

## CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE

**Date:** Friday 23rd October, 2020  
**Time:** 3.00 pm  
**Venue:** Virtual meeting

### AGENDA

Please note: this is a virtual meeting.

The meeting will be live-streamed via the Council's [Youtube channel](#) at 3.00 pm on Friday 23rd October, 2020

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Constitution and Members' Development Committee - 24 July 2020 3 - 6
4. Proposed Constitution Updates 7 - 18
5. Council Procedure Rules 19 - 36  
Verbal discussion
6. Any other urgent items which in the opinion of the Chair, may be considered.
7. Date of Next Meeting - Friday, 22 January 2021

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Date Not Specified

**MEMBERSHIP**

Councillors J Hobson (Chair), L Garvey (Vice-Chair), A Hellaoui, B Hubbard, J Rathmell, D Rooney, M Saunders, M Storey and J Thompson

**Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Caroline Breheny, ,**

**CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE**

A meeting of the Constitution and Members' Development Committee was held on 24 July 2020.

**PRESENT:** Councillors J Hobson (Chair), L Garvey (Vice Chair), A Hellaoui, B A Hubbard, J Rathmell, D Rooney, M Saunders, M Storey and J Thompson

**OFFICERS:** Caroline Breheny - Democratic Services Officer  
Sylvia Reynolds - Head of Democratic Services

**DECLARATIONS OF INTERESTS**

There were no declarations at this point in the meeting.

**1 MINUTES - CONSTITUTION AND MEMBERS' DEVELOPMENT COMMITTEE - 4 FEBRUARY 2020**

The minutes of the Constitution and Members' Development Committee held on 4 February 2020 were approved as a correct record.

**2 LOCALISM ACT 2011 – REPEAL OF LEGISLATION – DEALING WITH PETITIONS**

The Head of Democratic Services advised the Committee that the purpose of the report was to provide members with the opportunity to review the Council's current Petitions Scheme, as adopted at the Council meeting on 19 May 2010, following the repeal of legislation relating to the requirement for the Council to have a statutory Petitions scheme.

It terms of background information it was explained that the Local Democracy and Construction Act 2009, had made it a statutory duty for all Councils to adopt a formal petition scheme. However, the Localism Act 2011 had repealed the requirement for such a scheme, which had provided the opportunity for the current petitions scheme to be reviewed in order to provide greater clarity and flexibility in respect of dealing with petitions.

It was advised that whilst there was no longer a legal requirement for the authority to have a petitions scheme it was deemed appropriate to have a mechanism that allowed the public to highlight issues that were of importance to many people and required some form of response from the Council. It was noted that there had been some confusion with regards to the process for dealing with petitions received by the Council, which had resulted in some negative experiences by the public. The Head of Democratic Services stated that the revised petition scheme would provide greater clarity in respect of how petitions would be dealt with in the future.

A copy of the Draft Revised Petitions Scheme was attached at Appendix 1 of the report for Members' reference. The Head of Democratic Services suggested that at point 6) Exceptions to the Petitions Scheme there could be value in adding an additional circumstance for where a petition may not be dealt with under this scheme, namely where it may be politically contentious in the run up to elections.

Members were reminded that in order for a petition to be considered at the next ordinary Council meeting the petition must be submitted with a minimum of 10 clear working days' notice prior to the next ordinary Council meeting. This allowed for the necessary governance / administrative processes to take place.

Reference was made to the fact that Petition organisers were welcome to present their petition at full Council up to a maximum of five minutes. Councillors could then debate the petition for up to a maximum of 10 minutes.

It was noted that in relation to e-petitions these were welcomed by the Council. However, it was emphasised that they needed to follow the same guidelines as paper petitions and an individual's name, postcode and valid email address had to be included.

Members were afforded the opportunity to ask questions and the following issues were raised:-

- Reference was made to the fact that under the current petitions scheme 1500 or more signatories were required for the issue to be debated at full Council. Members of the Committee expressed the view that that number appeared particularly high especially in respect of any localised issues. There was a real need to listen to local communities and the view was expressed that the number be reduced to 500 or more signatories in order for it to be debated at full Council.

**AGREED** that the revised petitions scheme be submitted to full Council for approval, subject to a reduction in the number of signatories required, from 1500 to 500, for a petition to be debated at full Council.

### 3 MEMBERS DEVELOPMENT POLICY

The Head of Democratic Services presented the Members' Development Policy and advised the Committee that Middlesbrough Council was committed to supporting the ongoing development of all Members to enable them to perform effectively in their current roles, and to develop so that they could meet future challenges.

The key aims and objectives of the Member Development Policy were outlined as follows:

- to support the delivery of the Council's strategic priorities
- to respond to the ongoing organisational change within the Council
- to respond to councillors development priorities identified within the annual survey and Personal Development Plans in order to meet Members' individual development needs
- to establish a culture whereby continuous elected Member Development was seen as a key component to the success of the organisation;

In addressing those requirements the policy acknowledged that Members already possessed a range of skills. A further aim of the policy was to seek opportunities where the benefits of such skills might be shared (e.g. mentoring) and to identify and address skills gaps.

It was advised that the Members' Development Policy had been in place since 2018 and although there had been some minor amendments to the framework the majority of the Policy had remained the same. Members were invited to put forward any suggestions in respect of additional training they felt was necessary. In response the view was expressed that mandatory training on what it means to be a corporate parent should be provided to all Members, as a crucial and integral part of the induction programme. It was advised that some work had been undertaken with the Director of Children's Services and a set of actions for Members development formulated.

In terms of the budget available it was advised that a £20,000 training budget had been set aside in response to the Ofsted inspection and additional training in respect of Children's Services would be provided. It was also advised that the Members training budget had been increased for 2020/21 and there was no need for any additional funding to be requested at this time.

**AGREED** that the proposals outlined in the Members' Development Policy be approved and the additional training referenced in respect of Children's Services be provided in 2020/21.

### 4 EXECUTIVE / SCRUTINY PROTOCOL

The Head of Democratic Services advised that in May 2019 new Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities was issued by the Ministry of Housing, Communities and Local Government (MHCLG). The Statutory Guidance made reference to ensuring regular and early engagement between the Executive and Scrutiny. The Guidance stated that authorities should ensure regular and early discussions were held between Scrutiny and the Executive, especially regarding the latter's future work programme.

Authorities should, though, be mindful of their distinct roles.

It was suggested that one way in which this could be undertaken was via an Executive/Scrutiny Protocol, which could help define the relationship between the two and mitigate any differences of opinion before they manifested themselves in unhelpful and unproductive ways.

Members expressed the view that there would be benefits in developing an Executive/Scrutiny Protocol as it would provide a framework for disagreement and debate, and a way to manage it when it happened. The view was also expressed that one of the major issues with mayoral authorities was that a tremendous amount of power invested was in the Executive. An Executive / Scrutiny Protocol could therefore be critical in helping to secure Scrutiny's role in holding the Executive to account.

**AGREED** that an Executive / Scrutiny Protocol be drafted and presented to a future meeting of the Committee.

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<b>Report of:</b>	Director of Legal and Governance Services
<b>Submitted to:</b>	Constitution and Members' Development Committee – 23 October 2020
<b>Subject:</b>	Proposed Amendments/Additions to the Constitution

**Summary**

<b>Proposed decision(s)</b>
That the committee considers and endorses the proposed amendments to the following provisions within the Constitution. <ul style="list-style-type: none"> <li>a) Make-up of the Overview and Scrutiny Board.</li> <li>b) Council's Filming / Livestreaming Protocol</li> <li>b) Chairing and Votes of No Confidence</li> </ul>

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential:</b>	<b>Can be called-in:</b>
Decision	No	No	No

<b>Contribution to delivery of the 2020 - 2023 Strategic Plan</b>		
<b>People</b>	<b>Place</b>	<b>Business</b>
Not applicable	Not applicable	

<b>Ward(s) affected</b>
Not applicable

**What is the purpose of this report?**

1. The purpose of the report is to request the views of members with regard to;
  - a) Reviewing the Terms of Reference and political composition of the Overview and Scrutiny Board. The purpose of the review is to ensure that all of the individual Chairs of the six Scrutiny Panels have a seat on the Board.
  - b) Temporarily revising the Council's Filming Council Meetings protocol due to Covid 19 and the implementation of remote meetings.
  - c) Adding a section on the appointment of chairs and votes of no confidence as the Constitution is currently silent on these issues. And deleting the references at paragraph 21(f) and 57(b) of the Council procedure rules.

**Why does this report require a Member decision?**

2. The committee are appointed to consider changes to the Constitution before seeking approval from Full Council

## Report Background

3. **Overview and Scrutiny Board** - Up until the last elections which took place in 2019, there was a large majority in favour of one political party, and, as a consequence, because of political balance, almost all of the Chairs of the Council's Scrutiny Panels were taken up by members of that political party. Following the elections, and the political balance being close does not always allow all of those members who have been elected as a Scrutiny Panel Chair to automatically have a seat on the Board.
4. A number of different scenarios have been considered, including changing the number of members on the Board, but this still does not always allow for all of the Scrutiny Panel Chairs to be a member of the Board. The Chair of the Overview and scrutiny Board has been consulted and agrees with the proposed solution.
5. One option that could be considered is for all the Chairs of the individual Scrutiny Panel's to become Ex Officio (an obligation or privilege a person has, by virtue of their position, to serve on a board or committee) Voting members of the Overview and Scrutiny Board (see **Appendix 1**) . This would ensure that all Scrutiny Panel Chairs were automatically afforded a seat on the Board. The remaining seats could then be allocated, according to political balance.
6. **Filming / Livestreaming Protocol** - The Filming Council Meeting Protocol previously agreed by the Committee but not yet approved by Council was primarily developed to advise of processes for press and public when attending public meetings in person. Due to COVID all public Council and Committee meetings are now live streamed and member of the public access through Facebook or Youtube. Therefore filming/recording is not carried out in a way that may disrupt Council meetings. However, there are some elements that still remain relevant and will advise the public of current procedures for remote meetings. Therefore a revised protocol to deal with Live Streaming meetings is attached at **Appendix 2** for consideration.
7. **Chairing** - Due to major changes in political structures and the fluidity of group formation in the immediate period following the local elections, it was decided, at least for that municipal year that the Chairs of committees and panels would be appointed at the first respective meetings following the AGM. Historically such appointments take place at the Council's AGM, However, there is a lack of information in the current Constitution regarding the appointment of chairs as well as being silent on the point of votes of no confidence. Desktop research has been carried out of other local authorities and proposed additions / amendments for consideration are attached. **Appendix 3**. It is also proposed that references at paragraph 21(f) and 57(b) of the Council Procedure Rules be deleted as there may be occasions where the conduct of a member/chair may impact on the Council or the ability a committees/panels ability to run effectively.

**What decision(s) are being asked for?**



8, That the committee considers and endorses the proposed amendments to the following provisions within the Constitution;

- a) Make-up of the Overview and Scrutiny Board.
- b) Council's Filming / Livestreaming Protocol
- c) Chairing and Votes of No Confidence

### **Why is this being recommended?**

- 9. Continually keeping the Constitution under review provides clarification and ensures the Council has effective decision making processes

### **Other potential decisions and why these have not been recommended**

- 10. Maintaining the status quo leaves uncertainty and ambiguity for elected members.

### **Impact(s) of recommended decision(s)**

#### ***Legal***

- 11. No impact.

#### ***Financial***

- 12. No impact.

#### ***Policy Framework***

- 13. Not applicable. The report does not propose an amendment to the policy framework.

#### ***Equality and Diversity***

- 14. Not applicable.

#### ***Risk***

### **Actions to be taken to implement the decision(s)**

- 15. A report will be submitted to full Council for consideration of the proposed amendments a decision.

### **Background papers**

- 16. Surrey Heath; Adur & Worthing Borough Council and Harrowgate Council Constitutions

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Overview & Scrutiny Board

### **Purpose of the Committee**

The Overview and Scrutiny Board is the overarching vehicle by which the effectiveness of scrutiny is monitored and where work undertaken by themed panels can be coordinated to avoid duplication and to ensure that areas of priority are being reviewed. The Board also scrutinises general management matters relating to the Council and further details are given in the terms of reference below. The Overview and Scrutiny Board has oversight of performance information submitted to the Council's executive and also leads on scrutiny of the Council budget and associated information. 'Call-ins' of Executive decisions are also dealt with by the Board.

### **Quorum:**

**4**

### **Membership**

Seats:

7 Ex-officio members with full voting rights – Chair of OSB and 6 Scrutiny Panel Chairs

6 politically balanced places

### **Officials**

### **Remit**

The Overview and Scrutiny Board will have delegated power to appoint and disband such scrutiny panels as it thinks fit, and if appropriate after receiving a report from a scrutiny panel, will exercise the following functions of the Council:-

- (a) On behalf of the Council to scrutinise executive decisions.
- (b) On behalf of the Council to scrutinise recommendations by the Executive to the Council.
- (c) Following use of the Council's Call-in procedure to refer back executive decisions once only, PROVIDED that the decision in question shall not already have been actioned. References back must contain details of the Board's concerns together with any revisions proposed.
- (d) To scrutinise the performance of Council services.
- (e) To scrutinise statutory plans of the Council.

(f) To invite attendance by appropriate individuals to advise (as an 'expert witness') the Board in exercising its role. Such individuals will have expertise in the area subject to scrutiny; e.g. they may be a service user or a professional in the relevant discipline.

(g) To question members of the executive relating to the scrutiny of executive decisions and recommendations and the performance of Council services.

(h) To question chief officers, or any other officer after consultation with the chief officer, relating to the scrutiny of service performance and reports on which executive decisions are based.

(i) To make recommendations to the Council on issues arising from scrutiny of executive decisions, recommendations and performance including for example recommendations that an area of Council policy should be reviewed. Such recommendations must be contained in a report which the executive will see, and have the opportunity to comment on, in draft form before it is finalised and submitted to Council.

(j) To monitor compliance with audit, external inspectorate reports following their consideration and adoption by the Executive and Council.

(k) To scrutinise and monitor matters relating to Council budgets, audit and resources issues.

(l) To refer any significant internal control issues to the Corporate Affairs and Audit Committee.

(m) To review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, and

(p) To make reports or recommendations to the local authority with respect to the discharge of those functions.

(q) To consider Councillor Calls for Action.

\* NB Church and Parent Governor Co-opted Members will exercise their vote only when the Board considers any education or education related matters.

### **Restrictions:**

No Member of the Executive may sit on the Board

### **Meetings**

4 Weekly

**Council Meetings – Live Streaming and Public Access**

1. Due to Covid 19 all Council and Committee meetings are currently being held remotely and therefore the filming and recording of Council meetings by the press and public have been suspended.
2. However, all formal public meetings are now to be live streamed through the Council's YouTube or Facebook Channel
3. The regulations that govern this are the 'Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020' and they apply to local authority and Parish Council meetings that are required to be held, or held, before 7th May 2021.

**Members and Officer Participation**

4. The Council will use WebEx as its remote meeting tool.
5. Any Member participating in a meeting remotely, must when they are speaking, be able to be heard (and ideally seen) by all other Members in attendance, and the remote participant must, in turn, be able to hear (and ideally see) those other Members participating.
6. Officers participating in a meeting must be able to be heard, and ideally seen when speaking during the meeting. Officers/ Members observing meetings should turn off their sound and video for the avoidance of doubt.

**Public Participation**

7. There is still a requirement to ensure that meetings are open to the public, however this now includes access by remote means, including video conferencing, live webcast and live interactive streaming. Where a meeting is accessible to the public through such remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
8. The Council will endeavour to facilitate public access by live streaming meetings via the Council's YouTube or Facebook account. Meetings will be made available to view on the Council's website, so that the public can observe the meetings as they take place.
9. Public inspection of any agenda items will be via the Council website only.
10. Members of the public who are invited to participate at a meeting should be aware that they are considered to be part of the public meeting and therefore will be live streamed and recorded. If a member of the public who wishes to speak at

a meeting does not want to be filmed/photographed/recorded they should say so when they register their interest to speak and the Council will advise on how to switch off the video function within WebEx. The Council cannot control what data processing takes place by third parties or the public.

### **Arrangements for Confidential/Part B items of business**

11. The Council have arrangements in place which will enable Members to go into a private session that is entirely separate to the public meeting to enable such matters to be dealt with in private.

### **Moving or cancelling/rearrange remote meetings**

12. The Monitoring Officer may, following consultation with the Chair of the relevant remote meeting move or cancel or rearrange a remote meeting without further notice.

### **Commenting on social media**

13. Prior to the meeting and as part of the post containing the live video we ask those commenting on social media to show respect for others and abide by the Facebook Community Standards.
14. Social media comments will be monitored (but not responded to) and unacceptable comments will be removed.
15. Users will be asked to keep their points to the discussions taking place. Any posts that are offensive or which contain personal comments about any individual present will be removed and users advised that their access may be restricted/blocked.

### **Legal**

16. The Council is a Data Controller under the General Data Protection Regulation (EU) 2016 and the Data Protection Act 2018 for its own filming/recording. Personal data collected during this time will be retained for 6 Months in line with the Council's Records Management policy. Further information on your rights are contained in the Democratic Services Privacy Notice which can be found on the Council website.
17. Public recording/reporting of Council's meetings is also subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act 1998, the General Data Protection Regulation (EU) 2016 and Data Protection Act 2018 and the laws of libel and defamation. Freedom of speech within the law should be exercised with personal and social responsibility, showing respect and tolerance towards the views of others.

**CHAIRING**

1. The Council will appoint chairs and vice-chairs of the Council and all committees and scrutiny panels at its Annual Meeting.
2. Where there is a vacancy for Chair, the Vice Chair will act as Chair until the council fills the vacancy *at the next general full council meeting*.
3. Written notice of the resignation of a Chair or Vice Chair will be effective on receipt by the Monitoring Officer
4. In the absence of the chair and vice-chair at a meeting, the committee will appoint a chair for that meeting or part of that meeting, as appropriate. The person presiding at the meeting may exercise any power or duty of the chair.
5. Chairs and (where required) Vice Chair of sub-committees of main committee/s will be appointed by the parent committee.
6. The Council may at any time remove a Chair or Vice Chair of a committee.
7. A joint meeting should appoint a member to chair the meeting.
8. No member of the Executive will chair any meeting of the Council, Overview and Scrutiny Board; a Scrutiny Panel or the Corporate Affairs and Audit Committee.

**No Confidence-**

9. Motions of no confidence in a Chair of a committee /scrutiny panel may be moved in a committee meeting as an interim measure. However, the Council appoint Committee Chairs, therefore a confidence motion relating to a Chair of Committee has to be approved by Full Council as a non-delegated item, with a recommendation that a new Chair be appointed by Council.

**Raising a No Confidence Motion**

***Committee and Scrutiny Chairs***

10. Any member of a committee, Overview and Scrutiny Board or any Scrutiny Panel shall be entitled to give notice to the Monitoring Officer or the Head of Democratic Services that they wish an item relevant to the Committee's function to be included on the agenda for the next available meeting (7 clear working days notice prior to of the appropriate committee). The request must contain detailed reason for the motion.
11. The Monitoring Officer will ensure it is included on the next available agenda as the first item for consideration. Where it is not feasible to give the required notice, then a Member of that Committee after consultation with the Monitoring Officer

may move that an urgent agenda item is considered at the meeting. Under the law, only the Chair can admit urgent items of business - failure of the Chair to admit a confidence motion in respect of him/herself may be submitted as a Notice of Motion to Council.

12. For consideration of such a motion, the Chair shall cease to be Chair of the Committee for that item and shall be an Ordinary Member of the Committee. The Monitoring Officer, or their representative, will act as Chairperson of the Committee during consideration of the motion.
13. Where a Member wishes to bring a confidence motion against the Chair of a Committee of which they are **not a Member**, it should be brought as a notice of motion to the Council under the Council's Procedure Rules.
14. The motion, after debate, shall be carried if it is agreed by a majority of at least two thirds of the **Members** present the Chair shall immediately stand down and the remainder of the Meeting shall be chaired by the Vice-Chairperson or, in his/her absence, or if he/she was acting as the Chairperson and the subject of the vote, by a Member elected for that purpose by the Meeting.
15. Following a successful vote of no confidence in the Chair, he/she shall not officiate at any subsequent Meeting of the Committee prior to the next meeting of the Full Council.
16. If the Council does not confirm the vote by a simple majority, the Member remains as Chairperson of the Committee.

### ***Mayor and Executive***

17. A confidence motion against an Executive Member may be brought at Council under the Council's Procedure Rules but the Executive Member can only be removed by the elected Mayor
18. A confidence motion against the Elected Mayor may be brought at Council under the Council's Procedure Rules, however by law the Mayor remains in office until resignation, disqualification or the appointment of a successor, so the Mayor cannot be dismissed by Council by a vote of no confidence.
19. Only 1 vote of no confidence can be considered in any 12 month rolling period.

### ***Chair of the Council***

20. A confidence motion against the Chair of the Council may be brought at Council under the Council's Procedure Rules.
21. Only 1 vote of no confidence can be considered in any 12 month rolling period.

### **No Confidence Motions at Council**



22. Members must give notice to the Monitoring Officer or the Head of Democratic Services that they wish put a motion to Full Council (7 clear working days notice prior to of the appropriate Council Meeting).

23. The Council shall consider whether to confirm the vote of no confidence. If by a simple majority they decide to confirm the vote, the office of Chair of the relevant Committee shall be declared vacant and the Council shall elect a new Chair.

***Procedure***

24. *Where motions of confidence are moved, the rules of debate will not strictly be applied and in accordance with the rules of natural justice, the defendant (Chair or Mayor, Executive Member) will have the right to speak last, though the mover will have the right to respond immediately before the last speaker.*

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**PART 3**  
**RULES OF PROCEDURE**  
**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.
- (k) The Mayor's address

### **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.

(c) Unless it appears to the Chair, in consultation with the Monitoring Officer, that the matter to be discussed at an Extraordinary Council meeting is so time-sensitive as to require an earlier meeting, all Extraordinary Council meetings requested will be convened for the rise of the next scheduled Ordinary Council meeting.

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, offensive, or contains obvious falsehoods;
- (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 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,

and the Chair's decision in relation to the acceptability or otherwise of any submitted question shall be final.

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. If accepted, the proposer of the motion shall read that motion out loud at Council, to ensure clarity for all Members. 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 as resubmitted **(simple majority vote)**; or as further amended **(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, if able, 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. Where a Member is part of a political group, any substitute they seek to appoint shall be from the same political group.

### **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.