

SHADOW COUNCIL MEETING PROCEDURE RULES

A. Meeting Procedure Rules

1. Election of Chair and Vice-Chair

- 1.1. At the first meeting, the Shadow Council will elect its Chair and Vice-Chair.
- 1.2. The Chair, or in their absence the Vice-Chair (who will have the same powers and duties as the Chair), will preside at meetings. Where both the Chair and Vice-Chair are absent, the meeting will appoint another Councillor to chair the meeting, who will have the same powers and duties as the Chair.
- 1.3. The Chair of BCP Council, or in their absence the Vice-Chair of BCP Council, shall preside over the election of Chair. Where both the Chair and Vice-Chair of BCP Council are absent, the membership shall agree, prior to the commencement of the formal meeting, another Councillor from the membership to preside over the election of Chair. The person presiding over the election of Chair shall be entitled to a casting vote in the event of an equality of votes.
- 1.4. The meeting may elect, from among the voting members, a councillor to the office of Chair and Vice-Chair.

2. Records of Attendance

The Monitoring Officer will keep a record of Councillors attending any meeting of the Shadow Council.

3. Quorum

- 3.1. No business shall be dealt with at the Shadow Council meeting if there are fewer than one quarter of Councillors who are members of that body present at the meeting. Where the meeting has started, and the number of Councillors present is fewer than one quarter of the number of Councillors, the Chair will adjourn the meeting. Where the Chair does not give a date and/or time for the consideration of the remaining business, all business not completed will be considered at the next meeting.

4. Order of business

Business shall be dealt with in the order in which it is set out in the agenda unless the Chair or the meeting decides otherwise.

5. Duration of meetings

- 5.1. Upon a meeting duration reaching two hours without a previous adjournment, the Chair shall, unless in their opinion it is expedient to continue to the end of remaining business, adjourn the meeting at the end of the item under discussion for a short adjournment the duration of which is at the Chair's discretion but must not exceed 30 minutes.
- 5.2. Rule 5.1 does not preclude a Motion without Notice being moved under Procedure Rule 9 to adjourn a meeting.

6. Urgent Business

- 6.1. Business cannot be dealt with at a meeting unless it is included in the agenda and made available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.
- 6.2. The Chair of the meeting may agree to deal with an item of business at the meeting if, in their opinion, the matter is urgent given the circumstances requiring a decision. The Chair's ruling and the reasons for urgency will be recorded in the minutes of the meeting.

7. Confirmation of Minutes

- 7.1. Minutes of the last meeting must be confirmed at the next ordinary meeting.
- 7.2. Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chair shall sign the minutes.
- 7.3. Councillors may ask a question or comment on any minute. The Chair of the meeting will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 7.4. Where a Councillor has a question or comment on an Exempt or Confidential minute, the question or comment must be given in writing to the Monitoring Officer or their nominee at least one hour before the start of the meeting.
- 7.5. Any question about the accuracy of any minute of a body must be considered and determined by that body at its next meeting.

8. Matters for decision by the Shadow Council

- 8.1. All matters for decision by the Shadow Council (except any urgent items) shall be included with the Agenda.

9. Motions moved without notice

- 9.1. Only the following motions and amendments can be moved at a meeting without notice:
 - 9.1.1. appointment of a Chair of the meeting at which the motion is made;
 - 9.1.2. motions relating to the accuracy of the minutes;
 - 9.1.3. that an item of business specified in the summons should have precedence;
 - 9.1.4. receipt of reports of officers and any consequent resolutions;
 - 9.1.5. extending the time limit for speeches;

- 9.1.6. amendment to motions;
- 9.1.7. that the meeting proceed to the next business;
- 9.1.8. that the question be now put;
- 9.1.9. that the debate be now adjourned;
- 9.1.10. that the meeting do now adjourn;
- 9.1.11. suspending Procedure Rules, in accordance with Procedure Rule 14;
- 9.1.12. motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public;
- 9.1.13. that a Councillor named under Procedure Rule 16 should not be heard further;
- 9.1.14. by the Chair under Procedure Rule 16, that a Councillor do leave the meeting; and
- 9.1.15. giving consent of the Shadow Council where consent of the Shadow Council is required by these Procedure Rules.

10. Rules of Debate

Motions and Amendments

- 10.1. The Chair of the meeting may, at their discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair has concluded that the wording of the motion or amendment is understood by all members of the body concerned.

Seconders's Speech

- 10.2. When seconding a motion or amendment a Councillor may advise the Chair that they will reserve their right to speak until a later period in the debate.

Only One Councillor to Stand at a Time

- 10.3. When speaking at the Shadow Council meeting a Councillor shall stand if they are able and address the Chair. While a Councillor is speaking the other Councillors will remain seated, unless rising on a point of order or in personal explanation.

Content and Length of Speeches

- 10.4. A Councillor will confine their speech to the question under discussion, a personal explanation or a point of order. No speech, question or response to a question will exceed three minutes.

When a Councillor may speak again

- 10.5. At the Shadow Council meeting a Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- 10.5.1. to speak once on an amendment moved by another Councillor;
- 10.5.2. if the motion has been amended since they last spoke, to move a further amendment;
- 10.5.3. if their first speech was on an amendment moved by another Councillor, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- 10.5.4. in exercise of a right of reply;
- 10.5.5. on a point of order referring to the specific Procedure Rule;
- 10.5.6. by way of personal explanation; or
- 10.5.7. to move one of the motions specified in Rule 10.12 when the procedure in those paragraphs shall be followed.

Amendments to Motions

10.6. An amendment must be relevant to the motion and shall propose to do one of the following:

- 10.6.1. to leave out words;
- 10.6.2. to leave out words and add others; and/or
- 10.6.3. to insert or add words,

but such amendment shall not have the effect of negating the motion before the Shadow Council.

Number of Amendments

10.7. Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.

Status of Amendments

10.8. If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Withdrawal of Motion

10.9. A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

Right of Reply

10.10. The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

10.11. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have the right of reply to the debate on their amendment immediately before the mover of the original motion.

Closure Motions

10.12. A Councillor may move, without comment, at the conclusion of a speech of another Councillor, "That the meeting proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the meeting do now adjourn". When one of these Motions has been seconded the Chair shall proceed as follows:

- 10.12.1. on a motion to proceed to next business - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business;
- 10.12.2. on a motion that the question be now put - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the closure motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote; and
- 10.12.3. on a motion to adjourn the debate or the meeting - if in their opinion the matter before the meeting has been insufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

Points of Order

10.13. A member of the meeting may rise on a Point of Order and shall be entitled to be heard immediately. A Point of Order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Councillor shall specify the Procedure Rule or statutory provision and the way in which they consider it has been breached. The ruling of the Chair of the meeting on a Point of Order shall not be open to discussion and shall be final.

Personal Explanation

10.14. A member of the meeting may rise in Personal Explanation and shall be entitled to be heard immediately. A Personal Explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood in the current debate. The ruling of the Chair of the meeting on a Personal Explanation shall not be open to discussion and shall be final.

Respect for the Chair

10.15. At the Shadow Council meeting whenever the Chair rises during a debate a Councillor then standing shall sit down and the Shadow Council shall be silent.

11. Disclosure of Confidential/Exempt Matters

- 11.1. No Councillor shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Shadow Council.
- 11.2. No Councillor shall disclose to any person other than a member of the Shadow Council any matter arising during the proceedings of the Shadow Council, and which comes to their knowledge by virtue of their office as a Shadow Councillor where such disclosure would prejudice the interest of the Shadow Council or would be contrary to law.
- 11.3. No Councillor shall disclose to any person any decision or proceedings of that body except when one of the following applies (provided that nothing in this paragraph shall authorise disclosure which would contravene Rule 11.1 or Rule 11.2):
- 11.3.1. a report on the matter has been circulated to the Shadow Council by that body;
 - 11.3.2. the decision has become public knowledge; or
 - 11.3.3. the matter comes within the powers of that body and a final decision has been made upon it.

12. Voting

- 12.1. It is the responsibility of each councillor to properly inform themselves and ensure that they are sufficiently appraised of any matter before voting.
- 12.2. Voting will be by a show of hands or where practical and the means are available to those present, by electronic means. Where there is a clear majority in favour of a proposal the person presiding will ask if any Councillor wishes to vote against or abstain from a proposal.
- 12.3. When a Councillor asks for a recorded vote to be taken, and one quarter of Councillors present support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained.
- 12.4. A recorded vote will not be taken if the vote has already begun to be taken.
- 12.5. A Councillor may require, after a vote is completed, that the minutes of the meeting record how they voted or abstained.
- 12.6. Where there are equal votes cast for a motion or amendment the Chair or the person presiding will have a second or casting vote.

13. Offices and Appointments

- 13.1. A secret ballot will be held to elect the Chair and Vice-Chair of the Shadow Council to any office or position where more than one person is nominated.

13.2. If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.

13.3. The Chair, or person presiding, will have a second or casting vote where the votes are equal.

14. Suspension of Procedure Rules

14.1. Any of the Procedure Rules may be suspended to the extent permitted within the Rules and the law in respect of any business at a meeting of the Shadow Council where its suspension is moved.

14.2. A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 9) unless there shall be present at least one-half of the Members of the Shadow Council. The extent and duration of the suspension will be proportionate to the result to be achieved.

15. Interpretation of Procedure Rules

Subject to taking advice from the Monitoring Officer or their nominated representative, the ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Shadow Council, shall not be challenged at any meeting.

16. Disorderly conduct by Councillors

16.1. If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding shall warn them. If the misconduct continues, the person presiding or any other Councillor may move "That the Councillor be not further heard for the item being debated" or "That the Councillor be not further heard for the remainder of the meeting". The motion, if seconded, shall be put and determined without discussion.

16.2. If the Councillor continues the misconduct after a motion under the Rule 16.1 has been carried, the person presiding may: either move "That the Councillor do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.

16.3. In the event of general disturbance by Councillors at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

17. Disturbance by members of the Public

If a member of the public interrupts the proceedings at any meeting the person presiding shall warn them. If they continue, the person presiding shall order their removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

18. Submission of Notices by Councillors – Electronic Means

A Councillor may communicate, by electronic means, any notice under any of the Council's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Councillor.

Public Access to Meeting Documentation following the meeting

- 18.1. Members of the public may access minutes, decisions and other relevant documents through the following website <https://democracy.bcpccouncil.gov.uk>
Requests for access to the list of background papers and other relevant documents should be by email to the relevant officers.