated in writing when giving it, that (s)he proposed to move it at some later meeting, or subsequently had withdrawn it in writing.

10.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which directly affect the district.

10.4 **Failure to Move**

If a motion set out in the summons is not moved either by the member who gave notice thereof or by some other member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

10.5 **Reference to Cabinet, Committee or Panel**

- (a) Subject to 10.5(c) of these Rules, if the subject matter of any motion of which notice has been duly given is within the terms of reference of the Cabinet, the Overview and Scrutiny Panel, a committee or panel, it shall, upon being moved and seconded, stand referred without discussion to the Cabinet, Overview and Scrutiny Panel, committee or panel as the Council may determine, provided that such Cabinet, Overview and Scrutiny Panel, committee or panel shall report on the matter with recommendations to an ensuing meeting of the Council.
- (b) The member who has moved the motion and the seconder to the motion will be notified by the Chief Executive of the date and time of the meeting to which the motion has been referred and has the right to attend the meeting and speak to the motion.
- (c) The Chairman may, if (s)he considers it convenient and conducive to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

11. MOTIONS WITHOUT NOTICE

11.1 The following motions may be moved without notice:-

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to Cabinet, a committee or panel or to an appropriate body or individual;
- (e) to appoint a committee or panel or member arising from an item on the summons for the meeting;
- (f) to receive, defer or refer back reports or adoption of recommendations of the Cabinet, the Overview and Scrutiny Panel, committees, panels or officers and any subsequent motions and amendments arising from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council Procedure Rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 19.3 of these Rules or to exclude them from the meeting under Rule 19.4 of these Rules;
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) to invite a member to remain;
- (r) to record a vote in accordance with Rule 15.4 of these Rules;

- (s) in connection with voting on appointments in accordance with Rule 15.7 of these Rules; and
- (t) to extend the time limit for speeches.

12. RULES OF DEBATE

12.1 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.

12.2 Right to Require Motion or Amendment in Writing

Unless notice of the motion or amendment has already been given, the Chairman may require the mover to put it in writing and hand it to him/her before it is discussed.

12.3 Seconded's Speech

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

12.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order ~~(save in respect of virtual meetings where these will be suspended)~~. No speech may exceed 5 minutes in length without the consent of the Chairman.

12.5 When a Member May Speak Again

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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;

- (e) on a point of order ~~(save in respect of virtual meetings where this will be suspended)~~; and
- (f) by way of personal explanation ~~(save in respect of virtual meetings where this will be suspended)~~;
- (g) to move or speak on a procedural motion set out in paragraph (e), (f) or (g) of Rule 12.10 of these Rules.

12.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to a motion and will either be to:-
 - (i) refer a subject of debate to the Cabinet, Overview and Scrutiny Panel, committee or panel for consideration or re-consideration;
 - (ii) leave out words;
 - (iii) leave out words and insert or add others; or
 - (iv) insert or add words

as long as such omission, insertion or addition of words does not have the effect of negating the motion before the Council.

- (b) An amendment may not be discussed until it has been moved and seconded.
- (c) 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.
- (d) No member may move or second more than one amendment to a motion.
- (e) If an amendment is not carried, other amendments to the original motion may be moved.
- (f) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (g) If an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or speeches or if there are none, put it to the vote. An exception is in the case of such an amendment as is referred to in Rule 13.6(a)(i) of these Rules when no further amendment may be moved.

(h) Where a meeting is taking place remotely Members are required to carefully consider the need for amendments in advance of the meeting and where possible should instead attempt to agree an alteration.

12.7 **Alteration of Motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

12.8 **Withdrawal of Motion**

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

12.9 **Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved and seconded, 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/ her amendment.

12.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except -

- (a) to withdraw a motion;
- (b) to amend a motion;

- (c) to proceed to the next business;
- (d) that the vote be now taken;
- (e) to adjourn the meeting or debate;
- (f) to exclude the public and press in accordance with the Access to Information Rules;
- (g) to not hear further a member named under Rule 19.3 of these Rules or to exclude them from the meeting under Rule 19.4 of these Rules.
- (h) to suspend one or more of these Procedural Rules; and
- (i) to refer the subject of the debate back to Cabinet, Overview and Scrutiny Panel, committee or panel.

12.11 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 the meeting or debate.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been discussed sufficiently, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been discussed sufficiently, the Chairman will put the procedural motion to the vote. If it is passed, the Chairman will give the mover of the original motion the right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been discussed sufficiently and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- (e) If a motion to adjourn the meeting is seconded and the Chairman thinks that the remaining business before the meeting cannot be discussed sufficiently on that occasion, he/she shall put the adjournment motion to the vote without giving the mover to any motion under discussion

his/her right of reply. If the motion for the adjournment is carried, the remaining business shall stand adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or otherwise, to the next ordinary meeting of the Council.

12.12 Point of Order

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

~~Where the meeting is taking place remotely this provision will be suspended.~~

12.13 Personal Explanation

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

~~Where the meeting is taking place remotely this provision will be suspended.~~

13. Effect of Interests¹³

- 13.1 Any Member who has a Disclosable Pecuniary Interest (as defined in Part 2 of the Member Code of Conduct) in a matter under consideration and does not have a Dispensation shall leave the room containing the meeting for the duration of the consideration of the matter.¹⁴

Where the meeting is taking place remotely and a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

¹³ Amendment approved 26th July 2012

¹⁴ Amendment approved 26th July 2012

15(i) Amendment approved 27th February 2014

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of the Council within the previous six months cannot be moved unless a notice of motion is signed by at least 10 members of the Council.

14.2 Motion Similar to One Rejected Previously

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the previous 6 months cannot be moved unless the notice of motion or amendment is signed by at least 10 members of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment within a further period of 6 months.

15. VOTING

15.1 Majority

Unless 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.

15.2 Chairman's Casting Vote

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

15.3 Show of Hands

Unless a recorded vote is demanded under Rule 15.4 of these Rules, the Chairman will take the vote by a show of hands, or if there is no dissent by the affirmation of the meeting.

Where the meeting is taking place remotely, the vote will be taken in accordance with the Virtual Meetings Procedure Rules through which the Chairman will take the vote by alphabetical rollcall or, if an item does not appear to be contentious, the Chairman will ask whether any Member disagrees or wishes to abstain. This will be actioned by the Member clicking on the "raise your hand" icon within the participant section.

15.4 Recorded Vote

If a decision is to be made in relation to budget and/or Council Tax or ¹⁵⁽ⁱ⁾ at least 6 members present request it by rising in their seats and before the Chairman begins to take the vote, the names for and against the motion or amendment or abstaining from voting will be taken down and entered into the minutes.

Where the meeting is taking place remotely, the request for a recorded vote will be signified by at least 6 members clicking on the 'raise your hand' icon. This may occur concurrently or following one member making that request, at least 5 more members clicking the 'raise your hand icon' within the participant section in support of them.

15.5 Right to Require Individual Vote to be Recorded

Where any member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting. Where the meeting is taking place remotely, the request for a vote to be individually recorded will be facilitated via the member clicking the 'raise your hand' icon within the participant section.

15.6 Right to Require Number Voting to be Recorded

Where any member requests it, before the vote is taken, the number of councillors voting for and against the motion or amendment and the number abstaining from voting will be taken down in writing and entered into the minutes. Where the meeting is taking place remotely, the request for the number voting to be recorded will be facilitated via the member clicking the 'raise your hand' icon within the participant section.

15.7 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, 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. Alternatively, the Chairman may determine that voting on appointments be by means of a ballot.

16. MINUTES

16.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy and then only by motion duly moved and seconded.

16.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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

16.3 Form of Minutes

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

17. RECORD OF ATTENDANCE

17.1 All members present during the whole or part of the meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance. Where the meeting is taking place remotely, the Host Officer will complete the Attendance book to record the members who have joined the Zoom conference.

18. EXCLUSION OF THE PUBLIC

18.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 of these Rules (Disturbance by the Public).

Where the meeting is taking place remotely confidential and exempt items will not be broadcast.

19. MEMBERS' CONDUCT

19.1 Standing to Speak

Unless permitted to remain seated by the Chairman, when a member speaks at full Council he/she must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the other must sit. Other members must remain seated whilst another member is speaking unless they wish to make a point of order or a point of personal explanation.

Where a meeting is taking place remotely and a member wishes to speak they must do so by clicking the 'raise your hand icon' within the participant section and wait to be addressed by the Chairman in accordance with the Virtual Meetings Procedure Rules.

19.2 Chairman Standing

When the Chairman stands during a debate any members speaking at the time must stop and sit down. The meeting must be silent.

Where the meeting takes place remotely the same effect will be achieved by the Chairman requesting that the Member Services Officer mutes all participants.

19.3 Member not to be heard further

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may direct that the member be not heard further. Where the meeting is taking place remotely, the Host Officer will be asked to mute the Member's microphone for the remainder of that item.

19.4 Member to leave the meeting

If the member continues to behave in a disorderly manner after being subject to a direction under 19.3 above, the Chairman may direct that either the member leaves the meeting or that the meeting be adjourned for a specified period. Where the meeting is taking place remotely, the Host Officer will be asked to disconnect the member from the meeting.

19.5 **General Disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

20. **DISTURBANCE BY THE PUBLIC**

20.1 **Removal of Member of the Public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

20.2 **Clearance of Part of Meeting Room**

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

20.3 **Remote Meetings**

Where a meeting is taking place remotely and continued interruptions occur, the Chairman will ask the Member Services Office hosting the meeting to disconnect those responsible.

21 **PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS**

Any person attending a meeting which is open to the public is to be permitted to report on the meeting 15(ii)

“reporting” means—

(a) filming, photographing or making an audio recording of proceedings at a meeting;

(b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;

or

(c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.”

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

All of these Council Rules of Procedure except Rules 15.5 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting or part of the meeting.

22.2 Amendment

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

23. APPOINTMENT OF SUB-COMMITTEES, SUB-GROUPS AND ADVISORY/TASK GROUPS

23.1 The Council, Cabinet and any committee or panel may appoint such sub-committees or sub-groups as they may consider necessary from time to time and shall specify the purpose, terms of reference and any delegated powers of such sub-committee or sub-group.

23.2 The Council, Cabinet, Cabinet portfolio holder and any committee or panel may appoint such advisory groups as they may consider necessary from time to time and shall specify the purpose, duration and terms of reference of such advisory group, except that such advisory group shall be of a deliberative nature only and shall report back with or without recommendations to the body or person that appointed them.

23.3 The appointment of members to any sub-committee, sub-group or advisory group, shall be in accordance with legislative or regulatory requirements for the representation of political groups and shall have regard in particular to 23.2 above.

24. APPLICATION TO COMMITTEES AND PANELS¹⁵

24.1 All of the Council Rules of Procedure apply to meetings of full Council together with the Virtual Meetings Procedure Rules where applicable.

¹⁵ Amendment approved 29th July 2010

24.2 Meetings of the Cabinet are governed by the Cabinet Procedure Rules (Rule 4) only rules 18, 20,21, 22, 23, 25, 26 and 27 of this Rule 1 apply and shall be read in such a way as to apply to Cabinet and where relevant shall also be read in conjunction with the Virtual Meetings Procedure Rules.

24.3 Rules 3, 4, 5, 6, 7, 11, 12, 14, 15, 16, 17, 18, 19 (but not rule 19.1), 20, 21, 22, 23, 25, 26 and 27 apply to the proceedings of the Overview and Scrutiny Panels, committees, panels, sub-committees and sub-groups and shall be read in such a way as to apply to those meetings and where relevant shall also be read in conjunction with the Virtual Meetings Procedure Rules.

25. ITEMS ON COMMITTEE AGENDA

25.1 Any member wishing to have an item placed on an agenda for a meeting of the Cabinet, Overview and Scrutiny Panel, committee or panel (other than by way of a notice of motion in accordance with Rule 11) shall contact the Chief Executive, or in his absence a member of Senior Management Team, requesting that an item be placed on the next available agenda for that body and the decision of the Chief Executive, or in his absence, a member of Senior Management Team, shall be final as to whether that item falls within the terms of reference of the Cabinet, Overview and Scrutiny Panel, a committee or panel.

26. ATTENDANCE BY MEMBERS OF THE COUNCIL AT MEETINGS OF WHICH THEY ARE NOT MEMBERS

26.1 A member of the Council may address a meeting of the Cabinet, Overview and Scrutiny Panel, committee, panel, sub-committee or sub-group of which he/she is not a member on a specified item or terms of business where notice has been given to and prior permission obtained from the Chairman of the Cabinet, Overview and Scrutiny Panel, committee, panel, sub-committee or sub-group. In cases where the Chairman does not give such permission under this Procedure Rule, the member so refused may seek the approval of the Cabinet, Overview and Scrutiny Panel, committee, panel, sub-committee or sub-group and may attend for the purpose of stating his/her case. For the avoidance of doubt the right to address the meeting does not confer a right to take part in the debate or vote.¹⁶

¹⁶ Amendment approved 29th July 2010

27. MOVER OF MOTION MAY ATTEND MEETING

27.1 A member of the Council who has moved a motion which has been referred by the Council to the Cabinet, Overview and Scrutiny Panel, committee or panel shall receive notice of the meeting of the Cabinet, Overview and Scrutiny Panel, committee or panel at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends (shall have an opportunity of speaking to the motion and exercising the right of reply under Rule 12.9. These provisions are subject always to Rule 13.¹⁷

28 SUBSTITUTIONS¹⁸

28.1 Substitute Members will have all the powers and duties of any ordinary Members of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

28.2 Substitute Members may attend meetings in that capacity only:

28.2.1 to take the place of an absent ordinary Member for whom they are the designated substitute; and

28.2.2 where the ordinary Member will be absent for the whole of the meeting; and

28.2.3 where notification has been given to the Members Services Team not less than one hour before the meeting

28.3 Provided the above conditions have been satisfied, the substitute Member shall retain the right to vote for the duration of the meeting and may not be replaced by the Member for whom he or she is substituting.

28.4 However, if the Member who is to be replaced ("the original Member") is present at the start of the meeting then the substitution shall not have effect for that meeting - so that the substitute may not speak and/or vote in that capacity at that meeting and may only otherwise speak with the prior consent of the Chairman or in accordance with a public speaking right.

28.5 Where the original Member is not present at the start of the meeting at which the substitute is present, but arrives later, the original Member may not speak and/or vote at that meeting as a member of that Member Body and may only otherwise speak with the prior consent of the Chairman or in accordance with a public speaking right.

28.6 Such Rights shall not entitle any member to be present in the room when they would otherwise be excluded under Rule 13.¹⁹

¹⁷ Amendment approved 26th July 2012

¹⁸ Amendment approved 19th May 2011

¹⁹ Amendment approved 26th July 2012

FENLAND DISTRICT COUNCIL
VIRTUAL MEETINGS PROCEDURE – RULE 11

1. Introduction

- 1.1 These Procedure Rules have been made by the Monitoring Officer in accordance with the delegation set out at Table 4, paragraph 47 of the Constitution in order to implement The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (the ‘Regulations’). The Regulations enable the council to hold meetings without all, or any, of the members being physically present in a room. They allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming.
- 1.2 The “place” at which the meeting may be held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address or a conference call telephone number.
- 1.3 In order for members to be able to attend meetings of the council remotely, they need not be physically present, provided they are able to hear and be heard (and where practicable, see and be seen) by other councillors and members of the public attending remotely or in person.
- 1.4 The procedure rules in this document take precedence over council standing orders in relation to the governance of remote meetings. For the avoidance of doubt, where there is any inconsistency between these procedure rules and existing provisions in the Council’s Constitution, these rules shall take precedence.
- 1.5 In line with the Regulations, this document is designed to provide a guide to virtual formal committee meetings involving Members, officers and the public during the Covid-19 crisis and comes into force with effect from 30th April 2020. Any subsequent amendments will come into effect on the date upon which they are formally approved.
- 1.6 This document will remain in force until 7th May 2021 unless otherwise extended or revoked.

2 Remote Attendance

2.1 Members

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) ~~They can~~To hear and be heard and, if it is their preference and/or technology allows, ~~they can~~to see and be seen by other members in attendance;
 - (ii) to hear and be heard and where applicable (in accordance with paragraph 2.1(a)(i) above) to see and be seen by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and where applicable (in accordance with paragraph 2.1(a)(i) above), to be seen by any other members of the public attending the meeting.
- (b) 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 in 2.1(a) above are not met. In such circumstances the Chair may, as they deem appropriate;
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in 2.1(a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

For the avoidance of doubt, it is not a requirement for a member to see or be seen in order to attend a meeting, it is sufficient that they can hear and be heard. Equally, a member will not be deemed to have left a meeting even if they joined the meeting being able to see and be seen provided that they can still hear and be heard.

2.2 Members of the Public

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:
- (i) ~~to~~they can hear and be heard and, if it is their preference and/or technology allows, ~~they can~~to see and be seen by Members in attendance;
 - (ii) to hear and be heard and where applicable (in accordance with paragraph 2.2(a)(i) above, to see and be seen by any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting;
 - (iii) to be so heard and where applicable (in accordance with paragraph 2.2(a)(i) above), to see and be seen by any other members of the public attending the meeting.

(b) A member of the public 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 in paragraph 2.2(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:

(i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in paragraph 2.2(a) above to be re-established;

(ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or

(iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

For the avoidance of doubt, it is not a requirement for a member of the public to see or be seen in order to attend a meeting, it is sufficient that they can hear and be heard. Equally, a member of the public will not be deemed to have left a meeting even if they joined the meeting being able to see and be seen provided that they can still hear and be heard.

3. Decisions of Formal Meetings of the Council, Cabinet, and Committees

3.1 Decisions to be taken over the next 3 to 6 months are under review and virtual meetings will be called on a case by case basis and where necessary in ensuring that vital business can continue to be transacted.

4. Virtual Meetings of Full Council, Cabinet and Committees

4.1 Ordinary meetings of Full Council, Cabinet and Committees will take place using the Zoom software platform or any other software platform of the Council's choosing.

5 Questions By Members

5.1 Portfolio Holder's Briefing Report ("PHB")

~~Save in respect of the 2020/21 Annual Meeting,~~ Cabinet Members will continue to take questions from members in accordance with the ordinary procedure set out in the Constitution.

5.2 Written Questions

~~Save in respect of 2020/21 Annual Meeting, t~~The Council will continue to take written questions in accordance with the ordinary procedure set out in the Constitution.

6 **Petitions**

6.1 During the Covid-19 crisis it will not be possible to accept paper petitions. An electronic petition will be acceptable provided it meets the ordinary requirements of the Council's Petition Scheme (<https://www.fenland.gov.uk/localgov/mgePetitionListDisplay.aspx>).

6.2 ~~Save in respect of the 2020/21 Annual Meeting, T~~the member of the public submitting the petition will be invited to submit a speech in writing as there will be no opportunity to present the petition in person. A copy of the petition will be circulated electronically and published on the Council's website. The management of petitions following submission will otherwise take place in accordance with the usual arrangements in this respect. ~~The provision to submit petitions signed by 500 people or more for debate by Full Council will however be suspended during the Covid-19 crisis but will be sent to the relevant executive member, committee or council officer for a written response.~~

7 **Public Questions at Full Council**

7.1 ~~Save in respect of the 2020/21 Annual Meeting, T~~the Council will continue to take questions from the public as in accordance with the ordinary procedure set out in the Constitution. ~~The member of the public asking the question will need to submit their question in writing as there will be no opportunity to ask the question in person. A copy of the question will be circulated electronically and published on the Council's website. The Chairman will read the question out. The relevant Member will respond to the question within the normal timeframe. The provision for a supplementary question will be removed.~~

8 **Motions**

8.1 Members will have the ability to submit motions to Council as set out in the Constitution.

8.2 Members are asked to consider carefully the need for amendments. ~~Political groups are asked to contact the mover of a motion to see if their amendment can be treated as an alteration. If that is not the case, political groups are asked to vote against the motion rather than move an amendment.~~

9. Speaking at Virtual Full Council Meetings

- 9.1 ~~Speeches from Members should be kept to a minimum. There will be no Points of Order or Personal Explanation.~~ Members who wish to speak during a meeting will need to click on the “raise your hand” icon within the participant section and then they will be invited to speak by the Chairman. ~~Members are asked to state their name before making a comment.~~

Points of Order and Personal Explanation will be taken in accordance with the ordinary procedure set out in the Constitution. Members who wish to raise a point of order or personal explanation should bring this to the attention of the Chairman by turning on their microphone and indicating that they wish to do so. The Chairman will then invite the Member to raise their point.

10 Voting at Full Council Meetings

Voting will be managed through the Chairman via the Host Officer. If an item requires an electronic vote, the Chairman will ask all Members to turn their microphones on. The Chairman will then read out the name of each Member in turn in alphabetical order and ask them how they wish to vote. Once a Member has given their vote then microphones should be muted again. The Member Services Officer minuting the meeting will record the outcome of the voting and announce it at the meeting. If an item does not appear to be contentious, the Chairman will ask Members whether any Member disagrees or wishes to abstain. This will be actioned by the Member clicking on the “raise your hand” icon within the participant section. If nobody objects the motion will be taken as carried.

11 Other formal meetings of Council – Cabinet and Committees

Other formal meetings of Council, including Cabinet and Committees will follow the same procedure as above where applicable. The process for debate may vary at the discretion of the Chairman.

12 Running a Virtual Meeting

Joining a Virtual Meeting

- 12.1 All meeting participants will be required to utilise their personal IT equipment to access meetings.
- 12.2 Councillors are encouraged to join the meeting promptly (i.e. at least ten minutes before the scheduled start time) in order to resolve any issues with joining and avoid disrupting the meeting. The Chairman will remind councillors to mute their microphones when not speaking. This is done in order to reduce feedback and background noise. The Host Officer may perform this function as well.

Access to Documents

- 12.3 Member Services will publish the agenda and reports for all meetings on the Council's website and will notify councillors by email. Printed copies will not be available for inspection at the Council's offices.

Public Access

- 12.4 The following wording will be added to the Council's website as well as to the meeting page for each meeting.

Due to Government guidance on social-distancing and the Covid-19 virus it will not be possible to hold a physical meeting of the XXX on XXX. Arrangements are being made for the press and public to follow the decision-making via YouTube. Details of how to watch the meeting will be published on the Council's website.

- 12.5 The requirement to ensure meetings are open to the public includes access by remote means, including video conferencing, live webcast and live interactive streaming. 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.

Registering Attendance and Meeting Etiquette

- 12.6 At the start of the meeting, the Chairman will carry out a roll call of all Members present. Confirmation will be given by each Member switching their video on and unmuting their microphone to confirm they are present.
- 12.7 All Members and officers except the Chairman are asked to keep their microphones on mute unless invited to speak. Any Member returning after a disconnection is asked not to interrupt when returning to announce their return.

Members Speaking at Meetings

- 12.8 Members who wish to speak during a meeting will need to click on the "raise your hand" icon within the participant section. The Chairman may ask each person in turn if they have any points they wish to raise on a particular item before completing the discussion on that item. When referring to reports or making specific comments, Members should refer to the report and page number in the agenda document pack so that all Members have a clear understanding of what is being discussed at all time.

Exclusion of Press and Members of the Public

- 12.9 The press and members of the public will not be able to access virtual meetings considering exempt or confidential information and those parts of the meetings will not be webcast.

Dealing with technical difficulties

12.10 In the event that the Chairman or the Host Officer identifies a failure of the remote participation facility, the Chairman will declare an adjournment while the fault is addressed. If it is not possible to address the fault and the meeting is inquorate, the meeting will be ~~abandoned~~ adjourned until such time as it can be reconvened. If the meeting is quorate, the Chairman will decide if this meeting should continue, depending on the difficulties being experienced, or whether it should be adjourned until a later time or date.

13 Chat Function

Guidance recommends that careful consideration be given to the use of the chat function in meetings, including the for clarification or questioning that may ordinarily be done by way of a note, resolving technical problems, or guidance on procedure from Democratic Services Officers. The chat should not be used for parallel substantive conversation about the issue under discussion, or for general discussion, or political comments.

The content of a meeting chat would be subject to a Freedom of Information request.

143 Review

These rules will be kept under regular review and updated as necessary by the Monitoring Officer under the delegation at Table 4, paragraph 47 of the Constitution.