

Part 4(a) – Council Procedure Rules (“Standing Orders”)

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Part 4(a) – Council Procedure Rules (“Standing Orders”)

Introduction

These Procedure Rules (also known as ‘Standing Orders’) set out the rules for the conduct of meetings of the Council. They are intended to ensure proper decision making, fair and orderly debate and to guide the Mayor where issues of contention might arise.

1. Interpretation

- 1.1 The Mayor shall be the final authority in the interpretation of these Rules and his/her ruling shall not be open to discussion.

2. Meetings of the Council

- 2.1 The Annual Meeting of the Council shall be held on the second Thursday in May or such other day as the Council may from time to time determine. The Appointments Council meeting shall be held as soon as possible after the Annual Meeting.

- 2.2 There shall be not less than five other ordinary meetings of the Council in each Municipal Year on such dates as the Council may determine.

- 2.3 The annual and ordinary meetings of the Council shall be held in the Council Chamber, Southend-on-Sea, or at such other place as the Mayor, or in their absence the Deputy Mayor, shall determine and, except where the Council otherwise resolves, shall commence as follows:

Annual Meeting	3.30pm
Ordinary Meetings	6.30pm

- 2.4 Meetings convened for a special purpose shall be held at a time and place to be determined by the Mayor, or in their absence the Deputy Mayor in consultation with the Chief Executive.

- 2.5 Except in the case of an Extraordinary Meeting convened on a requisition by Councillors pursuant to paragraph 3(2) of Schedule 12 to the Local Government Act 1972, the Chief Executive may (subject in the case of the Annual Meeting to the provisions of paragraph 1(2) of the 12th Schedule to the Local Government Act 1972) in consultation with the Mayor:

- (a) alter the date of the holding of the Annual Meeting or the date or time of any Ordinary or extraordinary meeting of the Council;
- (b) cancel an Extraordinary Meeting if, after consulting with the leaders of the political groups the Chief Executive is satisfied that the reason for holding the meeting no longer exists or has been overtaken by events;
- (c) any reference to the Chief Executive in this Rule 2.5 shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in their absence.

- 2.6 At a meeting of the Council the Mayor, if present, shall preside.
- 2.7 If the Mayor is absent from a meeting of the Council, or if they are unable to act or the office of Mayor is vacant, then the Deputy Mayor shall preside.
- 2.8 If the Mayor and Deputy Mayor are both absent or unable to preside, then another Councillor chosen by the Councillors shall preside.

3. Annual Council – Appointment of Mayor and Deputy Mayor

- 3.1 The matters to be considered at the Annual Meeting shall be:
- a) receive any apologies for absence from councillors;
 - b) receive any declarations of interest from councillors;
 - c) elect a Mayor;
 - d) elect a Deputy Mayor; and
 - e) hear speeches from the incoming Mayor and outgoing Mayor.

4. Appointments at Special Council Following Annual Council

- 4.1 The matters to be considered at the Appointments meeting shall be:
- a) elect a Leader of the Council if this needs to be dealt with. Details of the Leader's term of office are set out in **Part 2 – Article 7.03**;
 - b) receive notice from the Leader of the Council who they are appointing as Deputy Leader of the Council;
 - c) receive notice from the Leader of the Council they are appointing to the Cabinet together with details of the portfolios;
 - d) appoint councillors and where appropriate substitute councillors (including Chairs and vice-Chairs) to committees;
 - e) appoint councillors to Working Parties, Forums, Panels and other bodies;
 - f) agree a timetable of meetings for all Committees etc for the Municipal Year; and
 - g) agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree.

5. Ordinary Meetings

- 5.1 The matters to be considered at ordinary meetings shall be:
- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
 - b) receive any apologies for absence from councillors;
 - c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
 - d) receive declarations of interests from councillors;
 - e) receive any announcements from the Mayor and/or a speech on his/her ceremonial activities
 - f) Receive any announcements from the Chief Executive;
 - g) deal with any business required by law;
 - h) receive questions from, and provide answers to, the public in accordance with Rule 11 below (limited to 30 minutes);

- i) receive questions from, and provide answers to, councillors in accordance with Rule 12 below (limited to 30 minutes);
- j) hear a speech from the Leader providing an update on the main areas of work of the Cabinet. Responses from the leader(s) of the opposition group(s), non-aligned councillors and a response from the Leader (limited to 30 minutes)
- k) deal with petitions in accordance with Rule 14;
- l) receive any reports relating to matters reserved to the Council;
- m) debate motions on notice in the order in which they have been received;
- n) consider any other business specified in the summons to the meeting.

6. Council Tax Setting Meeting

6.1 At the meeting at which the council tax for any year is to be set, the order of business shall be:

- a) elect a person to preside if the Mayor and Deputy Mayor are absent;
- b) receive any apologies for absence from councillors;
- c) approve the minutes of the last Ordinary meeting of the Council and of any subsequent Extraordinary meeting that may have been held;
- d) receive declarations of interests from councillors;
- e) receive any announcements from the Mayor;
- f) receive Council budget questions from, and provide answers to, the public in accordance with Rule 11 below (limited to 30 minutes);
- g) receive Council budget questions from, and provide answers to, councillors in accordance with Rule 12 below (limited to 30 minutes);
- h) consider proposals from the Leader in relation to the Council's budget;
- i) recorded vote on the Council's budget;
- j) set the council tax.

7. Extraordinary Meetings

7.1 An Extraordinary meeting of the Council may be called at any time by the Mayor. In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition. An Extraordinary meeting may consider any of the matters specified in Rule 5.1 above (business at Ordinary Council meetings) except questions by the public or councillors.

7.2 If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed by five councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.

7.3 In addition to the Mayor and any five Councillors, the Chief Executive or the Monitoring Officer, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.

7.4 The business to be conducted at an Extraordinary meeting shall be restricted to the item of business contained in the request for the Extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that

the Mayor (or person presiding) may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

8. Council Quorum

- 8.1 The Council shall not carry out any business at their meetings unless at least one quarter of the total number of councillors are present (i.e. 13 councillors).
- 8.2 If no quorum is present 15 minutes after the start time of a Council meeting, or if during the course of a meeting it becomes inquorate, the meeting shall be adjourned. Any outstanding business at a Council meeting shall be held over to a time to be fixed by the Mayor or to the next ordinary Council meeting.

9. Duration of meetings of Council

- 9.1 Meetings of the Council will close three and a half hours after the time of the start of the meeting as advertised on the Agenda, except as determined below.
- 9.2 The Mayor may, at their discretion, suspend the meeting for such period of time that they consider necessary. If the meeting is suspended, for whatever reason, the length of time of the suspension will be added back to the meeting so that the meeting is in session for three and a half hours without the need to extend the meeting.
- 9.3 Meetings of Council shall terminate in the manner set out below unless:
 - a) the business of the meeting has been completed before the end of three and a half hours after the meeting commenced; or
 - b) by resolution passed before the closure time, the Council resolves to extend the meeting beyond that time.
 - c) No meeting of the Council, except the Budget meeting, shall continue beyond 11pm, save where required to deal with the matters as set out below.
- 9.4 When the meeting is to terminate, business will be determined as follows:
 - a) The Mayor will advise the Council that the procedure to terminate the meeting is to be applied;
 - b) Any speech in progress shall be immediately concluded;
 - c) The Mayor will put any motion or recommendation then under consideration to the vote without further discussion;
 - d) All remaining business before the Council, including recommendations, motions and amendments shall be put to the vote without discussion. All remaining business will be taken as proposed and seconded as necessary.

10. Mayor's Speech

- 10.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Mayor may provide an update on his/her ceremonial activities undertaken since the previous update to the Council meeting.

11. Residents' Question Time

- 11.1 At each ordinary meeting of the Council, there shall be 30 minutes for members of the public to ask questions. No questions may be asked at the Annual Council meeting or any Extraordinary meeting.
- 11.2 The procedure in relation to such questions shall be as follows:
- a) A person resident in Southend may, if the question has been submitted in writing to the Committee Section (email: committeesection@southend.gov.uk) not later than 12.00 hrs, 9 clear working¹ days before the date of the meeting of the Council, ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the Council. The question shall not exceed 150 words in length.
 - b) The Monitoring Officer may reject a question if it:
 - (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.
 - c) The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. If the questioner is not present when the question is called, a written reply shall be provided.
 - d) There shall be no speech or discussion allowed on any question or reply.
 - e) Not more than two questions may be asked by any one person at any one meeting.
 - f) If there is insufficient time (30 minutes) to answer all public questions, a written reply will be sent to the questioner.

12. Councillors' Questions

- 12.1 There will be a period of up to 30 minutes for councillors to ask questions and obtain answers from the Leader and Cabinet Members.
- 12.2 The procedure for councillors' questions shall be as follows:
- a) A councillor may ask the relevant Cabinet Member any question(s) on any matter which the Council has powers or duties or which directly affects the business of the Council provided that:
 - (i) Questions are submitted in writing to the Committee Section (committeesection@southend.gov.uk) not later than 6 clear working days² before the date of the meeting.
 - (ii) Questions do not exceed 150 words in length; and
 - (iii) The number of questions which may be asked by any councillor at a meeting shall be limited to two;
 - b) The Monitoring Officer may reject a question if it:

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

² Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
 - (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;
 - (iii) is defamatory, frivolous or offensive;
 - (iv) is substantially the same as a question which has been put at a Council meeting in the last 6 months;
 - (v) requires the disclosure of confidential or exempt information.
- c) The question put by a councillor and the answer shall be published at least 24 hours before the start of the meeting and at the meeting shall be taken as read. However, if a councillor does not wish to ask a supplementary question, then their question may be dealt with orally.
 - d) Published answers must not exceed 250 words in length
 - e) No discussion shall take place on any question or answer.
 - f) Not more than one supplementary question may be asked on any written question and only the councillor who asked the original question can ask a supplementary question.
 - g) A supplementary question must be a question and not include a statement and arise directly out of, and related to, the question or reply. The Mayor may reject a supplementary question if they consider that it is inappropriate.
 - h) Where a written question is addressed to a Cabinet Member and the desired information is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.
 - i) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to councillors.
 - j) If the councillor asking the question is not present at the meeting, the question and answer shall not be read out.

13. Leader's Speech

- 13.1 At ordinary meetings of the Council (except the Annual Meeting and Budget Meeting), the Leader of the Council may give an update report on the work of the Council. The Leader may make a speech of up to four minutes. The Leader(s) of the opposition group(s) and non-aligned councillors may each make a speech in response of up to four minutes. The Leader of the Council may reply with a speech of up to four minutes. The total time for speeches shall not exceed 30 minutes.
- 13.2 The time allotted to the Leader, the Leaders of each of the opposition groups and non-aligned councillors will be determined at the annual meeting for that civic year.

14. Presentation of Petitions

- 14.1 At the meeting of the Council any Councillor may present a petition. The Councillor presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- 14.2 All petitions must be received by the Committee Section (email: committeesection@southend.gov.uk) at least 12 clear working days¹ before the

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).

14.3 A petition can be presented at Council if:

- (a) It contains the signatories and addresses of anyone who lives, works or studies in the City (including under 18s);
- (b) It is relevant to some matter in relation to which the Council has functions, or which affects the area of the Council, or part of it, or the inhabitants of the area or some of them; and
- (c) It asks for action to be taken or ceased.

14.4 A petition shall not be presented at Council if:

- (a) It is submitted in connection with a planning or licensing decision or any matter where there is a statutory right of appeal or review. Such petitions will be dealt with under the relevant statutory provisions;
- (b) It relates to a matter which is currently the subject of a formal public consultation process being undertaken by the Council;
- (c) It criticises the conduct of a named individual;
- (d) It is vexatious or abusive or otherwise inappropriate;
- (e) It is identical or similar to a petition submitted in the past 6 months; or
- (f) It is an electronic petition which has not been created using the Council's online e-petitions facility.

14.5 The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Councillor thinks fit.

14.6 Petitions shall be presented in the order in which notice of them is received by the Committee Section.

14.7 The Council shall refer petitions signed by 100 or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer petitions signed by less than 100 persons to the Chief Executive or relevant Executive Director for response as appropriate.

15 Motions on Notice

15.1 Except for motions which can be moved without notice, written notice of every motion, identifying one councillor as the proposer and at least one councillor as the seconder, must be delivered to the Chief Executive not later than 12:00hrs on the ninth clear working day¹ before the date of the Council meeting.

15.2 The Monitoring Officer may reject a motion if it:

- (i) is not about a matter for which the Council has responsibility, or which directly affects Southend;
- (ii) seeks to ask Council to act in a way that is ultra vires (outside its powers), unlawful, or illegal;

¹ Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting

- (iii) is defamatory, frivolous or offensive;
- (iv) is substantially the same as a motion which has been put at a Council meeting in the last 6 months.

- 15.3 Motions on Notice will be included on the agenda in the order that they are received.
- 15.4 No councillor shall move more than one Motion on Notice at the same meeting.
- 15.5 No motions for debate under this rule of procedure are permitted for the meeting of the Annual Budget debate or at the Annual Meeting.
- 15.6 The total time permitted for consideration of each motion (Executive matters) for debate shall be no more than 30 minutes. The period shall include any speeches by the mover and seconder of the motion in question. If after 22 minutes the debate has not concluded the Mayor shall invite the Cabinet Member to respond before the proposer has the opportunity to conclude the debate. The normal rules of debate will apply. Following a vote on the motion, it will be referred to Cabinet for decision.
- 15.7 If a subject matter of the motion falls within the remit of full Council (non-executive matters), the normal rules of debate will apply. The total time for debate for each such motion shall be no longer than 45 minutes. A vote will be taken to determine the matter (or refer it to a future meeting).
- 15.8 If there is not sufficient time to debate any motion before the Council then it shall be dealt with in accordance with Rule 9.4
- 15.9 Where a notice of motion is before Council and the mover wishes to subsequently withdraw it, they may do so with the consent of the seconder.
- 15.10 For the avoidance of doubt there will be no provisions for questions.
- 15.11 Notices of motion cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

16. Motions without notice

- 16.1 The following motions may be moved without notice:
- a) to appoint a chair of the meeting (if the Mayor is absent) and to invite the Deputy Mayor, if present, to take the chair;
 - b) in relation to the accuracy of the minutes;
 - c) to change the order of business in the agenda;
 - d) to refer something to an appropriate body or individual;
 - e) to appoint a committee or councillor arising from an item on the summons for the meeting;
 - f) to move a motion arising from a report of an officer, a committee or the Cabinet (including the recommendation of that report);
 - g) to withdraw a motion;
 - h) to propose an urgent amendment to the motion
 - i) to proceed to the next business;
 - j) that the question be now put;
 - k) to extend the time limit of speeches;
 - l) that the meeting or debate or motion be adjourned;

- m) point of order
- n) point of personal explanation
- o) that the meeting continue beyond three and a half hours in duration (subject to Rule 9);
- p) to suspend or vary a particular Council Procedure Rule (except those of statutory effect);
- q) to exclude the public and press under section 100(A) of the Local Government Act 1972;
- r) that a councillor named not be further heard.

16.2 The Mayor will decide whether an amendment is urgent provided that

- (a) the motion could not have been submitted 1 clear working day in advance
- (b) the Leader and opposition group leaders have signified their consent (without vote) to the amendment being considered

17. General Limitations to all Motions

17.1 The following limitations shall apply to all forms of motion and amendment.

- a) No motion shall be moved to the same effect as any motion that has been debated within the preceding year. This is provided that this Rule shall not apply to a motion to adopt a recommendation of the Cabinet or a committee.
- b) In relation to motions without notice (Rule 16), upon any councillor seeking to propose a motion or an amendment, they shall state the terms of such motion or amendment and shall not be permitted to speak in support until they have done so.
- c) The Mayor will allow such time as they consider appropriate on the original substantive motion to allow the proposer and seconder to make their speeches and for others to contribute.
- d) The right of reply shall not extend to the mover of any amendment.
- e) Except as otherwise specifically provided by these Rules, no councillor shall address the Council more than once on any motion or amendment.

18. Amendments to motions

18.1 Any amendments to a motion (other than amendments to the budget proposals) shall be submitted to the Monitoring Officer at least 1 clear working day in advance of the meeting¹

18.2 An amendment shall be relevant to the motion and shall be either to:

- (i) leave out words;
- (ii) leave out words and insert or add others;
- (iii) insert or add words;
- (iv) refer a subject of debate to the Cabinet or to a committee for consideration or re-consideration

18.3 The Monitoring Officer shall advise the Mayor whether the amendment can be accepted provided that the effect of (i) to (iii) does not, in the opinion of the Monitoring Officer negate the motion or materially change the content or purpose of the motion.

¹ Clear working day excludes Saturday, Sunday, Bank Holidays, the day the amendment is submitted and the day of the meeting

- 18.4 The Monitoring Officer shall, with the consent of the proposer of the amendment circulate the amendment in advance of the meeting to the Leader and the opposition group leaders and non-group members.
- 18.5 The holder of the motion may accept the amendment and move the amended motion for debate as the substantive motion
- 18.6 Where the amendment is debated and carried, the motion as amended shall take the place of the original motion and shall become the motion upon which only further urgent amendments may be moved.
- 18.7 Where a formal amendment to the **Budget proposals** is to be submitted to the Council's Annual Budget Setting Meeting (ABSM) then at least 48 hours prior to the meeting, that proposed amendment shall be submitted to and discussed in confidence with the Executive Director (Finance and Resources), pursuant to Budget & Policy Framework Procedure Rule 7: The Executive Director (Finance & Resources) will confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if they are satisfied that this is the case.
- 18.8 Such a formal amendment, setting out the details in clear terms (and in a form which the Executive Director (Finance and Resources) has confirmed in writing would not produce an unbalanced or unsound Budget) must be submitted in writing to the Chief Executive by 6.30 pm on the day before the ABSM and will be publicly available.

19. Rules of Debate

- 19.1 Councillors shall alert the Mayor that they wish to speak and, if two or more councillors do so, the Mayor will select one of them to speak in which case all other councillors shall be silent.
- 19.2 When any councillor has been called to speak by the Mayor, other councillors shall remain silent unless making a point of order or personal explanation.
- 19.3 Whenever the Mayor speaks or rises from their chair, every other councillor shall sit and be silent and the Mayor shall be heard without interruption.
- 19.4 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed. The Mayor may also require an urgent amendment to be written down and handed to him/her before it is discussed.
- 19.5 No speech may exceed 4 minutes without the consent of the Mayor except:
- a) At the Council Tax Setting meeting, the Leader of the Council shall be allowed unlimited time to set out their priorities or to propose the Budget.
 - b) The Leader(s) of the Opposition Group(s) shall also be allowed unlimited time to reply to a Leader's speech at the Council Tax Setting Meeting.
- 19.6 A councillor shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a councillor does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order, the Mayor shall call that councillor to order and may tell them to stop speaking.

- 19.7 A councillor may speak only: -
- a) on motions or amendments; or
 - b) to ask or answer questions under Rules 11 and 12; or
 - c) to raise a point of order; or
 - d) to make a personal explanation, or
 - e) where the Mayor gives permission to a councillor to speak.
- 19.8 No one may speak more than once on any motion (including a recommendation of the Cabinet or a committee) except: -
- a) the proposer of a motion who has a right of reply to the unamended motion / amended motion;
 - b) a councillor may speak on a proposal to amend a motion on which they have already spoken.
- 19.9 In the exercise of a right of reply, a councillor shall confine their speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.
- 19.10 The right to reply is preserved if a closure motion or an adjournment motion is carried.

20. Points of Order and Personal Explanation

- 20.1 A councillor may at any time raise a point of order but when so doing, they shall specify the particular Rule or statutory provision which they allege has been breached or on which they otherwise rely, specifying in the case of a Rule the number and the relevant paragraph and the way in which they consider it has been breached.
- 20.2 Any councillor speaking at the time a point of order is raised, shall fall silent.
- 20.3 A councillor making a personal explanation shall be entitled to be heard forthwith. Any councillor speaking at the time a personal explanation is to be made shall immediately fall silent.
- 20.4 A personal explanation may only be made by a councillor who –
- a) has spoken earlier in the debate then in progress who wishes to correct a misstatement they have made; or
 - b) wishes to correct a statement made about them by the person then speaking; or
 - c) wishes to correct a misquotation by the person then speaking of facts originally put by them earlier in the debate.
- 20.5 The ruling of the Mayor on a point of order or on the right to make a personal explanation shall be final, and shall not be open to debate.

21 Voting in Council Meetings

- 21.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors entitled to vote and present in the room at the time the question was put. Voting will normally be determined by electronic means or by a show

of hands. Subject to the Mayor's casting vote, each councillor shall have only one vote.

- 21.2 In the case of an equality of votes, the Mayor shall have a second or casting vote and may exercise it at their discretion.
- 21.3 Where immediately after a vote is taken at a meeting, if any councillor so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that councillor cast their vote for or against the matter before the Council or whether they abstained from voting.
- 21.4 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision related to the making of a calculation under sections 42A, 42B, 45 to 49 and 52ZJ of the Local Government Finance Act 1992 or the issuing of a precept under Chapter 4 of Part 1 of that Act at a meeting of the Council at which it makes such a calculation or issues such a precept.
- 21.5 If at a meeting any councillor, supported by six other councillors present demand a recorded vote by raising their hand and saying "named vote", prior to the Mayor calling a vote, to indicate such demand, the names "for" or "against" the motion or amendment or abstaining from voting i.e. "not voting" will be taken down in writing and entered into the minutes.
- 21.6 The procedure for a recorded vote shall be as follows:
- a) The Mayor shall put the motion to a vote and the Chief Executive shall call out the names of councillors and record their votes or abstentions.
 - b) Each councillor shall answer "For", "Against" or "Not Voting".
 - c) The Mayor shall declare the result of the vote and the vote of each councillor shall be recorded in the minutes.
- 21.7 Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

22. Councillor's Conduct

- 22.1 If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor not be heard further. If seconded, the motion will be voted on without discussion.
- 22.2 If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 22.3 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

23. Disturbance by the Public

- 23.1 If a member of the public interrupts proceedings, the Mayor will warn the persons concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.
- 23.2 If there is general disturbance in any part of the meeting room open to the public, the Mayor may call that part to be cleared.

24. Exclusion of Public

- 24.1 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.

25. Suspension and Amendment of Council Rules

- 25.1 In respect of business at Council meetings, any Rule, except those of statutory effect, may be suspended on a motion which may be moved without notice, provided at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.