

CABINET

23 MARCH 2021

UPDATE TO CONSTITUTION - COUNCIL PROCEDURE RULES

REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE

1 Purpose of report

- 1.1 To present proposals to amend the Council Procedure Rules.

2 Description of decision

- 2.1 To recommend Council to:

- 2.1.1 amend the Council Procedure Rules as set out in the report, to take effect immediately following the Council meeting at which their amendment is approved and
- 2.1.2 authorise the Assistant Director of Law and Governance to make the associated amendments to the Constitution, including any amendments that may be required to ensure consistency between the updated provisions and the remainder of the Constitution.

3. Background

- 3.1 Members will be aware that Council meetings have become lengthy, regularly lasting in excess of four to five hours. The Council Procedure Rules have therefore been reviewed, with the aim of facilitating the efficient conduct of Council business, whilst ensuring that the democratic process is not compromised.

4. Proposals

- 4.1 Draft amended Rules for the consideration of members are set out in the Appendix to this report.
- 4.2 Members' attention is drawn in particular to the following proposed changes:

Rule 2: Amendment of the order of business to deal with questions from members straight after questions from the public.

Rule 3.3: Grounds have been added on which the Chief Executive may reject a request for an Extraordinary Council Meeting.

Rule 8.1 - 8.3: Meetings will adjourn after three hours unless Council agrees otherwise. Business will continue either at a meeting to be fixed by the Mayor or, if none is arranged, at the next ordinary meeting. Members will see from the footnote to this Rule that while the Mayor retains their discretion with regard to the date and time of any reconvened meeting, ordinarily it will be expected to take place the following morning at 11 a.m.

Rule 10.2 and 11.4: Questions must be submitted five working days before the meeting (which will normally be the Wednesday before the meeting).

Rule 11.1: Questions on reports on the agenda can only be of two minutes duration. (In other words, they should truly be questions and not amount to speeches or statements.)

Rules 11.3 and 11.4: Addition of grounds for rejection of questions from members, in similar terms to those that apply to questions from the public, plus an additional ground that where appropriate, members must first have tried to obtain the information concerned from the appropriate member or officer. It should be noted that members of the public and elected members remain free to request information from Portfolio Holders, Committee Chairs and officers, as they do now, outside formal Council meetings. In addition, there is the ability to submit requests for information under the Freedom of Information Act 2000. The addition to the Rules of these grounds for rejection of a question will not therefore prevent either members of the public or members of Council from obtaining information to which they are entitled.

Rule 12.5: Other than in respect of the Leader and Leader of the main opposition group, a member can only propose one motion. This does not prevent a member from speaking on a motion proposed by another member; it simply limits the number of motions a member can propose themselves.

Rule 14.5: The duration of speeches has been reduced to five minutes, unless the Mayor agrees an extension, which may be for a further three minutes. There is an exception to this in respect of the Budget meeting, at which the Leader, Cabinet Members and Majority Opposition Leader may speak for up to twenty minutes.

Rule 14.27: Scope has been introduced for the Mayor to bring the debate to a close when they consider that there has been sufficient discussion. The Mayor is given discretion to vary the order of speeches in this regard, for example, to ensure there has been reasonable opportunity for views to have been expressed by representatives of different political groups.

Rule 17.3 - 17.8 More options have been introduced for the method of voting, at the Mayor's discretion, to prevent a recorded vote being taken when this is unnecessary. Individual members retain the ability to request that the way they themselves have voted, is recorded in the minutes.

5 Reasons for Decision

- 5.1 The proposed changes will be conducive to the efficient conduct of Council meetings.

6 Alternative Options

- 6.1 To leave the Council Procedure Rules unchanged. This is not recommended as the proposals are considered to provide for more efficient arrangements.

7. Financial Implications

- 7.1 There are no direct financial implications arising from the proposal to amend the Council Procedure Rules.

8. Background Papers

None

APPENDIX

Part 4: Section 1 – Rules of Procedure

1. The Council Procedure Rules

1 ANNUAL MEETING OF THE COUNCIL

Timing and Business

- 1.1 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 May.
- 1.2 The Annual Meeting will:
 - 1.2.1 elect a person to preside if the Mayor is not present;
 - 1.2.2 elect the Mayor;
 - 1.2.3 elect the deputy Mayor;
 - 1.2.4 approve the minutes of the last meeting;
 - 1.2.5 receive any announcements from the Mayor and/or Chief Executive;
 - 1.2.6 elect the Leader where their term of office has expired;
 - 1.2.7 note the decision of the Leader on the number of Members to be appointed to the Cabinet and those Members appointed by the Leader to the Cabinet and note any amendments to the arrangements for the delegation of executive functions made by them;
 - 1.2.8 appoint the Overview and Scrutiny Committees, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in this Constitution);
 - 1.2.9 agree amendments (if any) to the scheme of delegation (as set out in this Constitution) in respect of Council functions;
 - 1.2.10 approve a programme of ordinary meetings of the Council for the year; and
 - 1.2.11 consider any business set out in the notice convening the meeting.

Selection of Councillors on Committees and Outside Bodies

- 1.3 At the Annual Meeting, the Council will:
 - 1.3.1 decide which committees to establish for the municipal year;
 - 1.3.2 decide the size of those committees;

- 1.3.3 decide the allocation of seats to political groups in accordance with the political balance rules;
- 1.3.4 receive nominations of Councillors to serve on each committee and outside body; and
- 1.3.5 appoint to those committees and outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable by the Cabinet or Leader.

2 ORDINARY MEETINGS

- 2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will:
 - 2.1.1 elect a person to preside if the Mayor and deputy Mayor are not present;
 - 2.1.2 receive apologies;
 - 2.1.3 approve the minutes of the last meeting;
 - 2.1.4 receive any declarations of interest from Members;
 - 2.1.5 receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive;
 - 2.1.6 deal with any business from the last Council meeting;
 - 2.1.7 receive petitions;
 - 2.1.8 deal with questions asked by members of the public under Rule 10;
 - 2.1.9 deal with questions asked by Members under Rule 11;
 - 2.1.10 receive reports from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
 - 2.1.11 receive reports on action taken on petitions;
 - 2.1.12 debate petitions required to be debated by Council;
 - 2.1.13 receive reports from officers;
 - 2.1.14 consider motions; and
 - 2.1.15 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny committees for debate.

3 EXTRAORDINARY MEETINGS

Calling Extraordinary Meetings

- 3.1 Those listed below may request the Chief Executive to call Extraordinary Council Meetings in addition to Ordinary Meetings:
- (a) the Council by resolution;
 - (b) the Mayor;
 - (c) the Monitoring Officer; or
 - (d) any five Members of the Council if they have signed a requisition presented to the Mayor and, within seven days of the presentation of the requisition, they have refused to call a meeting or have failed to call a meeting.

Business

- 3.2 The business to be conducted at an Extraordinary Council Meeting shall be restricted to the item of business contained in the request for the Extraordinary Council Meeting and there shall be no consideration of previous minutes or reports from Committees etc. except that the Mayor may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.
- 3.3 The Chief Executive may reject the business set out in the request for an Extraordinary Council Meeting on the following grounds, that it:
- 3.3.1 is not about a matter for which the Council has a responsibility or which affects the City;
 - 3.3.2 is potentially defamatory, vexatious, frivolous or offensive;
 - 3.3.3 refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
 - 3.3.4 is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
 - 3.3.5 relates to individual staffing matters or the personal information of Members or Officers; or
 - 3.3.6 is in some other respect considered to be out of order, illegal, irregular or improper.
- 3.4 Where business has been rejected the Chief Executive shall provide those who brought the request for the Extraordinary Council Meeting containing that business with written explanation as to the grounds and reasons for that rejection.
- 3.5 The effect of a rejection of an item of business is that the requested Extraordinary Council Meeting will not be called.

4 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

5 NOTICE OF THE SUMMONS TO MEETINGS

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 in this Constitution.

6 CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor under the procedure rules. Where these Rules apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.

7 QUORUM

The quorum of an Ordinary Meeting or an Extraordinary Council Meeting will be one quarter of the whole number of Members. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

8 DURATION OF MEETINGS

8.1 Unless the majority of Members present vote for the Meeting to continue, any Meeting that has lasted for three hours (excluding adjournments) will adjourn immediately upon the completion of any speech being made at that time.

8.2 Any business under consideration at that time shall stand adjourned and shall (together with any remaining business) be considered at a reconvened Meeting to take place at a time and date fixed by the Mayor. ¹

8.3 If the Mayor does not fix a date for the reconvened Meeting to take place, any adjourned item and the remaining business will be dealt with at the next Ordinary Meeting of Council.

9 RECEIPT OF PETITIONS

On receipt of a petition by the Council, there shall be no debate or discussion and, subject to the consent of the Council, the petition shall be referred to the relevant Chief Officer for consideration and decision about any appropriate action, subject to any relevant requirements of any Petition Scheme adopted by the Council.

10 QUESTIONS BY MEMBERS OF THE PUBLIC

- 10.1 At each Ordinary Meeting of the Council (other than the Annual Meeting and Budget Council Meeting) a period of up to 30 minutes shall be available to allow questions that have been submitted by members of the public who live, work or study in the City, to be asked of the Leader of the Council or a Cabinet Member and for the relevant Member to respond.
- 10.2 Any person who wishes to ask a question shall give written notice of the question to the Chief Executive by noon on the fifth working day prior to the meeting. Each question must give the name and address of the questioner.
- 10.3 If the Chief Executive considers that the number of questions received is such that they cannot all be answered within 30 minutes, they will, after consulting with the Mayor, select those which are to be put to the Council meeting. Any question which cannot be dealt with at the meeting because of lack of time will be dealt with by a written answer to be sent within five working days of the Council meeting by the Member of whom the question was asked.
- 10.4 The Mayor will determine the order in which questions under this section will be put and may group together similar questions.
- 10.5 A question may be rejected if it:
 - 10.5.1 is not relevant to a matter for which the Council has a responsibility or which affects the City;
 - 10.5.2 is illegal, improper, irregular, frivolous or offensive;
 - 10.5.3 is substantially the same as a question which has been put at a meeting of the Council in the previous six months;
 - 10.5.4 will, if answered, disclose confidential or exempt information;
 - 10.5.5 relates to a development control or licensing application;

¹ While the date and time of a reconvened meeting is at the discretion of the Mayor, ordinarily, reconvened meetings will commence at 11.00 a.m. the following day.

 - 10.5.6 relates to a matter or issue in respect of which a response has already been given under the Council's complaints procedure or which is currently being dealt with in accordance with the complaints procedure or other formal process, such as court or tribunal proceedings or which is the subject of threatened court or tribunal proceedings by the person asking the question or a person or group which they represent;
 - 10.5.7 relates to a matter or issue of a purely personal concern to the individual asking the question or their family members;
 - 10.5.8 is lengthy or a speech; or
 - 10.5.9 is an unintelligible question.

- 10.6 If the Chief Executive considers that a question submitted may be rejected under these Rules, they will advise the Mayor, who will then decide whether to allow the question to be put. If the Mayor decides not to allow a question, their reasons will be notified to the questioner in writing.
- 10.7 No person may submit more than one question to any one meeting and no more than one question may be asked on behalf of an organisation at any one meeting. No question may be sub-divided into more than two related parts.
- 10.8 Questions that have been accepted will be read out at the relevant meeting by the Mayor.
- 10.9 Questions that have been accepted and the name of the questioner will be published on the Council's website.

11 QUESTIONS BY MEMBERS OF THE COUNCIL

On reports of the Cabinet or Committees

- 11.1 A Member of the Council may ask the Leader or the Chair of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council. with the following exceptions:
- 11.1.1 Only Members who are not Cabinet Members shall be allowed to ask Cabinet Members questions on the Cabinet report, to enable Council to hold the Cabinet to account.
- 11.1.2 Cabinet Members may only question the Leader on any matters which have not previously been considered at Cabinet.

Questions are limited to two minutes duration

- 11.2 The Mayor shall have discretion to ensure that the questions asked under Rule 11.1 are representative of the views of Members, and where, in the Mayor's belief, the questions that have already been put shall have represented the views of the Members, the Mayor shall intervene to limit further questions in order not to impede proper attention to further business.

Questions on notice at full Council

- 11.3 Subject to Rule 11.4, a Member of the Council may ask:
- (a) the Leader;
 - (b) a Member of the Cabinet;
 - (c) the Chair of any committee, a question on any matter in relation to which the Council has powers or duties or which affects the City; or
 - (d) the Member of the Council nominated to respond on behalf of the Tyne & Wear Fire and Rescue Authority, the North East Combined Authority, the Police and Crime Panel or any other joint authority, committee or panel, any question on the discharge of the functions of the relevant joint authority, committee or panel.

Notice of Questions

- 11.4 A Member may only ask a question under Rule 11.3 provided:
- (a) that notice in writing of the question has been given to the Chief Executive by noon on the fifth working day prior to the meeting or with the consent of the Mayor given on the grounds that they are of the opinion that the matter is urgent and the content of the question is given to the Chief Executive by noon on the day of the meeting; and
 - (b) the Chief Executive does not reject the question on any of the following grounds, namely that it:
 - (i) is not about a matter for which the Council has a responsibility or which affects the City;
 - (ii) relates to a matter regarding which the Chief Executive considers it would have been reasonable for the Member to try to obtain a response to their question in the first instance from any Member referred to in Rule 11.3 (a) to (d) or an officer, before submitting notice of the question to the Chief Executive
 - (iii) is potentially defamatory, vexatious, frivolous or offensive;
 - (iv) refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
 - (v) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (vi) relates to individual staffing matters or the personal information of Members or officers.

Response

- 11.5 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) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Supplementary Question

- 11.6 A Member asking a question under Rule 11.1 may only ask one further supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and will be restricted to two minutes duration.

Order of Questions

- 11.7 The Mayor will determine the order in which questions under this section are put.

Duration of Question Time

- 11.8 The length of time for questions by Members under this Rule 11, including the giving of answers, shall be limited to 30 minutes in total unless the Council agrees to an extension.

Written Answers

- 11.9 Any question which cannot be dealt with because of lack of time will be dealt with by a written answer to be sent within five working days of the Council meeting by the Member of whom the question was asked.

12 MOTIONS ON NOTICE

Notice

- 12.1 Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least two Members, must be delivered to the Chief Executive not later than noon on the ninth working day before the date of the next meeting of the Council. The Chief Executive will date the notice, number it in the order in which it is received and will enter it in a book open to public inspection. A copy will be sent to the Leader of each political group on the Council.

Scope

- 12.2 Motions must be about matters for which the Council has a responsibility or which affect the City.
- 12.3 The Chief Executive may reject the motion on the following grounds, that it:
- 12.3.1 is not about a matter for which the Council has a responsibility or which affects the City;
 - 12.3.2 is potentially defamatory, vexatious, frivolous or offensive;
 - 12.3.3 refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
 - 12.3.4 is substantially the same as a motion which has been put at a meeting of the Council in the past six months
 - 12.3.5 relates to individual staffing matters or the personal information of Members or Officers; or
 - 12.3.6 is in some other respect considered to be out of order, illegal, irregular or improper

Motion set out in Agenda

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

Number of Motions

- 12.5 Any Member may give notice as proposer of not more than one motion for consideration at any meeting of the full Council. The Leader of the Council and the Leader of the Main Opposition Group on the Council, if any, may give notice of more than one motion for consideration at any meeting of the full Council.

13 MOTIONS WITHOUT NOTICE

- 13.1 The following motions may be moved without notice:

- 13.1.1 to appoint a chair of the meeting at which the motion is moved;
- 13.1.2 in relation to the accuracy of the minutes;
- 13.1.3 to change the order of business in the agenda;
- 13.1.4 to refer something to an appropriate body or individual;
- 13.1.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- 13.1.6 to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- 13.1.7 to withdraw a motion;
- 13.1.8 to amend a motion;
- 13.1.9 to proceed to the next business;
- 13.1.10 that the question be now put;
- 13.1.11 to adjourn a debate;
- 13.1.12 to adjourn a meeting;
- 13.1.13 to suspend a particular Council procedure rule;
- 13.1.14 to exclude the public and press in accordance with the Access to Information Rules;
- 13.1.15 to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- 13.1.16 to give the consent of the Council where its consent is required by this Constitution.

14 RULES OF DEBATE

- 14.1 A motion may be moved by a signatory or someone authorised on their behalf.

No speeches until motion seconded

- 14.2 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Right to require motion in writing

- 14.3 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to them before it is discussed.

Seconders' speech

- 14.4 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

Content and length of speeches

- 14.5 Speeches must be directed to the question under discussion or to a personal explanation or point of order. Subject to the provisions of Rule 14.13, the mover of a motion may speak for no longer than five minutes. No speech may exceed five minutes without the consent of the Mayor, who may agree an extension of up to a further three minutes.

When a Member may speak again

- 14.6 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 14.6.1 to speak once on an amendment moved by another Member;
 - 14.6.2 to move a further amendment;
 - 14.6.3 if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - 14.6.4 in exercise of a right of reply;
 - 14.6.5 on a point of order; and
 - 14.6.6 by way of personal explanation.

Amendments to motions

- 14.7 An amendment to a motion must be relevant to the motion and will be:
- 14.7.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - 14.7.2 to leave out words;

14.7.3 to leave out words and insert or add others; or

14.7.4 to insert or add words

as long as the effect of Rules 14.7.2 to 14.7.4 is not to negate the motion.

- 14.8 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.
- 14.9 When an amendment has been disposed of, other amendments to the original motion may be moved.
- 14.10 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.
- 14.11 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none and no other Member wishes to exercise the right to speak, put it to the vote.
- 14.12 No amendments to a motion or recommendation that relates to the Budget or Policy Framework may be moved unless written notice which sets out the amendment or amendments proposed has been given by the Member(s) proposing the amendment(s) and has been delivered to the Chief Executive's Office not later than noon on the second working day before the date of the meeting. Following receipt of such notice, a copy of the notice will be circulated to all Members as soon as reasonably practicable. If the proposed amendment is carried, this Rule will not apply to any further amendment(s). If the Mayor is satisfied that for reasons of urgency or for other good reason that it is not practicable for notice to be given in accordance with this Rule, they may waive the requirement.
- 14.13 At the meeting(s) of the Council which set(s) the Budget for the following financial year, including the Council Tax base, Council Tax levy and Capital Programme (Budget Meeting(s)), at the Mayor's discretion, each Cabinet Member may be invited to speak on the Budget in relation to their area of responsibility. At Budget Meeting(s), the Mayor may authorise
- (a) the member moving the report of the Cabinet, when they so move it,
 - (b) any Cabinet Member responding to an invitation to speak on the Budget in relation to their area of responsibility, and
 - (c) the first speaker for the Main Opposition Group, when they speak for the first time to speak for up to 20 minutes each.

Each amendment shall be moved, seconded and debated in turn in the order determined by the Mayor. The Leader (or other Member moving the original motion relating to the Budget) shall have a right of reply at the end of the debate on each amendment. At the conclusion of the debate on an amendment, the amendment shall be voted on. When all amendments have been disposed of, the vote will be taken on the original / substantive motion.

Alteration of motion

- 14.14 A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 14.15 A Member 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.
- 14.16 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

- 14.17 A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of reply

- 14.18 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.
- 14.19 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.
- 14.20 The mover of the amendment has no right of reply to the debate on his or her amendment.
- 14.21 In exercising a right of reply, the mover may not introduce any new matter.

Motions which may be moved during debate

- 14.22 When a motion is under debate, no other motion may be moved except the following procedural motions:
 - 14.22.1 to withdraw a motion;
 - 14.22.2 to amend a motion;
 - 14.22.3 to proceed to the next business;
 - 14.22.4 that the question be now put;
 - 14.22.5 to adjourn a debate;
 - 14.22.6 to adjourn a meeting;
 - 14.22.7 to exclude the public and press in accordance with the Access to Information Rules; and
 - 14.22.8 to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

Closure motions

- 14.23 A Member may move, without comment, the following motions at the end of a speech of another Member:
- 14.23.1 to proceed to the next business;
 - 14.23.2 that the question be now put;
 - 14.23.3 to adjourn a debate; or
 - 14.23.4 to adjourn a meeting.
- 14.24 If a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 14.25 If a motion that the question be now put is seconded and the Mayor 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 their motion to the vote.
- 14.26 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor 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.

Duties of the Mayor or Person Presiding

- 14.27 Where, in the Mayor's belief, any debate shall already have represented the views of Members, the Mayor shall, notwithstanding that no closure motion has been moved under Rules 14.23 to 14.26, have discretion to intervene to limit any further debate in order not to impede proper attention to further business. The Mayor will have discretion to vary the order of speakers prior to limiting further debate, so that they may be satisfied that the debate has represented the views of Members, in particular that there has been reasonable opportunity for views from different political groups to be expressed.

Point of Order

- 14.28 A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the Rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

Personal Explanation

- 14.29 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

15 THE CITY DEBATE

Calling of debate

- 15.1 The Leader may call a City debate annually on a date and in a form to be agreed with the Mayor.

Form of debate

- 15.2 The Mayor and the Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity.

Chairing of debate

- 15.3 The debate will be chaired by the Mayor or a person nominated by the Mayor to facilitate debate.

Results of debate

- 15.4 The results of the debate will be:
- 15.4.1 disseminated as widely as possible within the community and to agencies and organisations in the area; and
 - 15.4.2 considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

16 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- 16.1 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 ten Members.

Motion similar to one previously rejected

- 16.2 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 ten Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- 16.3 This Rule does not apply to a motion moved whilst the Council has before it a relevant report or recommendation of the Cabinet or a committee.

17 VOTING

Majority

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

Mayor's casting vote

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

Voting at Council Meetings

- 17.3 The mode of voting at meetings of the Council shall be at the discretion of the Mayor and may include by way of:
- 17.3.1 show of hands;
 - 17.3.2 electronic equipment installed in the Council Chamber or the venue in which the Meeting is taking place;
 - 17.3.3 an electronic voting application or software on personal or mobile devices; or
 - 17.3.4 such other means as the Mayor considers appropriate.
- 17.4 If there is no dissent, agreement may be signalled by acclamation.
- 17.5 If there is dissent, but it is clear to the Mayor that a majority of Members are in agreement, the consent of the Meeting may be signalled by acclamation.
- 17.6 Rules 17.4 and 17.5 are without prejudice to a Member's right to have their individual vote recorded in accordance with Rule 17.13.
- 17.7 When a named vote is taken on any question at a meeting of the Council, the voting shall be recorded so as to show whether each Member present gave their vote for or against that question, provided that if a Member wishes to have an abstention from voting recorded they shall so indicate to the Mayor at the time of voting. If a majority of the Members eligible to vote present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 17.8 Whenever a vote is about to be taken at a meeting of the Council the Chief Executive shall cause a bell to be rung in the main corridor of the Civic Suite and the vote shall not be taken for a period of one minute from the commencement of the ringing of the bell, except that a vote shall not be invalidated for breach of this standing order unless the Mayor at their sole discretion immediately after the vote has been taken so declares whereupon the vote shall be re-taken.

Voting in relation to setting the Budget

- 17.9 At a Budget decision meeting of the Council:-
- 17.9.1 Immediately after any vote is taken there must be recorded in the minutes of the proceedings of that meeting the names of the Members who cast a vote for or against the decision or who abstained from voting.

17.9.2 Reference to a “Budget decision meeting” for the purposes of this Rule means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

17.9.3 Reference to a “vote” for the purposes of this Rule are references to a vote on any decision related to the meeting or the calculation as the case may be including a vote on any amendment to a proposal.

Voting at Other Meetings

17.10 Unless a ballot or recorded vote is demanded under Rules 17.11 or 17.12 the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Ballots

17.11 The vote will take place by ballot if a majority of the Members eligible to vote at the meeting demand it. The Chair will announce the numerical result of the ballot immediately after the result is known.

Recorded vote

17.12 If a majority of the Members eligible to vote present at the meeting demand it, 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

17.13 Where any Member 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

17.14 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.

18 MINUTES

Signing the minutes

18.1 The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record.

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

No requirement to sign minutes of the previous meeting at an extraordinary meeting

- 18.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 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 paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

Form of minutes

- 18.4 Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

19 RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in this Constitution or Rule 22 (Disturbance by Public).

21 MEMBERS' CONDUCT

Standing to speak

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

Mayor standing

- 21.2 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

Member not to be heard further

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

Member to leave the meeting

- 21.4 If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member 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

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

22 DISTURBANCE BY PUBLIC

Removal of member of the public

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

Clearance of part of meeting room

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

23 SUSPENSION, AMENDMENT AND INTERPRETATION OF COUNCIL PROCEDURE RULES

Suspension

- 23.1 All of these Council Rules of Procedure except Rule 17.8 and 18.3 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can last for the duration of an item or items of business being dealt with at a meeting or may at most be for the duration of the meeting.

Amendment

- 23.2 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Interpretation

- 23.3 The ruling of the Mayor as to the construction or application of any of these Rules of Procedure, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

24 DECLARATIONS OF INTEREST AND WITHDRAWAL FROM MEETINGS

A Member must withdraw from the meeting room (including from the public gallery) during the whole of the consideration of any item of business in which they have a Disclosable Pecuniary Interest or other personal interest, except where permitted to remain as a result of a dispensation.

25 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure except Rules 17.10 – 17.12 apply to meetings of full Council. None of the Rules apply to meetings of the Cabinet. Rules 4, 6 and 7, 16 – 23 (except Rule 17.3 – 17.6 and Rule 21.1) apply to meetings of committees and sub-committees.

