

COUNCIL PROCEDURE RULES

1. The ruling of the Chair of the Council, 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 Chair shall be final.

ANNUAL MEETING OF THE COUNCIL

Timing and Business

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 on a suitable Thursday in March April or May usually at 7.00p.m however the timing of the meeting can be amended in agreement with the Assistant Director – Organisation and Governance. The Annual Meeting will:
 - (a) elect a person to preside if the Chair is not present;
 - (b) elect the Chair of the Council;
 - (c) elect the Vice Chair of the Council;
 - (d) approve the minutes of the last meeting;
 - (e) receive any announcements from the Chair, Elected Mayor and or the Head of Paid Service;
 - (f) appoint an Overview and Scrutiny Board, a Standards Committee and such other committees as the Council considers appropriate to deal with matters that are neither reserved to the Council nor are executive functions (as set out in Part 3 of the Constitution);
 - (g) be informed by the Elected Mayor about the composition and constitution of the Executive for the coming year, and the names of councillors he/she has chosen to be members of the Executive including the Deputy Mayor;
 - (h) be informed by the Elected Mayor of the scheme of delegation (as set out in Part 3 of the Constitution);
 - (i) approve a programme of ordinary meetings of the Council for the year; and
 - (j) consider any business set out in the notice convening the meeting.

Selection of Councillors on Committees and Outside Bodies

3. At the Annual Meeting, the Council meeting will :
 - (a) decide which committees to establish for the Municipal Year;
 - (b) decide the size and terms of reference for those committees;
 - (c) decide the allocation of seats to political groups in accordance with the political balance rules;

- (d) receive nominations of councillors to serve on each committee and outside body; and
- (e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

ORDINARY MEETINGS OF THE COUNCIL

- 4. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting.

Order of Business

- 5. The order of business at every ordinary meeting of the Council shall be :
 - (a) to choose a person to preside if both the Chair and Vice Chair are absent;
 - (b) to receive apologies for absence;
 - (c) to approve the minutes of the last meeting;
 - (d) to receive any declarations of interests from councillors;
 - (e) to deal with any item of business required by statute to be done before any other business;
 - (f) to receive and consider any announcements or correspondence from the Chair, the Elected Mayor, members of the Executive or the Chief Executive;
 - (g) to receive any petitions that have been presented in accordance with the rules regarding validity of petitions and the timescales regarding presentation of petitions;
 - (h) to receive questions from, and provide answers to, the public, in accordance with the rules regarding scope of questions and timescales regarding receipt of questions;
 - (i) to receive and consider any statement of, or any report of the Elected Mayor;
 - (j) to consider executive matters including reports of executive members;
 - (k) to receive and consider any reports of overview and scrutiny committees;
 - (l) to give consideration to proposals from the Executive in relation to the Council's budget and policy framework;
 - (m) to consider any urgent items;
 - (n) to receive questions from, and provide answers to, members, in accordance with the rules regarding scope of questions and timescales regarding receipt of questions;
 - (o) to consider motions in accordance with the rules regarding scope of motions and timescales regarding receipt of motions;

- (p) to consider any urgent motions in accordance with the rules regarding scope of motions and timescales regarding receipt of motions;
 - (q) to give consideration to any business reports;
 - (r) to deal with any business from the last Council meeting;
 - (s) to receive and consider reports about and receive questions and answers on the business of joint arrangements and external organisations; and
 - (t) to consider any other business, if any, specified in the summons to the meeting.
6. The Chair may, at his/her discretion, amend the order of business. This may also be done by the Council approving a motion moved and seconded but not discussed.

EXTRAORDINARY MEETINGS

7. Extraordinary Meetings may be called by the Chair of the Council, the Assistant Director – Organisation and Governance or the Council by resolution, or upon the signed written requisition of five Members of the Council, and shall be held on such date and at such time as may be determined by the Chair. If the Chair should refuse, or neglect to call an Extraordinary Meeting within seven working days of receipt of such a requisition, any five members of the Council may call an Extraordinary Meeting on such date and at such time as those members may determine.
8. When any Extraordinary Meeting of the Council is called, the next following meeting of the Council shall be treated as a suitable meeting for the purpose of the approval and signing of the minutes of the Extraordinary Meeting.
9. The Extraordinary Meeting will be managed by the Chair of the Council.

SPECIAL MEETINGS

10. Special Meetings may be called by the Chair for a specific purpose and shall be held on such date and at such time as may be determined by the Chair. The next following meeting of the Council shall be treated as a suitable meeting for the purpose of the approval and signing of the minutes of the Special Meeting.

CANCELLATION OF COUNCIL MEETINGS

11. The Chair, or the Vice Chair in the Chair's absence, (or the Assistant Director – Organisation and Governance if she/he is satisfied that there is no appropriate business to be considered at the meeting), can postpone, re-arrange or cancel a meeting of Council, provided twenty four hours-notice of the cancellation of the meeting is given. Chairs or Vice-Chairs (in the Chair's absence) of the relevant committee can postpone, re-arrange or cancel meetings of a committee. A meeting of the Council or its committees or sub-committees may not be cancelled or postponed after the meeting has been duly convened.

NOTICE OF AND SUMMONS TO MEETINGS

12. The Council will give at least five days clear working days' notice to the public of any meeting, in accordance with the Access to Information Rules. At least five clear working

days before a meeting, the Assistant Director – Organisation and Governance will send a summons signed by her/him by post or sent electronically to every councillor, or leave it at their usual place of residence. 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.

CHAIR OF MEETINGS

13. Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. Where these rules apply to committee and sub-committee meetings, references to the Chair also includes the chair of committees and sub committees.
14. The Chair of any meeting, including the Council, shall have the power to refuse any question, motion or debate if he/she considers that the matter being raised contravenes the Protocols included in these Rules of Procedure.

QUORUM OF COUNCIL

15. The quorum at a meeting of the Council will be the greater of 3 or one quarter of the whole of the membership. If at the start of the meeting there is not a quorum present, then if after a period of five minutes there is still not a quorum, the meeting will be abandoned. The business will be considered at the next ordinary meeting of the Council or at a Special meeting convened for that purpose.

DURATION OF MEETING

16. Except where there is are presentation of awards, or presentations by outside bodies, unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
17. For any meeting of the full Council that includes in its agenda any or all of the following:
 - (a) Presentations of awards; or
 - (b) Presentations by outside bodies.

the duration of a meeting shall be no longer than 3 hours 30 minutes.

SUBMITTING QUESTIONS

18. The Proper Officer for receiving questions and other matters relating to Council business is the Assistant Director – Organisation and Governance.

WITHDRAWING QUESTIONS

19. Once submitted, and prior to the circulation of the agenda and papers, questions can be withdrawn without consent. Once agenda papers have been printed and circulated, a question can only be withdrawn with the consent of the person to whom the question was put.

SCOPE OF QUESTIONS

20. The Assistant Director – Organisation and Governance may reject a question if in their judgement it:
- (a) is not about a matter for which the Executive has responsibility or which does not affect the Borough;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at a meeting of the Council in the past twelve months;
 - (d) requires the disclosure of confidential or exempt information;
 - (e) relates to any matter which is more properly dealt with by an officer or by another body (including a committee of the Council), e.g. the Local Government Ombudsman or Standards Committee;
 - (f) reflects on the character or conduct of a person;
 - (g) is seeking an expression of an opinion, or contains an expression of opinion, inferences or imputations, or is rhetorical, controversial or ironic;
 - (h) is seeking the solutions of hypothetical propositions; raises questions of policy too large to be dealt with within an answer, seeks information on matters of past history for the purpose of argument, are a slight variation on a point previously made, or are trivial, vague or meaningless; or
 - (i) refers to communications between an individual officer and a councillor.
21. Questions to specific members of the Council, including the Elected Mayor, must relate to matters for which they have a clear responsibility. They may be asked for statements of their policy or intentions on such matters, or for information relating to services, administrative or legal actions. It is not permitted to put to a specific councillor a question for which another councillor is more directly responsible.
22. Questions asking whether statements in the press, or of private individuals, or unofficial bodies are accurate are not permitted.
23. Questions which renew or repeat questions already answered, or to which an answer has been refused, within the past 12 months are not permitted.
24. A councillor, including the Elected Mayor, can only refuse to answer a question with the agreement of the Chair. In such circumstances, supplementary questions cannot then be put.

RECORD OF QUESTIONS

25. The Assistant Director – Organisation and Governance will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. In the case of questions rejected by virtue of the Rules of Procedure, the Assistant Director – Organisation and Governance shall inform the questioner of the appropriate body with which the matter should be raised.

26. Rejected questions will include reasons for rejection. Copies of all accepted questions will be circulated to all councillors and will be made available to the public attending the meeting.

QUESTIONS BY MEMBERS

27. Any councillor can ask a question of the Elected Mayor, members of the Executive, or the Chair of a Committee at all meetings of the Council with the exception of the Annual Meeting and the meeting for setting the Council Budget. Questions whether or not on notice by councillors will only be permitted if they comply with the protocol for questions.

Questions with notice

General

28. In seeking to submit questions with notice:
- (a) a member may only ask a question of the Chair, the Elected Mayor, a member of the Executive or any chair of any committee or sub-committee on any matter in relation to which the Council has powers or duties or which directly affects Middlesbrough; or
 - (b) a member of a committee or sub-committee may only ask a question of the Chair of that committee, a question on any other matter in relation to which the Council has powers or duties or which directly affects Middlesbrough and which falls within the terms of reference of that committee or sub-committee;
- if either:
- (i) they have given at least 3 clear working days- notice in writing of the question to the Assistant Director - Organisation and Governance; or
 - (ii) the question relates to urgent matters, and they have the consent of the person to whom the question is to be put and the content of the question is given to the Assistant Director - Organisation and Governance prior to the meeting.

Reports

29. A member may only ask a question of the Chair, the Elected Mayor, a member of the Executive or any chair of any committee or sub-committee on any report submitted to the meeting providing they have notified the Assistant Director – Organisation and Governance of the subject of the question by 5.00pm on the day prior to the meeting.

Questions without notice

30. Any Councillor may only ask a question without notice on any matter relating to information, executive reports or committee reports circulated after 5pm on the day before the meeting in relation to the following:
- (a) any announcements or correspondence from the Chair, the Elected Mayor, members of the Executive or the Chief Executive;

- (b) any statement of, or any report of the Elected Mayor;
- (c) executive functions;
- (d) any reports of overview and scrutiny committees; or
- (e) reports about and questions and answers on the business of joint arrangements and external organisations,

when that item is being received or under consideration by the Council and where time allows.

Responses

31. An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) a written answer circulated later.

Supplementary Question

32. In respect of supplementary questions:

- (a) a member asking a question of the Chair, the Elected Mayor, a member of the Executive or any chair of any committee or sub-committee on any matter in relation to which the Council has powers or duties or which affects Middlesbrough; or
- (b) a member of a committee or sub-committee asking a question of the Chair of that committee, a question on any matter in relation to which the Council has powers or duties or which affects Middlesbrough and which falls within the terms of reference of that committee or sub-committee,

may at the sole discretion of the Chair ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must relate directly to the reply. It shall be the decision of the Chair as to whether a supplementary question should be answered.

By Members on Joint Committees/Joint Authorities or Outside Bodies

33. Any councillor may, if after giving 7 clear working days - notice in writing to the Assistant Director - Organisation and Governance, may ask a question on the discharge of the functions of that body in so far as it affects the Council.

QUESTIONS – GENERAL MATTERS

Reference of question to the executive or a committee

34. Unless the Chair decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to the Executive. Once seconded, such a motion will be voted on without discussion.

Time allowed for questions

35. Unless the Chair permits an extension of time, the time given for questions from the public or from councillors, shall not exceed 30 minutes in total, or at the discretion of the Chair, 45 minutes where the extension is warranted because of the number of questions or comments that have been notified to the Chair in advance of the meeting and the extension will not restrict consideration of the remainder of the agenda. Questions which cannot be dealt with either because of lack of time or because of the non-attendance of the councillor to whom the question was put, will receive a written reply.
36. In order to assist the Chair in managing the meeting, any matters to be raised, or the subject of questions to be put in relation to Executive reports will be notified to the Assistant Director – Organisation and Governance by 5.00 p.m. on the day prior to the meeting. If a verbal update is given at the meeting in relation to any of the reports on the summons, questions may be asked at the meeting without notice, with the consent of the Chair. In order to ensure consistency and equity members will be called to speak in the order in which the questions were received by the Assistant Director – Organisation and Governance.
37. Unless the Chair permits otherwise, individual questioners will be allowed 2 minutes in which to ask their question. The relevant councillor will be allowed up to 3 minutes in which to answer.
38. If, in the opinion of the Chair, the questioner is making a speech, the Chair can ask that the question be put immediately.

QUESTIONS BY THE PUBLIC - GENERAL

39. Any elector of the Borough can ask a question of the Elected Mayor, Members of the Executive, or the Chair of a Committee at ordinary meetings of the Council with the exception of the Annual Meeting and the meeting for setting the Council Budget.

Order of Questions

40. Questions will be asked in the order notice of them was received, except where the Chair chooses to group together similar questions.

Notice of Questions

41. Any elector of the Borough may ask a question of the Elected Mayor, member of Executive on any matter relating to executive functions or the Chair of a Committee on any matter relating to that Committee's function. A question may only be asked if at least 7 clear working days before the day of the meeting has been given by delivering the question in writing or by electronic mail to the Assistant Director – Organisation and Governance. Each question must give the name and address of the questioner and must name the member of the Executive or the Chair of a Committee to whom it is to be put. Otherwise the question will be answered by the Elected Mayor or Executive member or the Chair of a Committee as determined by the Elected Mayor.

Number of Questions

42. At any one meeting, no member of the public may submit more than one question nor without the consent of the Chair may that person submit more than five questions in any Municipal Year.

Asking the Question at the Meeting

43. The Chair will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given, or decide, in the absence of the questioner, that the question will not be dealt with.
44. All questions will be put and answered without discussion but the person to whom a question has been put may choose to respond in writing.
45. The Assistant Director – Organisation and Governance may paraphrase or edit any question if doing so would either clarify the point of the question, or make the question more concise.

Supplementary Question

46. Members of the public are not permitted to ask supplementary questions.

Written Answers

47. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

Reference of Question to Executive or a Committee

48. No discussion will take place on any question, but any member may move that a matter raised by a question be referred to Executive, or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

NOTICE OF MOTION

49. Except for motions which can be moved without notice or urgent motions, written notice of a motion must be given to the Assistant Director – Organisation and Governance, at least 7 clear working days before the relevant Council meeting and be signed by the member(s) giving the notice with the exception of motions without notice and urgent motions. The motions will be open to public inspection

Motion set out in agenda

50. Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

Scope of Motions

51. Motions must be about matters for which the Council has a responsibility or which directly affects Middlesbrough, and will only be permitted if they comply with the protocol set out in these Rules of Procedure.
52. The Council cannot take decisions in respect of any matter that is the responsibility of the Executive. Any motion therefore relating to the consideration of executive matters, or to decisions taken by, the Executive shall commence with the words "Council notes"

Eligibility of Motion

53. The Assistant Director – Organisation and Governance may reject a motion if in their opinion it:
 - (a) is defamatory, frivolous or offensive;
 - (b) reflects on the character or conduct of any person;
 - (c) is seeking an expression of an opinion, or contains an expression of opinion, inferences or imputations, or is rhetorical, controversial or ironic;
 - (d) is seeking the solutions of hypothetical propositions, raises questions of policy too large to be dealt with in an answer; seeks information on matters of past history for the purpose of argument, are a slight variation on a point previously made, or are trivial, vague or meaningless; or
 - (e) refers to communications between an officer and a councillor.
54. 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 5 councillors.
55. 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 5 councillors.

MOTIONS WITHOUT NOTICE

56. The following administrative 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 withdraw a motion;
 - (g) to amend a motion;
 - (h) to proceed to the next business;

- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) that the meeting continue beyond 3 hours in duration;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a councillor who persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructing business. The Chair may move that councillor be not heard further, if seconded, the motion will be voted on without discussion;
- (p) If a councillor continues to behave improperly after a motion has been passed that they not be heard further, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period to allow the councillor to be excluded from the meeting. If seconded, the motion will be voted on without discussion; or
- (q) to give the consent of the Council where its consent is required by this Constitution.

URGENT MOTIONS

57. Urgent motions must relate to urgent matters. Whether an urgent motion is to be debated by Council is at the sole discretion of the Chair. Urgent matters will generally be interpreted as matters:
- (a) that have arisen since the 7 day period normally required in respect of Motions on Notice; and
 - (b) which, in the opinion of the Chair, shall not be delayed for consideration at the next ordinary meeting of the Council.
58. A member may move an Urgent Motion so long as the following are met:
- (a) they have given at least 3 clear working days-notice in writing to the Assistant Director - Organisation and Governance and the Chair of the Council of the Urgent Motion;
 - (b) the motion is submitted in writing;
 - (c) the motion is accompanied by a written explanation as to how it relates to urgent matters;
 - (d) the motion complies with these Rules of Procedure.

MOTIONS – RULES OF DEBATE

59. No speeches may be made until a motion has been seconded;

60. Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed;
61. When seconding a motion or amendment, a councillor may reserve their speech until later in the debate;
62. Speeches must be directed to the motion under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chair.

When a member may speak again

63. A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
 - (a) to speak once on an amendment moved by another councillor;
 - (b) to move a further amendment if the motion has been amended since he/she last spoke;
 - (c) if his/her first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
 - (d) in exercise of a right of reply;
 - (e) on a point of order;
 - (f) by way of personal explanation; or
 - (g) to answer a question directed at him/her by another councillor.

Amendments to motions

64. An amendment to a motion must be relevant to the motion and will either be:
 - (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others; or
 - (d) to insert or add words,as long as the effect of (b) to (d) is not to negate the motion.
65. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of;
66. If an amendment is not carried, other amendments to the original motion may be moved;
67. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved; and

68. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of motion

69. A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion;
70. A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion; and
71. Only alterations which could be made as an amendment may be made.

Right of reply

72. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote;
73. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it; and
74. The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

75. When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to amend a motion;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) to adjourn a debate;
 - (f) to adjourn a meeting;
 - (g) that the meeting continue beyond 3 hours in duration;
 - (h) to exclude the public and press in accordance with the Access to Information Rules; and
 - (i) to not hear further a member or to exclude them from the meeting

Closure motions

76. A councillor who has not previously spoken on a motion may move, without comment, the following motions at the end of a speech of another member:

- (a) to proceed to the next business;
 - (b) that the question be now put;
 - (c) to adjourn a debate; or
 - (d) to adjourn a meeting.
77. If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
78. If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
79. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

WITHDRAWAL OF MOTIONS

80. Once submitted, and prior to the meeting for which they have been submitted motions can be withdrawn without consent, but only before agenda papers are printed or circulated.
81. Once agenda papers have been circulated, motions can only be withdrawn with the consent of the Chair of the Council.
82. A councillor may only withdraw a motion at the meeting which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission to withdraw is refused.
83. Motions containing subjects falling within the powers and duties of Executive or an Administrative Committee shall, after being moved and seconded, be automatically referred to the Executive or Administrative Committee. However, the Chair has the power to allow them to be noted at the Council meeting.
84. If a submitted motion is substantially similar to one which has been rejected by the Council within the previous six months it will not be included in the Summons.

PRESENTATION OF PETITIONS

85. Petitions containing 100 signatures or more may be received by meetings of the full Council if submitted to the Assistant Director – Organisation and Governance at least 7 clear working days prior to the date of the Council meeting. The process for dealing with petitions is set out in the Scheme of Petitions set out in the Constitution.
86. Whenever a petition of 100 or more signatures is presented, the rules embodied within the Constitution in relation to the presentation of petitions at full Council shall apply to all committees.

THE REPORT OF THE ELECTED MAYOR

87. The Elected Mayor shall have the opportunity to present a report or make a verbal statement at every ordinary meeting of the Council.
88. Unless the Chair permits otherwise, the time allowed for the Elected Mayor's report or verbal statement shall not exceed 10 minutes.
89. Unless the Chair permits otherwise, the time allowed for the Elected Mayor's report or verbal statement including questions, shall not exceed 30 minutes.

THE REPORT OF OVERVIEW AND SCRUTINY COMMITTEES

90. The Chair of the Overview and Scrutiny Board will have the opportunity to present to any meeting of the Council, with the exception of the Annual meeting and the meeting for setting the Council Budget, an executive summary of the findings of scrutiny committees, together with action plans and the comments of the Executive.

CONSIDERATION OF EXECUTIVE MATTERS

91. With the exception of the annual meeting and the meeting for setting the Council Budget, at each ordinary meeting of the Council consideration shall be given to matters that are the responsibility of the Executive. These shall include the reports of the Elected Mayor and other Executive members, past decisions taken by the Executive, including 'single member' decisions, and forthcoming business of the Executive, as notified to members of the Council at least 10 working days prior to the Council meeting.
92. No decisions shall be taken by the Council in respect of any matter that is the responsibility of the Executive.

RULES OF DEBATE - GENERAL

Point of order

93. A councillor may raise a point of order at any time. The Chair will hear them immediately.
94. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

Personal explanation

95. A councillor 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 may appear to have been misunderstood in the present debate. The ruling of the Chair of the admissibility of a personal explanation will be final.

VOTING

Majority

96. Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

Chair's casting vote

97. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Show of hands

98. Unless a ballot or recorded vote is demanded, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Ballots

99. The vote will take place by ballot if 13 councillors present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

Recorded vote

100. If 13 councillors present at the meeting demand it, or if the motion related to a decision within the terms of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014) the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Right to require individual vote to be recorded

101. Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting on appointments

102. 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.

MINUTES

Signing the minutes

103. The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.
104. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at Extraordinary meeting

105. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an Extraordinary or Special Meeting; the next Ordinary meeting will be treated as a suitable meeting for the purpose of signing those minutes.

Form of minutes

106. Minutes will contain all motions and amendments in the exact form and order the Chair put them.

RECORD OF ATTENDANCE

107. It is the responsibility of all Councillors attending a Council meeting to ensure that their attendance is recorded.

EXCLUSION OF PUBLIC

108. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 68 (Disturbance by Public).

COUNCILLORS CONDUCT

Standing to speak

109. When a councillor speaks at full Council they must stand and address the meeting through the Chair. If more than one councillor stands, the Chair will ask one to speak and the others must sit. Other councillors remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

Chair standing

110. When the Chair stands or speaks during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

Councillor not to be heard further

111. If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

Councillor to leave the meeting

112. If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

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

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

Allocation

114. As well as allocating seats on committees and sub-committees, the Council at the Annual Meeting will authorise the Assistant Director – Organisation and Governance to appoint substitutes on the instructions of a political group or independent member.

Designation of Substitutes

115. A substitute may be designated for each member appointed to a committee or sub-committee:
- (a) by the Council, if so requested by the Member; or
 - (b) by the member, by notification to the Assistant Director – Organisation and Governance at least 24 hours prior to the date of the meeting. Designation as a substitute shall take effect immediately after notification to the monitoring officer for the specific meeting or until such later time as shall be specified by the Member and, in respect of a member appointed to more than one committee or sub-committee. A different substitute may be designated for each appointment.
116. Where a substitute is purportedly appointed less than twenty four hours prior to the meeting, that appointment will not take effect and the substitute may not take part in the meeting.

Termination of Appointment

117. A Member may, by written notification to the Assistant Director – Organisation and Governance, terminate the appointment of a substitute with immediate effect.

Powers and Duties

118. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

Substitution

119. At the commencement of a meeting at which a substitute is to attend as substitute s/he shall identify the member for whom s/he substitutes who shall be excluded from participating in that meeting and for whom there shall be no further substitution at that meeting.

DISTURBANCE BY PUBLIC

Removal of member of the public

120. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Clearance of part of meeting room

121. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

USE OF MOBILE DEVICES DURING COUNCIL MEETINGS

122. During Council meetings all mobile devices should be switched to silent mode.
123. Texting and tweeting and filming is permitted providing it does not interfere with the conduct of the business.
124. The use of all mobile devices is prohibited during all Council meetings when the press and public are excluded.

SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

Suspension

125. All of these Council Rules of Procedure except in the case where the Chair uses his casting vote may be suspended by motion if at least one half of the whole number of members of the Council are present and vote. Suspension can only be for the duration of the meeting.

Amendment

126. Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the Constitution and Members' Development Committee which will submit a report to the next ordinary meeting of the Council.

APPLICATION TO COMMITTEES AND SUB-COMMITTEES

127. All of the Council Rules of Procedure apply to meetings of full Council, Committees and Sub-Committees of the Council.