

Appendix 3 - Council Procedure Rules

Introduction

1 Full Council

- 1.1 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. 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 Council has delegated are set out in Appendix 1 of this Constitution.

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

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 functions 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 appointments 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 Customer & Corporate Services 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 Council.
- i) Make and, subject to the provisions of Article 25 of this Constitution, amend Standing Orders, Financial Regulations and 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 Recorder and Honorary Freeman 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 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 Service) and designate officers 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 the 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 Council

- 4.1 The Lord Mayor will preside at meetings of the full Council. In the absence of the Lord Mayor the Deputy Lord Mayor will preside. In the absence of both, then the Council will elect a Member to preside for that meeting. Any powers or duties of the Lord Mayor, as Chair, in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- 4.2 The Lord Mayor will cease to be Lord Mayor if they resign, is dismissed by a vote of Full Council, ceases to be a Member of the Council, or is unable to act as a Member of the Council. 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, and interpret the Constitution when necessary;

- b) preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the local community;
- c) ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive and Committee Chairs to account;
- d) promote public involvement in the Council's activities.

5 Council Meetings

- 5.1 Whilst there are three types of Council meeting, this constitution will list Budget Council as a fourth meeting 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.

7 Notice of and Summons to Meetings

- 7.1 The Chief Operating Officer 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 workingdays before a meeting, the Chief Operating Officer 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 Council is one quarter of the whole number of Members of the Council.
- 8.2 If at any time during the meeting of the Council, the Lord Mayor declares there is not a quorum present, the meeting stands adjourned. The consideration of any business not transacted will be 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 Council.

9 Duration of Meetings

- 9.1 All Ordinary Meetings, Budget Council and Extraordinary Meetings will finish 3 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 3 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 and Extraordinary meetings of Council.
- 9.2 The Lord Mayor will remind Council when three hours and 20 minutes has lapsed.
- 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.
- 9.4 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.

10 Public Participation

- 10.1 The Public Participation Rules/Protocol is 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 Public participation applies to ordinary meetings, budget council and extraordinary meetings only.
- 10.4 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.
- 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 address or question from a member of the public may be on any matter directly relevant to the business of Council or the City.
- 10.7 In the case of Budget Council, any public participants must address business on the agenda in so far as it may relate to the setting of the budget for the coming financial year.
- 10.8 In the case of an extraordinary meeting public participants must only address the business on the agenda.
- 10.9 In the light of the special nature of the annual meeting the public participation rights given by this Rule will not apply.
- 10.10 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.
- 10.11 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.
- 10.12 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.

11 Removing 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 for a period of four years 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 Council meeting as its next item of business.

Notice of Motion to remove the Leader of the Council

- 11.4 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; and

d) State why the signatories consider that the Leader of the Council should be removed

- 11.5 If the Chief Operating Officer receives the notice of motion less than 15 working days but not less than 5 clear working days, before the next scheduled Council meeting, the motion will be considered at that Council meeting.
- 11.6 If the notice of motion is received more than 15 clear working days before the next scheduled Council meeting, the Chief Operating Officer 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

- 11.7 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 of the names of the Deputy Leader and the areas of responsibility of Members of the Executive.

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 Chief Operating Officer 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 normally take place in May.

A2 Agenda for the Annual Meeting

- 1 At the Annual Meeting of the Council, the order of business shall be as follows:
 - a) declarations of interest;
 - b) to elect the Lord Mayor for the ensuing municipal year;
 - c) to appoint a Deputy Lord Mayor for the ensuing municipal year;
 - d) to appoint a Sheriff for the ensuing municipal year;
 - e) at the first Annual Meeting following local elections to appoint a Member as the Executive Leader;
 - f) to approve the size and membership of the Council Committees in accordance with the political balance rules;
 - g) to approve any new terms of reference for those committees;
 - h) to appoint Chairs and Vice-Chairs (where appropriate) of the Council's Committees for the ensuing municipal year;
 - i) to approve appointments of Council representatives on outside bodies for the ensuing municipal year except where this is the function of the 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;

- 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 do 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
 - 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.

A5 Duration of meetings

- 1 The time limit of 3 hours and 30 minutes does not apply to Annual meetings of the Council.

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 shall be determined by the Chief Operating Officer in consultation with the Leaders of Political Groups.
- 2 Normally Ordinary Meetings of the Council will be held at 6.30 pm at the Guildhall, different arrangements may be made with the agreement of the Lord Mayor.

B2 Duration of Meetings

- 1 All Ordinary Meetings will finish 3 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 3 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 Council when three hours and 20 minutes has lapsed.
- 3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate.
- 4 All outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

B3 Agenda for Ordinary Meetings

- 1 The order of business at every Ordinary Meeting of the Council shall be:
 - a) to choose a person to preside if the Lord Mayor or Deputy Lord Mayor is absent;
 - b) declarations of interest;

- c) to approve as a correct record and sign the minutes of the last meeting or meetings of the Council;
- d) Lord Mayor's Business;
- e) Public Participation;
- 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, to ask them questions thereon;
- i) to receive and consider a written report from the Deputy Leader on the work of the Executive, to ask them questions thereon;
- j) to debate such recommendations requiring 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) to receive and consider a written report from the Chair of Customer & Corporate Services Scrutiny Management Committee including such recommendations for approval as may have been made by that Committee under Rule B8;
- o) to receive and consider and report on recommendations of other Scrutiny Bodies;
- p) to receive and consider recommendations of Committees (other than Scrutiny Bodies) under Rule B8;
- 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;

s) 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.

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

B4 Public Participation

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 Petitions presented by Members

- 1 A Member may submit a petition for inclusion on the 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 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.

B6 Report of the Leader

- 1 The maximum time limits for this item are as follows:
 - a) The presentation of the Leader's report will not exceed 5 minutes;
 - b) Leaders of Opposition groups on the Council will have up to 5 minutes each to respond;
 - c) 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.

B7 Questions and comments on the Leader's report

- 1 A maximum of 10 minutes will be permitted for questions and comments on the Leader'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 Leader'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 Leader.
- 4 The Leader may respond directly to any question asked or comment made or may agree to submit a written answer to be circulated to all Members of the Council within five working days.

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.

B12 Committees of Council

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

B13 Motions on Notice

Scope

- 1 Motions must be about matters for which the council has a responsibility or which affect the city. For functions which can be only carried out by the Executive, Council cannot take decisions but can recommend a course of action for the Executive to consider.
- 2 Notice of every motion to be considered by Council, must be given in writing to the Head of Democratic Governance no later than midday on the eighth working day before the day of Council meeting at which it is to be considered. This Rule does not apply to motions which may be moved without notice under Rule B10 or to recommendations brought before the Council by the Executive or a Committee.
- 3 No Council meeting will receive more than 4 Motions on notice at any one meeting.

- 4 Motions may only be submitted in accordance with the schedule for allocation of motions approved at Annual Council.
- 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 opinion of the Chief Operating Officer (acting in the capacity as proper officer) is 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.
- 7 A notice of motion would be deemed out of order if it required the Council to do something which it patently cannot.
- 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.

B14 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 Council where its consent is required by this Constitution.
 - n) to extend the meeting, such a motion must be moved and seconded before the Lord Mayor announces that the guillotine has fallen and will have the effect of suspending the relevant standing order.
 - o) to extend any other time limit set out in these Rules.

B15 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.
- 2 An amendment must be relevant to the motion and must:
 - a) propose leaving out words, or
 - b) propose leaving out words and inserting or adding others, or
 - c) propose inserting or adding words.
- 3 The effect of an amendment must not be to negate the effect of the motion before Council.

B16 Rules of Debate

General

- 1 The decision of the Lord Mayor 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.
- 4 If two or more Members indicate that they wish to speak, the Lord Mayor will call one and the other(s) will wait until called by the Lord Mayor. When a Member is speaking, the others are to remain sitting unless rising to make a point of order or a personal explanation.
- 5 Members may speak once only on the matter under discussion except for the following reasons:
 - a) to speak once on an amendment moved by another Member;
 - b) to move a new amendment if the motion has been amended since they last spoke;

- c) to speak on the main issue, if the Member first spoke on an amendment moved by another Member (whether or not it was carried);
- d) as the mover of a motion (but not of an amendment), to exercise the right to reply at the end of the debate on the motion before it is put to the vote;
- e) as the seconder of a motion or amendment, having reserved (when seconding the motion or amendment) the right to speak until later in the debate;
- f) to make a point of order (any point of order must refer to the relevant Standing Order or statutory provision) or personal explanation

B17 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 (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.

B18 Altering and withdrawing motions

- 1 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.

B19 Order of debate

- 1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- 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 1 amendment to any motion or substantive question before the Council unless the further amendment comprises new material which is not related to the subject of the previous amendment.
- 5 Only 1 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.

B20 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. If an amendment has been moved, the mover of the original motion also has a right of reply at the close of the debate on the amendment but may not otherwise speak on the amendment. The mover of the amendment has no right of reply to the debate on their amendment.

B21 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.

B22 Points of Order

- 1 A member who believes that there is some irregularity in the constitution or conduct of the meeting may rise on a point of order. Such irregularities may include:
 - a) discussion of a question not before the Council
 - b) the use of improper language
 - c) interjection of remarks while a Member is speaking.
 - d) that a quorum is not present
 - e) breach of any other Procedure Rule or law
- 2 When a Member rises on a point of order they must state 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 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.

B23 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.

B24 Voting

- 1 All matters will be determined by use of the electronic voting system unless at least three Members of the Council demand that the names be recorded. In that event, the 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
- 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 Any Member is entitled to have their own vote recorded in the Minutes whether or not a full recorded vote is taken.
- 5 Details of all motions and amendments that are lost will be duly recorded in the published minutes of the meeting.

B25 Voting on Appointments

- 1 If there are more than 2 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 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.

B27 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 B25 (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 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 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.

B29 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, 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.

B30 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.

B31 Suspension of Council Procedure Rules

- 1 All of these Council Rules of Procedure except B24 (4) 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 at Budget Council shall be:
 - a) to consider any business raised by the Lord Mayor;
 - b) to hear any public participants in relation to business associated with setting the Council's budget for the coming financial year;
 - c) to receive any petitions presented by Members in relation to business associated with setting the Council's budget for the coming financial year;
 - d) to consider and determine the Executive's recommendations on setting the following budgets for the coming financial year;
 - i) revenue budget (including fees and charges and Housing Revenue Account estimates);
 - ii) capital programme;
 - e) to agree a Council Tax resolution for the coming year based on the above agreed budget; and
 - f) to consider and determine the 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;
 - 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 3 hours and 30 minutes after the start time of the meeting, unless extended by agreement of the Council. The 3 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 Council when three hours and 20 minutes has lapsed.
- 3 A motion to extend the meeting which has been duly proposed and seconded, before the allocated time has elapsed shall be put to the vote without debate.
- 4 All outstanding items of business will be deemed to have been proposed and seconded and will be voted on individually per agenda item without debate prior to the expiry of the meeting time.

C3 Public Participation

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

C4 Petitions presented by Members

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

C5 Content and Time Limits

- 1 The Leader of the Council and the Leaders of other Groups on the Council are not time limited when they are proposing a motion or an amendment at Budget Council, in relation to the setting of the budget.
- 2 No other speeches (including the moving of amendments and the right to reply) may take more than three minutes without the consent of the Council, which will be determined by a vote on a motion without discussion.
- 3 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

C6 Voting

- 1 All 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.
- 3 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.
- 4 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.
- 5 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 B31.

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 Public Participation

- 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 For any extraordinary meeting public participants must only address the business on the agenda.
- 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.

D3 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 Duration of meetings

- 1 The time limit of 3 hours and 30 minutes does not apply to Extraordinary meetings of the Council.