

## **Appendix 3 – Full Council Procedure Rules**

### **Introduction**

#### **1 Full Council**

- 1.1 The Full Council (“Full Council”) is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council’s budget and Council Tax and approving a number of key plans and strategies (“The Policy Framework”). In law, all functions of the authority are deemed to be Executive functions unless reserved to the Full Council. It will carry out some functions itself, but others will be delegated to Committees or named Officers. Further details of the functions which Full Council has delegated are set out in Appendix 1 of this Constitution.
- 1.2 In addition to the legal functions referred to at paragraph 3.1 below, the Full Council may also carry out other business, including consideration of motions, receipt of petitions, and hear representations from individuals and businesses.
- 1.3 In this Annex, references to the Head of Paid Service shall be taken to include references to any Deputy Head of Paid Service, or (in the absence of the Head of Paid Service and any Deputy Head of Paid Service) shall include the Monitoring Officer.

#### **2 The Policy Framework**

- 2.1 The Policy Framework means the following plans and strategies:

Partnership and Community Plans:

- a) 10 Year City Plan
- b) Health and Wellbeing Strategy
- c) Children and Young People’s Plan
- d) Corporate Parenting Strategy
- e) Youth Justice Plan
- f) Community Safety Strategy
- g) Joint Waste Strategy
- h) Climate Change Strategy
- i) Annual Library Plan

- j) Food Law Enforcement Service Plan

Full Council:

- a) Council Plan or its equivalent
- b) Local Plan documents
- c) Local Transport Plan
- d) Statement of Licensing Policy under Licensing Act 2003
- e) Gambling Act Licensing policy
- f) Medium Term Financial Strategy
- g) Treasury Management Plan

### **3 Functions of the Full Council**

3.1 The following functions can only be discharged by Full Council:

- a) To approve, adopt amend, monitor and/or review the plans, strategies and policies which together make up the Council's Policy Framework
- b) Determine and amend the Council's Revenue and Capital budgets, including the initial allocations of financial resources to different services and projects, proposed contingency funds, proposed precepts, setting the Council Tax and decisions relating to the Council's borrowing requirement and the control of its capital expenditure.
- c) Approve the Treasury Management Strategy.
- d) Approve expenditure that falls outside the Council's total annual budget.
- e) Take any decision, which is contrary to the approved Policy Framework and/or the approved Budget.
- f) Appoint and remove the Leader.
- g) Decide the composition of Committees and sub-committees of Full Council and approve the allocation of places including co-opted members to them and other non-Executive bodies (except in the case of ad-hoc scrutiny Sub-Committees which

will be determined by the Corporate Services, Climate Change and Scrutiny Management Committee).

- h) Appoint representatives to outside bodies, unless the appointment is one that must by law be made by the Executive in relation to its functions or has been delegated by Full Council.
- i) Make and amend this Constitution, Standing Orders, Financial Regulations, and Contract Procedure Rules.
- j) Change the name of the City or of a Parish.
- k) Elect a Lord Mayor, Deputy Lord Mayor, and Sheriff, and exercise related functions.
- l) Confer the title of the Honorary Alderman, Honorary Alderwoman, Honorary Recorder, and Honorary Freeman, Honorary Freewoman, and grant the Freedom of the City.
- m) Promote or oppose local or personal bills.
- n) Where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
- o) Make, amend, revoke or re-enact Byelaws.
- p) Make orders for grouping parishes, dissolving groups of parishes, and separating parishes from groups.
- q) Dissolve small parishes.
- r) Carry out functions in relation to parishes and Parish Councils under Part 11 of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
- s) Fill Council or Parish Council vacancies in the event of insufficient nominations.

- t) Submit proposals to the Secretary of State for an Order under Section 10 of the Representation of the People Act 2000 (pilot schemes for local elections).
- u) Appoint the Head of Paid Service, and designate officers or roles as the Monitoring Officer, the Chief Finance Officer, and Proper Officers under the relevant legislation, except to the extent that the power to designate Proper Officers has been otherwise delegated in this Constitution.
- v) Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council, its Committees, Sub-Committees and other bodies.
- w) Take decisions and/or give advice on matters brought to Full Council by the Executive and other bodies or persons.
- x) Carry out any other functions reserved by law or by this Constitution to Full Council, including those “local choice” functions reserved to Full Council under this part of the Constitution.

#### **4 Chairing the Full Council**

- 4.1 The Lord Mayor will preside at meetings of the Full Council. In the absence of the Lord Mayor, the Deputy Lord Mayor will preside. In the absence of both, the Full Council will elect a Member to preside for that meeting. Any powers or duties of the Lord Mayor, as Chair, in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- 4.2 The Lord Mayor will cease to be Lord Mayor if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They will continue to act as Lord Mayor (whether or not remaining a Councillor) after an election until their successor has been appointed.
- 4.3 The Lord Mayor shall:

- a) uphold and promote the purpose of the Constitution, and interpret the Constitution when necessary, in consultation with the Monitoring Officer;
  - b) preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the local community;
  - c) ensure that Full Council meetings are a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive and Committee Chairs to account;
  - d) promote public involvement in the Council's activities.
- 4.4 The ruling of the Lord Mayor, as to the construction or application of any of these Rules, will be final. In the event that a circumstance arises that is not covered by the Council Procedure Rules, the ruling of the Lord Mayor shall be final. In the event that circumstances arise outside the meeting which would ordinarily require a decision of, or action by, the Lord Mayor, the Lord Mayor is enabled to take such action as they consider appropriate.

## **5 Full Council Meetings**

- 5.1 Meetings of Full Council are business meetings, where the Full Council transacts its essential business. Whilst there are three 'types' of Full Council meeting, this Constitution will list "Budget Council" as a fourth meeting type due to the different Procedure Rules to be followed:
- a) The Annual Meeting;
  - b) The Budget Council;
  - c) Ordinary Meetings;
  - d) Extraordinary Meetings.

## **6 Rules of Procedure and Debate**

- 6.1 These Council Procedure Rules will apply to all meetings of the Full Council unless expressly stated otherwise. All time limits for speeches are subject to any required reasonable adjustments, which

shall be determined by the Lord Mayor upon request.

## **7 Notice of and Summons to Meetings**

- 7.1 The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Appendix 7 of this Constitution.
- 7.2 At least five working days before a meeting, the Head of Paid Service will send a summons signed by them to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **8 Quorum**

- 8.1 The quorum for all meetings of the Full Council is one half of the whole number of Members of the Council.
- 8.2 If at any time during the meeting of the Full Council, the Lord Mayor declares there is not a quorum present, the meeting stands adjourned. The consideration of any business not transacted will be deferred to a time fixed by the Lord Mayor at the time the meeting is adjourned, or if the Lord Mayor does not fix a time, to the next ordinary meeting of the Full Council.

## **9 Duration of Meetings**

- 9.1 All Ordinary Meetings, Budget Council and Extraordinary Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and/or breaks taken by the Lord Mayor. For clarity, this rule does not apply to Annual Council meetings.
- 9.2 The Lord Mayor will remind Council if 2 hours and 20 minutes have elapsed (“the guillotine warning”).
- 9.3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the

vote without debate, and if approved by Council the meeting shall continue for no more than 30 additional minutes.

- 9.4 Once the guillotine warning is reached, all outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

## **10 Public Participation**

- 10.1 The Public Participation Protocol is set out at Appendix 8 of this Constitution.
- 10.2 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.
- 10.3 The right to public participation applies to all meetings of Full Council except the Annual Meeting.
- 10.4 Any member of the public shall be entitled to make a statement to the Council or to question the Council's Leader, or any Executive Member, for up to 3 minutes.
- 10.5 In order to exercise this right prior notice must be given to the Head of Democratic Governance before 5:00 pm 2 working days before the meeting.
- 10.6 At an Ordinary Meeting any statement or question(s) from a member of the public may only be on any matter for which the council has a direct responsibility or which affect the city.
- 10.7 In the case of the Budget Council meeting, any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year, or any other item included on the agenda of the Budget Council meeting. In the case of an extraordinary meeting public participants must only address the business on the agenda.

- 10.8 No person may register to make a statement or ask a question at a meeting before the publication of the Agenda for that meeting, and no person may register to make more than one statement or ask more than one question at any meeting.
- 10.9 In making a statement or asking a question, a member of the public is entitled to express views, positive or negative, about the performance of the Council but must not:
- a) Say anything which is defamatory or discriminatory;
  - b) Make any personal attack on any Officer and/or Member; or
  - c) Disclose confidential or exempt information including personal information.
- 10.10 Any questions shall be put and answered without discussion, either by a direct answer or, on questions which could not reasonably be dealt with at the meeting, by a written answer which will be passed on to Members to answer within ten working days.
- 10.11 The Lord Mayor shall determine the order of Public Participants for each meeting, following the closure of registrations for Public Participation. In the event that the Public Participation item at any given meeting is oversubscribed, the Lord Mayor shall have absolute discretion as to which ten Public Participants shall be permitted to make a statement or ask a question. Those persons who are consequently unable to participate shall be entitled to submit their comments or question(s) in writing, and these will be circulated to the Council after the meeting.

## **11 Election and Term of the Leader of the Council and Members of the Executive**

- 11.1 The Leader of the Council will be elected by Council and will hold office until the next whole-Council elections unless they resign, are removed as Leader of their Group, or are removed under the provisions of this Constitution, by resolution of Council in the circumstances below.
- 11.2 Members of the Executive are appointed directly by the Leader of the Council and therefore their position as members of the Executive falls if the Leader is removed from Office by Council.



- 11.3 If Council resolves to remove the Leader of the Council, and in turn the members of the Executive, it shall elect a new Leader of the Council at the same Full Council meeting as its next item of business. If Council is, for any reason, unable to elect a new Leader of the Council, the Lord Mayor shall convene an Extraordinary Meeting of the Council for the purpose of electing a new Leader as soon as is practicable. In the interim, the Head of Paid Service shall be empowered to utilise their urgency powers as required.
- 11.4 If whole-Council elections give rise to a likely change in leadership, the Leader-elect shall be empowered to act as Leader pending the decision of Annual Council; if whole-Council elections do not give rise to a likely change in leadership, the existing Leader or, in the event of their non-return, any successor appointed by their Group, shall be empowered to act as Leader pending the decision of Annual Council. In the event that, in the opinion of the Head of Paid Service, whole-Council elections result in no clear Leader, the Head of Paid Service shall be empowered to utilise their urgency powers as required until the Annual Council meeting.

## **12 Removing the Leader of the Council**

### Notice of Motion to remove the Leader of the Council

- 12.1 Notice of motion to remove the Leader of the Council shall be:
- a) Given in writing; and
  - b) Signed by a proposer and a seconder who are both City of York Councillors; and
  - c) Received by the Head of Paid Service; and
  - d) State why the signatories consider that the Leader of the Council should be removed
- 12.2 If the Head of Paid Service receives the notice of motion less than 15 working days but not less than 6 clear working days, before the next scheduled Full Council meeting, the motion will be considered at that Council meeting. If notice is received less than 6 clear working days before the next scheduled Full Council meeting, an Extraordinary Meeting of Full Council will be convened to consider the motion.
- 12.3 If the notice of motion is received more than 15 clear working days before the next scheduled Full Council meeting, the Head of Paid

Service shall within 5 working days of receipt, summon an Extraordinary Meeting of Council for the purposes of considering the motion. Unless required by law, no other business shall be conducted at that meeting, other than election of a new Leader of the Council, should the motion succeed. The Extraordinary meeting shall take place within 10 working days of the summons.

#### Duties of a newly Elected Leader of the Council

- 12.4 A new Leader of the Council elected under these provisions shall, within 5 working days of their election:
- a) appoint a Deputy Leader;
  - b) ensure that areas of responsibility are allocated by the Executive to each member of the Executive; and
  - c) inform the Head of Paid Service of the names of the Deputy Leader and the areas of responsibility of Members of the Executive.

### **13 Budget Amendments**

- 13.1 From time to time it may be considered necessary or desirable to amend the budget agreed at the Budget Council by way of a Budget Amendment. In the event of such an amendment, a report shall be prepared and submitted to an Ordinary Council meeting or an Extraordinary Council meeting by the Chief Finance Officer, setting out the details of the proposed Budget Amendment.
- 13.2 Once submitted to Council, the proposed Budget Amendment will be subject to amendment in accordance with the rules set out in Procedure Rule B12 below and shall be debated in accordance with the rules on debates for motions, set out in Procedure Rules B13 to B21 below, save that all votes on the budget amendment shall be carried out as named votes.

#### Procedure rules for Annual Meeting of the Council

### **A1 Annual Meeting of the Council.**

- 1 The date and time of the Annual Meeting will be determined by the Head of Paid Service following consultation with the Lord Mayor Elect and the Leader of the Executive and Political Group Leaders.
- 2 In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April, or May.

## **A2 Agenda for the Annual Meeting**

- 1 At the Annual Meeting of the Council, the order of business shall be as follows:
  - a) apologies for absence
  - b) declarations of interest;
  - c) to:
    - i) elect the Lord Mayor for the ensuing municipal year;
    - ii) appoint a Deputy Lord Mayor for the ensuing municipal year; and
    - iii) appoint a Sheriff for the ensuing municipal year;
  - d) at the first Annual Meeting following local elections to appoint a Member as the Executive Leader;
  - e) to approve the number and size of the Council Committees, including any consequent changes to the Constitution;
  - f) to approve the allocation of places of the Council Committees in accordance with the political balance rules, to receive and note Group nominations for those places, and to elect Members to any spare places (where applicable);
  - g) to approve any new terms of reference for those committees;
  - h) to approve the allocation of Chairs of the Council's Committees for the ensuing municipal year;
  - i) to approve the allocation of places of Council appointments for representatives on outside bodies for the ensuing municipal year, to receive and note Group nominations for those places, and to receive and note nominations for places where the allocation is a function of the Executive or is delegated to another person or body under the Council's Constitution;
  - j) to agree a schedule for the allocation of motions for Ordinary Meetings during the forthcoming Municipal year; and
  - k) to consider any business brought before the Council by the Lord Mayor on grounds of urgency in accordance with Section

100B(4)(b) and paragraph 4 (5) of schedule 12 of the Local Government Act 1972.

### **A3 Rules for the conduct of the meeting**

- 1 Unless otherwise directed by the Lord Mayor, the following rules for Ordinary Meetings of Council apply to Annual Council:
  - a) Points of order;
  - b) Personal explanation;
  - c) Voting;
  - d) Minutes;
  - e) Exclusion of the public;
  - f) Misconduct by Members;
  - g) Disturbance by the public; and
  - h) Filming and use of social media during meetings.

### **A4 Voting on Appointments**

- 1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 2 In the event of a tie, the Lord Mayor would exercise a casting vote, unless they have ceased to be a Councillor.

### **Procedure rules for Ordinary Meetings of the Council**

#### **B1 Ordinary Meetings**

- 1 The Council will hold Ordinary Meetings for the transaction of general business. The arrangements for these meetings, including the venue and time of such meetings, shall be determined by the Head of Paid Service, following consultation with the Leaders of Political Groups.
- 2 Ordinary Meetings of the Council will be held in an accessible venue. They will commence at 6.30 pm, unless suitable alternative arrangements have been made, in which case such arrangements will be notified to all Members ten clear days before the meeting.

## **B2 Duration of Meetings**

- 1 All Ordinary Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and/or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will issue the guillotine warning to remind Council if 2 hours and 20 minutes has lapsed.
- 3 A motion without notice to extend the duration of the meeting, which has been duly proposed and seconded before the guillotine warning, shall be put to the vote without debate.
- 4 Once the guillotine warning is reached, all outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

## **B3 Agenda for Ordinary Meetings**

- 1 The order of business at every Ordinary Meeting of the Council shall include the following items:
  - a) to choose a person to preside if the Lord Mayor and Deputy Lord Mayor are absent;
  - b) to receive apologies for absence;
  - c) Public Participation;
  - d) declarations of interest;
  - e) to approve as a correct record and sign the minutes of the last meeting or meetings of the Council;
  - f) Lord Mayor's Business;
  - g) to receive without discussion petitions which Members wish to present to Full Council;
  - h) to receive and consider a written report from the Leader on the work of the Executive, and to ask questions in respect of any matter;
  - i) to debate such recommendations requiring Full Council approval as may have been made by the Executive;
  - j) alternately to receive and consider a written report from either the Chair of Corporate Services, Climate Change, and Scrutiny Management Committee, or from the Audit and Governance

- Committee, including such recommendations for approval as may have been made by that Committee under Rule B8;
- k) to receive and consider and report on recommendations of other Scrutiny Bodies;
  - l) to receive and consider recommendations of Committees (other than Scrutiny Bodies) under Rule B8;
  - m) to consider any other business reports from Officers or the Executive set out in the notice convening the meeting;
  - n) to consider any business, brought before Full Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972; and
  - o) to consider motions on notice and urgent motions.

- 2 The order of business may be determined in advance by the Head of Paid Service; or may be varied at the Lord Mayor's discretion; or by resolution passed on a motion duly moved, seconded, and decided without discussion.

#### **B4 Public Participation**

- 1 The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.

#### **B5 Lord Mayor's Business**

- 1 The time for the presentation of the report of Lord Mayor's Business shall be no longer than five minutes.

#### **B6 Petitions presented by Members**

- 1 A Member may submit a petition for inclusion on the Full Council agenda by giving notice of the petition to the Head of Democratic Governance no later than midday on the eighth working day before the day of the Full Council meeting at which it is to be received. Members will be permitted to speak for up to one minute to present a petition.
- 2 Petitions will be formally received without discussion and will stand referred to the appropriate decision maker, and the Member submitting the petition will be informed of any meeting considering the

petition.

## **B7 Report of the Leader and Executive**

- 1 The Leader will present a written report on the work of the Executive. In the absence of the Leader, the Deputy Leader will present the report. In the absence of both the Leader and Deputy Leader, an Executive Member will present the report. The maximum time limits for this item are as follows:
  - a) The presentation of the Leader's report will not exceed 3 minutes; and
  - b) Leaders of Opposition groups on the Council will have up to 3 minutes each to respond;

## **B8 Questions and comments on the Leader and Executive's report**

- 1 A maximum of 30 minutes will be permitted for questions and comments on the Leader and Executive's report and/or the work of the Executive.
- 2 A Member of the Council may ask any question or make any comments, together with one supplementary question or comment directly related to the work of the Executive.
- 3 A maximum of one other Member of the Council may ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Leader or Executive Member.
- 3 The Leader or relevant Executive Member may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within five working days.

## **B9 Committees of Council**

- 1 The Chair of a Committee will present any recommendations of that Committee requiring confirmation to Full Council and move that they be received and approved. In the absence of the Chair, the Vice Chair may move the recommendation, and only in the absence of

both the Chair and Vice Chair may another Member of the Committee move the recommendation.

- a) When the recommendations of a Committee requiring confirmation have been presented to Full Council and duly moved and seconded, they will be open to debate;
  - b) Any Member may without notice move references back of any item requiring confirmation by Full Council.
- 2 The Chair of the Committee has the final right of reply to any amendment or motion moved under this Rule.

## **B10 Motions on Notice**

### Scope

- 1 Unless otherwise agreed by the Lord Mayor, motions must be about matters for which the council has a direct responsibility, and/or which affect the City. For functions which can be only carried out by the Executive, Full Council cannot take decisions but can recommend a course of action for the Executive to consider. Notices of motions must also contain an indication of the financial and legal impact of the motion, and, wherever possible, advice must be sought from the Chief Finance Officer, the Monitoring Officer, and from the relevant Director(s), in advance of the submission of the Motion.
- 2 Notice of every motion to be considered by Full Council, must be given in writing to the Head of Democratic Governance no later than midday on the eleventh working day before the day of the Full Council meeting at which it is to be considered. This Rule does not apply to motions which may be moved without notice under Rule B10 or to recommendations brought before the Full Council by the Executive or a Committee.
- 3 No Council meeting will receive more than 2 Motions on notice at any single meeting. Motions shall be limited to no more than 500 words.
- 4 Motions may only be submitted in accordance with the schedule for allocation of motions approved at Annual Council, or any subsequent variation agreed by Council or between Groups and/or Independent Members.



- 5 Motions will be considered in the order determined by the Lord Mayor based on an appropriate order for the effective conduct of business.
- 6 If notice is given of any original motion that, in the sole opinion of the Head of Paid Service (acting in the capacity as proper officer) is unacceptable, the Head of Paid Service shall immediately inform the Lord Mayor, and the motion shall not be accepted or placed on the agenda, and the Head of Paid Service shall inform the Member Group who submitted the notice and retain a formal record of the rejected notice.
- 7 A motion shall be considered unacceptable if it is defamatory or discriminatory, makes any personal attack on any Officer and/or Member, discloses confidential or exempt information including personal information, requires the Council to do something which it cannot, seeks action that is ultra vires, or if the Head of Paid Service considers the motion unacceptable for other appropriate reasons.

### **B11 Motions without Notice**

- 1 All motions and amendments not requiring prior notice must, if the Lord Mayor so requests, be put in writing and handed to the Lord Mayor, before they are discussed or put to the meeting.
- 2 The following motions may be moved without notice:
  - a) to appoint a Chair of the meeting at which the motion is moved;
  - b) in relation to the accuracy of the minutes;
  - c) to change the order of business in the agenda;
  - d) to refer something to an appropriate body or individual;
  - e) to appoint a committee or Member arising from an item on the summons for the meeting;
  - f) to receive reports or adopt recommendations of the Executive, committees or Officers and any resolutions following from them;
  - g) that leave be given to withdraw a motion;
  - h) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
  - i) to adjourn a meeting (such a motion may only be moved by a Member who has not already participated in the debate);

- j) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- k) to not hear further a Member or to exclude them from the meeting;
- l) to give the consent of Full Council where its consent is required by this Constitution;
- m) to extend the duration of the meeting by 30 minutes, such a motion may only be moved once during any meeting, and must be moved and seconded before the Lord Mayor delivers the guillotine warning, and will have the effect of suspending the relevant standing order;
- n) to extend any other time limit set out in these Rules; and
- o) to suspend any other particular Council Procedure Rule, except Rule B21(3).

## **B12 Notice of amendments**

- 1 Written notice of every amendment must be delivered to the Head of Democratic Governance no later than midday on the third working day before the day of Council meeting at which it is to be considered and must also contain an indication of the financial and legal impact of the amendment. Wherever possible the amendment will be circulated to all Members in advance of the Council meeting.
- 2 An amendment must be relevant to the motion and must propose leaving out words and/or inserting or adding others, and must not negate the effect of the original motion or otherwise fail to adhere to the rules governing the validity of motions.
- 3 In the event that an amendment fails to adhere to the above, the Head of Paid Service shall immediately inform the Lord Mayor and the Member who submitted the amendment, and the amendment shall not be accepted.

## **B13 Rules of Debate**

### **General**

- 1 The decision of the Lord Mayor, in consultation with the Monitoring Officer, is final on all matters of order or personal explanation.

- 2 If two or more Members indicate that they wish to speak, the Lord Mayor will call one and the other(s) will wait until called by the Lord Mayor.
- 3 Members may speak on the matter under discussion in the following circumstances:
  - a) to move an amendment;
  - b) to speak once on any amendment moved by another Member;
  - c) to speak once on the substantive motion;
  - d) as the mover of the substantive motion to exercise their right to reply at the end of the debate on the motion or any amendment before it is put to the vote;
  - e) as the seconder of a motion or amendment, having reserved (when seconding the motion or amendment) the right to speak until later in the debate;
  - f) to make a Point of Order or Personal Explanation.

#### **B14 Content and Time Limits**

- 1 Speeches must be directed to the question under discussion or to a Personal Explanation or Point of Order.
- 2 When moving a motion, a Member may speak for a maximum of 5 minutes.
- 3 No other speeches may take more than 3 minutes without the consent of the Council (which will be determined by a vote on a motion without discussion) unless otherwise provided in this Constitution.

#### **B15 Withdrawal and Alteration of motions**

- 1 A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council (indicated without discussion). No Member may speak after the mover has asked permission for its withdrawal, unless permission to withdraw the motion or amendment is refused.
- 2 With the consent of the Council, indicated without discussion, the mover may make minor alterations to a motion or amendment, such alteration to be provided in writing by the mover to ensure clarity, if

requested by the Lord Mayor. Only alterations which could be made as an amendment may be made.

## **B16 Order of debate**

- 1 No speeches may be made after the mover has moved a proposal and explained the purpose of it, and until the motion has been seconded.
- 2 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- 3 When a motion is under debate no other motion may be moved except:
  - a) to amend the motion;
  - b) to proceed to the next business (such a motion may only be moved by a Member who has not already participated in the debate);
  - c) that the question now be put (such a motion may only be moved by a Member who has not already participated in the debate);
  - d) that a Member be no longer heard;
  - e) that a Member leave the meeting;
  - f) to exclude the public and press from the meeting under the terms of the Local Government Act 1972;
  - g) to extend the time of the meeting or the time for the agenda item.
- 4 No Member may move more than one amendment to any motion or substantive question before Full Council unless the further amendment comprises new material which is not related to the subject of the previous amendment.
- 5 Only one amendment may be moved and discussed at a time unless the Lord Mayor rules otherwise, and no further amendment is to be moved until the Council has reached a decision on the amendment under discussion.
- 6 When the Council has reached a decision on a motion or amendment, the Lord Mayor will refuse to put at the same meeting any subsequent motion or amendment which, if carried, would substantially contradict, override, or repeat the former one.

- 7 If an amendment is lost, other amendments may be moved on the original motion.
- 8 If an amendment is carried, the amended motion replaces the original motion on which any further amendments are moved.

### **B17 Right of reply**

- 1 The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- 2 If an amendment has been moved, the mover of the original motion may choose to exercise a right of reply at the close of the debate on the amendment, or may speak during the debate on the amendment, but may only speak once on the amendment. The mover of the amendment will have a final right of reply at the close of the debate on the amendment.

### **B18 Closure motions**

- 1 A Member who has not spoken on the substantive issue may move without comment at the end of another Member's speech one of the following:
  - a) "That the Council proceed to the next business"
  - b) "That the question be now put" or "Move to the vote"
  - c) "That the Council now adjourn"
- 2 If the motion is seconded, the Lord Mayor may do one of the following:
  - a) on a motion to proceed to the next business, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion to proceed to the next business. If that vote is carried the Lord Mayor shall give the mover of the original motion the right of reply before putting that motion to the vote;
  - b) on a motion that the question be now put, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, they may put to the vote the motion that the question be now put. If that vote is carried, the Lord Mayor shall give the mover

- of the original motion the right of reply before putting that motion to the vote;
- c) on a motion to adjourn the meeting, the Lord Mayor may put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.

## **B19 Points of Order**

- 1 A member who believes that there is some irregularity in the interpretation of the Constitution or conduct of the meeting may rise on a Point of Order. Such irregularities may include:
  - a) discussion of a question not before the Council;
  - b) the use of improper or offensive language;
  - c) interjection of remarks while a Member is speaking;
  - d) that a quorum is not present; or
  - e) breach of any other Procedure Rule or law.
- 2 When a Member rises on a Point of Order, they must outline at the outset the rule or law which they consider to have been breached. The Member raising the Point of Order must then sit down immediately while the Lord Mayor gives a ruling.
- 3 A Member against whom a Point of Order is being raised must stop speaking until the Lord Mayor has ruled on the matter.
- 4 If the Lord Mayor rules that the language used by a Member is improper, it is the duty of the Member to withdraw it.

## **B20 Personal Explanation**

- 1 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which appears to have been misunderstood or is being misquoted in the present debate. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

## **B21 Voting**

- 1 All matters will be determined by a show of hands, or use of the electronic voting system if available, unless at least three Members of the Council request that a named vote be conducted. In that event,

the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting.

- 2 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.
- 3 Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
- 4 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

## **B22 Voting on Appointments**

- 1 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 2 In the event of a tie, the Lord Mayor would exercise a casting vote.

## **B23 Minutes**

- 1 The Lord Mayor will sign the minutes of the proceedings at the next suitable Ordinary Meeting of the Council. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

## **B24 Exclusion of Public**

- 1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Appendix 7 of this Constitution or Rule B26 (Disturbance by Public).
- 2 If any question arises at any meeting of the Council relating to the appointment, dismissal, promotion, conduct, remuneration or conditions of service of any member of the Council's staff no

discussion shall take place until the meeting has considered whether or not to exclude the public and press in accordance with the Access to Information Procedure Rules.

## **B25 Misconduct by Members**

- 1 If any Member at a meeting of the Council disregards the authority of the Lord Mayor or is guilty of obstructive or offensive conduct the meeting may, on a motion without notice being duly moved, seconded, and carried, resolve that the Member should not be heard and should leave the meeting. Such a motion need not be in writing and is put without discussion. If the motion is carried, the Member must leave the meeting immediately. If the Member refuses to leave the meeting, the Lord Mayor shall adjourn the meeting to allow for the removal of the Member, and may if necessary relocate the meeting to a suitable alternative venue.

## **B26 Disturbance by Public**

- 1 If a member of the public interrupts the proceedings of any Council meeting, they will be warned by the Lord Mayor. If the disruption continues, the Lord Mayor may order them to leave the meeting. In the event of general disturbance in any part of the Council meeting, the Lord Mayor may order that part to be cleared.
- 2 In the event of general disturbance which in the opinion of the Lord Mayor makes the orderly conduct of business impossible, the Lord Mayor may suspend the meeting for as long as necessary, or may relocate the meeting to an alternative venue, or may abandon the meeting in which case all remaining business will be considered at a time and date fixed by the Lord Mayor. If they do not fix a date, the remaining business will be considered at the next Ordinary Meeting.

## **B27 Filming and Use of Social Media during Meetings**

- 1 Filming and use of social media is permitted during meetings in accordance with a protocol approved by the Council so long as there is no disturbance to the conduct of the meeting.

## **B28 Suspension of Council Procedure Rules**



- 1 All of these Council Rules of Procedure except B21 (3) (the right for an individual Member to have their vote recorded) may be suspended by motion on notice identifying the Procedure Rule which is to be suspended. Such a motion may only be moved without notice if at least 24 Councillors are present in the room at the time. Suspension can only be for the duration of the meeting.

### **Procedure rules for Budget Council**

#### **C1 Budget Council**

- 1 The business to be conducted at Budget Council shall be:
- a) to consider any business raised by the Lord Mayor;
  - b) to hear any public participants in accordance with paragraph 10 above and C3 (1) below;
  - c) to receive any petitions presented by Members in relation to business associated with setting the Council's budget for the coming financial year;
  - d) to consider and determine the Executive's recommendations on setting the following budgets:
    - i) Revenue Budget (including fees and charges and Housing Revenue Account estimates) for the coming financial year; and
    - ii) Capital Programme;
  - e) to agree a Council Tax resolution for the coming year based on the above agreed budget;
  - f) to consider and determine the Executive's recommendations in relation to the Treasury Management Statement and Prudential Indicators, as necessary;
  - g) to consider any other business set out in the notice convening the meeting; and
  - h) to consider any business, brought before the Council by the Lord Mayor on the grounds of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

#### **C2 Duration of Meetings**

- 1 All Budget Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and / or breaks taken by the Lord Mayor.

- 2 The Lord Mayor will remind the Council if 2 hours and 20 minutes has lapsed.
- 3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate.
- 4 All outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

### **C3 Public Participation**

- 1 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes. The Public Participation Protocol is contained in Appendix 8 of this Constitution, and the rules are set out at section 10 of the Introduction above.

### **C4 Petitions presented by Members**

- 1 The rules of Petitions as detailed at B1 apply to Budget Council, but subject to the following amendment:
  - petitions presented by Members must be in relation to business associated with setting the Council's budget.

### **C5 Content and Time Limits**

- 1 The Leader of the Council and the Leaders of other Groups on the Council may speak when they are proposing a motion or an amendment at Budget Council, in relation to the setting of the budget, but each Leader's speech will not exceed 15 minutes in doing so.
- 2 No other speeches (including the moving of amendments and the right to reply) may take more than three minutes without the consent of the Council, which will be determined by a vote on a motion without discussion.

- 3 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

## **C6 Voting**

- 1 All votes relating to the setting of the annual budget must be named votes and elected Members will be required to vote for, against or abstain.
- 2 Any votes not relating to the setting of the budget will be determined by a show of hands, or use of the electronic voting system if available, unless three Members or more of the Council request that a named vote be conducted. In that event, the Monitoring Officer will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting. Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
- 3 If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote. There will be no restriction on how the Lord Mayor chooses to exercise a casting vote.
- 4 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

## **C7 Rules for the conduct of the meeting**

- 1 All of the rules relating to Ordinary Meetings shall apply to Budget Council unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda. This includes application of the rules to suspend Council Procedure Rules as detailed at B28.

### **Procedure rules for Extraordinary meetings of the Council**

## **D1 Extraordinary Meetings**

- 1 Schedule 12 of the Local Government Act 1972 allows extraordinary meetings of the Council to be called by the Lord Mayor. In addition, any five Members of the Council may sign and present to the Lord Mayor a requisition calling for an extraordinary meeting. If the Lord Mayor refuses to call a meeting or does not call for one within seven

days of being presented with the requisition, then any five Members of the Council may call an extraordinary meeting of the Council.

- 2 Extraordinary Meetings of the Council will only deal with the business for which the meeting has been called.

## **D2 Rules for the conduct of the meeting**

- 1 All of the rules relating to Ordinary Meetings shall apply to Extraordinary Meetings unless otherwise directed by the Lord Mayor, subject to it addressing the business on the agenda.

## **D3 Duration of Meetings**

- 1 All Extraordinary Meetings will finish no later than 2 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 2 hours and 30 minutes will not include any periods of adjournment and/or breaks taken by the Lord Mayor.
- 2 The Lord Mayor will issue the guillotine warning to remind the Council if 2 hours and 20 minutes has lapsed.
- 3 A motion without notice to extend the duration of the meeting by a maximum of 30 minutes, which has been duly proposed and seconded before the guillotine warning, shall be put to the vote without debate.
- 4 Once the guillotine warning is reached, any remaining business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.