



Notice of a public meeting of

Audit and Governance Committee

To:	Councillors Hollyer (Chair), J Burton (Vice-Chair), Fisher, Mason, Whitcroft, Merrett and Rose Mr Leigh (Independent Member) and Mr Binney (Independent Member)
Date:	Thursday, 8 August 2024
Time:	5.30 pm
Venue:	West Offices - Station Rise, York YO1 6GA

AGENDA

1. **Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

2. **Action Log** (Pages 3 - 12)

To consider the Committee's action log.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 6 August 2024.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Report on the extension and subsequent termination of the Early Intervention and Prevention Contract with the Salvation Army (Pages 13 - 20)

This report reviews the extension and subsequent termination of the Early Intervention and Prevention Contract with the Salvation Army.

5. Report of the Monitoring Officer on suggested Constitutional Changes (Pages 21 - 88)

To provide the first tranche of suggested constitutional changes to the committee for consideration and discussion.

6. Audit and Governance Work Plan 2024/25 (Pages 89 - 90)

To consider the Committee's work plan.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

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এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

Action Log

Action Number	Date of Meeting	Title	Action	Action Owner	Status/ Outcome	To be completed by	Completed
16	19/07/23	Review of the Constitution	To inform the Monitoring Officer of any areas of the Constitution Committee Members would specifically like reviewing.	Committee Members	Ongoing as part of the Constitution review	Ongoing	No
31	08/11/23	Corporate Governance Performance Report	Officers worked with the Business Intelligence Team to manage the corporate performance reports that were published on the council's open data platform. The Chair agreed to consult with the Business Intelligence Team to see if the data published could be consolidated to enable a more user friendly system	Chair/Lorraine Lunt	A York Open Data update is to be provided to A&G on 4 September	04-Sep-24	No
33	08/11/23	Report of the Monitoring Officer on suggested Constitutional Changes	That a cross party working group be established to consider the Constitutional changes for onward endorsement by the Audit and Governance Committee and then Full Council.	Bryn Roberts	This is ongoing and the next update will be provided to A&G on 8 August	Ongoing	No
35	08/11/23	Publication of Internal Audit Reports	That the Access to Information procedure rules be included in the Constitution review, particularly around Members rights to information.	Bryn Roberts	Ongoing as part of the Constitution review	Ongoing	No
50	28/02/24	Update on Action Plan - No Purchase Order No Pay	That communication to all suppliers be issued as soon as possible and that officers liaise with the Council Management Team and Executive Member for Finance to consider the barriers and ways to improve.	Helen Malam		31/05/24	No
51	28/02/24	Update on Action Plan - No Purchase Order No Pay	Consider when an appropriate time would be for the Committee to receive an update report.	Chair and Helen Malam	Report to be received at the A&G meeting on 27 November 2024	27/11/24	No

59	22/05/24	Auditor's Annual Report 2021/22 and 2022/23	Mazars to liaise with the Director of Finance regarding the inclusion of a timeline within the 2023/24 audit and the preventions in place to deter recommendations remaining as outstanding year on year	Mazar/Debbie Mitchell		31/07/24	No
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Completed Actions Archive

Action Number	Date of Meeting	Title	Action	Action Owner	Status/ Outcome	Completed by	Completed
1	29/06/22	Issuing of Parking Permits	That the Committee request that CCSMC review how the Council issues parking permits.	Bryn Roberts	This has been referred to the Scrutiny Work Planning meeting, with a request that it be considered for inclusion on the forward work plan.	Bryn Roberts	Yes
2	07/09/22	KCR updates	<p>Updates to the Committee be provided on:</p> <p>KCR 1 (financial pressures): Information was requested on the impact of inflation on business rates and council tax payments, the potential impact of the care cap, and any indications of additional government support.</p> <p>KCR 9 (communities): A suggestion was made to include relationships with parish councils in this KCR.</p> <p>KCR 12 (major incidents): It was suggested that an explanatory note be added against the new risk (relating to commercial power outages).</p>	Debbie Mitchell	Information requested has been included in the KCR3 report being presented to A&G on the 18th January.	Helen Malam	Yes
3	07/09/22	Code of Conduct Training	That Members' comments regarding the training programme currently in preparation by officers be fed into the process, and that the committee have sight of the programme prior to the election period.	Bryn Roberts	Members' comments have been taken into account, and a report outlining the Members Induction Programme is to be considered by the Committee on 18 January 2023.	Bryn Roberts	Yes
4	30/11/22	Final Statement of Accounts	Delegated authority to the Chair in consultation with the Vice Chair to approve and sign the final Statement of Accounts.	Debbie Mitchell	We are awaiting the outcome of technical discussions before the accounts can be finalised and approved.	Emma Audrain	Yes

5	18/01/23	KCR updates	That report be added to the Committee work plan to review KCRs 8 The Local Plan and 12 Major Incidents.	Bryn Roberts/Debbie Mitchell	Added to work plan - 8 November, KCR Monitor 2 report - including review of KCR12 Major incidents and 31 January KCR Monitor 3 report including review of KCR 9 Local Plan.	Helen Malam	Yes
6	18/01/23	KCR updates	That KCR 2 Governance include a control that the Committee will make recommendations to a meeting of Council following the Local Governance Association's report.	Debbie Mitchell	This has been actioned, with a control added to the latest version of the risk register.	Helen Malam	Yes
8	07/02/23	LGA Recommendations Report	That the Council undertake a three year review reporting to the Audit and Governance Committee to review the Council's performance against the ten recommendations outlined by the LGA and to report on the progress of Member training	Claire Foale/Lindsay Tomlinson	Officers reviewing how to operate the review and would bring proposals to the first meeting of the Committee post the upcoming local elections. This was due to be reported at the A&G meeting on 29 November 2023 but was then deferred to 28 Feb 2024, 22 May 2024 and now 31 July, due to recommendations from the LGA Peer Challenge not being ready for the report and the general election.	Claire Foale/Lindsay Tomlinson on 31/07/2024	Yes
9	07/02/23	LGA Recommendations Report	To recommend to the Chief Operating Officer and the Leader of the Council to engage the LGA about initiating a Corporate Peer Review.	Bryn Roberts	Taking place w/c 5 Feb 2024	Bryn Roberts Jan 2024	Yes
10	19/07/23	Internal Audit Reports	That a report be brought to the Committee outlining the Council's process for determining what information should be kept exempt from the press and public in relation to internal audit reports.	Bryn Roberts	To close following the next meeting	Bryn Roberts Jan 2024	Yes
11	19/07/23	Corporate Governance Report	That Q4 2022/23 data be included within the next Corporate Governance update report.	Lorraine Lunt	Included in the report on 8 November	Lorraine Lunt on 8/11/23	Yes

12	19/07/23	Corporate Governance Report	That Officers provide an update to Committee Members via email into the progress on responding to Adult and Children's Social Care complaints.	Lorraine Lunt	Update provided in the report on 8th Nov	Lorraine Lunt on 08/11/2023	Yes
13	19/07/23	Corporate Governance Report	That Officers review the ombudsman decisions and share with the Committee any additional decisions If not included within annex 3 to the report as intended.	Lorraine Lunt	Included in report on 8 Nov. Confirming duplicate case in Annex 3 of the July report and no additional decisions to include for that reporting period.	Lorraine Lunt on 08/11/2023	Yes
14	19/07/23	Review of the Constitution	The Committee requested that Officers drafted a procedure for how budget amendment proposals are considered by Council for inclusion to the Constitution, as part of the Constitution review	Bryn Roberts	Was ongoing as part of the Constitution review	Completed by the Constitution Working Group	Yes
15	19/07/2023 and 12/09/23	Review of the Constitution	That the Monitoring Officer review, in the Constitution, the Public Participation Protocol, the language used and a specific point regarding incoming new Leaders of the Council, as part of the Constitution review.	Bryn Roberts	To close following the next meeting	Bryn Roberts on 8/11/2023	Yes
17	19/07/23	Internal Audit Reports	That a report be added to the Committee work plan to review the policy and use of payment orders within the Council.	Debbie Mitchell	A report is included on the agenda for the November meeting	Debbie Mitchell	Yes
18	12/09/23	Minutes	That the action log be reviewed to demonstrate a clearer control process.	Bryn Roberts	To also include the completed actions archive in the agenda	Bryn Roberts/Dem Services	Yes
19	12/09/23	Minutes	That the full Key Performance Indicator range, discussed at the 19 July meeting, be split by directorates and circulated to Committee Members.	Lorraine Lunt	Will include updated format and content of KPI range in next report due on 28 February 2024 for further comment and feedback	Lorraine Lunt 28 Feb 2024	Yes
21	12/09/23	Monitor 1 23/24 - Key Corporate Risks	Investigate what processes the council currently had in place for urgent extreme weather incidents and inform the Committee	Helen Malam	Update to be provided by email or at the next meeting	Helen Malam on 8/11/2023	Yes

22	12/09/23	Monitor 1 23/24 - Key Corporate Risks	Consider expanding Key Corporate Risk 12 to include the impacts extreme weather incidents had on communities and people's wellbeing.	Helen Malam	Update to be provided by email or at the next meeting	Helen Malam on 08/11/2023	Yes
23	12/09/23	Monitor 1 23/24 - Key Corporate Risks	Investigate if there were any government schemes in place to recover the lost council tax income, due to students being exempt.	Helen Malam	Update to be provided by email or at the next meeting	Helen Malam on 8/11/2023	Yes
24	12/09/23	Monitor 1 23/24 - Key Corporate Risks	Consider the project management of the Castle Gateway Project and York Central to enable improved consultation and engagement with the general public. (KCR 7).	Helen Malam	Update to be provided by email or at the next meeting	Helen Malam on 08/11/2023	Yes
25	12/09/23	Monitor 1 23/24 - Key Corporate Risks	Modify the wording used in relation to the adoption date of the Local Plan. (KCR 8).	Helen Malam	Completed	Helen Malam	Yes
26	12/06/23	Treasury Management Monitor 1	That treasury management be included in the Member training schedule.	Debbie Mitchell	The explanation will be included in the next Corporate e Governance Performance report to Committee. Completed.	22-May-24	Yes
27	12/09/23	Audit and Governance Work Plan	To receive a report that focused on implementing good practices in transparency, reporting, and audit, to deliver effective accountability.	Bryn Roberts	To close following the next meeting .	Bryn Roberts on 08/11/2023	Yes
28	12/09/23	Urgent Business	That an initial response be provided to Committee Members on the strategy to clear the Freedom of Information backlog and then an update, from the Information Governance Team, be provided at the next meeting.	IG Team / Bryn Roberts	Ahead of next CGT report on 8th Nov, the progress and improvement plan has been published on the council website. https://www.york.gov.uk/freedom-information/information-commissioner's-office-ico-enforcement-notice-improvement-plan	Lorraine Lunt on 08/11/2023	Yes

29	08/11/23	Corporate Governance Performance Report	Following the covert surveillance training provided to Members of the A&G committee on 8 November, Committee Members to provide any feedback on the content of the annual report to Lorraine Lunt.	Committee Members	Members had been reminded to send comments to officers.	Committee Members 08/03/2023	Yes
30	08/11/23	Corporate Governance Performance Report	The Improvement Plan to be revised to ensure Members could monitor the progress of any improvements and completed outcomes.	Lorraine Lunt	An updated improvement plan has been published on the council website with progress and it will also be included in the next report on 28 February 2024. This has also been discussed with the ICO Group Manager.	Lorraine Lunt 28/02/2024	Yes
31	08/11/23	Corporate Governance Performance Report	The Information Commissioners Office had confirmed the council had complied with their enforcement notice and this result would be published on their website. Once available, officers to share the uniform resource locator (URL) link with Members.	Lorraine Lunt	The ICO group manager confirmed that they will not publish until the end of the 6 month period of the Enforcement Notice. However, they did acknowledge that we had complied fully with the requirements of it i.e. send responses and publish plan. An update will be provided at the end of the 6 month period (13th March 2024)	Lorraine Lunt on 22 May 2024	Yes
32	08/11/23	Corporate Governance Performance Report	The stretch target set by the ICO was 95% or above, further analysis to be included in future updates to clarify the council's position.	Lorraine Lunt	This will be included in the next report due on 28 February 2024 and review for future reports from comments and feedback at the next Committee.	Lorraine Lunt 28/02/2024	Yes
34	08/11/23	Publication of Internal Audit Reports	To include details in a public summary report that highlights the key points and an overall conclusion of assurance levels for completed reports.	Veritau/Bryn Roberts	This will be ongoing. The information will be provided as part of all future internal audit & counter fraud progress reports brought to the committee.	Veritau/Bryn Roberts 01/02/2024	Yes

36	08/11/23	Treasury Management Mid-Year Review and Prudential Indicators 2022/23	Explore the investment portfolio available on the council's current accounts.	Debbie Mitchell	Covered as part of member training	Debbie Mitchell 31/01/2024	Yes
37	08/11/23	Treasury Management Mid-Year Review and Prudential Indicators 2022/23	Further information to be issued to Committee Members regarding the Public Works Loan Board (PWLB) certainty borrowing rates, (as noted in table 6 at point 42 of Annex 1 to the report).	Debbie Mitchell	Covered as part of member training	Debbie Mitchell 31/01/2024	Yes
38	08/11/23	Update on No Purchase Order No Pay Process	More analysis in future reports, particularly relating to the: Exemption list, Value of invoice, PO invoice dates/approvals , Retrospective POs and the Action Plan.	Helen Malam	This will be included in the next report	Helen Malam on 28/02/2024	Yes
39	08/11/23	Monitor 2 2023/24 - Key Corporate Risks	To include an update on the progress of the Local Plan (KCR 8).	Helen Malam	This will be reported at the A&G meeting on 31 January 2024	Helen Malam on 31/01/2024	Yes
41	31/01/24	Local Government Association (LGA) Peer Challenge	That Members comments regarding the interviewee list and the LGA engaging with a broader spectrum of stakeholders be fed back to the LGA for consideration.	Clare Foale	Recommendations from Audit and Governance were taken on board with additional workshops arranged for Trade Unions, Elected Members, and Talkabout panel members invited as residents.	Claire Foale 09/02/2024	Yes
42	31/01/24	Statement of Accounts	Provide members with a breakdown of the 2021/2022 and 2022/2023 member allowances and expenses.	Helen Malam Bryn Roberts	This was emailed to Members	Completed	Yes
43	31/01/24	Key Corporate Risks	The officers working on the Local Plan be asked to provide an update on the risks to committee members.	Helen Malam	This will come as part of the KCR monitor 4 update	09/07/24	Yes

44	31/01/24	Key Corporate Risks	Officers to consider if there were any key corporate risks associated with accessing and utilizing additional resources through the York and North Yorkshire Combined Authority.	Helen Malam	This will come as part of the KCR monitor 4 update	09/07/24	Yes
45	31/01/24	Key Corporate Risks	1) The major metric risk definition used in the gross impact score for KCR 1, Financial Pressures be reconsidered. 2) The original risk scores could be included above the matrix that categorises the KCRs according to their net risk evaluation.	Helen Malam	This will come as part of the KCR monitor 4 update	09/07/24	Yes
46	31/01/24	Statement of Accounts and Work Plan	That the committee receives a summary of all the assets the council owns and officers consider the best way for this to be reviewed.	Helen Malam/Bryn Roberts	Details have been emailed to Members	Helen Malam 30/07/24	Yes
47	31/01/24	Treasury Management Training	The treasury management training recording would be circulated around committee members.	Louise Cook	Completed	Louise Cook 2/2/24	Yes
48	31/01/24	Work Plan	That the workplan be populated to include the 2024/25 finance reports.	Debbie Mitchell	Completed	Helen Malam 12/03/2024	Yes
49	31/01/24	Work Plan	That an update report be received on the Member Induction Programme including feedback from the Joint Standards Committee.	Claire Foale/ Lindsay Tomlinson	An update report to be received at the A&G meeting on 31 July 2024	Completed on 31/07/2024	Yes
54	28/02/24	Early Intervention and Prevention of Rough sleeping	That Members raise any specific matters within the report to the Director of Governance and Monitoring Officer.	Committee Members	Members had been reminded to send comments to the Director	Committee Members 10/05/2024	Yes
55	28/02/24	Update on the Review of the Constitution	Ahead of the A&G meeting where the Constitution will be presented, the Constitution Working Group to consider the most appropriate way to circulate to Committee Members the changes and outstanding points.	Bryn Roberts, Constitution Working Group	The Constitution has been circulated and will be considered by A&G on 8 August	08/08/2024	Yes

56	28/02/24	Work Plan	Consider the timeframes required to produce the revised Salvation Army report and suggest a suitable meeting date.	Bryn Roberts, Chair and Vice Chair	Completed - arranged to take place on 22 May 2024	Bryn Roberts	Yes
58	22/05/24	Counter Fraud Framework Report	Email Members more details on the courses/eLearning that were delivered to staff to raise the profile of fraud and the risks around it.	Max Thomas	Email sent to Committee Members on 26 June	26-Jun-24	Yes
60	22/05/24	Work Plan	The Director of Governance and Monitoring Officer to consider how the general election will impact the work plan whilst ensuring the agenda for the committee meetings scheduled on 9 and 31 July remained substantial.	Bryn Roberts	Work Plan updated at the 9 July Cmt meeting	09-Jul-24	Yes
61	22/05/24	Work Plan	A report of the Director of Governance and Monitoring Officer requires scheduling into the work plan and is to include the governance concerns raised by the Independent Person.	Bryn Roberts	Those elements of concern which referred to constitutional matters will now be brought to the Constitution Working Group for consideration.	Bryn Roberts 24/07/2024	Yes



Audit and Governance Committee**8 August 2024**

Report of the Director of Housing and Communities

Report on the extension and subsequent termination of the Early Intervention and Prevention Contract with the Salvation Army**Summary**

1. On 13 November 2023, the Health, Housing & Adult Social Care Scrutiny Committee (HHASCSC) received an Update Report on Homelessness / Resettlement Services 2023 including winter provision, commissioning issues and strategy update.
2. The Committee resolved that “the chair and vice chair write to the chair of Audit and Governance Committee to request that they consider, additional to their committees work plan, a review of how the Salvation Army contract elapsed”. This report reviews the scope, establishment, operation and end of the contract for Early Intervention and Prevention in response to that request. It clarifies and builds upon a report with the same purpose received by this Committee on 28 February 2024.
3. It was acknowledged in that report to this Committee that the end of the contract was regrettably not managed well. Issues identified were as a result of unforeseen circumstances and technical disruption. Transition discussions should have taken place much earlier. It was foreseen in the contract as drafted that the contract would have a fixed lifetime, but too little attention was paid within the contract wording and in contract management meetings to ending it well.

Background

4. In April 2017 the Homelessness Reduction Act was passed which set out new and extended duties on English local authorities with the aim of preventing homelessness. This was accompanied by a commitment from Government to fund the new duties under the New Burdens Doctrine with additional funding of £72.7 million made available nationally.

5. The new duties required housing authorities to intervene at earlier stages to prevent homelessness and to take reasonable steps to prevent and relieve homelessness for all eligible applicants, not just those with “priority need”.
6. It was acknowledged that councils needed time to prepare for the new duties including recruiting and training new staff, implementing new procedures and IT systems and reviewing existing service delivery.
7. In light of fast evolving approaches to prevention, officers recommended tendering Single Homeless Early Intervention and Prevention. On 17 July 2017 an Executive Member decision to this effect was made.
8. On 10 April 2018 an Officer decision was made to award the contract to the Salvation Army (the “SA”) following an open procedure tender exercise.
9. A contract between City of York Council (“CYC”) and the Salvation Army Trustee Company was signed (the “SA Contract”). The Contract had a commencement date of 1 August 2018 and an end date of 31 March 2023.

The extension and subsequent end of the contract

10. The SA contract had an expiry date of 31 March 2023. This expiry date appeared on the front cover of the contract. Clause 3.1 stipulated “Subject to the termination provisions contained in Clause 17, the Agreement shall commence on the Commencement Date and end on 31 March 2023”.
11. Clause 17 provided for termination by the Council before the expiry date in the event of breach, or by either party upon giving 3 months written notice. Clause 12 provided for variation by agreement of both parties in writing upon the service of a variation notice.
12. In November 2022 there was consultation between Housing and Legal Services on the available contractual remedies to resolve an internal matter relating to staffing in the SA. Draft legal letters were produced but not sent and no formal legal remedy was pursued.
13. The variation provisions in clause 12 were used to agree a 6 month extension to the contract from 1 April 2023 to 30 September 2023. This was to facilitate a wider review of housing related support and resettlement services. Legal advice was sought and given in respect

of the extension. A waiver was approved on 10 February 2023 under the Council's Procedure Rules in respect of the extension.

14. The Deed of Variation was sealed by the Council on 30 March 2023 and completed in counterparts. The decision to extend was properly made under authority delegated to officers, namely the "*power to take decisions in relation to the discharge of the Council's and the Executive's functions within their area of responsibility and which have not been reserved to Council, the Executive and Executive Member or a Committee*" pursuant to paragraph 32 of the Officer Delegation Scheme contained within Appendix 1 of the Council's Constitution. This approach was noted in a Member Decision Session on 9 February 2023.
15. Internal CYC communications between late August and mid September 2023 considered the possibility of a further short extension to the contract from 30 September 2023.
16. In a letter to the Leader of the Council dated 15 September 2023, a regional manager for the SA sought clarification of CYC's intentions for the future of the early intervention and prevention service and proposed a further 6 month extension to the contract.
17. A response was sent on behalf of CYC by the Director of Housing, Economy and Regeneration dated 25 September 2023 confirming the expiry date of the contract of 30 September 2023 but offering a 1 month extension to allow seamless transition to alternative service provision subject to the SA's agreement to such further variation. The letter made it clear that if the 1 month extension was not accepted, the effective end date of the contract would be 30 September 2023.
18. Preparations were made within CYC for a further waiver and deed of variation pending a response from the SA.
19. The SA's Assistant Territorial Commander (North) sought to engage politicians in negotiations albeit that the previous contractual discussions had been between officers. They responded to the Director's letter of 25 September 2023 in a direct email to the Leader of CYC at 15:51 on Friday 29 September 2023. This email explained that the letter of 25 September had been received by the SA on 28 September 2023 and that offered too little time to agree a suitable deed of variation. The Leader reverted at 16:58 asking the sender to liaise with officers. The Commander replied further to the Leader on Monday 2 October 2023 copying officers in. Officers responded with an offer to meet to discuss the future relationship

with the SA. That meeting took place on 5 October 2023. At this stage however the contract had legally ended.

The rationale for not recommissioning the EIP Service and the principles of Decision Making

20. CYC's Principles of Decision Making are set out in Article 7 of the Constitution. These are consistent with public law principles and standards in public life as first set out by the Nolan committee.

21. Article 7 provides:

“All decisions made by or on behalf of the Council will be made in accordance with the following principles:

a) respect for human rights and equality of opportunity;

b) presumption of openness, transparency and public accountability;

c) clarity of aims and desired outcomes;

d) decisions will be proportionate to the intended objective (i.e. the action must be proportionate to the desired outcome);

e) having regard to the relevant facts, legislation and relevant considerations and disregarding irrelevant considerations;

f) due consultation and taking professional advice from Officers;

g) explaining options considered and giving reasons;

h) lawfulness and financial propriety;

i) taking due account of Council policy and procedures;

j) consideration of relevant implications;

k) reasons being given for the decision, as appropriate.”

22. In deciding to allow the SA contract to lapse it is evident that Officers with responsibility for Housing functions had appropriate regard to these principles. Upon the advent of new legislation in 2017, strategic direction from members was sought by presenting the Homelessness Review. This recommended the initial tendering of the Early Intervention and Prevention Programme which became the subject of the SA contract.

23. A further report was presented to the relevant Executive Member in February 2023 setting out the changes in the resettlement pathway during the term of the SA contract. The contract was lawfully due to end in March 2023 but extended for 6 months, again lawfully, through the use of a waiver in order to further explore the resettlement pathway. The decision taken in September 2023 reflected the lawful lapse of the extended fixed term contract and transition to delivery of early intervention and prevention through the Navigator model which had been successfully established. This was

in line with the flexible person centred approach advocated in the member approved statutory Homelessness Strategy.

24. The changes were lawfully and appropriately made by a Chief Officer decision with information provided to the relevant Executive Member and duly noted. As part of this decision-making the Chief Finance Officer had also advised against a waiver for any further period given the range of procurement risks involved.
25. The review of the resettlement pathway identified that the service delivered under this contract had been superseded by the new Navigator model. The Service offered up the full contract value (£96k per annum) as a saving for 2024/25 and this was agreed by Executive and full Council as part of the 2024/25 budget.

Lessons Learned

26. It was acknowledged in the original version of the February 2024 report to this Committee that the end of the contract was not managed well. Part of that was as a result of unforeseen circumstances and technical disruption. Transition discussions, however should have taken place much earlier. It was foreseen in the contract as drafted that the contract would have a fixed lifetime, but too little attention was paid within the contract wording and in contract management meetings to ending it well.
27. Regular strategic relationship management meetings with the Salvation Army Assistant Territorial Director of Services for Homelessness in the north were established only after the expiry of the contract. To secure a productive future relationship with the SA as a non-contracted charity it would have been better to begin these within the period of the contract.
28. In May 2024 a further report sought and received Executive approval to expand the current in-house service to incorporate the services in the scope of the Adult Community Wellbeing Support contract, with smaller commissioned work packages where needed and to agree the principles of a new Resettlement pathway and develop a Homelessness and Rough Sleeping strategy to be reported to a future meeting of the Executive.
29. Given the timings of contracts ending, the overall strategic picture around early intervention and prevention of homelessness may not have been as clear to partners and citizens as it could be due to the developing strategy. A consultation is planned and residents and partners in the voluntary and community sector who will be invited

to help shape future homelessness prevention through participation in that consultation.

30. To conclude the council recognises there are several issues that played out during the months prior to the contract ending that could have been managed differently. The council commits to learning these lessons. As part of the council's ongoing corporate improvement journey, it will review how contracts are managed, drawing on best practice to identify the steps it can take to improve the experience of organisations who enter contractual arrangements with the council, particularly the VCSE and SMEs, throughout the lifetime of the contract. In particular the Council will focus on ensuring that:
- a. Contracts contain robust contract management provisions;
 - b. Contract management provisions are proactively communicated and used;
 - c. Advance planning for service remodelling and retendering includes early consultation and clear communication.

Implications

31. **Financial** – None directly arising from this report.

Human Resources (HR) – None directly arising from this report.

Equalities – None directly arising from this report.

Legal – None directly arising from this report.

Crime and Disorder, Information Technology and Property – None directly arising from this report.

Recommendations

32. For Audit and Governance Committee to receive and scrutinise this report in relation to assurance around the process followed to the point of cessation of the Salvation Army Contract.

Reasons for the Recommendation

33. To ensure transparent scrutiny of process and assurance regarding processes followed.

Options

34. There are no options in this report as it is for information only.

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Report Approved **Date:** 23/7/24

Wards Affected: *List wards or tick box to indicate all* **All**

For further information please contact the author of the report

Background Papers:

- Homeless Review Report 2016/17
<https://democracy.york.gov.uk/documents/s115885/Report.pdf>
- Decision details Early Intervention and Prevention Contract Awarded to Salvation Army
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=5183>
- Homelessness Code of Guidance for Local Authorities
https://assets.publishing.service.gov.uk/media/65ddabd1cf7eb10015f57f6f/Current_Homelessness_Code_of_Guidance_28_Feb_2024.pdf
- Report “Update on Resettlement Pathway” 9 February 2023
<https://democracy.york.gov.uk/documents/s165361/Report.pdf>
- York Homelessness Strategy
<https://www.york.gov.uk/downloads/file/2528/york-homelessness-strategy-2018-to-2023>

- Financial Strategy 2024/25 (ref:PLA17) 25 January 2024 (Executive) and 22 February 2024 (Council)
<https://democracy.york.gov.uk/documents/s172793/Annex%20%20Savings%202024-25%20FINAL%20v2.pdf>
- Future Resettlement Pathway – Building Independence 9 May 2024
<https://democracy.york.gov.uk/documents/s176193/Resettlement%20pathway%20report.pdf>

Abbreviations used in the report:

CYC - City of York Council

HHASCSC - Health, Housing & Adult Social Care Scrutiny Committee

SA - Salvation Army

SMEs - Small and medium-sized enterprises

VCSE - Voluntary, Community or Social Enterprise



Audit and Governance Committee
Report of the Director of Governance

8 August 2024

Report of the Monitoring Officer on suggested Constitutional Changes

Summary

1. To provide the first tranche of suggested constitutional changes to the committee for consideration and discussion.

Background

2. Members will recall that, at its meeting on 8 November 2023, the committee agreed that a Constitution Working Group be established to consider the proposed changes to the Constitution.
3. That cross-party working group has met on a number of occasions since last November and is now in a position to share the revised draft Council Procedure Rules (Appendix 3 to the Constitution), attached at Annex 1 in tracked form and Annex 2 in clean form.
4. The revised draft Council Procedures Rules are presented with the endorsement of the Constitution Working Group. The Working Group did, however, wish to particularly raise the Committee's awareness of the proposed change in the number of motions at Council meetings, from four to two, which plays a significant part in the ability of the Council to reduce the length of meetings to two and a half hours.
5. The revised draft is presented to Committee by way of early consideration; it is not expected that the above query, or any discussion on other substantive points, will be resolved at this meeting. Rather, it is intended that Members have time to consider the attached draft document, with a view that a substantive discussion may take place at the next scheduled meeting of the Committee on 4 September.

6. Implications

Financial – None directly arising from this report.

Human Resources (HR) – None directly arising from this report.

Equalities – None directly arising from this report.

Legal – None directly arising from this report.

Crime and Disorder, Information Technology and Property – None directly arising from this report.

Recommendations

7. It is recommended that Members:
- a) Receive the attached proposed constitutional changes; and
 - b) Consider the proposed changes in advance of the meeting on 4 September 2024.

Reasons for the Recommendation

8. To allow the Committee to consider the proposed Constitutional changes.

Author and Chief Officer responsible for the report: Bryn Roberts, Director of Governance and Monitoring Officer
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Report Approved **Date** 23 July 2024

Wards Affected: List wards or tick box to indicate all **All**

For further information please contact the author of the report

Background Papers:

- None

Annexes:

- Annex 1 – Council Procedure Rules – Tracked Version
- Annex 2 – Council Procedure Rules – Clean Version

Appendix 3 – Full Council Procedure Rules

Introduction

1 Full Council

1.1 The Full Council (~~“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 (“The Policy Framework”). In law, all functions of the authority are deemed to be Executive functions unless reserved to the Full Council is responsible for all of the functions which are not the responsibility of the Executive. 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~~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 reserved to Full Council ~~are~~:

- 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 ~~make approve the appointments allocation of places~~ including co-opted members to them and other non-Executive bodies (except in the case of ~~ad ad~~-hoc scrutiny ~~subSub-committees-Committees~~ which will be determined by the ~~Customer & Corporate Services, Climate Change and Scrutiny Management Committee~~ ~~respectively~~.
- 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 ~~the Full~~ Council.
- i) Make and, ~~subject to the provisions of Article 25 of this Constitution,~~ amend ~~this Constitution,~~ Standing Orders, Financial Regulations, and ~~Contract Procedure R~~rules ~~in relation to contracts~~.
- 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 ~~Chief Operating Officer (or equivalent)~~ (Head of Paid Service₂) and designate officers or roles as the Monitoring Officer, the Chief Finance Officer₁ 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~~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-Sub-~~Committees and other bodies.
- w) Take decisions and/or give advice on matters brought to ~~the~~ Full Council by the Executive and other bodies or persons.
- x) Carry out any other functions reserved by law or by this ~~Constitution~~Constitution to Full Council, including those "local choice" functions reserved to Full Council under this part of the ~~Constitution~~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 Mayor₁, the Deputy Lord Mayor will preside. In the absence of both, ~~then~~ 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, ~~is-are~~ dismissed by a vote of Full Council, ceases to be a Member of the Council, or ~~is-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. If the Lord Mayor is no longer a Councillor, they 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~~Constitution, and interpret the ~~Constitution~~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 ~~the Full~~ Council meetings ~~is-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-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 ~~C~~onstitution 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 ~~Chief Operating Officer~~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~~Constitution.
- 7.2 At least five working days before a meeting, the ~~Chief Operating Officer~~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 quarter 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 3-2 hours and 40-30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 3-2 hours and 40-30 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 ~~and Extraordinary meetings of Council.~~
- 9.2 The Lord Mayor will remind Council ~~when if three-2~~ hours and 30-20 minutes has ve 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, aAll 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 ~~Rules/Protocol~~ is set out at Appendix 8 of this ~~Constitution~~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 pPublic participation applies to all meetings of Full Council~~Ordinary M~~meetings, ~~B~~udget ~~C~~council and ~~E~~extraordinary ~~M~~meetings ~~only~~.~~except the Annual Meeting.~~
- 10.4 Any member of the public shall be entitled to address-make a statement to the Council ~~for up to 3 minutes~~ or to ask-question any Member of the Council's Leader, or any Executive Member, -for up to 3 minutes~~a question. The time for asking sa~~

Commented [BR1]: In the public participation protocol, include separate provisions for Councillors to participate.

Commented [RB2R1]: This is for when we review the public participation protocol, so I won't take any further action at this stage.

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~~ ~~M~~meeting any ~~address or 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 ~~In the case of an extraordinary meeting public participants must only address the business on the agenda. 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 the light of the special nature of the annual meeting the public participation rights given by this Rule will not apply.~~

10.490 ~~In exercising their public participation rights~~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.

10.4410 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 which will be passed on to Members to answer within ten working days.

10.112 ~~—~~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. 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:

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

11 Removing 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 for a period of four years unless they resign, are removed as Leader of their Group, or are removed under the provisions of this Constitution or until the next all out city council election, and can only be removed during the period of office 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. In all cases, if the motion to remove the Leader is successful the Leader and Executive Members continue to be City of York Councillors until either the next council elections or they chose to resign their position as councillor.
- 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 Lord Mayor/Head of Paid Service shall act as Leader of the Council/ be empowered to utilise their urgency powers as required until the Annual Council meeting.

12 Removing the Leader of the Council ~~and Members of the Executive~~

Notice of Motion to remove the Leader of the Council

~~112.41~~ 112.41 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 ~~Chief Operating Officer~~Head of Paid Service; and
- d) State why the signatories consider that the Leader of the Council should be removed

~~112.52~~ 112.52 If the ~~Chief Operating Officer~~Head of Paid Service receives the notice of motion less than 15 working days but not less than ~~65~~ 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.

~~124.36~~ 124.36 If the notice of motion is received more than 15 clear working days before the next scheduled Full Council meeting, the ~~Chief~~

~~Operating Officer~~Head of Paid Service shall within 5 working days of receipt, summon an Extraordinary ~~M~~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

- ~~11.2.47~~ 47 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 ~~Chief Operating Officer~~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 ~~M~~meeting of the Council

A1 Annual Meeting of the Council.

- 1 ~~1~~—The date and time of the Annual Meeting will be determined by the ~~Chief Operating Officer~~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
 - ~~a)~~b) declarations of interest;
 - c) to:
 - i) elect the Lord Mayor for the ensuing municipal year;
 - ~~e) — ii) to~~ appoint a Deputy Lord Mayor for the ensuing municipal year; and
 - ~~e) — iii) to~~ appoint a Sheriff for the ensuing municipal year;
 - ~~b)~~d) at the first Annual Meeting following local elections to appoint a Member as the Executive Leader;
 - ~~e)~~e) to approve the number and size of the Council Committees, including any consequent changes to the
~~Constitution~~Constitution;
 - ~~e)~~f) to approve the ~~membership 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);
 - ~~e)~~g) to approve any new terms of reference for those committees;
 - ~~f)~~h) to ~~approve the allocation of appoint~~ Chairs ~~and Vice-Chairs (where appropriate)~~ of the Council's Committees for the ensuing municipal year;
 - ~~g)~~i) to approve ~~the allocation of places appointments~~ 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 year except where these allocation is the a function of the Executive or is delegated to another person or body under the Council's
~~Constitution~~Constitution; and
 - ~~h)~~j) to agree a schedule for the allocation of motions for Ordinary Meetings during the forthcoming Municipal year; and

Commented [RB3]: How would the groups want committee chair political allocations to work? Politically balanced? Scrutiny for opposition and non-scrutiny for ruling party?

Commented [BR4R3]: I have no clear steer on this, and our current practice varies from both of these. It may be better to leave this question to the ruling party of the day.

~~i)~~ 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.

~~k)~~
~~h)k)~~

A3 Rules for the conduct of the meeting

- 1 ~~4~~ Unless otherwise directed by the Lord Mayor, the following rules for Ordinary ~~M~~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 ~~4~~ 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.

~~A5~~ ~~Duration of meetings~~

~~1~~ ~~The time limit of 3 hours and 40 minutes does not apply to Annual meetings of the Council.~~

Procedure rules for Ordinary Meetings of the Council

B1 Ordinary Meetings

- 1 ~~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 ~~Chief Operating Officer~~ Head of Paid Service, following ~~in~~ consultation with the Leaders of Political Groups.
- 2 ~~Normally~~ Ordinary Meetings of the Council will be held in an accessible venue. They will commence at 6.30 pm ~~at the Guildhall, unless different suitable alternative arrangements may have been made, in which case such arrangements will be notified to all Members ten clear days before the meeting, with the agreement of the Lord Mayor.~~

B2 Duration of Meetings

- 1 ~~1~~—All Ordinary Meetings will finish no later than 23 hours and ~~40~~ 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 23 hours and ~~40-30~~ 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 ~~when if three-2~~ hours and ~~30-20~~ minutes has lapsed.
- 3 A motion without notice to extend the duration of the meeting, which has been duly proposed and seconded, before the ~~allocated time~~ guillotine warning has elapsed, shall be put to the vote without debate.
- 4 Once the guillotine warning is reached, a 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 ~~be~~include the following items:
- a) to choose a person to preside if the Lord Mayor ~~or~~ and Deputy Lord Mayor ~~is~~ are absent;
 - ~~a) b)~~ to receive apologies for absence;
 - ~~c)~~ Public Participation;
 - ~~b) d)~~ declarations of interest;
 - ~~e) e)~~ to approve as a correct record and sign the minutes of the last meeting or meetings of the Council;
 - ~~e) f)~~ Lord Mayor's Business;
 - ~~g)~~ to receive without discussion petitions which Members wish to present to Full Council;
 - ~~e)~~ Public Participation;
 - ~~f)~~ to dispose of any business standing adjourned from any previous meeting of the Council;
 - ~~g)~~ to receive without discussion petitions which Members wish to present to Council;
 - ~~h)~~ to receive and consider a written report from the Leader on the work of the Executive, and to ask ~~them~~ questions in respect of any matter thereon;
 - ~~i) h)~~ to receive and consider a written report from the Deputy Leader on the work of the Executive, to ask ~~them~~ questions thereon;
 - ~~j) i)~~ to debate such recommendations requiring Full Council approval as may have been made by the Executive;
 - ~~k)~~ to consider motions;
 - ~~l)~~ to ask questions of the Leader, Deputy Leader or Executive members in respect of any matter for which they have responsibility;
 - ~~m)~~ to receive and consider a written report from Executive Members in an agreed rotation as set out in Rule B5 and to question such Members thereon;
 - ~~n) j)~~ alternately to receive and consider a written report from either the Chair of ~~Customer &~~ 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;
 - ~~e) 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;

- ~~p)m)~~ to consider any other business reports from Officers or the Executive set out in the notice convening the meeting;
- ~~q)~~ to make any changes in the membership of the Executive, Committees and outside bodies, together with changes to relevant Chairs and Vice Chairs;
- ~~r)~~ to consider any other business set out in the notice convening the meeting;
- ~~n) s)~~ to consider any business, brought before the 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 ~~varied~~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.

~~Of or which the council has a responsibility or which affect the city~~¹ ~~The time spent on this item shall not, except at the discretion of the Lord Mayor, exceed 30 minutes.~~

~~2 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.~~

~~3 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.~~

~~4 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.~~

~~5 In exercising their 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:~~

- ~~a) Say anything which is defamatory or discriminatory~~
- ~~b) Make any personal attack on any Officer and / or Member~~
- ~~c) Disclose confidential or exempt information including personal information.~~

~~6 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 which will be passed on to Members to answer within ten working days.~~

~~7 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:~~

- ~~a) to note the comments made;~~
- ~~b) to refer the issues to the Executive or another appropriate Committee for consideration; or~~
- ~~c) to take into account the comments made as part of any debate on related decisions to be made later on the agenda.~~

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 not 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 ~~Customer & Corporate Services Scrutiny Management & Policy Committee~~ and the appropriate decision maker, and t-he Member submitting the petition will be informed of any meeting considering the petition.

~~B76~~ 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 5-3~~ minutes; ~~and~~
 - b) ~~Leaders of Opposition groups on the Council will have up to 5~~ 3 minutes each to respond;
 - a) ~~The Leader will have 5 minutes to respond thereafter.~~

~~2 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.~~

~~B78~~ Questions and comments on the Leader and Executive's report

- 1 A maximum of ~~10-30~~ 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 ~~arising from an item of the Leader's report~~ related to the work of the Executive.
 - 3 A maximum of ~~two-one~~ 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~~ or Executive Member.
- ~~43~~ 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.

~~B8~~ Report of Deputy Leader

- ~~1— A maximum of 10 minutes will be permitted for questions and comments on the Deputy Leader's report. —~~
- ~~2— The Deputy Leader will present a written report on the work of the Executive. They will formally move receipt of the report but will not otherwise speak to it.~~
- ~~3— A Member of the Council may ask any question or make any comments together with one supplementary question or comment directly arising from an item of the Deputy Leader's report.~~
- ~~4— 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 Deputy Leader.~~
- ~~5— The Deputy 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.~~

~~B9— Report of Executive Member~~

- ~~1— At each Council meeting an Executive Member, decided by rotation, will submit a written report. The Executive Member will formally move their report but will not deliver a speech in support of it.~~

~~B10— Questions and comments on the Executive Member's report~~

- ~~1— A maximum of 10 minutes will be permitted for questions and comments on the Executive Member's report.—~~
- ~~2— A Member of the Council may ask any question or make any comments together with one supplementary question or comment directly arising from an item of the Executive Member's report.~~
- ~~3— 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 Executive Member.~~

~~4— The 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 5 working days.~~

~~B11~~ **General Questions to Leader and Executive Members**

~~1— A maximum of 15 minutes will be permitted for questions under this Rule.~~

~~2— A Member of the Council may ask the Leader or any Executive Member any question together with one supplementary question on any matter within their portfolio responsibility.~~

~~3— 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 Executive Member.~~

~~4— The Leader or Executive Member may respond directly to any question asked or may agree to submit a written answer to be circulated to all Members of the Council within 5 working days.~~

~~B129~~ **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 following that may another Member of the Committee ~~may~~ 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.

~~B13~~B10 **Motions on Notice**

Scope

- 1 Unless otherwise agreed by the Lord Mayor, mMotions must be about matters for which the council has a direct responsibility, and/or which affect the cityCity. 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 detailsan 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 wherever possible 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 eighth-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 4-2 Motions on notice at any one-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. If notice is given of any original motion that, in the

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~~opinion of the Chief Operating Officer (acting in the capacity as proper officer) is~~

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Commented [RB8R7]: Done.

~~out of order, illegal, irregular or improper, the Chief Operating Officer shall immediately submit such notice to the Lord Mayor and it shall not be accepted and placed on the agenda without the Lord Mayor's sanction. In the event of non-acceptance, the Chief Operating Officer shall inform the Member who submitted the notice.~~

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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. A notice of motion would be deemed out of order if it required the Council to do something which it patently cannot.~~

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8 ~~A notice of motion would be deemed illegal if it sought action that was ultra vires.~~

9 ~~A notice of motion would be deemed irregular or improper if for example it was offensive or defamatory.~~

10 ~~In all of the above circumstances or in other such circumstance whereby a notice of motion is rejected, the Chief Operating Officer will retain a formal record of the rejected notice.~~

Motion to rescind a previous decision

11 ~~A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.~~

Motion similar to one previously rejected

12 ~~A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Members of Council. Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for six months.~~

B141 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 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 B28 or to exclude them from the meeting;~~
 - ~~m) to give the consent of the Full Council where its consent is required by this Constitution;~~
 - ~~n) 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 announces that the guillotine has fallen and delivers the guillotine warning, and will have the effect of suspending the relevant standing order;~~
 - ~~o) to extend any other time limit set out in these Rules; and~~
 - ~~p) to suspend any other particular Council Procedure Rule, except Rule B21(3).~~

B152 Notice of amendments

Commented [RB9]: Reference those rules which can't be suspended.

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- 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 details 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.:
 - a) ~~propose leaving out words, or~~
 - b) ~~propose leaving out words and inserting or adding others, or~~
 - c) ~~propose inserting or adding words.~~
- ~~3 The effect of an amendment must not be to negate the effect of the motion before Council.~~
- 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.

B16B13 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 ~~in consultation with the Monitoring Officer.~~
- ~~2 When speaking, a Member is to stand, if able to, and address the Lord Mayor as Lord Mayor.~~
- ~~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.~~
- 42 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.~~

- 53** Members may speak ~~once only~~ on the matter under discussion ~~except for the following reasons~~ in the following circumstances:
- a) ~~to move an amendment to speak once on an amendment moved by another Member;~~
 - b) ~~to move a new amendment if the motion has been amended since they last spoke~~ to speak once on any amendment moved by another Member;
 - c) to speak once on the ~~main issue~~ substantive motion, ~~if the Member first spoke on an amendment moved by another Member (whether or not it was carried);~~
 - d) as the mover of the substantive motion ~~(but not of an amendment)~~, 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 Point of order Order ~~(any point of order must refer to the relevant Standing Order or statutory provision)~~ or personal Personal explanation Explanation.

B174 Content and Time Limits

- 1 Speeches must be directed to the question under discussion or to a personal Personal explanation Explanation or point Point of order Order.
- 2 When moving a motion, a Member may speak for a maximum of 5 minutes.
- 3 No other speeches ~~(including the moving of amendments and the right to reply)~~ 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.

B185 ~~Altering and w~~Withdrawal ~~ing 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. With the consent of the Council, indicated without discussion, a Member may alter a motion or amendment of which they have given notice.~~

- 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. 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.~~

B196 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 the 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.

B1720 Right of reply

1 ~~4~~—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.

1 ~~2~~ If an amendment has been moved, the mover of the original motion ~~also may choose to exercise has~~ a right of reply at the close of the debate on the amendment, or may speak during the debate on the amendment, but may ~~not otherwise~~ speak once ~~speak~~ on the amendment. The mover of the amendment will have a final right of reply at the close of the debate on the amendment. ~~The mover of the amendment has no right of reply to the debate on their amendment.~~

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B218 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.

B1922 Points of Order

- 1 A member who believes that there is some irregularity in the ~~interpretation of the constitution~~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 "~~unparliamentary~~"~~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 ~~state 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 ~~sit~~ ~~down~~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.

B2023 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.

B241 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 ~~demand request~~ that ~~the a named vote~~names be ~~recorded~~ 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 the Lord Mayor indicates that electronic voting is not available then votes may be taken by a show of hands~~

- ~~32~~ 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.

- ~~43~~ Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.

- ~~54~~ Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

B225 Voting on Appointments

- 1 If there are more than ~~2~~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.

~~B26~~**B23** Minutes

- 1 The Lord Mayor will sign the minutes of the proceedings at the next suitable ~~Ordinary~~ ~~Mm~~ 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.

~~B27~~**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~~Constitution or Rule ~~B25-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.

~~B28~~**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.

B269 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 Chamber~~Council meeting, the Lord Mayor may order that part to be cleared.
- 2 ~~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. -

B2730 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.

B2831 Suspension of Council Procedure Rules

- 1 All of these Council Rules of Procedure except ~~B24-B21~~ (43) (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 ~~order of~~ 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 ~~relation to business associated with setting the Council's budget for the coming financial year~~ 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 ~~for the coming financial year~~;
 - i) ~~revenue~~ Revenue budget ~~Budget~~ (including fees and charges and Housing Revenue Account estimates); for the coming financial year; and
 - ii) ~~capital~~ Capital programme ~~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 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 3 ~~two~~ hours and 40-30 minutes after the start time of the meeting, unless extended by

agreement of the Council. The ~~3 two2~~ hours and ~~40-30~~ minutes will not include any periods of adjournment and / or breaks taken by the Lord Mayor.

- 2 The Lord Mayor will remind the Council ~~when if three two2~~ hours and ~~30-20~~ 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.
- ~~2 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.~~
- ~~3 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.~~
- ~~4 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.~~
- ~~5 In exercising their 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:

 - ~~a) Say anything which is defamatory or discriminatory~~
 - ~~b) Make any personal attack on any Officer and / or Member~~
 - ~~c) Disclose confidential or exempt information including personal information.~~~~
- ~~6 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 which~~

~~will be passed on to Members to answer within ten working days.~~

- ~~7~~—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:
- ~~a) to note the comments made;~~
 - ~~b) to refer the issues to the Executive or another appropriate Committee for consideration; or~~
 - ~~c) to take into account the comments made as part of any debate on related decisions to be made later on the agenda.~~

C43 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.

~~C45~~ Content and Time Limits

- 1 ~~4~~—The Leader of the Council and the Leaders of other Groups on the Council ~~are not time limited~~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 ~~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 ~~3~~—Speeches must be directed to the question under discussion or to a personal explanation or point of order.

~~C64~~ Voting

- 1 ~~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. ~~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 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 the Lord Mayor indicates that the electronic voting system is not operating then votes may be taken by a show of hands.
- ~~32~~ 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. ~~Unless otherwise directed by the Lord Mayor, all votes taken at Budget Council will be named votes and elected Members will be required to vote for, against or abstain.~~
- ~~43~~ 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.
- ~~54~~ 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 ~~B34~~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 ~~M~~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.

~~D4~~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.

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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.

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- 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. If the Lord Mayor is no longer a Councillor, they may not vote other than to exercise a casting vote.
- 4.3 The Lord Mayor shall:

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- 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.

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- 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.

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;

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- 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

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- 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.

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- 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.

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- 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;

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- 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.

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- 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

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- 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.

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- 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.

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- 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 part 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.

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- 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.

C3 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.

C4 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.

C4 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.

Audit & Governance Committee – work plan

Training/briefing events will be held at appropriate points in the year to support members in their role on the Committee.

Theme	Item	Lead officers	Scope
8 August 2024			
Governance	Update on the Constitution review	<u>CYC</u> <u>Bryn Roberts</u>	
Finance / Procurement / Governance	Report on the Salvation Army's Early Intervention & Prevention contract	<u>CYC</u> Pauline Stuchfield / Frances Harrison / Denis Southall	
4 September 2024			
Finance	Treasury Management Monitor 1	<u>CYC</u> <u>Debbie Mitchell</u>	
Risk	Key Corporate Risks monitor 1 & 2	<u>CYC</u> <u>Helen Malam</u>	Update on Key Corporate Risks (KCRs).
Governance	Corporate Governance Report	<u>CYC</u> <u>Lorraine Lunt</u>	To provide Members with an update on corporate governance including issues. To also include York Open Data update.
Veritau (internal audit / counter fraud)	Internal Audit Progress Report	<u>Veritau</u> <u>Max Thomas / Richard Smith</u>	
External Audit	Audit Progress Report	<u>Mazars</u> <u>Mark Kirkham</u>	
27 November 2024			
Finance	Final Statement of Accounts 2023/24	<u>CYC</u> <u>Debbie Mitchell / Helen Malam</u>	

Finance	Treasury Management Monitor 2	<u>CYC</u> <u>Debbie Mitchell</u>	
Finance	No Purchase Order No Pay	<u>CYC</u> <u>Debbie Mitchell / Helen Malam</u>	
Veritau (internal audit / counter fraud)	Audit Committee Self-Assessment	<u>Veritau</u> <u>Max Thomas / Richard Smith</u>	To share the results of the self-assessment undertaken.
External Audit	Audit Completion Report 2023/24	<u>Mazars</u> <u>Mark Kirkham</u>	
29 January 2025			
Risk	Key Corporate Risks monitor 3	<u>CYC</u> <u>Helen Malam</u>	Update on Key Corporate Risks (KCRs).
Finance	Treasury Management Monitor 3	<u>CYC</u> <u>Debbie Mitchell</u>	
Finance	Treasury Management Strategy	<u>CYC</u> <u>Debbie Mitchell</u>	
Governance	Corporate Governance report	<u>CYC</u> <u>Lorraine Lunt</u>	To provide Members with an update on corporate governance including issues.
26 March 2025			