

COMMITTEE REPORT

CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

22 FEBRUARY 2017

REVIEW OF THE COUNCIL PROCEDURE RULES

Strategic Director – Finance, Governance and Support

PURPOSE OF THE REPORT

1. To consider the Council Procedure Rules in light of recent requests to examine the scope of Councillor Questions, and to determine the appropriate way forward.

BACKGROUND

2. Members will recall their meeting of 11 November 2016, which considered a broad revision of the Council's Constitution and all associated elements. That revised Constitution was adopted by the Council at its meeting on 30 November 2016, and took effect on 1 December 2016. For clarity, whilst this revision altered the number of documents comprising the Constitution, and made changes throughout the documents, it made no material changes to the Council Procedure Rules (attached as the appendix to this report).
3. Subsequent to this revision, a number of issues have been raised in relation to the scope and submission times for questions. In view of the nature of those issues. Members are invited to consider the questions provisions generally.
4. In addition, a further issue arose in relation to the nature of substitutes nominated to attend meetings on behalf of Members who are indisposed. Convention, based on the legal principles of how substitution operates, has held that substitutes must be from the same group as the absent Member, but the Constitution is silent on the point.
5. Substitution is technically effected through the 'resignation' of a member from the relevant committee, and the appointment (under delegated powers) of a replacement for the meeting in question; followed by the 'resignation' of the substitute and the re-appointment of the original member (again under delegated powers). Conventionally, this is done within groups, since substitution outside a group may alter the political balance of the committee (and the delegated authority to appoint members is limited to acting on group instructions). However, Members are asked to consider the provisions and determine whether clarification is required in the Procedure Rules.

6. Finally, a query has been raised in relation to the appropriate number of signatories for a petition to be considered by Council. The Council's Petition scheme states that if a petition contains more than 100 signatures, the Lead Petitioner should be provided with the opportunity to hand the petition over at full Council to the appropriate Executive Member. The petition is then handed to the appropriate Service area for processing. If a petition contains more than 1,500 signatures the scheme specifies that it will be debated by the full Council (unless it is a petition asking for a senior council officer to give evidence at a public meeting or the petition relates to a Licensing or Planning application, in which case it will be submitted to the Committee that deals with the application). Members are, therefore, asked to consider whether a revision to the current petition scheme and signatory requirement is appropriate.

FINANCIAL CONSIDERATIONS

7. There are no financial implications arising from this report

RECOMMENDATION

8. That the Committee considers:
 - a. the question provisions of the Council Procedure Rules;
 - b. substitutions from outside the Member's group;
 - c. whether amendments to the petition scheme are appropriate; and,
 - d. whether any other amendments to the Council Procedure Rules are required,and recommends such alterations as it considers appropriate.

BACKGROUND PAPERS

9. The Council Procedure Rules, taken from the Middlesbrough Borough Council Constitution 2016.

AUTHOR

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COUNCIL PROCEDURE RULES

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. In the event that circumstances arise outside the meeting which would ordinarily require a decision of, or action by, the Chair of the Council, the Chair is enabled to take such action as they consider appropriate.

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 in March, April, or May, usually at 7.00 p.m. however the timing of the meeting can be amended in agreement with the Monitoring Officer. The Annual Meeting will:
 - (a) elect the Chair of the Council, unless the Chair has previously been elected *pro tem*;
 - (b) elect the Vice Chair of the Council, unless the Vice Chair has previously been elected *pro tem*;
 - (c) receive and approve the minutes of the last meeting;
 - (d) receive any announcements from the Chair, Elected Mayor and or the Head of Paid Service;
 - (e) receive any declaration of interests from councillors;
 - (f) appoint at least one Overview and Scrutiny Committee, 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 the Middlesbrough Borough Council Scheme of Delegation);
 - (g) be informed by the Elected Mayor about the composition and constitution of the Executive for the coming year, and the names of councillors they have chosen to be members of the Executive including the Deputy Mayor;
 - (h) receive annually the Allocation of Responsibilities (the scheme of delegation) (as set out in the Middlesbrough Borough Council Scheme of Delegation);
 - (i) approve a programme of ordinary meetings of the Council for the year; and
 - (j) consider any other 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) elect a person to preside at the Annual Meeting if the Chair is not present;
 - (b) decide which committees to establish for the Municipal Year;

- (c) decide the size and terms of reference for those committees;
- (d) decide the allocation of seats to political groups in accordance with the political balance rules;
- (e) receive nominations of councillors to serve on each committee and outside body; and
- (f) 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, unless such appointments have previously been agreed *pro tem*.

ORDINARY MEETINGS OF THE COUNCIL

- 4. (a) Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting.
- (b) Items to be included in the Summons shall be in any order that is considered appropriate by the Monitoring Officer for the efficient dispatch of the business of the meeting.

Order of Business

- 5. Except where the order of business has been varied by the Monitoring Officer, varied by a motion without debate, or varied by the Council approving a motion moved and seconded but not discussed, 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 any declarations of interests from councillors and any dispensations granted by the Monitoring Officer and the Standards Committee;
 - (c) to receive and approve the minutes of the last meeting;
 - (d) to receive and note any apologies for absence;
 - (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 Head of Paid Service;
 - (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, councillors, 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 if necessary;
 - (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. With the exception of items referred to in (a) and (b) above, the order of business may be varied on motion without debate. If the Chair proposes the motion it may be put to the vote without being seconded. This may also be done by the Council approving a motion moved and seconded but not discussed.

EXTRAORDINARY MEETINGS

7. (a) Extraordinary Meetings may be called:
- i) by a request from the Chair of the Council;
 - ii) by the Council by resolution;
 - iii) at the request of the Monitoring Officer; or
 - iv) 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. Any request must specify the particular item of business for which the Extraordinary Meeting of the Council is to be called.
- (b) 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 only business to be conducted at an Extraordinary Meeting of the Council will be to choose a person to preside if the Chair and Vice-Chair are absent or are otherwise unable to preside and to consider the matter specified in the request to call an Extraordinary Meeting. No other business may be conducted at the meeting unless the Council otherwise resolve.
10. The Extraordinary Meeting will be managed by the Chair of the Council.

ARRANGEMENTS FOR MEETINGS

11. Meetings of the Council will usually take place at 7.00 p.m. in the Town Hall, Middlesbrough, or at the time given on the summons. The Chair will have the power to change the venue, day and time if they believe it to be appropriate.

CANCELLATION OF COUNCIL MEETINGS

12. The Chair, or the Vice Chair in the Chair's absence, (or the Monitoring Officer if they are satisfied that there is no appropriate business to be considered at the meeting), can postpone, re-arrange or cancel a meeting of Council, provided:
 - (a) twenty four hours-notice of the cancellation of the meeting is given; and
 - (b) that the reason for cancellation 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

13. 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 Monitoring Officer will send a summons signed by them 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, subject to the Access to Information Rules, be accompanied by all relevant reports.

CHAIR OF MEETINGS

14. 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.
15. The Chair of any meeting, including the Council, shall have the power to refuse any question, motion or debate if they consider that the matter being raised contravenes the Protocols included in these Rules of Procedure.

QUORUM OF COUNCIL

16. The quorum at a meeting of the Council will be one quarter (12) of the whole of the membership (47). The quorum at a meeting of a committee or sub-committee 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 an Extraordinary meeting convened for that purpose.

DURATION OF MEETING

17. Except where there are presentations 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 they do not fix a date, the remaining business will be considered at the next ordinary meeting.
18. For any meeting of the full Council that includes in its agenda presentations of awards, or presentations by outside bodies the duration of a meeting shall be no longer than 3 hours 30 minutes.

SUBMITTING QUESTIONS

19. The Proper Officer for receiving any questions and other matters relating to Council business is the Monitoring Officer.

WITHDRAWING QUESTIONS

20. 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

21. The Chair, on the advice of the Monitoring Officer may reject a question from a Member or from a member of the public if in their judgement it:
 - (a) is not about a matter for which the Executive has responsibility or which does not affect the Borough as a whole;
 - (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 six 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.
22. 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.
23. Questions asking whether statements in the press, or of private individuals, or unofficial bodies are accurate are not permitted.
24. Questions which renew or repeat questions already answered, or to which an answer has been refused, within the past six months are not permitted.
25. 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

26. The Monitoring Officer 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 Monitoring Officer shall inform the questioner, of the reasons for rejection and, if appropriate, any other body with which the matter should be raised.
27. Copies of all accepted questions will be circulated to all councillors and will be made available to the public attending the meeting.

QUESTIONS OR COMMENTS BY MEMBERS

28. Any councillor can ask a question of the Elected Mayor, members of the Executive, or the Chair of a Committee or make a comment 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 or comments with notice

General

29. In seeking to submit questions or comments with notice, but which do not relate to a report

submitted to the meeting:

- (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, or make a comment, on any matter in relation to which the Council has powers or duties, or which directly affects Middlesbrough as a whole; or
- (b) a member of a committee or sub-committee may only ask a question of the Chair of that committee, or make a comment, on any other matter in relation to which the Council has powers or duties, or which directly affects Middlesbrough as a whole, 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 Monitoring Officer; or
- (ii) the question or comment relates to urgent matters, and they have the consent of the person to whom the question or comment is to be put, and the content of the question or comment is given to the Monitoring Officer prior to the meeting.

Reports

30. A member may only ask a question of a member of the Executive, or make a comment on any report submitted to the meeting, providing they have notified the Monitoring Officer of the subject of the question by 5.00 p.m. on the day prior to the meeting, in order to allow the planning of business at the meeting.

Questions or comments without notice

31. Any Councillor may only ask a question or make a comment without notice on any matter relating to information, executive reports, or committee reports circulated after 5.00 p.m. 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 Head of Paid Service;
 - (b) any statement or 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

32. 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

33. 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 as a whole; or
- (b) a member of a committee or sub-committee asking a question of the Chair of that committee, on any matter in relation to which the Council has powers or duties, or which affects Middlesbrough as a whole, 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 supplementary question must relate directly to the reply. It shall be the decision of the Chair as to whether a supplementary question should be answered.

Joint Committees/Joint Authorities or Outside Bodies

34. Any councillor may, if after giving 7 clear working days' notice in writing to the Monitoring Officer, ask a question on the proceedings of, or 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

35. 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

36. 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.

37. 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 Monitoring Officer

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 Monitoring Officer.

38. Unless the Chair permits otherwise, individual questioners will be allowed up to 2 minutes in which to ask their question. The relevant councillor will be allowed up to 3 minutes in which to answer.
39. 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

40. 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

41. 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

42. 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 Monitoring Officer. 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

43. 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

44. 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.
45. 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.

46. The Monitoring Officer 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

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

Written Answers

48. 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

49. 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.

RECEIPT OF RECOMMENDATIONS FROM THE EXECUTIVE, COMMITTEES AND STATUTORY OFFICERS

Receipt of recommendations from the Executive

50. The Executive shall make recommendations to the Council on any matter that is within the Council's functions falling to the Council to determine, or on which the Executive is required to consult with or obtain the approval of the Council. Such recommendations shall be moved by the Elected Mayor. A seconder to such a motion is not required.

Receipt of recommendations from Committees

51. The Council shall consider recommendations made to it by Committees on matters falling within the Committee's terms of reference. The recommendation shall be moved by the Chair of that Committee. A seconder to such a motion is not required.

Receipt of recommendations from Statutory Officers

52. The Head of Paid Service, Monitoring Officer, Chief Finance Officer, and Director of Children's Services may make reports to Council as necessary, or as required by statute in the exercise of their statutory responsibilities.

NOTICE OF MOTION

53. Written notice of a motion, specifying the motion to be considered, must be given to the Monitoring Officer, at least 7 clear working days before the relevant Council meeting and must 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. Members may accompany the proposed motions with an explanatory note setting out the background to the proposed motion.

Motion set out in agenda

54. 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

55. Motions must be about matters for which the Council has a responsibility, or which directly affects Middlesbrough as a whole, and will only be permitted if they comply with the protocol set out in these Rules of Procedure.
56. 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

57. The Chair, on the advice of the Monitoring Officer 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.
58. 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.
59. 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.
60. Where the Chair considers it appropriate, any motion for which notice has been duly given and which relates to any recommendation of the Executive or a Committee or a statutory officer to be considered at the same meeting, may be treated as an amendment to such recommendation and shall be considered at the same time as the recommendation is considered.

MOTIONS WITHOUT NOTICE

61. 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, once the motion is moved and seconded;
- (g) to amend a motion, once the motion is moved and seconded;
- (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

62. 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.
63. 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 Monitoring Officer 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; and
- (d) the motion complies with these Rules of Procedure.

MOTIONS: RULES OF DEBATE

- 64. No speeches may be made until a motion has been seconded;
- 65. Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed;
- 66. When seconding a motion or amendment, a councillor may reserve their speech until later in the debate;
- 67. 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

- 68. 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 they last spoke;
 - (c) if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they 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 them by another councillor.

Amendments to motions

- 69. 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, or introduce a new proposal.

70. 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.
71. If an amendment is not carried, other amendments to the original motion may be moved.
72. 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.
73. 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

74. A councillor may alter a motion of which they have as given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
75. A councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
76. Only alterations which could be made as an amendment may be made.

Right of reply

77. 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.
78. 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.
79. The mover of the amendment has no right of reply to the debate on their amendment.

Motions which may be moved during debate

80. 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;
or
- (i) to not hear further a member or to exclude them from the meeting.

Closure motions

81. 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.
82. If a motion to proceed to next business is seconded, and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and will then put the procedural motion to the vote.
83. If a motion that the question be now put is seconded, and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting the motion to the vote.
84. 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

WITHDRAWAL OF MOTIONS

85. 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.
86. Once agenda papers have been circulated, motions can only be withdrawn with the consent of the Chair of the Council.
87. A councillor may only withdraw a motion at the meeting at which they have moved it with the consent of both the seconder and the meeting. 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.
88. 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.
89. 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

90. Petitions containing 100 signatures or more may be received by meetings of the full Council if submitted to the Monitoring Officer at least 7 clear working days prior to the date of the Council meeting.
91. Whenever a petition of 100 or more signatures is presented, the rules embodied within the Council's Petition Scheme in relation to the presentation of petitions at full Council shall apply to all committees.
92. In respect of petitions presented to Council, the petitioner will be given up to two minutes to present the petition to the Council meeting.
93. The Mayor or Executive Councillor who has responsibility for the subject of the petition may speak, but the presentation of, and response to each petition received, is limited to no more than 5 minutes.
94. The Council cannot take any decisions, or pass any motion, in respect of any petition received that relates to Executive matters.

THE REPORT OF THE ELECTED MAYOR

95. The Elected Mayor shall have the opportunity to present a report, or make a verbal statement, at every ordinary meeting of the Council.
96. Unless the Chair permits otherwise, the time allowed for the Elected Mayor's report or verbal statement shall not exceed 10 minutes.
97. 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

98. 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

99. 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.
100. 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

101. A councillor may raise a point of order at any time. The Chair will hear them immediately.
102. 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 they consider it has been broken. The ruling of the Chair on the matter will be final.

Personal explanation

103. 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

104. Unless Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting at the time the question was put. In respect of the approval of the Council's annual budget, Council can either adopt the budget (at which point the process stops), or it can object to it (**both votes on a simple majority basis**);

If the Council objects to the budget, it must go back to the Mayor and Executive for reconsideration;

The Mayor and Executive must reconsider the budget, and may choose to resubmit it:

- in its original form (with reasons why the Mayor and Executive disagree with the objection); or
- in an amended form;

Council must then consider the proposed budget (in whatever form it takes) and may either: adopt the budget (**simple majority vote**); or may reject it (**two thirds majority**).

Chair's casting vote

105. 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

106. 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

107. The vote will take place by ballot if 12 councillors present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

Recorded vote

108. If 12 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), with regard to the approval of the annual budget, 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

109. 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

110. 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

111. 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.
112. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

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

Form of minutes

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

RECORD OF ATTENDANCE

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

EXCLUSION OF PUBLIC

116. Members of the public and press may only be excluded either in accordance with section 100A of the Local Government Act 1972 (as amended), as set out in the Access to Information Rules in Part 3 of this Constitution or Rule 128 (Disturbance by Public).

COUNCILLORS CONDUCT

Standing to speak

117. 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

118. 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

119. 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

120. 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

121. If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

Allocation

122. As well as allocating seats on committees and sub-committees, the Council authorises the Monitoring Officer to appoint substitutes on the instructions of a political group or independent member.

Designation of Substitutes

123. 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 Monitoring Officer 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.

124. 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

125. A Member may, by written notification to the Monitoring Officer, terminate the appointment of a substitute with immediate effect.

Powers and Duties

126. 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

127. At the commencement of a meeting at which a substitute is to attend as substitute they shall identify the member for whom they substitute, 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

128. 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. A member of the public so removed will not be entitled to return to the meeting, and may be subject to restrictions on their attendance at future meetings.

Clearance of part of meeting room

129. 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. All members of the public involved in the general disturbance will not be entitled to return to the meeting, and may be subject to restrictions on their attendance at future meetings.

USE OF MOBILE DEVICES DURING COUNCIL MEETINGS

130. During Council meetings all mobile devices should be switched to silent mode.
131. Texting and tweeting and filming are permitted providing it does not interfere with the conduct of the business.
132. The use of all mobile devices is prohibited during all Council meetings when the press and public are excluded in accordance with the Access to Information Rules at Part 3 of this Constitution.

SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

Suspension

133. 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

134. 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

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