



Hull  

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City Council

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# THE CONSTITUTION

## Part C – Procedure Rules

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### PART C

### PROCEDURE RULES

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**PART C1****COUNCIL PROCEDURE RULES****MEETINGS OF COUNCIL**

1. **Chair of meetings** (cannot be suspended)
  - 1.1 The Lord Mayor or in his/her absence the Deputy Lord Mayor shall chair meetings of Council. Where both the Lord Mayor and Deputy Lord Mayor are absent the Council shall select a member to chair the meeting having due regard to the past experience of any member who has previously acted as chair of a meeting of the Council provided that no member of the Executive shall act as chair of the meeting.
2. **The application and interpretation of rules** (cannot be suspended)
  - 2.1 The Lord Mayor may interpret and determine the application of any provision of these Rules where he/she considers it appropriate. The determination of any matter shall have regard to the purposes of the Constitution set out under Article 1.2. The decision of the Lord Mayor shall be final but before ruling on any matter he/she will allow one member from each political group the opportunity to make representations on the matter for up to 3 minutes if s/he deems it appropriate in the circumstances.
  - 2.2 References in these Rules to the Lord Mayor shall include any other member (including the Deputy Lord Mayor) when acting as chair of the meeting and references to the Leader of Council and chair of a committee or sub-committee shall, in the absence of the office holder, include any vice chair or deputy chair.
3. **Record of attendance** (cannot be suspended)
  - 3.1 All members, not including the Lord Mayor, present during the whole or any part of the meeting must sign their name on an attendance sheet before the conclusion of every meeting to assist with the record of attendance.
4. **Quorum** (cannot be suspended)
  - 4.1 No business shall be dealt with unless there is a quorum of 15 members present. If there is no quorum the meeting shall immediately stand adjourned.
5. **Ordinary meetings - Agenda**

- 5.1 The business of an ordinary meeting will be as set out below.
- 5.2 The order in which business is dealt with and set out on the agenda for each meeting shall be determined by the Lord Mayor in consultation with the political group secretaries and Democratic Services Officers.
- 5.3 During each meeting the order of business set out on the agenda may be changed on a motion to re-order the business put to the vote without discussion pursuant to rule 10.1.2
- 5.4 The Lord Mayor may adjourn the meeting at such time or times as seem to them to be appropriate for breaks taking into account:
- The length of the meeting
  - The likely needs of members
- And in any event will adjourn the meeting at an appropriate point on the Order Paper after a period of approximately two hours, to provide a comfort break of no less than 30 minutes to reflect reasonable working practises and welfare and equality concerns.
- 5.5 The business to be conducted shall be as follows and will normally be dealt with in the order set out but subject to paragraphs 5.2 and 5.3 above:

**CIVIC AND PROCEDURAL**

- 5.5.1 Elect a member to chair the meeting if the Lord Mayor and Deputy Lord Mayor are absent and who must not be a member of the Executive.
- 5.5.2 Take declarations of interest.
- 5.5.3 Agree the minutes of the last meeting and the Lord Mayor's authority to sign the minutes.
- 5.5.4 Receive any announcements from the Lord Mayor
- 5.5.5 Receive information about any changes to the composition of political groups or the membership of committees and joint committees.

**PUBLIC**

- 5.5.6 Petitions and Deputations.

**CABINET**

- 5.5.7 Leader's Statement (and other Group Leaders in response).
- 5.5.8 Put questions to the Leader of Council, members of the Cabinet, chairs of committees and other office holders except questions to the nominated members for Humberside

Fire Authority. (A question concerning a joint authority will be referred to the nominated member pursuant to rule 14.6)

- 5.5.9 Agree the minutes of the last meeting and the Lord Mayor's authority to sign the minutes.
- 5.5.10 Put questions to the nominated members for Humberside Fire Authority.
- 5.5.11 Receive reports and recommendations of the Leader of the Council or the Cabinet.

#### **SCRUTINY, REGULATORY AND OTHER COMMITTEES**

- 5.5.12 Receive reports and recommendations of overview and scrutiny, regulatory and other committees and the Standards Committee.

#### **JOINT ARRANGEMENTS**

- 5.5.13 Receive reports and recommendations concerning joint arrangements.
- 5.5.14 Deal with any business remaining from the last meeting.

#### **MEMBERS BUSINESS**

- 5.5.15 Motions (in the order in which they were notified).
- 5.5.16 Other business placed on the agenda by the Lord Mayor.
- 5.5.17 The business items set out in rules 5.5.6, 5.5.8 and 5.5.13 shall not be considered at any meeting at which the setting of Council Tax as part of the budget is a business item on the agenda.

### **6. Calling and cancellation of an ordinary meeting**

- 6.1 The Chief Executive shall give notice of and issue a summons to every member of Council containing details of the date, time and place of the meeting and the business to be transacted.
- 6.2 The Chief Executive may, following consultation with the Lord Mayor and with the agreement of the Leader of Council and the leaders of all political groups represented on the Council, cancel an ordinary meeting where there is insufficient business to justify calling the meeting or there are unusual circumstances which make it impossible or impracticable to hold the meeting.

### **7. Extraordinary meetings**

- 7.1 The Chief Executive shall convene an extraordinary meeting:
- 7.1.1 In accordance with a resolution of the Council to hold a meeting.
  - 7.1.2 Following a determination by the Lord Mayor to hold a meeting.
  - 7.1.3 Where any five members have given written notice to the Lord Mayor and he/she has refused to call an extraordinary meeting either at all or within seven days of receipt of the notification. The written notice must specify the business to be transacted.
- 7.2 The Chief Executive shall fix the date and time of the extraordinary meeting in consultation with the Lord Mayor and the Leader of Council.

8. **The Annual Meeting – Agenda**

- 8.1 At the Annual Meeting the agenda will be as follows:

**CIVIC AND PROCEDURAL**

- 8.1.1 Election of a member who must not be a member of the Executive to chair the meeting if the Lord Mayor and Deputy Lord Mayor are absent.
- 8.1.2 Election of the Lord Mayor and Admiral of the Humber.
- 8.1.3 Election of the Deputy Lord Mayor.
- 8.1.4 Declarations of interest.
- 8.1.5 Agree the minutes of the last meeting and the Lord Mayor's authority to sign the minutes.
- 8.1.6 Receive any announcements from the Lord Mayor.

**ELECTION OF THE EXECUTIVE**

- 8.1.7 Election of the Leader of Council where a vacancy arises.
- 8.1.8 Address by the Leader of the Council (and other Group Leaders in response)

**CONSTITUTIONAL BUSINESS**

- 8.1.9 Review of the Constitution following receipt and consideration of the report of the Monitoring Officer.
- 8.1.10 Appointments to committees.
- 8.1.11 Appointments of Chairs and Deputy Chairs to committees; excepting that the Chairs and Deputy Chairs of Area Committees may only be appointed at Annual Council where there is agreement among members of an Area Committee, upon the proposed appointments, such agreement may be reached at special meetings of the Area Committees convened on the day of Annual Council.
- 8.1.12 Appointments to joint authorities, joint committees and outside bodies.
- 8.1.13 Agree a cycle of meetings of the Council for the year.

**LORD MAYOR'S BUSINESS**

- 8.1.14 Other business placed on the agenda by the Lord Mayor.

**9. Acceptance of Agenda items**

- 9.1 The Town Clerk shall consider whether relevant procedural requirements have been met in preparing for any meeting of the Council and whether any item of business, motion, amendment or question may properly be put before the meeting.
- 9.2 The Lord Mayor, having taken advice from the Town Clerk and, where practicable, having afforded the member or their Group Leader or Group Secretary concerned the opportunity to make representations in the matter, may determine that an item of business, motion, amendment or question does not meet relevant procedural requirements, is unlawful or is otherwise irregular or improper and shall not be placed on the agenda or otherwise put to the meeting.

**10. Motions without notice**

- 10.1 Notice is not required to move motions or amendments:
  - 10.1.1 To select a person to chair the meeting.
  - 10.1.2 To re-order the business on the agenda
  - 10.1.3 To refer an item on the agenda to the next ordinary meeting, the Cabinet, a committee or sub-committee for consideration, action or report.

- 10.1.4 To consider a motion or an amendment to a motion in parts.
  - 10.1.5 To move a recommendation under rule 16.
  - 10.1.6 To withdraw an item from the agenda.
  - 10.1.7 To move procedural motions under rule 19.10.
  - 10.1.8 To suspend a particular rule or rules pursuant to rule 28.2.
  - 10.1.9 Not to hear, on the motion of the Lord Mayor, a member further or to require a member to leave the meeting.
  - 10.1.10 To record the Council's appreciation or condolence.
  - 10.1.11 To receive a petition or deputation.
  - 10.1.12 To refer a matter raised by a question, petition or deputation to the Cabinet, an appropriate committee or sub-committee of the Council or to another appropriate body.
  - 10.1.13 To obtain the consent or agreement of the meeting in any case where a particular rule requires it.
  - 10.1.14 To appoint members to a committee or a joint committee or an external body.
  - 10.1.15 To approve as a correct record the minutes of a previous meeting.
  - 10.1.16 To approve a member's absence pursuant to section 85 of the Local Government Act 1972.
- 10.2 In relation to a motion under rule 10.1 above, once seconded the Lord Mayor shall allow one member from each political group on the Council the opportunity to speak on the motion for up to 3 minutes each. It shall then be put to the vote without further discussion.

## 11. **Minutes**

- 11.1 The Lord Mayor will move that the minutes of the previous meeting be agreed as a correct record. The only part of the minutes that can be discussed is their accuracy.

## 12. **Petitions**

- 12.1 Subject to rule 5.5.17 (i.e. not a meeting to set the Council Tax) at an ordinary meeting of the Council and subject to compliance with the Council's petition scheme, any member of the council or a person



who lives, works or studies within the boundary of Kingston upon Hull may present a petition.

- 12.2 There are two types of petition – an active petition to be presented for consideration or, in the case of a petition with the required number of signatures specified in the petition scheme, a petition requiring a debate. If an active petition relates exclusively to the area of an Area Committee it will be submitted to the appropriate Area Committee for consideration instead of to full Council.
- 12.3 If a petition that is not exclusive to the area of one Area Committee is received which is rejected because it does not meet the requirements of the Council’s constitution, or the Petition Scheme developed under the constitution, the fact of receipt of submission of the non-qualifying petition will be recorded on the agenda of the next Council meeting for noting by Council without debate.

### **Generally**

- 12.4 Petitions shall be presented, received in the order in which notice of them is received by the Town Clerk, without making any distinction between petitions.
- 12.5 Where the Town Clerk rejects a petition, the Town Clerk will provide a report to Council setting out the reasons why that petition has been rejected. The only motion that may be moved without notice in relation to such a report is procedural motion 10.1.3 “To refer an item on the agenda to the next ordinary meeting, the Cabinet, a committee or sub-committee for consideration, action or report”

### 12.6 **Active Petitions**

- 12.7 For an active petition (i.e. a petition that has been referred to full Council by the proper officer and is not a petition requiring a debate) the Lord Mayor will invite the person or persons who will speak on the petition to make, for a period not exceeding five minutes in total, such remarks as he/she or they consider appropriate, provided that any remarks shall relate to the subject matter of the petition and shall not constitute a personal attack upon any person.
- 12.8 Members of Council may, during a further period not exceeding five minutes in total in relation to each petition ask questions of the person presenting the petition and which shall be asked and may be answered without debate.
- 12.9 The Lord Mayor will move that the petition be presented and, once seconded, the Lord Mayor shall afford the opportunity for one speaker from each political group represented on the Council to

speaking for up to 3 minutes each. The motion shall then immediately be put to the vote without further discussion.

- 12.10 A member may move that the petition or is referred to the Cabinet, an appropriate committee, sub-committee or to another body. Once seconded, the motion will be voted on without debate.

#### **Petition Requiring a Debate**

- 12.11 For a petition requiring a debate the Lord Mayor will invite the person or persons who will speak on the petition to make, for a period not exceeding five minutes in total, such remarks as shall relate to the subject matter of the petition providing such remarks do not constitute a personal attack upon any person.

- 12.12 Members of Council may, during a further period not exceeding five minutes in relation to each petition ask questions of the person presenting the petition which shall be asked and may be answered without debate.

- 12.13 The Lord Mayor will then move that the petition be presented and, once seconded any member may then speak once on the petition limited to 5 minutes each.

- 12.14 With the substitution of the word "petition" for the words "recommendation, motion or any amendment" Council Procedure Rules 19.10, 19.10.3, 19.10.4, 19.10.6, shall apply to the debate.

- 12.15 The Lord Mayor may, where satisfied that the petition has been sufficiently discussed and that a member from each political group represented on the council has been afforded the opportunity to speak on it, move or allow a motion to be put to close the debate by:

12.15.1 Referring the petition to cabinet, an appropriate committee, sub-committee or to another body.

12.15.2 Proposing the meeting proceed to the next business on the agenda with no further debate and no vote taken on the petition.

### **13. The Leader's Statement**

- 13.1 The Leader of the Council shall be entitled to address the Annual Meeting of the Council and a period of up to 20 minutes will be available to the Leader of the Council for the purpose of making the annual address.

- 13.2 The leader of a political group represented on the Council may respond to the Leader's address to the Annual Meeting of the

Council and a period of up to 15 minutes will be available for each response made.

- 13.3 The Leader of Council shall be entitled to make a statement to each ordinary meeting of the Council the Council prior to the consideration by the Council of any recommendations or motions on notice and a period of up to 10 minutes will be available to the Leader of Council for the purpose of making the Statement.
- 13.4 The leader of a political group represented on the Council may respond to the Leader's Statement at each ordinary meeting of the Council and a period of up to 5 minutes will be available for each response made.

14. **Written Questions to the Leader of the Council, members of the Cabinet, chairs of committees and other office holders**

- 14.1 Any member of Council may put a written question to the Leader of Council, a member of the Cabinet, chair of a committee or other member identified in rule 14.4 in accordance with this rule. A question must be about a matter for which the Council has a responsibility or which affects the City and addressed to a member having a responsibility for the matter.
- 14.2 Where a member intends to put a written question that member shall give written notice of the question to the Town Clerk. The notice shall state the name of the member giving notice, the member in rule 14.4 below to whom it is addressed and be delivered no later than midday 4 clear working days before the meeting (i.e. for a Thursday meeting the deadline would be the preceding Friday at 12pm).
- 14.3 Notice of a question may be given in relation to any ordinary meeting of the Council, but pursuant to rule 5.7 this shall not include any meeting at which the setting of Council Tax as a part of the budget is a business item on the agenda.
- 14.4 A member may put a written question to\;
- 14.4.1 The Leader of Council.
- 14.4.2 A member of the Cabinet.
- 14.4.3 The chair of an area committee.
- 14.4.4 The chair of a committee or body discharging overview and scrutiny functions.
- 14.4.5 The chair of a committee or body discharging regulatory functions.

- 14.4.6 A member of Council in receipt of a special responsibility allowance or appointed by the Council to any joint committee, joint authority or other body, or to hold any position or office.
- 14.5 The Lord Mayor may determine that a question shall not be put where:
- 14.5.1 The question is substantially the same as a question put at a meeting of the Council within the preceding six months.
- 14.5.2 The question appears defamatory, vexatious, requires the disclosure of confidential or exempt information or is otherwise improper.
- 14.6 A question that concerns the discharge of the functions of the Humberside Combined Fire Authority shall be referred to the member nominated by the relevant authority for reply.
- 14.7 Questions will be numbered on receipt by the Town Clerk and listed in order of receipt.
- 14.8 A member shall have up to 2 minutes in which to ask a question and the member replying shall have up to 3 minutes. Questions shall be limited to 40 minutes.
- 14.9 The member who put the original question may, at the discretion of the Lord Mayor, ask one supplementary question arising out of the original question and answer.
- 14.10 The Lord Mayor may permit one member of the Council to ask a second supplementary question arising out of the original question and answers.
- 14.11 The Leader of Council, where a question is addressed to him/her, may reply or refer a question to a member of the Cabinet or, where the question concerns the discharge of an executive function by an area committee, the chair of the appropriate area committee for reply.
- 14.12 The Leader of the Council, member to whom the question has been referred or member to whom it is addressed shall reply to a question and every question will be put and answered without discussion.
- 14.13 An answer to a question may comprise:
- 14.13.1 A direct oral answer.

14.13.2 Where the desired information is contained in a Council publication or a publication of a relevant joint authority, a reference to that publication.

14.13.3 Where the reply cannot conveniently be given orally, a written answer circulated to all members of Council within 14 days after the meeting.

15. **Six month rule**

15.1 A recommendation to rescind a decision made at a meeting of Council within the past six months cannot be moved without this rule being suspended.

15.2 A motion or amendment to rescind a decision made at a meeting of Council within the past 6 months cannot be moved unless the notice of motion is signed by at least 12 members.

15.3 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 6 months cannot be moved unless the notice of motion or amendment is signed by at least 12 members. Once the motion or amendment is dealt with, a similar motion or amendment cannot be moved for six months unless the notice of motion or amendment is signed by at least 24 members.

15.4 Where two similar amendments are submitted in relation to a motion on an agenda, the Lord Mayor may invite the proposer and seconder of any such amendment or amendments to move and second their proposals without further debate until all such amendments have been moved and seconded. Where the Lord Mayor exercises this discretion no member may speak more than once in the debate with the exception of the mover of the original motion, who may exercise the right of reply at the conclusion of the debate, and immediately following the exercise of the right of the reply each amendment shall be put to the vote, in the order moved, prior to a vote being taken on the final form of the motion.

16. **Recommendations**

16.1 A recommendation to Council may be made by the Leader, the Cabinet, the Overview and Scrutiny Management Committee, an overview and scrutiny committee or commission, area committee, regulatory committee, Standards Committee or other body or person which the Lord Mayor determines appropriate.

16.2 The Leader of Council, or his nominee, in the case of a recommendation of the Cabinet, or the chair of a committee, sub-committee or other member body making a recommendation shall have the right to move the recommendation.

**17. Motions on notice**

- 17.1 A motion must be about a matter for which the Council has responsibility or which affects the City.
- 17.2 Where a motion includes facts upon which the mover of the motion seeks confirmation by Council of those facts as a preamble to the resolution, the mover of the motion must also include in the motion the reference source for those facts. The Lord Mayor may at his/her discretion exclude any motion from a Council agenda if the reference is not provided following taking advice from the Chief Legal Officer.
- 17.3 A member shall give written notice of a motion. The notice shall state the name of the member giving notice and be delivered to the Town Clerk no later than 5.00 pm 6 clear working days before the meeting.
- 17.4 A political group may give notice of no more than 2 motions for a meeting of Council. An individual member who is not a member of a political group may give notice of 1 motion per meeting.
- 17.5 The date and time of receipt of a motion shall be recorded by the Town Clerk and motions will be listed in the agenda in order of receipt. By the agreement of the Group Secretaries and in the discretion of the Lord Mayor the agenda may be varied without a formal motion under paragraph 10.1.2 so that motions may be placed on the agenda or otherwise dealt with in the order of their priority or significance to local issues.
- 17.6 The Town Clerk may withhold a motion from the agenda only where the member giving notice states in writing that they wish to withdraw it or give notice for a future meeting.

**18. Notice of amendment to a recommendation or motion (cannot be suspended)**

- 18.1 Written notice of an amendment to a recommendation or motion shall be given. The notice shall state the name of the member giving notice, the recommendation or motion to which it relates and (save as provided for at paragraph 18.2) be delivered to the Town Clerk no later than 2pm on the day preceding the Council meeting.

Where an amendment to a motion includes facts upon which the mover of the amendment seeks confirmation by Council of those facts, the mover of the amendment must also include in the amendment the reference source for those facts. The Lord Mayor may exclude any motion for a Council agenda if the reference is not provided, following taking advice from the Chief Legal Officer. A copy will be made available to all members as soon as possible after receipt of an amendment.

- 18.2 Where the Leader has made a recommendation to the Council concerning the budget (including the budget for the Housing Revenue Account) and setting the level of Council Tax, written notice of any amendment shall be delivered to the Town Clerk no later than 10.00 am 48 hours before the meeting.
- 18.3 Where the Cabinet, committee, commission or other body meet to consider or make the recommendation within one hour before the start of the meeting (with the exception of the meeting concerning the budget and setting the level of Council Tax), an amendment may be moved at the meeting provided the amendment is in writing, states the name of the member seeking to move the amendment and is delivered to the Town Clerk before the item on the agenda to which it relates is reached.
- 18.4 The date and time of receipt of an amendment shall be recorded by the Town Clerk and amendments will be listed in order of receipt. The Town Clerk may withhold an amendment from the list made available to members at the meeting only where the member giving notice states in writing that they wish to withdraw it.
- 18.5 An amendment must be relevant to the recommendation or motion, shall not negate it and may only:
- 18.5.1 Leave out words.
  - 18.5.2 Insert or add words excluding the insertion or addition of words which are intended to make, or have the outcome of making the motion compliant with clauses under Sections 17.1 and 17.2
  - 18.5.3 Leave out and insert or add words.
  - 18.5.4 Refer the motion for consideration or reconsideration by an appropriate body or person.
19. **Order of debate and voting on recommendations and motions**
- 19.1 Save where the Lord Mayor determines otherwise following consultation with Group Secretaries, a recommendation, motion and any amendment shall each be debated and voted upon separately.
- 19.2 A recommendation, motion and any amendment shall be put to the vote immediately following the right of reply of the mover of the recommendation or motion or in accordance with a motion to close the debate under rule 19.11 which has been carried.

**Rules of debate and speeches**

- 19.3 A recommendation, motion and any amendment.
- 19.3.1 May only, in the case of a motion and any amendment, be moved by the member who gave notice or another member of the same political group.
- 19.3.2 Which is not moved shall be deemed to be withdrawn.
- 19.4 A recommendation, motion or any amendment shall not be subject to debate until it has formally been moved and seconded. The member who seconds a recommendation, motion or any amendment may reserve the right to speak later in the debate on, as the case may be, the recommendation, motion or amendment.
- 19.5 The order of speeches and voting on a recommendation, motion and any amendment shall be as follows:
- 19.5.1 Mover of the recommendation or motion.
- 19.5.2 Secunder of the recommendation or motion.
- 19.5.3 Mover of the first amendment.
- 19.5.4 Secunder of the first amendment.
- 19.5.5 Any other member called to speak by the Lord Mayor.
- 19.5.6 Right of reply upon the amendment of the mover of the first amendment.
- 19.5.7 A vote shall be taken on the first amendment.
- 19.5.8 Mover of the second amendment.
- 19.5.9 Secunder of the second amendment.
- 19.5.10 Any other member called to speak by the Lord Mayor.
- 19.5.11 Right of reply of mover of the second amendment.
- 19.5.12 A vote shall be taken on the second amendment.
- 19.5.13 Any further amendment shall be progressed in like manner until all amendments have been debated and voted upon.
- 19.5.14 Any other member to speak on the recommendation or motion, as may be amended, called to speak by the Lord Mayor.



- 19.5.15 With the exception of the budget debate, the member who moved the recommendation or motion shall have a right of reply on the recommendation or motion unless an amendment has been successful in which case this right shall belong to the mover of the final successful amendment.
- 19.6 A member's speech shall be directed to the recommendation, motion or amendment under consideration. The speech of a mover of a recommendation or motion shall be limited to 7 minutes and all other speeches to 5 minutes, except:
- (a) the mover of a recommendation proposing the annual revenue budget to the Council shall have 15 minutes and the mover of any amendment to such a recommendation shall have 10 minutes, and
  - (b) the mover of a recommendation proposing the annual capital budget to the Council shall have 15 minutes and the mover of any amendment to such a recommendation shall have 10 minutes.
- 19.7 The Lord Mayor may grant an extension of time to the length of a member's speech with the consent of the meeting and any question whether the meeting consents shall immediately be put to the vote without discussion.
- 19.8 A member may speak only once on a recommendation, motion and any amendment except at the discretion of the Lord Mayor:
- 19.8.1 The member who moved the recommendation or motion shall have the right to speak, on any amendment.
  - 19.8.2 A member who has spoken on an amendment may speak once on the recommendation or motion.
  - 19.8.3 With the exception of the budget debate, the member who moved the recommendation or motion shall have a right of reply on the recommendation or motion unless an amendment has been successful in which case this is the right shall belong to the mover of the final successful amendment.
  - 19.8.4 On a point of order pursuant to rule 21.
  - 19.8.5 On a point of personal explanation pursuant to rule 22.
- 19.9 **Budget debate**
- 19.9.1 Where written notice of any amendment to the budget reports (being the revenue, capital and housing revenue account budget reports) and level of Council tax proposed by the Leader has been delivered to the Town Clerk in

accordance with rule 18.2 of this part of the constitution, the Lord Mayor may, at his/her discretion, invite the proposer and seconder of any such amendment or amendments to move and second their proposals without further debate until all such amendments have been moved and seconded.

- 19.9.2 If the Lord Mayor exercises his/her discretion in the manner identified at 19.9.1 no member may speak more than once in the debate on the budget reports with the exception of the mover and seconder of each motion and the mover of an amendment to each of the motions. In respect of each motion the mover and seconder of an amendment to the motions may also speak once on the motions and the mover of each motion may exercise a right of reply at the conclusion of the debate.

19.10 **Motions permitted during the debate**

The following and no other motions may be put during the debate on a recommendation, motion or any amendment at the conclusion of a speech by any member:

- 19.10.1 To withdraw a recommendation, motion and any amendment by the member who moved it.
- 19.10.2 To amend a recommendation, motion or amendment by the member who moved it with the consent of the meeting (this includes the acceptance by a mover of the motion of a tabled amendment). This does not apply to those items considered at the meeting concerning the budget and setting the level of Council Tax.
- 19.10.3 To consider a motion or an amendment to a motion in parts.
- 19.10.4 To close the debate under rule 19.12.
- 19.10.5 To refer a recommendation, motion and any amendment to an appropriate body or person to deal with the matter or, in the case of an appropriate body, report to a future meeting of the Council when any further recommendation made shall be dealt with as an amendment to the original recommendation to be moved by the chair of the body and seconded by the deputy chair.
- 19.10.6 To continue the meeting under rule 24.1.
- 19.10.7 To exclude the public pursuant to the Access to Information Procedure Rules.

- 19.11 The motion, once moved and seconded, shall immediately be put to the vote without discussion. The Lord Mayor may allow one member from each political group on the Council the opportunity to speak on the motion for up to 3 minutes each, if s/he deems it appropriate in the circumstances.

**Closing the debate**

- 19.12 The Lord Mayor may, where satisfied that the recommendation, motion or any amendment has been sufficiently discussed and that a member from each political group represented on the Council has been afforded the opportunity to speak on it, move or allow the following and no other motions to be put to close the debate:

19.12.1 The meeting move to the right of reply of the mover of the recommendation or motion on the amendment or on the recommendation or motion and then to the vote. Before so doing the Lord Mayor will permit a seconder of the recommendation, motion or any amendment thereto, who has reserved the right to speak to exercise the right to speak on the recommendation, motion or amendment.

19.12.2 The meeting proceed to the next business on the agenda with no further debate and no vote taken.

19.12.3 The debate be adjourned.

19.12.4 The meeting be adjourned.

20. **Mode of address** (cannot be suspended)

20.1 The Lord Mayor shall be addressed as 'Lord Mayor' and any other member elected to chair a meeting as 'Chair', 'Chairman' or 'Chairperson' as the member presiding may determine.

20.2 Members must refer to one another in meetings using the title 'Councillor' followed by the member's name.

21. **Point of order** (cannot be suspended)

21.1 A point of order is a request by a member to the Lord Mayor to rule on an alleged irregularity in the conduct of the meeting.

21.2 The member must rise to make the point immediately he/she notices it and state the rule or requirement in question and how it is broken.

21.3 The Lord Mayor must give a ruling before the debate continues. There shall be no discussion on the ruling.

22. **Point of personal explanation** (cannot be suspended)

- 22.1 A member may rise on a point of personal explanation where he/she has made an incorrect statement, which is quoted by a later speaker, or another member has misunderstood or misquoted what was said. A member may rise only at the conclusion of a speech by another member.
- 22.2 The Lord Mayor may allow the member to correct the misunderstanding. There shall be no discussion on the decision of the Lord Mayor to grant or refuse permission.
23. **Voting** (cannot be suspended)
- 23.1 The Lord Mayor, where there is no dissent, may accept the affirmation of the meeting, otherwise members will vote by a show of hands or the use of an electronic voting system.
- 23.2 A recorded vote shall be taken where requested by 12 members present and entitled to vote or a number of members equivalent to the number of members of the second largest political group, whichever is less, immediately before a vote is taken. In addition a recorded vote shall be taken on the budget debate.
- 23.3 A recorded vote shall not be taken on any procedural motion, including any motion set out in rule 10.1 (ie a motion without notice).
- 23.4 Before a recorded vote, a bell will be rung for one minute to warn members.
- 23.5 The recorded vote will be taken immediately after the bell has been rung and may be taken by use of an electronic voting system. Each member's vote shall be recorded in the minutes.
- 23.6 Where immediately after any vote, except in the case of a recorded vote, is taken a member of Council so requires, there shall be recorded in the minutes of the proceedings of the meeting whether he/she cast his/her vote for or against, or abstained from voting.
- 23.7 Where a vote is taken on the appointment of any person to a body to which the appointment is to be made by the Council and more than two persons are nominated for appointment the vote shall, where the Council so determines, be taken by secret ballot.
24. **Concluding business**
- 24.1 If the business of an ordinary meeting has not been concluded by the time fixed for the conclusion of business on the day of the meeting the meeting shall immediately stand adjourned unless the Lord Mayor considers it appropriate to conclude the item of business being considered.

- 24.2 In respect of all meetings of Council, with the exception of the Budget Debate the time allowed for the duration of the meeting is 4 hours from the time at which the Civic and Procedural Business items of business on the agenda are concluded. For the avoidance of doubt, where following commencement of the meeting, a meeting is adjourned for any period of time, the period of time while the meeting stands adjourned shall not be included in the calculation of the 4 hour duration of the meeting. For the Budget Debate the time fixed for the conclusion of business is 6pm.
25. **Conduct of members** (cannot be suspended)
- 25.1 A member when speaking must stand (except where prevented by reason of a disability from doing so or the Lord Mayor indicates otherwise) and address the meeting through the Lord Mayor. If more than one member stands, the Lord Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they rise to make a point of order or a point of personal explanation.
- 25.2 When the Lord Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.
- 25.3 If a member persistently disregards the ruling of the Lord Mayor by behaving improperly or offensively or deliberately obstructs business, the Lord Mayor may move that the member be not further heard. If seconded, the motion will be voted on without discussion. (See Rule 10.1.9).
- 25.4 If the member continues to behave improperly after such a motion is carried, the Lord Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. (See Rule 10.1.9).
- 25.5 If there is a general disturbance making orderly business impossible, the Lord Mayor may adjourn the meeting for as long as he/she thinks necessary.
26. **Disturbances at the meeting** (cannot be suspended)
- 26.1 If a member of the public interrupts proceedings, the Lord Mayor will warn the person concerned. If he/she continues to interrupt, the Lord Mayor will order his/her removal from the meeting room.
- 26.2 If there is a general disturbance in any part of the meeting room open to the public, the Lord Mayor may call for that part to be cleared. The Lord Mayor may move that the meeting be adjourned for such period of time as he/she considers appropriate and be

reconvened at such place as he/she, following consultation with the Leader of Council and leaders of the political groups represented on the Council, considers appropriate.

27. **Photography and recordings** (cannot be suspended)

27.1 The taking of photographs or the making of an audio or video recording during all or any part of a meeting of Council may be undertaken. The powers within paragraph 41 of Constitution are available to the Lord Mayor in the event that this were to cause disruption to the meeting.

27.2 A person who engages in conduct which is in breach of rule 27.1 shall be subject to the provisions of rules 25 and 26 and may be dealt with accordingly.

28. **Suspension of Council Procedure Rules** (cannot be suspended)

28.1 This rule and rules 1, 2, 3, 4, 18, 20, 21, 22, 23, 25, 26 and 27 cannot be suspended.

28.2 The remaining rules may be suspended either by a motion on notice or a motion put to the meeting without notice. The motion shall specify the rule to be suspended and the period, which shall not exceed the duration of the meeting, for which it shall remain suspended. Where a motion is put to the meeting without notice, but not otherwise, at least 29 members must be present.

29. **Amendment or deletion of a Council Procedure Rule**

29.1 Any motion brought under rule 17 to amend or delete a rule adopted at the Annual Meeting must, after being proposed and seconded, be adjourned without discussion to the next ordinary meeting.

30. **Amendment of motions, amendments to motions or written questions by the Town Clerk**

30.1 The Town Clerk may correct any obvious grammatical and spelling mistakes in any motion amendment or written question with the permission of the mover or questioner, or if they are not available with the permission of the relevant Group Leader or Group Secretary, and may correct any minor factual error at the request of the mover provided that the mover must give prior written notice of his/her intention to seek such amendment to the secretaries of the political groups.

**MEETINGS OF COMMITTEES AND SUB-COMMITTEES**

31. **Committees and sub-committees**

- 31.1 The membership of committees and sub-committees contained in Part B, is subject to the principles of political balance and any exceptions contained in the Local Government and Housing Act 1989.
- 31.2 The Council may at any time dissolve or alter the membership of a committee, and a committee may dissolve or alter the membership of a sub-committee, having due regard to the requirements of the Local Government and Housing Act 1989.
- 31.3 The Cabinet may at any time dissolve or alter the membership of a committee of the Cabinet.
32. **Appointment to overview and scrutiny committees**
- 32.1 A member of the Cabinet shall not be appointed as a member or substitute member of an overview and scrutiny committee.
33. **Member substitution**
- 33.1 A member who is unable to attend a particular committee/subcommittee meeting, with the exception of the Cabinet, its Committees, Area Committees or Standards Committee, may send a named substitute from his/her own political group to that meeting. This substitution must be announced at the start of the meeting under the Apologies Item, and will apply for the entire duration of the meeting.
- 33.2 A Cabinet member cannot be a named substitute for an Overview and Scrutiny member at any Overview and Scrutiny Management Committee meeting or any meeting of its Commissions.
- 33.3 The Member Substitution Scheme shall not apply to meetings relating to on-going Overview and Scrutiny inquiries.
- 33.4 The Member Substitution Scheme applies to the whole of the relevant Committee/Sub-Committee and not part thereof.
- 33.5 In the case of substitution to the Planning Committee and the Licensing Committee (or a sub-committee of either Committee), the substitute must be a member who has undertaken the Required Training to take part in the committees' work. The Required Training is such training as is determined by the relevant committee to be the training required to be undertaken by any member to enable such member to fulfil the role of a member of the relevant committee.
- 33.6 A member may act as a substitute at a meeting of any body to which the Council nominates or appoints Members (provided that the rules of that body so permit). In such a case, the substitute need not be a member of the same political group as the member being replaced,

provided the substitution is agreed and notified by the political group to which the member being replaced belongs.

34. **Chair of meetings**

- 34.1 The Council at the Annual Meeting will appoint, by a vote of the majority of members present and voting, the chairs and deputy chairs of committees, with the exception of the chairs and deputy chairs of the Area Committees. If a vacancy occurs, a new chair or deputy chair shall be appointed as soon as practicable by the relevant committee.
- 34.2 Nominations for chairs and deputies to be appointed at Annual Council will be submitted in advance of the meeting to the Town Clerk, to be included on the Order of Business; further nominations/ amendments to the submitted nominations may be moved from the floor.
- 34.3 Area Committees will appoint the chair and deputy chair at their first meeting. If a vacancy occurs, a new chair or deputy chair shall be appointed as soon as practicable.
- 34.4 If an Area Committee fails to appoint a chair or if the Council fails to appoint a chair for a committee, a chair for that meeting must be elected. If this fails, the meeting must be adjourned.
- 34.5 The Council may appoint a chair where, for any reason, an Area Committee fails to do so.
- 34.6 If for any reason the chair and deputy chair of a committee or sub-committee are absent at the start of or during a meeting, the meeting itself shall elect a chair for the meeting or part of it. If this fails, the meeting shall be adjourned.
- 34.7 Joint meetings of committees or sub-committees will elect a chair for that meeting or, where the meeting cannot reach agreement, the Council may appoint a chair.

35. **Convening meetings**

- 35.1 The Chief Executive will convene all meetings of the Cabinet, committees and sub-committees in accordance with any schedule of meetings agreed by the body concerned.
- 35.2 The Chief Executive, provided the agenda for the meeting has not been published and with the agreement of the chair may cancel, postpone or bring forward a meeting.

36. **Order of business at meetings**



- 36.1 The order of business at committee and sub-committee meetings shall be as follows:
- 36.1.1 Receive notification of substitute member attendance.
  - 36.1.2 Declarations of interest by members and co-opted members.
  - 36.1.3 Approval of the minutes of the last meeting as a correct record.
  - 36.1.4 Approval (in the case of committees) of any changes in the membership of sub-committees.
  - 36.1.5 Public Question Time (area committees only)
  - 36.1.6 Business items.
37. **Quorum**
- 37.1 The quorum for business to be transacted by the Cabinet, a committee or sub-committee shall be as specified in the Executive Procedure Rules, terms of reference establishing the committee or sub-committee contained in Part B or where not so specified by resolution of the appropriate body and in default shall be one quarter of the voting membership rounded up to a whole number.
- 37.2 If at any time during the course of a meeting there is no quorum, the meeting shall immediately stand adjourned and any remaining business shall be considered at a time and date determined by the chair or the next scheduled meeting of the committee.
38. **Public Question Time**
- 38.1 Any person may put a question to any meeting of an area committee in accordance with this rule.
- 38.2 A person resident in the City may ask a question relating to any matter which is the responsibility of the relevant area committee. The chair may refuse to accept any question:
- 38.2.1 From a political party or organisation or in connection with the activities and aims of such a party or organisation.
  - 38.2.2 In furtherance of an individual's particular circumstances.
  - 38.2.3 About any matter where there is a right of appeal to the courts, a tribunal or to a Government minister.

- 38.2.4 About any matter which has been the subject of a petition, a question raised under Public Question Time or a decision of Council within the previous six months.
- 38.2.5 Where a question appears defamatory, vexatious, requires the disclosure of confidential or exempt information or is otherwise improper.
- 38.3 A maximum of 15 minutes will be allowed for questions.
- 38.4 The chair will ask the person to put the question and he/she may be accompanied by a friend who may put the question on his/her behalf.
- 38.5 The chair may reply at the meeting, reply after the meeting in writing, ask another member to reply or refuse to reply.
- 38.6 Any questions which cannot be dealt with during Public Question Time will be referred to the relevant Ward Councillors and officers and the question and reply reported back to the next meeting of the area committee.
39. **Voting**
- 39.1 Voting is by a show of hands or by such other means as may be determined by the committee or sub-committee.
- 39.2 Where immediately after a vote is taken any member of the body so requires, there shall be recorded in the minutes of the proceedings of the meeting whether the member cast his/her vote in favour, against or abstained from voting.
- 39.3 A recorded vote shall be taken where requested by one-fifth of the members present and entitled to vote immediately before a vote is taken.
40. **Conduct of members**
- 40.1 A member when speaking must address the meeting through the Chair.
- 40.2 If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not further heard. If seconded, the motion will be voted on without discussion.
- 40.3 If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

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

41. **Disturbances at the meeting**

41.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If he/she continues to interrupt, the Chair will take steps to secure his/her removal from the meeting room.

41.2 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared. The Chair may move that the meeting be adjourned whilst such action is taken.

42. **Photography and recordings**

42.1 The taking of photographs or the making of an audio or video recording during all or any part of a meeting may be undertaken only with the approval of the Chair. An application made by a person for the purpose of reporting while that person is in attendance at a meeting shall not be unreasonably withheld.

42.2 A person who engages in conduct which is in breach of rule 42.1 shall be subject to the provisions of rule 40 and 41 and may be dealt with accordingly.