

Meeting	Audit & Governance Committee
Date	24 September 2014 and reconvened on 2 October 2014
Present	Councillors Potter (Chair), Barnes (minute 35), Brooks (Vice-Chair), Ayre (minute 23-34), Fraser, Gunnell, Burton (Substitute for Councillor Barnes minute 23-34), Warters (Substitute for Councillor Wiseman minute 23-43), Watson (Substitute for Councillor Wiseman minute 35) and Cuthbertson (Substitute for Councillor Ayre minute 35) and Mr Whiteley (Co-opted Non-Statutory Member – minute 23-34)
Apologies	Councillors Barnes (for meeting of 24 September 2014) and Wiseman (for meetings of 24 September 2014 and 2 October 2014) and Mr Whiteley for meeting of 2 October 2014

23. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. Councillor Brooks declared a personal interest in agenda item 5 – minute 27 refers (Annual Financial Report – Statement of Accounts) as a member of the Teachers' Pension Fund.

24. Minutes

Resolved: That the minutes of the meeting of 30 July 2014 be approved and signed by the Chair as a correct record.

25. Public Participation

It was reported that there were no registrations to speak at the meeting under the Council's Public Participation Scheme.

26. **Audit and Governance Committee Forward Plan**

Consideration was given to a paper which presented the future plan of reports expected to be presented to the committee during the forthcoming year to July 2015.

Members were asked to identify any further items they wished to see added to the Forward Plan.

Referring to the inclusion in the work plan of an update on Absence Management, clarification was sought as to whether it would be appropriate for the committee to also receive information on other staffing issues, including the outcome of staff surveys. Officers explained that the update on Absence Management had been included as a follow-up from an internal audit report on this issue. It had also been identified as an issue in the Annual Governance Statement. Generally, staffing matters were not within the Committee's remit and were more appropriately dealt with via the Corporate and Scrutiny Management Committee. Members could, however, seek further assurance on any issues which they perceived to be a risk to the Authority.

Resolved: That the committee's Forward Plan to the period to July 2015 be approved.

Reason: To ensure the committee receives regular reports in accordance with the functions of an effective audit committee and can seek assurances on any aspect of the Council's internal control environment in accordance with its roles and responsibilities.

27. **Annual Financial Report - Statement of Accounts 2013/14**

Members considered a report which presented:

- A final set of accounts for 2013/14 to reflect changes made since the draft pre-audit accounts had been presented to the committee on 30 July 2014
- The external auditors Audit Completion Report
- The letter of representation

Members' attention was drawn to some changes to the report *[details of the amendments are attached to the on-line agenda papers for the meeting]*.

- Resolved:
- (i) That the matters set out in the Audit Completion Report presented by the external auditor, and the additional amendments circulated, be noted.
 - (ii) That the 2013/14 Statement of Accounts be amended in respect of the identified misstatements in section 10 of the Audit Completion Report and those circulated at the meeting.
 - (iii) That the amended Annual Financial Report be approved for signature by the Chair in accordance with the Accounts and Audit Regulations 2003.
 - (iv) That the letter of representation be approved for signature by the Director of Customer and Business Support Services.
- Reasons:
- (i) To ensure the proper consideration of the opinion and conclusions of the external auditor in respect of the annual audit of accounts and review of the Council's arrangements for ensuring value for money.
 - (ii)-(iv) To ensure compliance with International Auditing Standards and relevant legislative requirements.

28. Audit Completion Report

Members considered the Audit Completion Report from Mazars for the year ended 31 March 2014. The report summarised the audit conclusions.

Members' attention was drawn to the letter to the Director of Customer and Business Support Services dated 24 September 2014 which provided an update to the Audit Completion Report *[a copy of the letter is attached to the online agenda papers for the meeting]*.

Appreciation was expressed of the co-operation which the auditors had received from Council officers.

Members noted that, as an objection had been received to the Council's accounts in relation to the receipts arising from the penalty charge notices for Lendal Bridge and Coppergate, it would not be possible to certify completion of the audit until the objection had been determined.

Members' attention was drawn to the following:

- The significant findings (Section 2 of the report)
- The internal control recommendations (Section 3 of the report)
- The summary of misstatements (Section 4 of the report). It was noted that none of the adjustments identified during the audit resulted in a change to the Council's underlying financial position.
- The Value for Money conclusions (Section 5 of the report), including the issues raised in respect of adult social care as set out in the report.

Referring to the paragraph in the report on Section 106 balances, clarification was sought as to the matters that were taken into account by the auditors when considering this issue. Details were given of the work that had taken place, including examining the recording of the Section 106 balances and plans for future spending. In response to questions, officers confirmed that the Section 106 funding was reflected in the ledger but that detailed spreadsheets were also in place for recording and monitoring purposes.

Officers were asked about the arrangements that were in place to invest Section 106 monies prior to them being utilised for specific schemes. Officers stated that the Section 106 monies were invested as part of the overall treasury management arrangements and were not invested separately.

At the request of Members, the auditors confirmed that they were satisfied with the accounting procedures that had been put in place in respect of Lendal Bridge and drew attention to paragraph 50 (Contingent Liabilities) of the Notes to the Core Financial Statements.

Resolved: That the report be noted.

Reason: To ensure that Members are aware of the audit conclusions.

29. **Update Report on Adult Social Care**

Members considered a report which provided an update on progress made by Adult Social Care against the ten recommendations designed by the External Auditors to assist the service to respond more effectively and quickly to the challenges posed by the continuing demographic growth and by financial constraints.

In response to questions, officers gave details of the financial implications following changes to the Council's Deprivation of Liberty Safeguard (DOLS) responsibilities.

Members noted the progress that had been made to date but agreed that they would wish a further update report to be presented to them.

Resolved: (i) That the report be noted.
(ii) That a further update be presented to the Committee at their meeting in February 2015¹.

Reason: To ensure that Members are satisfied with the progress that is being made in addressing the issues raised.

Action Required

1. Include in work plan

EA

30. **Key Corporate Risk Monitor 1**

Members considered a report which presented an update on the key corporate risks, and which highlighted in more detail any emerging risk issues with a view to Members considering any further information they would wish to receive on these matters.

It was noted that the Risk Monitor attached at annex A of the report was currently in draft form and was subject to change. The final version would be presented to the Committee at their meeting in February 2015.

Members were informed that details of training sessions on Risk Management would be forwarded to them.

Resolved: That the issues set out in the report and the risk register (Annex A of the report) be noted.

Reason: To provide assurance that the authority is effectively understanding and managing its key risks.

31. Internal Audit Follow Up Report

Members considered a report which set out the progress made by council departments in implementing actions agreed as part of internal audit work.

Resolved: That the progress made in implementing internal audit agreed actions, as detailed in paragraphs 5-9 of the report, be noted.

Reason: To enable Members to fulfil their role in providing independent assurance on the Council's control environment.

32. Audit and Counter Fraud Monitoring Report

Members considered a report which provided an update on progress made in delivering the internal audit workplan for 2014/15 and on current counter fraud activity.

Members noted that work was on track to complete the plan within the specified timescale. Members were informed that the audit reports referred to in the report were available on the Council's website.

Officers responded to Members' questions in respect of the audit reports on Attendance Management and Apprenticeships.

Resolved: That the progress made in delivering the 2014/15 internal audit work programme, and the results of recent counter fraud activity be noted.

Reason: To enable Members to consider the implications of audit and fraud findings.

33. Updating the Constitution - Progress Report

Members considered a report which confirmed progress in respect of reviewing the Constitution. The review was on track to be completed during the current Municipal year.

Resolved: That the report be noted.

Reason: To monitor progress on the refresh of the Constitution.

Part B - Matters Referred to Council

34. Updating the Constitution - New Council Procedure Rules

Consideration was given to a report which asked Members to make recommendations to Council in respect of revised procedure rules for Full Council.

It was noted that the draft revised rules had been the subject of considerable consultation and sought to address issues including:

- A view that motions were not given sufficient priority and that time should be found within the agenda to allow for them to be debated
- A wish to reinvigorate the system of asking questions of Members
- Suggestions that the current process for dealing with petitions could be improved upon

Members were also asked to consider whether the rules detailed in paragraph 19 of the report should also apply to other bodies.

Members gave consideration to the draft revised procedure rules and put forward a number of changes to the wording.

Members also recommended that consideration be given to the following:

- As there is usually a ten minute break during the course of the meeting, para 11.1 should be amended to read *“All ordinary meetings (including Budget Council) will finish three hours and forty minutes after the start time of the*

meeting, unless extended by the agreement of the Council”

- para 15 to include “*Members will be permitted to speak for up to one minute to present a petition*”
- para 24.3 - guidance to be put in place to provide clarity regarding the negating of motions

- Recommend:
- (i) That the rules set out in the attached annex be adopted in place of the existing constitutional provisions.
 - (ii) That the rules set out in paragraph 19 of the report apply to Committees, Cabinet and other groups referred to in the Constitution.
 - (iii) That the recommendations in respect of paragraphs 11.1, 15 and 24.3 (as detailed above) be approved.

Reason: To ensure that the Council meetings operate effectively.

[Members agreed to adjourn the meeting at this point and reconvene on 2 October 2014 to enable time for full consideration on the remaining agenda item].

35. Arrangements for Petitions

[Reconvened meeting held on 2 October 2014]

Members considered a report that proposed new arrangements for handling petitions to Council.

Discussion took place regarding a proposal that petitions would be reported to a committee of the Council and that, at least initially, this should be the Corporate and Scrutiny Management Committee.

Members’ attention was drawn to paragraph 4 of the report which listed some exceptions. It was noted that these exceptions were in line with the existing criteria.

Members agreed that the current arrangements for dealing with petitions required improvement in order that petitioners were better informed as to the outcome of their petition.

Members suggested that, although in the longer term it may be necessary to establish a Petitions Committee, initially it would be appropriate for the terms of reference of the Corporate and Scrutiny Management Committee to be amended to incorporate this function on a pilot basis. Members also agreed that the arrangements for handling petitions should be better publicised on the Council's website.

Members supported the suggestion that had been put forward by the co-opted member that the arrangements should include notifying the petition organiser of how the petition was being handled. Members suggested that the timescale for responding to the petitioner should be five working days.

- Recommend:
- (i) That Council amends the terms of reference for the Corporate and Scrutiny Management Committee by adding:
"7. To receive details of petitions received by the Council in line with the Council's published arrangements and responses or proposed responses to those petitions. To consider using its powers as a scrutiny committee to support the Council in responding appropriately to issues raised by such petitions and, in doing so, to promote public engagement"
 - (ii) That, as part of the updating of the petitions scheme to reflect the changes detailed in the report, consideration be given to the inclusion of:
 - A requirement for the petitioner to be notified, within five working days, of how the petition was being handled.
 - A requirement for a report to be presented to Full Council detailing the petitions that had been considered by the committee and

the action that had been taken in response.

Reason: To ensure that the Council responds appropriately to petitions.

Councillor Potter, Chair

[The meeting started at 5.30 pm and finished at 9.00 pm on 24 September 2014. It was reconvened at 7.45pm on 2 October 2014 and finished at 8:10pm].

SECTION 4

1.0 FULL COUNCIL

1.1 Introduction

The 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, which together form the Policy Framework. These plans are listed in paragraph 2.1 below. Full Council is responsible for all of the functions which are not the responsibility of the Cabinet. It will carry out some functions itself, but others will be delegated to Committees or named Officers. Further details of the functions which Council has delegated are set out in section three of the Constitution.

2.0 The Policy Framework

2.1 The Policy Framework means the following plans and strategies:

- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Development Plan documents
- Local Transport Plan
- Licensing Authority Policy Statement in relation to Gambling
- Licensing Act 2003 Policy Statement
- The Council's Corporate Plan or its equivalent

3.0 Functions of the Full Council

3.1 Only the Full Council will exercise the following functions:

- a) adopting and changing the Constitution;
- b) approving or adopting the Policy Framework, budget and treasury management strategy;
- c) approving the pay policy statement;
- d) authorising any application to the Secretary of State under section 32 or section 43 of the Housing Act 1985 where the Secretary of State's consent is required to any Housing Land Transfer;
- e) making decisions on matters which are the responsibility of the Cabinet where the decision maker is minded to make it in

Deleted: <#>approving the Council's Statement of Accounts; ¶

a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budgetary framework – unless urgency procedures set out [in](#) part four of the Constitution apply;

- f) appointing and removing the Leader;
- g) deciding the terms of reference for Committees and making appointments to them - unless the appointments have been delegated by the Council;
- h) changing the name of the area or conferring the title of freedom of the City;
- i) making or confirming the appointment of the Head of Paid Services;
- j) making, amending and revoking bylaws and promoting or opposing the making of local legislation or Personal Bills;
- k) taking decisions in respect of functions which are not the responsibility of Cabinet and which have not been delegated by the Council to Committees, sub Committees or officers. Further detail relating to the allocation of functions appears in section three of this Constitution;
- l) appointing representatives to outside bodies - unless the appointment has been delegated by the Council;
- m) adopting the Council's Code of Conduct for Members;
- n) any other matters which by law must be reserved to the Council.

4.0 Chairing the 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, then the 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 he or she resigns, is dismissed by a vote of Full Council, ceases to be a Member of the Council, or is unable to act as a Member of the Council. He or she will continue to act as Lord Mayor (whether or not remaining a Councillor) after an election until his or her successor has been

appointed. If the Lord Mayor is no longer a Councillor he or she may not vote other than to exercise a casting vote.

4.3 The Lord Mayor shall:

- a) uphold and promote the purpose of the Constitution, and interpret the Constitution when necessary;
- 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 the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet and Committee Chairs to account;
- d) promote public involvement in the Council's activities.

5.0 Council Meetings

5.1 There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) extraordinary meetings.

6.0 Rules of Procedure and Debate

6.1 The following Council Procedure Rules will apply to meetings of the Full Council.

7. Annual Meeting of the Council.

7.1 The date and time of the Annual Meeting will be determined by the Chief Executive following consultation with the Lord Mayor Elect and the Leader of the Cabinet and Political Group Leaders.

7.2 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 normally take place in May.

7.3 At the Annual Meeting of the Council, the order of business shall be as follows:

- a) declarations of interest;

- b) to elect the Lord Mayor for the ensuing municipal year;
- c) to appoint a Deputy Lord Mayor for the ensuing municipal year;
- d) to appoint a Sheriff for the ensuing municipal year;
- e) at the first Annual Meeting following local elections to appoint a Member as the Cabinet Leader;
- f) to approve the size and membership of the Council Committees in accordance with the political balance rules;
- g) to approve any new terms of reference for those committees;
- h) to appoint Chairs and Vice-Chairs (where appropriate) of the Council's Committees for the ensuing municipal year;
- i) to approve appointments of Council representatives on outside bodies for the ensuing municipal year except where this is the function of the Cabinet 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;
- k) to consider any other business set out in the notice convening the meeting;
- l) 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.

8.0 Ordinary Meetings

8.1 The Council will hold Ordinary meetings for the transaction of general business. The arrangements for these meetings shall be determined by the Chief Executive in consultation with the Leaders of Political Groups.

8.2 Normally ordinary meetings of the Council will be held at 6.30 pm at the Guildhall., Different arrangements may be made with the agreement of Council.

Deleted: All

Deleted: and will take place

Deleted: unless otherwise determined by the Council

8.3 The order of business at every ordinary meeting of the Council shall be:

- a) to choose a person to preside if the Lord Mayor or Deputy Lord Mayor is absent;

- b) declarations of interest;
- c) to approve as a correct record and sign the minutes of the last meeting or meetings of the Council;
- d) Lord Mayor's Business;
- e) Public Participation under Rule 14;
- f) To receive without discussion petitions which Members wish to present to Council
- g) to receive and consider a written report from the Leader on the work of the Cabinet, to ask him or her questions thereon
- h) To debate such recommendations requiring Council approval as may have been made by the Cabinet;
- i) to consider motions under Rule 22;
- j) to ask questions of the Leader or Cabinet members in respect of any matter for which they have responsibility
- k) To receive and consider a written report from Cabinet Members in an agreed rotation as set out in Standing Order 18 and to question such Members thereon
- l) to receive and consider a written report from the Chair of Corporate and Scrutiny Management Committee including such recommendations for approval as may have been made by that Committee under Rule 21;
- m) to receive and consider and report on recommendations of other Scrutiny bodies;
- n) to receive and consider recommendations of Committees (other than Scrutiny Bodies) under Rule 21.1.
- m) to make any changes in the membership of the Cabinet, Committees and outside bodies, together with changes to relevant Chairs and Vice Chairs;
- o) to dispose of any business standing adjourned from any previous meeting of the Council;
- q) to consider any other business set out in the notice convening the meeting;
- r) 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.

The order of business may be varied at the Lord Mayor's discretion, or by resolution passed on a motion duly moved, seconded and decided without discussion.

9.0 Budget Council

9.1 The order of business at Budget Council shall be:

- a) to consider any business raised by the Lord Mayor;
- b) to hear any public participants in relation to business associated with setting the Council's budget for the coming financial year;
- 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 Cabinet's recommendations on setting the following budgets for the coming financial year;
 - i) revenue budget (including fees and charges and Housing Revenue Account estimates);
 - ii) capital programme;
- e) to agree a Council Tax resolution for the coming year based on the above agreed budget; and
- f) to consider and determine the Cabinet'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;
- 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.

10.0 Extraordinary Meetings

10.1 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.

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

11.0 Duration of Meetings

- 11.1 All ordinary meetings (including Budget Council) will finish three and a half hours after the start time of the meeting, unless extended by agreement of the Council.

- 11.2 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.

- 11.3 All outstanding items of business will be deemed to have been proposed and seconded and will be voted on without debate prior to the expiry of the meeting time.

12.0 Notice of and Summons to Meetings

- 12.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Part four. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her 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.

13.0 Quorum

- 13.1 The quorum for a meeting of the Council is one quarter of the whole number of Members of the Council.

- 13.2 If at any time during the meeting of the Council, the Lord Mayor declares there is not a quorum present, the meeting stands adjourned. The consideration of any business not transacted will be adjourned 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 Council.

14.0 Public Participation

- 14.1 Any member of the public shall be entitled to address the Council for up to 3 minutes or to ask any Member of the Council a question.
- 14.2 In order to exercise this right prior notice must be given to the [Head of Civic and Democratic Services](#) before 5:00 pm on the working day before the meeting.
- 14.3 At an ordinary meeting any address or question from a member of the public may be on any matter directly relevant to the business of Council or the City.
- 14.4 In the case of Budget Council, 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.
- 14.5 In the case of an extraordinary meeting public participants must only address the business on the agenda.
- 14.6 In the light of the special nature of the annual meeting the public participation rights given by this Rule will not apply.
- 14.7 In exercising his or her public participation rights a member of the public [is entitled to express views positive or negative about the performance of the Council but](#) must not:
- Say anything which is defamatory or discriminatory
 - Criticise or make any personal attack on an officer
 - Disclose confidential or exempt information including personal information about an individual without that person's consent
- 14.8 Any questions to Council 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 [sent within ten working days](#).
- 14.9 No other discussion will take place on any matter raised by a member of the public when addressing the Council. When the speaker has finished, the Lord Mayor will announce how the issues raised by the participant will be dealt with. The options most usually being:
- i. to note the comments made;

Deleted: Chief Executive

- ii. to refer the issues to the Cabinet or another appropriate Committee for consideration; or
- iii. to take into account the comments made as part of any debate on related decisions to be made later on the agenda.

14.10 The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.

15. Petitions presented by Members

15.1 A Member may submit a petition for inclusion on the Council agenda by giving notice of the petition to the Head of Civic and Democratic Services not later than midday on the eighth working day before the day of Council meeting at which it is to be received.

Deleted: considered

15.2 Petitions will be formally received without discussion and will stand referred to the Corporate and Scrutiny Management Committee and the appropriate decision maker.

16.0 Report of the Leader

16.1 The Leader will present a written report on the work of the Cabinet. In the absence of the Leader, the Deputy Leader will present the report. In the absence of both the Leader and Deputy Leader, a Cabinet Member will present the report. The presentation of the Leader's report will not exceed 5 minutes.

16.2 Leaders of Opposition groups on the Council will have up to 5 minutes each to respond to issues raised in the Leader's report. The Leader will have 5 minutes to respond thereafter.

17.0 Questions and comments on the Leader's report

17.1 A Member of the Council may ask the Leader any question or make a comment directly arising from an item of the Leader's report, during the time allocated for such questions.

Deleted: when that item is being received or is under consideration by the Council.

17.2 The original speaker may ask one supplementary question or make one supplementary comment. A maximum of two other Members of the Council may each ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Leader.

17.3 The Leader 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.

17.4 A maximum of 15 minutes will be permitted for questions and comments on the Leader's report

18.0 Report of Cabinet Member

18.1 At each Council meeting a Cabinet Member will submit a written report. The Cabinet Member will formally move his or her report but will not deliver a speech in support of it.

Deleted: their

19.0 Questions and comments on the Cabinet Member's report

19.1 A Member of the Council may ask the Cabinet Member any question or make a comment directly arising from an item of the Cabinet Member's report, when that item is being received or is under consideration by the Council.

19.2 The original speaker may ask one supplementary question or make one supplementary comment. A maximum of two other Members of the Council may each ask one further supplementary question or make one supplementary comment. All supplementary questions or comments must arise from the response of the Cabinet Member.

19.3 The Cabinet 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.

19.4 A maximum of 10 minutes will be permitted for questions and comments on the Cabinet Member's report

20.0 General Questions to Leader and Cabinet Members

20.1 A Member of the Council may during the time allowed for this agenda item ask the Leader or a Cabinet Member any question on any matter within their portfolio responsibility.

20.2 The original speaker may ask one supplementary question. A maximum of two other Members of the Council may each ask one further supplementary question. All supplementary questions must arise from the response of the Leader or Cabinet Member.

20.3 The Leader or Cabinet 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

20.4 A maximum of 15 minutes will be permitted for questions under this Rule

21.0 Committees of Council

21.1 The Chair of a Committee will present any recommendations of that Committee requiring confirmation to Council, and move that they be received and approved. In the absence of the Chair another Member of the Committee may move the recommendation.

(a) When the recommendations of a Committee requiring confirmation have been presented to 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 Council.

21.2 The Chair of the Committee has the final right of reply to any amendment or motion moved under this Rule.

22 Motions on Notice

22.1 Notice of every motion to be considered by Council, must be given in writing to the Head of Civic and Democratic Services not later than midday on the eighth working day before the day of Council meeting at which it is to be considered. This Rule does not apply to motions which may be moved without notice under Rule 23 or to recommendations brought before the Council by the Cabinet or a Committee

22.2 No Council meeting will receive more than four Motions on notice at any one meeting

22.3 Motions may only be submitted in accordance with the schedule for allocation of motions approved at Annual Council

22.4 Motions will be considered in the order determined by the Lord Mayor based on an appropriate order for the effective conduct of business

23.0 Motions without Notice

23.1 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.

23.2 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 Cabinet, 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 suspend a particular Council Procedure Rule;
- k) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- l) to not hear further a Member named under Rule 37 Error! Reference source not found. or to exclude them from the meeting;
- m) to give the consent of the Council where its consent is required by this Constitution.
- n) to extend the meeting. Such a motion must be moved and seconded before the Lord Mayor announces that the guillotine has fallen.
- o) To extend any other time limit set out in these Rules

Deleted: Lord Mayor

24.0 Notice of amendments

24.1 Written notice of every amendment, must be delivered to the Head of Civic and Democratic Services not later than midday on the third working day before the day of Council meeting at which it is to be considered

24.2 An amendment must be relevant to the motion and must:

- a) propose leaving out words, or
- b) propose leaving out words and inserting or adding others, or
- c) propose inserting or adding words.

24.3 The effect of an amendment must not be to negate the effect of the motion before Council

25.0 Rules of Debate

General

25.1 The decision of the Lord Mayor is final on all matters of order or personal explanation.

25.2 When speaking, a Member is to stand and address the Lord Mayor as Lord Mayor.

25.3 When the Lord Mayor speaks or rises to speak during a debate, any Member then speaking or seeking to speak is to sit down.

25.4 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. When a Member is speaking, the others are to remain sitting unless rising to make a point of order or a personal explanation.

25.5 Members may speak once only on the matter under discussion except for the following reasons:

- a) to speak once on an amendment moved by another Member;
- b) to move a new amendment if the motion has been amended since he or she last spoke;
- c) to speak on the main issue, if the Member first spoke on an amendment moved by another Member (whether or not it was carried);

- d) as the mover of a motion (but not of an amendment), to exercise the right to reply at the end of the debate on the motion 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 (any point of order must refer to the relevant Standing Order or statutory provision) or personal explanation

26.0 Altering and withdrawing motions

- 26.1 With the consent of the Council, indicated without discussion, a Member may alter a motion or amendment of which s/he has given notice.
- 26.2 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.

27.0 Order of debate

- 27.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- 27.2 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- 27.3 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 .

27.4 No Member may move more than one amendment to any motion or substantive question before the Council unless the further amendment comprises new material which is not related to the subject of the previous amendment.

27.5 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.

27.6 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.

27.7 If an amendment is lost, other amendments may be moved on the original motion.

27.8 If an amendment is carried, the amended motion replaces the original motion on which any further amendments are moved.

28.0 Right of reply

28.1 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. If an amendment has been moved, the mover of the original motion also has a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment. The mover of the amendment has no right of reply to the debate on his/her amendment.

29.0 Closure motions

29.1 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"

If the motion is seconded, the Lord Mayor may do one of the following:

- i. on a motion to proceed to the next business, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, he or she 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;
- ii. on a motion that the question be now put, unless in the Lord Mayor's opinion the matter has not been sufficiently discussed, he or she 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;
- iii. 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 his/her right of reply on that occasion.

Deleted: or she may give the mover of the original motion a right of reply and then

Deleted: and, if it

Deleted: n

Deleted: or, if an amendment is under debate, then the mover of that amendment,

Deleted: or amendment

30.0 Points of Order

30.1 A member who believes that there is some irregularity in 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 language
- c) interjection of remarks while a Member is speaking.
- d) that a quorum is not present
- e) breach of any other Procedure Rule or law

30.2 When a Member rises on a point of order he or she must state at the outset the rule or law which he or she considers to have been breached. The Member raising the point of order must then sit down immediately while the Lord Mayor gives a ruling.

30.3 A Member against whom a point of order is being raised must sit down until the Lord Mayor has ruled on the matter.

30.4 If the Lord Mayor rules that the language used by a Member is improper, it is the duty of the Member to withdraw it.

31.0 Personal Explanation

31.1 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.

32.0 Content and Time Limits

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

32.2 When moving a motion a Member may speak for a maximum of five minutes.

32.3 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.

(Note:) These time limits shall not apply to the Leader of the Council and the Leaders of other Groups on the Council when they are proposing a motion or an amendment during the meeting which sets the Council's annual budget.

33.0 Voting

33.1 All matters will be determined by use of the electronic voting system unless at least three Members of the Council demand that the names be recorded. In that event, the Chief Executive will ensure that the names and votes of the Members present are recorded and included in the Minutes of the meeting.

33.2 If the Lord Mayor indicates that the electronic voting system is not operating then votes may be taken by a show of hands

33.3 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.

33.4 Any Member is entitled to have his/her own vote recorded in the Minutes whether or not a full recorded vote is taken.

33.5 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

34.0 Voting on Appointments

34.1 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.

35.0 Minutes

35.1 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 part of the minutes that can be discussed is their accuracy.

36.0 Exclusion of Public

36.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part four of this Constitution or Rule 38 (Disturbance by Public)

36.2 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.

37.0 Misconduct by Members

37.1 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 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

38.0 Disturbance by Public

38.1 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 Chamber, the Lord Mayor may order that part to be cleared.

38.2 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.

Deleted: adjourn

39.0 Filming and Use of Social Media During Meetings

39.1 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.

40.0 Suspension of Council Procedure Rules

Deleted: and Amendment

40.1 All of these Council Rules of Procedure except Rule 33.3 (the right for an individual Member to have his or her 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 one half of the whole number of Members of the Council is present. Suspension can only be for the duration of the meeting.

This page is intentionally left blank