

## **PART 3.2 PROCEDURE RULES FOR MEETINGS OF FULL COUNCIL, COMMITTEES AND SUB-COMMITTEES**

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## **Part 1 Introduction**

### **Rule 1: General Provisions**

#### **Application**

- 1.1 These Procedure Rules apply to meetings of the Council, Committees or Sub-Committees of the Council. Unless either expressly stated to the contrary or the context suggests otherwise, then any references to 'the Council' will be taken as including references to a Committee or Sub Committee, while any references to 'the Mayor' shall be taken as including references to the Chair of a Committee or Sub-Committee. Where there is any inconsistency between these rules and the Budget and Policy Framework Procedure Rules or the Health Overview & Scrutiny Procedure Rules, the latter shall prevail. In the application of these rules to Committees and Sub-Committees, greater informality may be exercised at the discretion of the Chair.

#### **Amendment of Rules**

- 1.2 These Procedure Rules may only be varied, revoked or added to by resolution of the Council. No arrangements shall be made whereby any Committee, Sub-Committee or officer may exercise any power of the Council to vary, revoke or add to these Procedure Rules.
- 1.3 Except where recommended by a Committee, any motion to amend, revoke or add to these Procedure Rules shall be referred without discussion to the Policy, Resources and Growth Committee for consideration and report.

#### **Interpretation**

- 1.4 The ruling of the Mayor or person presiding at the meeting as to the construction or application of any of these Procedure Rules shall not be challenged at any meeting.
- 1.5 The definition section (Procedure Rule 31) shall apply for the purpose of interpreting expressions used in these rules. The headings and sub-headings are not part of the Procedure Rules.

#### **Service of Notices and Other Documents**

- 1.6 Any notice, requisition, or other document which under these Procedure Rules is required to be given or delivered to the Chief Executive or to his office may be sent by letter, fax or e-mail, but shall not have been properly given or delivered until it has been received by the Chief Executive at Hove Town Hall, Norton Road, Hove.

#### **Suspension of Rules**

- 1.7 Subject to Procedure Rule 1.8 below, these Procedure Rules may be suspended by the Council provided that notice of the intention to move suspension has been included in the agenda for the meeting or at least

one half of the number of Members of the Council are present.  
Suspension can only be for the duration of the meeting.

- 1.8 This Procedure Rule and Procedure Rules 12.1, and 27.4, are not capable of being suspended.

## **Part 2: Meetings of the Council**

**Note:** Annual meetings take place once a year as required by law and the Council may have ordinary meetings (meetings on days scheduled in advance) or extraordinary meetings (unscheduled meetings to deal with matters that cannot wait until the scheduled Council meeting).

### **Rule 2: Annual Meeting**

#### **Timing**

- 2.1 In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within twenty one days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place during March, April or May. In accordance with custom and practice, wherever reasonably practicable, the Annual Meeting shall take place on a Thursday in May.

#### **Agenda**

- 2.2 The Annual Meeting of the Council will:
- (a) elect a person to preside if the Mayor is not present;
  - (b) elect the Mayor;
  - (c) elect the Deputy Mayor;
  - (d) approve the minutes of the last meeting;
  - (e) receive any announcements from the Mayor and/or the Chief Executive;
  - (f) elect the Leader of the Council if required (see Procedure Rule 18.10);
  - (g) appoint at least one Overview and Scrutiny Committee, an Audit and Standards Committee and such other Committees as the Council considers appropriate;
  - (h) receive nominations to outside bodies where the making of appointments to those bodies is a Council function;
  - (i) consider any business set out in the notice convening the Annual Meeting.
- 2.3 The order of business set out in Procedure Rule 2.2 may be varied by the Mayor.

### **Rule 3: Ordinary Meetings of the Council**

#### **Meeting Days**

- 3.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council or the Policy, Resources and Growth Committee.

#### **Time and Place**

- 3.2 The time and place of the meeting will be determined by the Chief Executive. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Except in cases of urgency, at least five clear working days before a meeting, the Chief Executive will send a summons signed by him/her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **Rule 4: Extraordinary Meetings of the Council**

#### **Extraordinary Meeting called by the Mayor**

- 4.1 The Mayor may at any time call an extraordinary meeting of the Council and shall do so when such a meeting is required under the Budget and Policy Framework Procedure Rules.
- 4.2 If the Mayor is unable to act for any reason, the Deputy Mayor may at any time call an extraordinary meeting of the Council.
- 4.3 If the offices of both Mayor and Deputy Mayor are vacant, or if neither the Mayor nor Deputy Mayor are able to act for any reason, the Leader of the Council or the Policy, Resources and Growth Committee may at any time call an extraordinary meeting of the Council.

#### **Extraordinary Meeting Requisitioned by Members**

- 4.4 An extraordinary meeting of the Council may be called by submission of a requisition signed by at least five Members, specifying the business to be transacted. The requisition shall be delivered to the Chief Executive (see Procedure Rule 1.6). The extraordinary meeting shall be called within seven days of receipt of the requisition by the Chief Executive to take place as soon as reasonably practicable.

#### **Extraordinary Meeting called by Council or Officers**

- 4.5 Extraordinary meetings of the Council may also be called by the Chief Executive, the Monitoring Officer; or by resolution of the Council meeting itself.

- 4.6 No extraordinary meeting shall be called unless it is proposed to transact at the meeting business which, in accordance with statute and these Procedure Rules, may be transacted at a meeting of the Council.

### **Rule 5: Person Presiding at Meetings of the Council**

- 5.1 Any power of the Mayor in relation to the conduct of a meeting of the Council may be exercised by the person presiding at the meeting.
- 5.2 If it is necessary to choose a person to preside in the absence of the Mayor and Deputy Mayor the Chief Executive shall invite nominations and shall conduct the discussion in accordance with the powers of the Mayor.

### **Rule 6: Quorum of Meetings of the Council**

#### **Quorum**

- 6.1 The quorum for Council meetings shall be fourteen.
- 6.2 If, at the beginning of or during any meeting of the Council, the Mayor declares that there is not a quorum present, the meeting shall stand adjourned for fifteen minutes.
- 6.3 If after fifteen minutes, the Mayor should declare that there is still no quorum present, the meeting shall not take place or shall end, as the case may be. Remaining business shall be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date, the remaining business shall be considered at the next ordinary meeting.

### **Rule 7: Order of Business at Meetings of the Council**

#### **Order of Business**

- 7.1 The order of business at every meeting of the Council shall normally be:
- (a) In the absence of the Mayor and Deputy Mayor to choose a Member of the Council to preside;
  - (b) To receive declarations of interest;
  - (c) At the Annual Meeting, or at any other meeting after the office of Mayor has become vacant, to elect a Mayor;
  - (d) At the Annual Meeting, or at any other meeting after the office of Deputy Mayor has become vacant, to elect a Deputy Mayor;
  - (e) To approve as a correct record the minutes of the last meeting of the Council, and of any earlier meeting of which the minutes have not been already approved, and for the person presiding to sign them;
  - (f) To receive communications from the Mayor;



- (g) Where the meeting has been requisitioned under Procedure Rule 4, to consider the business specified;
- (h) To consider business expressly required by statute to be decided by the Council;
- (i) To receive petitions and e-petitions;
- (j) The asking and answering of questions from members of the public;
- (k) The hearing of depositions from members of the public;
- (l) To consider petitions to be debated by the Council;
- (m) The asking and answering of questions by Members;
- (n) To consider items of business (if any) remaining from the last meeting;
- (o) To receive and consider reports, minutes and recommendations of Committees;
- (p) To consider any reports of the Health Overview and Scrutiny Committee for debate
- (q) To consider notices of motion;
- (r) To consider any other business specified in the summons for the meeting including business for which a motion to exclude the press and public is to be put to the Council.

#### **Variation of Order of Business**

- 7.2 The order of business in Procedure Rule 7.1 may be varied by direction of the Mayor or by resolution of the Council.

#### **Urgent Items**

- 7.3 If the Mayor decides that an item of business not included in the agenda for the meeting may be taken for reasons of urgency, such reasons must be specified and noted in the minutes and that item will be taken at the end of other items of business unless otherwise decided in accordance with Procedure Rule 7.2 above.

#### **Withdrawal of items from the Agenda**

- 7.4 After consulting the Group Leaders (or a group member acting on behalf of a political group) the Mayor may remove or withdraw any item of business from the agenda for the meeting. Consultation may take place before or during the meeting and the Mayor may (if he/she considers appropriate) adjourn the meeting for the purposes of undertaking the consultation.

### **Part 3: Notices of Motion, Questions, Petitions and Deputations**

#### **Rule 8: Notices of Motion**

##### **Procedural Requirements**

- 8.1 Notice of every motion, other than a motion which under Procedure Rule 13 may be moved without notice, shall be given in writing. It shall

be signed by not fewer than two Members of the Council and delivered to the Chief Executive (see Procedure Rule 1.6) by not later than 10.00 am on the ninth working day before the relevant Council meeting.

#### **Number of Notices of Motion**

- 8.2 The maximum number of notices of motion to be presented at a Council meeting shall be as follows:
- the three largest Political Groups: 2 each
  - any other Group: 1
- 8.3 Any Member not belonging to a Political Group may present not more than 1 notice of motion, at the discretion of the Mayor.
- 8.4 Where Members of a Political Group submit more than the permitted maximum number of notices of motion, the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from members of a Group shall be taken in the order in which they are received, up to the permitted maximum number.

#### **Substantive and Declaratory Motions**

- 8.5 A notice of motion shall be placed on the agenda for the Council meeting unless the Members submitting the motion ask that it be first considered by a Committee or Sub-Committee. However, if the motion includes a proposal for the Council to take any substantive action or incur any expenditure (substantive motion) it shall only be considered to the extent that either the matter is noted by the Council or is referred to the relevant Committee or Sub-Committee for consideration.
- 8.6 The Policy, Resources and Growth Committee or the Monitoring Officer may issue guidance on the application of Procedure Rule 8.5 above.

#### **Members' Right to Speak**

- 8.7 When a notice of motion is taken at a meeting of a Committee or a Sub-Committee, a Member who has signed the motion shall have the right to attend and address the meeting.

#### **Reporting of Outcome of Notice of Motion**

- 8.8 A notice of motion referred to a Sub-Committee will be reported to the next meeting of the parent Committee and to the next meeting of the Council under Procedure Rule 24. A notice of motion referred to a Committee will be reported to the next meeting of the Council for information.

#### **Moving a Motion**

- 8.9 A motion of which notice has been given must be moved at Council either by a Member who gave the notice or by some other authorised Member (authorised by the Mayor). If no such Member moves the motion it shall be postponed by consent of the Council, or treated as withdrawn.

### **Relevance**

- 8.10 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Authority, the area of Brighton & Hove and/or its inhabitants.

### **Consultation**

- 8.11 Where the Council is in the process of consulting with the public on a proposal, no notice of motion expressing support or objecting to the proposals shall be accepted.

## **Rule 9: Questions**

### **Written Questions from Members**

#### **Notice**

- 9.1 If a Member of the Council wishes to ask a question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or, (d) a Member of the Council appointed by the Authority to any external body or joint authority, he/she shall give notice in writing to the Chief Executive of the question (see Procedure Rule 1.6) by not later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.

#### **List of Questions**

- 9.2 A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked.

#### **Waiver of Notice Requirements**

- 9.3 If the Mayor considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Council although due notice of the question has not been given, and if the Mayor is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he/she may permit the question to be asked.

#### **Answers**

- 9.4 The questions included on the list of questions at Procedure Rule 9.2 above shall be taken as read at the Council meeting. The question will be answered by a written answer made available at the Council meeting, but the person to whom the question has been put may decline to answer it on the condition that he/she provides a written reason for such a decision at that time. No supplementary questions shall be permitted on written questions.

### **Form of Answers**

- 9.5 An answer to a question may be given by the person to whom it is addressed or by a person on his/her behalf, and may take the form of a written answer, which shall be circulated to Members of the Council as soon as reasonably practicable.

### **Oral Questions from Members**

- 9.6 A period of not more than thirty minutes shall be allowed for oral questions from Members, at the expiry of which the meeting shall proceed to the next business.
- 9.7 If a Member of the Council wishes to ask an oral question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or, (d) a Member of the Council appointed by the Authority to any external body or joint authority, he/she shall give notice in writing to the Chief Executive of the subject matter of question (see Procedure Rule 1.6) by not later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.
- 9.8 Oral questions shall relate to matters of general policy only. Questions of a technical or purely operational nature may be disallowed by the Mayor, or the Member to whom such a question is directed may decline to answer or state that a written answer will be provided.
- 9.9 In deciding whether a question is technical or operational in nature, as opposed to a matter of general policy, the Mayor and Members shall have regard to any guidance issued by the Monitoring Officer.
- 9.10 Oral questions shall be taken in the following order:
- Leader of the Official Opposition
  - Leader(s) of any other opposition Group(s) in order of diminishing numbers of Group members
  - Members of the Groups in order of diminishing size of the Group they belong to
- 9.11 Each Group shall submit to the Mayor in advance of the meeting the order in which they wish their questions to be taken. The Mayor shall have regard to, but not be bound by, these submissions.
- 9.12 The Mayor may allow an Independent Member to ask a question.
- 9.13 A Member may ask no more than one oral question at the same Council meeting.
- 9.14 A Member asking an oral question (but no others) may ask one relevant supplementary question which shall be put and answered without discussion.

### **Application of Rules to Other Meetings**

- 9.15 The rules as to oral questions from Members set out in Procedure Rules 9.7 to 9.14 shall not apply to meetings of Committees and Sub-Committees. Instead the procedure on written questions shall apply to such meetings providing that a Member who asked a question may ask one relevant supplementary question which shall be put and answered without discussion.

### **Oral Questions from Members on Reports**

- 9.16 A Member of the Council may ask the Chair or other Member of a Committee who will be moving, or has moved, the reception of a report an oral question upon an item of the report, either at the time provided for Members' questions under Procedure Rule 7.1 or when that item is under consideration by the Council. The Member who will be moving, or has moved, the reception of that report may, at his/her discretion, nominate another Member to reply to the question.

### **Relevance**

- 9.17 Any written or oral question from Members asked under Procedure Rules 9.1-9.16 above shall be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or some or all of the inhabitants of that area, and does not relate to any personal or individual matter.

## **Public Questions**

### **Public Question Time**

- 9.18 A period of not more than fifteen minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the Authority at each ordinary meeting of the Council.

### **List of Questions**

- 9.19 A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked.

### **Procedural Requirements**

- 9.20 A public question shall be put at a Council meeting provided that:-
- (a) a copy of the question has been delivered to the office of the Chief Executive (see Procedure Rule 1.6) by not later than 12 noon on the second working day after publication of the agenda of the meeting at which it is to be put;
  - (b) the name and address of the questioner is indicated on the question;
  - (c) the questioner is present at the time when the question is put;
  - (d) the questioner is not presenting a petition or deputation on the same, or substantially the same, issue at the same meeting.

### **Length of Questions**

- 9.21 A question shall not exceed 100 words in length. The Chief Executive, after consultation with the questioner, may summarise a question to comply with this requirement.

### **Formal Referral of Questions**

- 9.22 If the Mayor considers that it would be more appropriate to do so, a question received for submission to Council may instead be referred to the relevant Committee or Sub-Committee (but not Joint-Committee) for answer and shall be dealt with in accordance with the Council's Protocol for Public Questions at Committee and Sub-Committee meetings which forms Part 8.9 of the Constitution.

### **Waiver of notice requirement**

- 9.23 If the Mayor considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the Council although due notice of the question has not been given, and if the Mayor is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he/she may permit the question to be asked.

### **Putting Questions**

- 9.24 Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions. Any question shall be notified to the relevant Member of the Council and shall be put to such Member at the Council meeting by the questioner.

### **Answers**

- 9.25 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion.

### **Form of Answers**

- 9.26 An answer may take the form of:-
- (a) a direct oral answer; or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer given to the member of the public submitting the question and circulated to the Council.
- 9.27 No questioner may submit more than one question for answer at the same meeting.
- 9.28 Any question properly submitted but not dealt with at the Council meeting shall be answered in writing to the questioner as soon as reasonably practicable after the meeting.

## **Rule 10: Petitions**

### **Presentation and Notice of Petitions**

- 10.1 At a meeting of the Council any Member of the Council or a member of the public may present a petition which has been submitted in accordance with the Council's scheme for handling petitions, which is set out in Part 8.10 of the Constitution.
- 10.2 All petitions that Members or the public wish to either trigger a debate at full Council or present for decision at the appropriate Committee shall be referred to Democratic Services no less than ten working days in advance of the relevant meeting.
- 10.3 The Mayor/Chair will have the discretion to take a late petition if it relates to an officer report which is before the meeting for consideration.
- 10.4 The presentation of the petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition and indicating the number and description of the signatories.

### **Action following Petitions**

- 10.5 A petition with less than 1250 signatories presented to the Council meeting shall be received without discussion and shall be included on the agenda for the next available meeting of the relevant Committee or Sub-Committee. The Member of the Council or member of the public presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme.

### **Debate on Petitions**

- 10.6 A qualifying petition with 1250 or more signatures will trigger a debate at Council, except where the petition is asking for a senior officer to give evidence.
- 10.7 A petition meeting the criteria set out at Procedure Rule 10.6 above may be debated at the meeting at which it is presented or at a later meeting.
- 10.8 There shall be a guillotine on the debate on the petition of fifteen minutes, after which the vote will be put, unless the Mayor at his or her discretion extends the debate.
- 10.9 The Council will decide how to respond to the petition and shall decide either:-
  - To take the action the petition requests;

- Not to take the action the petition requests for reasons stated in the debate;
- To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular committee or body for their views;
- To refer the petition to the relevant Committee or Sub-Committee, in which case the Council may make recommendations to the relevant Committee or Sub-Committee.

### **Rule 11: Deputations**

- 11.1 A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public.

#### **Procedural Requirements**

- 11.2 A deputation shall be heard provided that by not later than 12 noon on the second working day after publication of the agenda of the relevant Council meeting:
- (a) notice has been given to the Chief Executive in accordance with Procedure Rule 1.6, which complies with paragraphs (b) to (d) below;
  - (b) the subject matter and substance of the deputation is notified in writing in the form of a written summary. A deputation shall not exceed one side of A4 in length. Accompanying material may be supplied and should comprise no more than 2 sides of A4 paper;
  - (c) the names, addresses and organisation (if any) of the persons forming the deputation, to be a minimum of five and no more than twelve, indicating which one person is to speak, are notified in writing (note - the addresses of those persons forming the deputation will not be published by the Council, but details of the ward(s) in which they are located will be circulated to the Council meeting);
  - (d) A person forming the deputation is not presenting a petition or question on the same, or substantially the same, issue at the same meeting.

#### **Time allocated for Presentation**

- 11.3 Each deputation may be heard for a maximum of five minutes following which one Member of the Council, nominated by the Mayor, may speak in response. It shall then be moved by the Mayor and voted on without discussion that the deputation be thanked for attending and its subject matter noted.



### **Action following Deputation**

- 11.4 The subject matter of a deputation heard at the Council meeting shall be included on the agenda for the next available meeting of the relevant Committee or Sub-Committee. The persons forming the deputation shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in relation to the matters set out in the deputation.

### **Rejection of Public Questions, Petitions and Deputations**

- 11.5 The Chief Executive or Mayor may reject a petition, deputation or public question if, following consultation with the Monitoring Officer, it is in his/her opinion:

- not about a matter for which the Authority has a responsibility or which affects the City
- In the case of a Committee or Sub Committee, it is determined by the Chief Executive, following consultation with the Monitoring Officer, that the meeting to which the question has been addressed is not the appropriate forum;
- defamatory, frivolous or vexatious;
- the same, or substantially the same, as a petition, deputation or public question which has been put at a meeting of a Committee or a Sub-Committee in the past six months;
- requires the disclosure of confidential or exempt information;
- from a member of staff on matters affecting them as employees; or
- otherwise inappropriate.

If the Chief Executive or Mayor rejects a public question, petition or deputation, then his/her decision is final.

## **Part 4: Conduct of Meetings**

### **Rule 12: Minutes**

- 12.1 Minutes of every meeting of the Council, Committees and Sub-Committees shall be submitted to and signed at the next following ordinary meeting of the body concerned.
- 12.2 The Mayor or Chair shall put the question that the minutes submitted to the meeting be approved as a correct record.
- 12.3 No discussion shall take place upon the minutes, except upon their accuracy. Any question as to accuracy shall be raised by motion. The Mayor or Chair shall then sign the minutes.

- 12.4 The minutes shall record the names of Members present and any decisions taken at the meeting. To assist with the record of attendance all Members present during the whole or part of any meeting must sign their names on an attendance sheet before the conclusion of the meeting.
- 12.5 The minutes will be recorded in a book of loose leaf pages and when signing the minutes, the Mayor or Chair shall sign each page of the approved minutes.
- 12.6 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under clause 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of clauses 41(1) and (2) of schedule 12 of the above Act relating to signing of minutes.

### **Rule 13: Motions and Amendments**

#### **Motions where Notice is Not Required**

- 13.1 The following motions may be moved without notice at any meeting:
- (a) to elect in the event of a vacancy a Mayor, or Deputy Mayor, or Chair, or Deputy Chair or to appoint a person to preside at the meeting at which the motion is made;
  - (b) motions relating to the accuracy of the minutes;
  - (c) motions relating to a change in the order of business;
  - (d) motions extending the time limit for speeches;
  - (e) “that the Council (or Committee or Sub-Committee) proceed to the next business”;
  - (f) “that the question be now put”;
  - (g) “that the debate be now adjourned”;
  - (h) “that the Council (or Committee or Sub-Committee) do now adjourn”;
  - (i) motions as to the termination of meetings;
  - (j) motions relating to the suspension of these Procedure Rules without notice;

- (k) motions to exclude the public from a meeting where there is likely to be otherwise disclosure of exempt or confidential information, in accordance with the Access to Information Procedure Rules set out in Part 7.1 of the Constitution;
- (l) motions giving consent of the Council, Committee or Sub-Committee where it is required under these Procedure Rules;
- (m) motions to appoint a Committee or Member arising from an item on the summons for the meeting;
- (n) motions to refer a petition which has been presented to the Council or any other matter to a Committee or Sub-Committee or other appropriate body or individual for consideration;
- (o) motions relating to deputations under Procedure Rule 11.3.

#### **Moving Recommendations**

- 13.2 On consideration of a report or a recommendation from a Committee, Sub-Committee or officer, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice.

#### **Amendment to Motions**

- 13.3 Subject to the requirements of Procedure Rule 15.4 as to notice, an amendment to a motion may be moved, but shall be relevant to the motion. No amendment shall be moved to an amendment.
- 13.4 An amendment shall be either to refer the matter to a Committee, Sub-Committee or an officer for consideration, to leave out some or all words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.

#### **Alteration/Withdrawal of Motions/ Amendments**

- 13.5 With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion of which he/she has given notice;
  - (b) with the further consent of the seconder, alter a motion which has been moved and seconded; if the alteration is one which could be made as an amendment.
- 13.6 With the consent of the seconder and the meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No Member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.

### **The 6 Month Rule**

- 13.7 At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period. Such a motion may be moved if it is recommended by a Committee or Sub-Committee or notice of such motion has been given by as many Members as will constitute a quorum of the Council (fourteen) on the summons to the meeting.

### **Consent**

- 13.8 Where the consent of the Council, Committee or Sub-Committee is required for anything, that consent may be given either by the Mayor or Chair asking the meeting whether there are any objections to the consent being given, and if no objection is raised, giving that consent, or if objection is raised or if the Mayor or Chair so chooses, by a motion moved, seconded and put to the meeting.

## **Rule 14: Written Reports**

- 14.1 No report upon which decisions are proposed to be made shall be taken at any meeting of the Council, a Committee or Sub-Committee, unless it is in writing.
- 14.2 Verbal amendments and additions to written reports may normally be made unless the effect of them is to nullify the recommendations in the report and replace them with others. Where exceptionally amendments and additions are not allowed for special reasons, then those must be recorded in the minutes.
- 14.3 With the agreement of the Mayor or Chair then unless any member objects, officers may revise or modify recommendations to reports where it is considered necessary to do so to ensure technical accuracy or to facilitate an agreed outcome.
- 14.4 Where petitions under Procedure Rule 10, Members' letters under Procedure Rule 23.3, motions under Procedure Rule 8 or deputations under Procedure Rule 11, are referred to a Committee unaccompanied by a written report, the Committee may discuss the petition, letter, motion or deputation, as the case may be, in general terms and note the same, or ask for an officer report on the matter. No decision which requires the Council to take substantive action or incur expenditure may be taken in response to a request in a petition, notice of motion or otherwise in the absence of an officer report.

## **Rule 15: Rules of Debate (All Meetings)**

### **General**

- 15.1 The rules of debate in this Procedure Rule shall apply to all meetings of the Council, Committees and Sub-Committees. In the case of Committees and Sub-Committees, however, the Council recognises that a greater informality may be exercised by the Chair in order to efficiently transact the business before the meeting. Such informality shall be at the discretion of the Chair.

### **Seconding Motions and Amendments**

- 15.2 A motion or amendment shall not be discussed unless it has been proposed and seconded.

### **Reserving Speech**

- 15.3 When seconding a motion or amendment, a Member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.

### **Notice of Amendments**

- 15.4 Copies of amendments will be prepared and circulated prior to the start of a Council meeting only if such amendments are presented to the Chief Executive by 10.00am on the day of the Council meeting. Amendments for which notice has not been given may be permitted at any time at the discretion of the Mayor or Chair if he/she considers it appropriate with regard to the complexity of the matter, the question of whether notice has been given as soon as is reasonably practicable and any other circumstances that appear to be relevant. Such amendments shall be put in writing unless the Mayor or Chair exercises his/ her discretion to allow an amendment to be put orally.

### **Taking of More Than One Amendment at a Time**

- 15.5 More than one amendment may be moved and discussed at any one time and will be dealt with at the discretion of the Mayor or Chair.
- 15.6 If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.

### **Speeches**

- 15.7 If two or more Members offer to speak, the Mayor or Chair shall call on one to speak.
- 15.8 When speaking, a Member shall address the Mayor or Chair.
- 15.9 A Member shall direct his/her speech to the question under discussion, or to a personal explanation or to a point of order under the provisions of the next Procedure Rule.

### **Points of Order**

- 15.10 A Member claiming to speak on a point of order or in personal explanation shall be entitled to be heard forthwith. The point of order shall relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and the way in which the Member raising it considers that it has been broken. Personal explanation shall be confined to some material part of the speech by the Member which may appear from the current debate to have been misunderstood.
- 15.11 The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

### **Procedural Motions**

- 15.12 When a motion is under debate, no other motion shall be moved except the following:
- (a) to withdraw or amend the motion;
  - (b) a closure motion under the next paragraph;
  - (c) a motion dealing with the prevention of disorder;
  - (d) a motion to exclude the press and public.

### **Closure Motions**

- 15.13 The following closure motions shall be permitted during discussion of another motion. They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the person presiding shall proceed as follows:
- (a) **“that the meeting proceed to the next business”**. The person presiding shall permit the mover of the original motion to reply, and then put to the vote the motion to proceed to the next business; if that motion is carried the original motion shall lapse;
  - (b) **“that the question be now put”**. If the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed he/she may refuse to accept the motion; if he/she accepts the motion, he shall put to the vote forthwith the motion that the question be now put; if this is carried, he/she shall permit the mover of the original motion (at meetings of the Council) any right of reply to which he/she is entitled and then put that motion to the vote;
  - (c) **“that the debate be now adjourned”** or **“that the meeting do now adjourn”**. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may refuse to accept either of these motions, and instead put the motion that the question be now put; if he/she is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion,

he/she shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council, Committee or Sub-Committee, as the case may be.

## **Rule 16: Rules of Debate (Council Meetings Only)**

### **General**

- 16.1 A Member shall stand when speaking unless unable to do so.
- 16.2 When a Member is speaking, the other Members shall remain seated, unless rising to a point of order or in personal explanation.
- 16.3 Whenever the Mayor rises during a debate, a Member then standing shall resume his/her seat and the Council shall be silent.

### **Speech Times**

- 16.4 Except with the consent of the Council, signified without comment, the mover of a motion shall not speak for more than five minutes and no other speaker shall speak for more than three minutes. For the purposes of this Procedure Rule, a person who moves an amendment is not moving a motion, and the length of time allotted to the mover of a motion does not include any time permitted under a right of reply. Any extension of time for speeches consented to by the Council shall be limited to five minutes.
- 16.5 A Member who has spoken on any motion shall not speak again while it is the subject of debate, except:
  - (a) to speak once on an amendment moved by another Member;
  - (b) if the motion has been amended since he/she last spoke, to move a further amendment;
  - (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment to which he/she spoke was carried;
  - (d) in exercise of a right of reply under Procedure Rule 16.6 below or within a closure motion debate;
  - (e) on a point of order or by way of personal explanation as defined in Procedure Rule 15.10.

### **Right to Reply**

- 16.6 The mover of a motion has a right of reply at the close of debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of an amendment shall have no right of reply to the debate on that amendment.

### **Motions and Related Reports**

- 16.7 Where a notice of motion submitted to the Council meeting in accordance with Procedure Rule 8 relates to a matter which is also the subject of a report from a Committee to the same Council meeting, the Mayor may at his/her discretion, and for procedural purposes only, treat the notice of motion as if it were an amendment to the report of the Committee, providing that both the mover of the notice of motion and the Member moving the report will have a right of reply.

### **Right to Reply when Amendment is Accepted**

- 16.8 Where the mover of a motion is permitted to alter the same under Procedure Rule 13.5 and such an alteration incorporates an amendment moved by another Member, the mover of the original motion shall retain ownership of the motion and be entitled to a right of reply at the conclusion of the debate.

## **Rule 17: Termination of Meeting**

- 17.1 Without prejudice to Procedure Rule 17.2 below, when a period of four hours excluding adjournments has elapsed since the commencement of a meeting of the Council, the Mayor shall move, without comment, that the meeting ends and that business be concluded in accordance with Procedure Rule 17.5.
- 17.2 At a time when a period of not less than four hours excluding adjournments has elapsed since the commencement of the meeting of the Council a Member of the Council may move, without comment, that the meeting shall end at a time to be specified in the motion.
- 17.3 The Mayor may refuse to accept the motion moved under Procedure Rule 17.2 above if a similar motion has been rejected earlier in the same meeting.
- 17.4 If a motion under Procedure Rule 17.2 is accepted, it shall be seconded and put to a vote without comment.
- 17.5 If the motion under Procedure Rule 17.1 or 17.2 is passed then immediately after the vote (in the case of a motion under rule Procedure Rule 17.1) or when the time specified in the motion arrives (in the case of a motion under Procedure Rule 17.2):
- (a) no further points of order shall be raised except by the Mayor;
  - (b) the Mayor shall then interrupt the discussion of the question then before the meeting;
  - (c) unless the mover of the motion then under discussion seeks leave to withdraw that motion, the Mayor shall allow him/her to reply to the debate for not more than three minutes;



- (d) unless the motion then under discussion is withdrawn, the Mayor shall put, without further discussion, all the questions necessary to dispose of that motion;
- (e) the Mayor shall put, without discussion, all the questions necessary to complete consideration of any reports which remain on the agenda for the meeting, unless the Committee Chair (or a person on his/her behalf) indicates a wish to the contrary;
- (f) the Mayor shall call each Member who has given notice of a motion to be moved at that meeting to move the motion (unless previously withdrawn) without comment, shall permit any motions so moved to be seconded without comment, and shall forthwith put any motions to the vote;
- (g) finally, the Mayor shall close the meeting.

## **Part 5: Committees and Sub-Committees**

### **Rule 18: Appointment of Committees, Sub-Committees and Representatives on Outside Bodies**

#### **Appointment of Committees**

##### 18.1 At its Annual Meeting the Council:

- (a) may resolve, upon a recommendation from the Chief Executive or the Policy, Resources and Growth Committee following a review of the Committee structure, which Committees shall be appointed, what shall be the terms of reference of each of those Committees, and of how many voting Members each Committee shall consist;
- (b) may resolve that non-voting members (co-optees) shall also be appointed to any such Committee;
- (c) shall specify the number of non-voting members and the functions in relation to the Committee each such person so appointed may exercise;
- (d) may resolve what limitations if any should be placed on the powers of any such Committee to arrange for the discharge by a Sub-Committee of any functions which it itself may discharge.
- (e) may receive nominations of Councillors to serve on outside bodies and may make appointments to such bodies except

where this function has been delegated to a Committee, Sub-Committee or an officer.

18.2 The terms of reference of Committees as agreed from time to time are set out in Part 4 of the Constitution.

18.3 The Council may at any time amend resolutions made under Procedure Rule 18.1.

#### **Delegation to Sub-Committee**

18.4 Every Committee may, subject to the approval of the Policy, Resources and Growth Committee, appoint Sub-Committees for such purposes as they think fit, and may (subject to Procedure Rule 18.1(d) above), make arrangements for a Sub-Committee to discharge any of the functions of the Authority which the Committee may discharge. The terms of reference of Sub-Committees as agreed from time to time are set out in Part 4 of the Constitution.

#### **Continuity of Committees and Sub-Committees**

18.5 Each Committee set up under this Procedure Rule, and every Sub-Committee set up by such a Committee, shall continue to discharge the functions committed to them until the Council or Committee, as the case may be, resolves otherwise.

#### **Continuity of Holders of Office**

18.6 Every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Committee shall continue to act as such until such time as the appointment is terminated by the Authority.

#### **Allocation of Seats**

18.7 The Chief Executive shall submit a report to the Council or Committee (as the case may be) showing the allocation of seats which would in his/her opinion best meet the requirements of the allocation of seats between Political Groups. Such report shall be submitted:

- (a) whenever the Council is required to review the allocation of seats on Committees between political groups; or
- (b) when the Council resolves to carry out such a review; or
- (c) when a Committee is required to review the allocation of seats on a Sub-Committee between political groups; or

(d) when a Committee resolves to carry out such a review.

18.8 In the light of such a report the Council or the Committee as the case may be shall determine the allocation of seats to Political Groups.

#### **Appointments in Accordance with the Wishes of Political Groups**

18.9 Whenever an appointment of a voting Member for a Committee or Sub-Committee or a representative on an outside body needs to be made in

accordance with the wishes of the Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Chief Executive shall make or terminate the appointment accordingly.

#### **Appointment of a Leader**

- 18.10 The Council may appoint, from among its voting Members, a Leader of the Council. If the Council does not appoint a Leader of the Council, the Leader of the largest Political Group shall be the Leader of the Council.

#### **Attendance at Committee Meetings of Leader, Chairs and Leader of the Official Opposition**

- 18.11 The Chair or Deputy Chairs of a Committee may attend and speak at a meeting of any Sub-Committee appointed by that Committee but may not vote unless appointed as a voting Member. The Leader of the Council or in his/her absence the Deputy Leaders may attend and speak at any meeting of a Committee or Sub-Committee appointed by the Council but may not vote unless appointed as a voting Member. The Leader of the Official Opposition may attend and speak at any meeting of a Committee or Sub-Committee appointed by the Council but may not vote unless appointed as a voting Member. These rules shall not apply to Committees or Sub-Committees discharging quasi-judicial or personnel appeals functions (e.g. planning, licensing, personnel appeals, standards assessment or hearing panels).

#### **Attendance: All Members**

- 18.12 A Member of the Council who is not otherwise entitled to attend and speak at a Committee or Sub-Committee shall be entitled to do so at a meeting of the Committee or Sub-Committee with the agreement of the Chair of the Committee or Sub-Committee.

#### **Advisory Bodies**

- 18.13 The Council or the Policy, Resources and Growth Committee may from time to time establish working groups, forums, panels or other advisory bodies in connection with Council functions, the membership of which shall be drawn from Members of the Council and/or co-optees. The proceedings of any such groups shall be reported to the relevant Committee or Sub-Committee and should include any recommendations or advice from that group. No Committee or Sub-Committee may delegate its functions to any such group.

#### **Substitutes**

- 18.14 The Council recognises that the purpose of the Local Government (Committees and Political Groups) Regulations 1990 is to ensure that the political balance of and representation on committees and Sub-committees is maintained in the decision making process. These Procedure Rules for the use of substitutes have been adopted to ensure this principle is maintained.

### **Appointing a Substitute**

- 18.15 Subject to Procedure Rules 18.16 to 18.22 below, where Members of the Council who are Members of Committees or Sub-Committees are unable to attend a meeting for whatever reason, a substitute Member may attend and speak and vote in their place for that meeting.
- 18.16 The substitute Member shall be a Member of the Council drawn from the same Political Group as the Member who is unable to attend the meeting, and must not already be a Member of the relevant Committee or Sub-Committee. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.
- 18.17 It shall be the responsibility of the individual substitute Member to ensure that he/she is apprised of the items on the agenda of the relevant meeting in order to facilitate effective decision making.
- 18.18 A substitute may only serve as a Member at a meeting when the Member for which he/she is substituting is absent for the entire meeting. A substitute may not be appointed for a specific item. Once a meeting has started with a Member in place then no substitution may be made during the course of the meeting to replace that Member.
- 18.19 If a substitute has not arrived by the commencement of the meeting and the original appointed Member is present, then the appointed member will continue as a voting member of the Committee.
- 18.20 Where a substitute Member has attended a meeting which is adjourned, the original appointed Member may attend the reconvened meeting as the voting member, provided that the meeting is not part way through the consideration of an item or issue.
- 18.21 Any Member attending as a substitute will be entitled to travelling and subsistence allowance in accordance with the scheme approved by the Council.

### **Voting**

- 18.22 The substitute Member will be entitled to speak and vote in his or her own capacity, and is not constrained by the views of the Member for whom he or she is substituting.

### **Substitutes on Policy Panels**

- 18.23 The provisions of Procedure Rules 18.4 to 18.15 regarding substitute Members shall not apply in respect of meetings of Policy Panels.

### **Substitution in Licensing**

- 18.24 The requirement under Procedure Rule 18.16 for a substitute Member to be drawn from the same Political Group as the Member who is unable to attend the meeting shall not apply to the Licensing Act 2003 Sub-Committee/Panel.

### **Substitution on Standards Panel**

- 18.25 Once a Standards Panel has been appointed in accordance with the approved procedure for investigating allegations of a breach of the Members' Code of Conduct, no substitution to that Panel shall be allowed.

## **Rule 19: Meetings of Committees and Sub-Committees**

### **Time and Date of Meeting**

- 19.1 The Council, the Policy, Resources and Growth Committee, or the relevant Committee or Sub-Committee, may fix the date, time and place of ordinary meetings of Committees and Sub-Committees.
- 19.2 The Chair or Deputy Chair of the Committee or Sub-Committee may call a special meeting of the Committee or Sub-Committee as the case may be at any time. Questions, petitions, Members' letters or deputations can only be heard at a Special Meeting where they relate to the matter which is the subject of the Special Meeting.

### **Requisition of a Meeting**

- 19.3 One quarter of the total number of voting Members of a Committee or Sub-Committee may requisition a meeting of the Committee or Sub-Committee. Such requisition must specify the business proposed to be transacted and shall be delivered to the Chief Executive.

## **Rule 20: Chairs and Deputy Chairs of Committees and Sub-Committees Appointment of Chairs**

- 20.1 The Council may appoint, from amongst its voting Members, a Chair and Deputy Chair or Deputy Chairs of Committees and Sub-Committees.
- 20.2 If no appointments have been made by the Council under Procedure Rule 20.1 above the Committee or Sub-Committee shall at its first meeting after the Annual Meeting of the Council (or in the case of a vacancy at any meeting) elect from amongst its voting Members a Chair and Deputy Chair or Deputy Chairs.
- 20.3 In the absence of the Chair or Deputy Chair at a meeting of a Committee or Sub-Committee, those voting Members present shall elect a person from amongst their number to preside over the meeting.
- 20.4 The Chief Executive or his/her representative shall invite nominations and shall exercise the powers of the Chair in order to regulate the discussion.

- 20.5 No Member of the Council shall be Chair of more than one Committee without the permission of the Council.

### **Rule 21: Quorum of Committees and Sub-Committees**

- 21.1 No business shall be transacted at any meeting of a Committee or Sub-Committee unless at least **one quarter** of the whole number of voting Members of the Committee or Sub-Committee are present, provided that in no case shall any business be transacted until at least two voting Members are present.
- 21.2 The provisions of Procedure Rule 6 shall apply to a meeting of the Committee or Sub-Committee at which a quorum is not present as they would apply if it were a meeting of the Council.

### **Rule 22: Urgency Sub-Committees**

- 22.1 Each Committee of the Council shall appoint an Urgency Sub-Committee to exercise its powers. The membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups.
- 22.2 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.

### **Rule 23: General Order of Business in Committees and Sub-Committees**

#### **General Order of Business**

- 23.1 Except in cases of urgency, at least five clear working days before the date of every meeting of a Committee or Sub-Committee, or as soon as the meeting is called, whichever is the later, the Chief Executive shall send to every voting Member and to every other person entitled to receive the papers of the Committee or Sub-Committee a copy of the agenda for the meeting.
- 23.2 The agenda shall include:
- (a) all items of business which have been, or are deemed to have been, referred to the Committee or Sub-Committee by the Council or by another Committee or Sub-Committee, as the case may be;

- (b) all reports submitted to the Committee or Sub-Committee by the Chief Executive, another member of the Executive Leadership Team or his/her nominee;
- (c) any item of business directed to be included by the Chair of the Committee or Sub-Committee.
- (d) the asking and answering of questions from members of the public, in accordance with the Council's Protocol for Public Questions at Committees and Sub-Committees.

### **Members' Letters**

23.3 Any Councillor may submit a letter for inclusion on the agenda for a meeting of any Committee or Sub-Committee, and any such letter shall be so included providing that:

- It is delivered to the Chief Executive (see Procedure Rule 1.6) by 10.00 am on the eighth working day prior to the Committee.
- In the opinion of the Chief Executive it is relevant to the terms of reference of the Committee or Sub-Committee to which it is submitted, and contains a substantive proposal for consideration by the Committee or Sub-Committee
- In the opinion of the Chief Executive it is not defamatory, frivolous or offensive.

### **Members' Right to Speak**

23.4 Any Councillor who has submitted a letter which is included on the agenda for a Committee or Sub-Committee under Procedure Rule 23.3 shall be invited to attend the meeting of the Committee or Sub-Committee on which it is so included and may speak for up to three minutes on that item at the meeting.

### **Unaccompanied Letters**

23.5 If a Councillor's letter included on the agenda for a Committee or Sub-Committee under Procedure Rule 23.3 is unaccompanied by a written officer report, it shall only be considered to the extent that either the matter is noted by the Committee or Sub-Committee or a motion that an officer report be written is carried.

23.6 Subject to any directions given by the Chair of the Committee or Sub-Committee, the items of business shall be arranged in such order as the Chief Executive thinks will best ensure the effective despatch of business.

## **Rule 24: Proceedings of Committees and Sub-Committees**

### **General**

- 24.1 A report of the proceedings of each Sub-Committee meeting shall be submitted to the next meeting of each Committee which has delegated functions to that Sub-Committee. Due to the nature of its main business, this requirement shall not apply to the Standards Panel, but at the discretion of the Chair items of business may be reported to the Audit and Standards Committee.
- 24.2 Where the relevant Committee so directs, reports of the proceedings of the Committee shall be submitted to Council for reception. The Chair of the relevant Committee, or in his or her absence the Deputy Chair or person nominated by the Chair, shall move the reception of such Committee reports and any recommendations contained therein. Committees may determine whether items are to be put to Council for information or for decision by Council. Committee reports shall distinguish items for information and those for decision by Council.

### **Inclusion of Items on Council Agenda**

- 24.3
- (a) Items for information shall relate to decisions made by the Committee under delegated powers. The Committee may determine that any agenda item is to be included in the report to Council. In addition, each minority group represented on the Committee may specify one further item which shall be so included, by notifying the Chief Executive of the item not later than 10.00 am on the eighth working day before the Council meeting to which the report is to be made or, if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting.
  - (b) Items for decision by Council shall be all those where a recommendation is made on matters falling outside the delegated powers of the Committee or where the Committee decides that the decision is to be made by the Council.
- 24.4 On the reception of such reports any recommendations and items under Procedure Rule 24.3 shall be subject to rules of debate under Procedure Rule 15 subject to being reserved for debate during call-over.

### **Call Over (Reservation of Items for Discussion)**

- 24.5 Before the Council receives and considers the reports of Committees, the items which appear on the agenda of the Council meeting shall be called over item by item. A Member of the Council wishing to speak on or vote against any item may reserve it for debate immediately the number of the item has been called. After the reports of Committees have been called over the Mayor shall put to the meeting in one motion the reports of the Committees with the exception of those items which



have been called and reserved and the Council shall vote on the motion without discussion.

- 24.6 After the wishes of the Members have been so ascertained, no discussion shall be permitted on any part of the reports which is not a 'reserved item'. The Chair of each Committee shall separately move each item on the proceedings of that Chair's Committee which has been reserved.

## **Part 6: Miscellaneous**

### **Rule 25: Prevention of Disorderly Conduct**

#### **Misbehaviour by a Member**

- 25.1 If the person presiding at any meeting of the Council, Committee, Sub-Committee, Panel or working party is of the opinion that a Member has misconducted, or is misconducting, himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, he/she may notify the meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- (a) he/she may direct the Member to refrain from speaking during all, or part, of the remainder of the meeting;
  - (b) he/she may direct the Member to withdraw from all, or part, of the remainder of the meeting;
  - (c) he/she may order the Member to be removed from the meeting;
  - (d) he/she may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.

#### **Misbehaviour by a Member of the Public**

- 25.2 If a member of the public interrupts proceedings at any meeting, the person presiding shall order him/her to leave the room where the meeting is being held. If he/she does not leave, the person presiding shall order him/her to be removed. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.
- 25.3 If there is a general disturbance making orderly business impossible, the Mayor or Chair may adjourn the meeting for as long as he/she thinks necessary. If there is a general disturbance in any part of the meeting room open to the public the Mayor or Chair may call for that part to be cleared.

### **Declaration of Interests**

- 25.4 Where any Member (or Co-opted Member with voting rights) who is present at a meeting of the Council, its committees or sub-committees has a Disclosable Pecuniary Interest within the meaning of Section 30(3) of the Localism Act 2011 in connection with any item under consideration, he/she shall withdraw from the meeting room for the duration of the consideration of the item of business, including the debate and any related vote.
- 25.5 Procedure Rule 25.4 above does not apply where a Member has been granted a dispensation in accordance with the Council's Code of Conduct.

### **Rule 26: Exclusion of Public and Press**

- 26.1 Members of the public and press may only be excluded from meetings of the Council, Committees or Sub-Committees either (i) in accordance with the Access to Information Rules in Part 7 of the Constitution; (ii) in accordance with the provisions of Procedure Rule 25 above ('Prevention of Disorderly Conduct'), or (iii) Under common law or statutory powers available to the Council, which shall be exercisable by the relevant Chair, the Chief Executive or the Monitoring Officer.

### **Rule 27: Voting**

#### **General**

- 27.1 Except where a recorded vote is required by law, or a requisition is made under the next paragraph, the method of voting at meetings of the Council, or Committees and Sub-Committees shall be by show of hands. Voting may be by an electronic method in the case of Council meetings. Unless these Procedure Rules or the Council's Constitution provide otherwise, any matter will be decided by a simple majority of the Members voting and present in the room at the time the question was put. If there is an equal number of votes for and against the motion, the Mayor or Chair will have a second or casting vote. There will be no restriction on how the Mayor/Chair may choose to exercise a casting vote. If the Mayor/Chair does not exercise his/her casting vote the motion or proposal shall fall.

#### **Recorded Votes**

- 27.2 If a requisition is made by the specified number of Members, before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each Member present gave his/her vote for or against that question or abstained from voting. Voting may be by roll call or by an electronic method.
- 27.3 The specified number of Members is one-fifth of the Members entitled to vote at the meeting (eleven for Council meetings).

- 27.4 Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote or abstention shall be recorded in the minutes by informing the Chair forthwith, immediately after the vote is taken.
- 27.5 In addition to the arrangements set out above, a recorded vote must be taken, and recorded in the minutes, immediately after any vote is taken at a budget decision meeting of the Council, as defined in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

#### **Voting on Appointments**

- 27.6 Where a vote is required on a motion to appoint or elect a Member of the Council to a position to be filled by the Authority, and there are two or more Members nominated for that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for any one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 27.7 If there is a requisition under Procedure Rule 27.2 for a recorded vote on the appointment of candidates, Procedure Rule 27.5 shall apply without the requirement to put the names of those nominated in alphabetical order of surname. Each Councillor shall instead be asked to indicate their preferred candidate when his/her name is called. The rest of the requirements under Procedure Rule 27.5 shall apply.

#### **Rule 28: Attendance**

- 28.1 Every person attending as a Member of a meeting of the Council, Committee or a Sub-Committee shall sign his/her name in the attendance book or on the attendance sheet provided for that purpose.
- 28.2 At the end of each municipal year a report shall be circulated by the Chief Executive as to the number of meetings held by the Council and each Committee and Sub-Committee and the attendance of Members at those meetings.

#### **Rule 29: Filming, Photographing, Audio Recording at Council**

- 29.1 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or the power to deal with other misbehaviour or interference with proceedings at a meetings, any person shall be permitted to film, photograph, record and/or stream the proceedings at Council meetings except for that part of the meeting where the public

are excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 as amended.

- 29.2 Subject to Procedure Rule 29.1 above, any person attending a meeting of the Council or of a Committee or Sub-Committee may use any communication device or method to record or transmit council proceedings, and reasonable facilities will be made available to facilitate this, provided that:-
- (i) Any mobile communications device shall be kept in silent mode throughout the meeting;
  - (ii) There should be no use of any voice facility to make calls, receive calls or check voice messages. Only text or non-voice uses can be made of mobile phones;
  - (iii) The person presiding at the meeting may order that all mobile phones be switched off and any audio recording cease at any time;
  - (iv) There shall be no recording or transmission of council proceedings when exempt or confidential business is discussed, nor will meetings of Licensing Act 2003 Panels be recorded or transmitted.
- 29.3 The recording of proceedings by authorised personnel for the purposes of web-casting shall be permitted, providing that the Mayor or person presiding at the meeting may withdraw such authorisation if he/she considers it is not conducive to the efficient despatch of business.

### **Rule 30: Smoking at Meetings**

- 30.1 Any person at or attending a meeting of the Council or of a Committee or a Sub-Committee shall observe the Council's rule that no smoking be permitted in such meetings.

## **Rule 31: Definitions**

31.1 In these Procedure Rules, unless the context otherwise demands, the following terms have these meanings:-

“Authority” - the Brighton & Hove City Council

“Committee or Sub-Committee” - a Committee or Sub-Committee of Brighton & Hove City Council

“Council” - Brighton & Hove City Council sitting as the Full Council

“Declaratory” - a motion proposing that the Council expresses support for a policy or stance that falls short of being a substantive motion requiring action of expenditure as described in Procedure Rule 8.5

“Executive Leadership Team” – the Chief Executive, the Monitoring Officer and the Executive Directors

“Group Leader” - the Leader of a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990

“Leader of the Council” - the Leader of the Council appointed in accordance with Procedure Rule 18.10

“Meeting” - a meeting of the Council, a Committee or Sub-Committee as the case may be

“Member” - in relation to the Council, a Member of the Council; in relation to any Committee or Sub-Committee a person appointed as a Member of that Committee or Sub-Committee whether or not entitled to vote

“Minority Group” - a political group which is not the majority group, or in any other case designated as such by a resolution of the Council

“Monitoring Officer” - the person designated under Section 5 of the Local Government & Housing Act 1989

“Motion to exclude the press and public” - a motion under Section 100A of the Local Government Act 1972

“Political Group” - a political group as defined by the Local Government (Committees and Political Groups) Regulations 1990

“Regulatory Committee/Sub-Committee” - a Committee or Sub-Committee of the Council which has delegated powers to discharge some of the Council’s regulatory functions

“Sub-Committee” - a Sub-Committee of Brighton & Hove City Council,

31.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular; the masculine includes the feminine and the feminine includes the masculine.

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