

# **PART 4A COUNCIL PROCEDURE RULES (STANDING ORDERS)**

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## STANDING ORDERS OF THE COUNCIL

### **1. Meetings of Council**

- 1(a) The Annual Meeting of the Council shall be held on the fourth Wednesday of May.

**[Note –** In some years it may be necessary to fix an earlier date to comply with paragraph 1(2) of Schedule 12 to the Local Government Act 1972 (for an extract see the end of this Part).

This provides that in years where there are ordinary elections of councillors, the Annual Meeting must take place within twenty-one days immediately following the day of retirement of councillors.]

- 1(b) In addition to the Annual Meeting of the Council and any meetings convened by the Lord Mayor or by members of the Council, meetings for the carrying out of general business shall be held in accordance with a schedule approved by the Council at the Annual Meeting.
- 1(c) Meetings will be held in the Civic Centre, Newcastle upon Tyne or at such other place as the Council may direct.
- 1(d) In these Standing Orders, references to "ordinary" meetings shall mean the meetings referred to in Standing Order **(1)(b)** other than the Annual Meeting.
- 1(e) Even if any provisions of these Standing Orders restrict any business to ordinary meetings of the Council, the Lord Mayor shall have a discretion to allow such business to be dealt with at other meetings of the Council, particularly where such business relates to other items on the agenda.

### **2. Time of Meetings**

Meetings of the Council shall be held at the following times or at such other times as the Council may fix: -

Annual Meeting	2.00 p.m.
Other Meetings	6.00 p.m.

### **3. Order of Business**

- 3(a) Except as provided by paragraphs **(b), (c), (d) or (e)** of this Standing Order, the order of business at every ordinary meeting of the Council shall be:-
- (i) To choose a person to preside if the Lord Mayor and Sheriff and Deputy Lord Mayor are absent;
  - (ii) To deal with any business required by statute to be done before any other business;
  - (iii) To approve as a correct record and sign the minutes of the last meeting of the Council (subject to Standing Order **38**);
  - (iv) Lord Mayor's announcements;

- (v) Where the meeting has been "specially convened" under any enactment or has been convened to consider a report of the Chief Finance Officer or the Monitoring Officer, the business for which the meeting was so convened;
  - (vi) Where the Council is obliged under any enactment or rule of law to make a decision before a particular date and the meeting is the last ordinary meeting before such date, the business relating to such a decision;
  - (vii) Correspondence;
  - (viii) Petitions;
  - (ix) Presentations;
  - (x) Public Questions and Addresses;
  - (xi) Scrutiny Committee Reports under Standing Order **7**;
  - (xii) Consideration of Reports from Cabinet, Committees and Sub-Committees not dealt with at a previous meeting;
  - (xiii) Consideration of Reports from Cabinet, Committees and Sub-Committees;
  - (xiv) Consideration of Reports under Standing Order **13** not dealt with at previous meetings;
  - (xv) Consideration of Reports under Standing Order **13**;
  - (xvi) Questions by Members;
  - (xvii) Cabinet Members' Updates
  - (xviii) Notice of motions (including those not dealt with at a previous meeting) in the order provided for in paragraph (f) of this Standing Order;
- 3(b) Business falling under items **(i), (ii), (iii) or (v)** of paragraph **(a)** of this Standing Order shall always be dealt with in that order;
- 3(c) The Lord Mayor shall have a discretion to determine the order of the remaining business of the meeting before the publication of the summons for the meeting in which case the order of the business shall be as set out in the summons. In exercising his/her discretion, the Lord Mayor shall take into account the order set out in **SO3(a)**, the importance of the business, the need to address public expectations and the need to ensure political balance;
- 3(d) But subject to that the Council may direct the order of business to be altered by a resolution passed on a motion (without notice), which shall be moved, seconded and put without discussion.
- 3(e) Business falling under items (xi) to (xv) shall not be included in the agenda for the meeting which includes as part of its business consideration and

determination of the Council Tax Levy for the next ensuing year, unless exceptionally agreed by the Lord Mayor.

3(f) The Lord Mayor shall allocate each notice of motion to one of the following categories, which shall be dealt with in the sequence below starting with category (i):

- (i) Motions postponed from the previous meeting of the Council under Standing Order 19(b)(ii);
- (ii) Motions dealing with citywide and regional issues, which might include the wider implications of a relatively local matter;
- (iii) Motions dealing with issues of national or international interest but having little direct impact on the city;
- (iv) Motions dealing with very local issues.

Within each category, notices of motion shall be dealt with in the order they are received.

3(g) The order of business at the Annual Meeting shall be:-

- (i) To elect the new Lord Mayor
- (ii) To elect the Sheriff and Deputy Lord Mayor
- (iii) To deal with any business required by statute to be done before any other business
- (iv) Lord Mayor's announcements
- (v) Introduction of new Councillors
- (vi) Appointment of Cabinet Members and other appointments
- (vii) Appointment of committees
- (viii) Any report agreed by the Lord Mayor as suitable for the Annual Meeting
- (ix) Lord Mayor's service at St Thomas' church

#### **4. Quorum**

- 4(a) If, during any meeting of the Council, the Lord Mayor, after arranging for the number of members to be counted, declares that there is not a quorum present, the meeting shall stand adjourned for five minutes and a Bell shall be rung.
- 4(b) If, after five minutes, the Lord Mayor, after again arranging for the number of members to be counted, declares that there is still no quorum present, the meeting shall end.
- 4(c) Any outstanding business shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned or, if the Lord Mayor does not fix a time, to the next ordinary or extraordinary meeting of the Council.

*Note: By virtue of the Local Government Act 1972, the quorum is at least one quarter of the whole number of members of the Council. Where more than one-third of the members become disqualified at the same time, then until the number of members in office is increased to not less than two-thirds of the whole number of members of the Council, the quorum shall be calculated by reference to the number of members of the Council remaining qualified.*

## **5. Voting**

### **5(a) Voting Method**

- (i) All questions shall (if not otherwise directed by law) be decided by mechanical means **or** by a show of hands
- (ii) If ten members of the Council demand that the names be taken down, the names and votes of members present shall be taken by mechanical means or by the Service Manager Democratic Services or other appointed officer and recorded in the minutes by means of a note attached to the Official Minute Book.

### **5(b) Members to be seated during voting. Meeting may be prolonged.**

During the taking of the votes, members shall be seated in the seats allocated to them under the approved seating plan, and notwithstanding anything to the contrary in these Standing Orders it shall be within the discretion of the Lord Mayor, when a vote of the Council is about to be taken, to prolong the meeting for sufficient time to allow such vote to be recorded and if necessary for the substantive motion to be put and voted on.

### **5(c) Procedure for taking a named vote**

Before taking a named vote upon any question a Bell shall be rung before the question is put by the Lord Mayor. At that point, the doors of the Council Chamber shall be immediately closed until the vote has been taken.

### **5(d) Voting on appointments**

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority 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.

### **5(e) Recording of Votes** (N.B. Mandatory)

- (i) Where immediately after a vote is taken at a meeting of a relevant body and any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether they abstained from voting.
- (ii) Immediately after any vote is taken at a budget decision meeting of a relevant body there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- (iii) In this paragraph "relevant body" means the Council, a committee or sub-committee of the Council or a relevant joint committee or sub-committee of such a committee.

- (iv) In this paragraph "budget decision" means a meeting of the relevant body at which it
  - (a) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
  - (b) issues a precept under Chapter 4 of Part 1 of that Act,

and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting.

References to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

## **6. Letters etc.**

- 6(a) Any relevant letter addressed to the Council shall be sent to the Lord Mayor who, after consultation with the Leader of the Council, shall have the right to refer it to the Council, a Committee, Sub-Committee or Officer as he or she deems appropriate. 'A relevant letter' means one expressly addressed to full Council or all members of the Council or one replying to a letter authorised by full Council.
- 6(b) A letter referred by the Lord Mayor to the Council which has been received in time to be enclosed with the agenda may be the subject of a motion. A letter so referred which has been received too late to be enclosed with the agenda may be subject only to the motion that it "be received" or that it "be referred to the appropriate Committee, Sub-Committee or Officer."

## **7. Scrutiny Committee Reports**

Scrutiny Committee Reports under the following provisions of the Council's constitution shall be dealt with in accordance with those provisions, notwithstanding the other provisions of these Standing Orders:-

- 7(a) Paragraph 17 of the Access to Information Rules (Reports in relation to key decisions) (Part 4B);
- 7(b) Paragraph 7 of the Budget and Policy Framework Procedure Rules (Call-in of decisions outside the budget or policy framework) (Part 4C);
- 7(c) Paragraph 15 of the Scrutiny Procedure Rules (Call-in) (Part 4E).

## **8. Questions by Members**

- 8(a) The purpose of this Standing Order is to allow members of the Council to ask questions about strategic or policy issues of: -
  - (i) the Leader of the Council,
  - (ii) the Deputy Leader of the Council,
  - (iii) a Cabinet Member,
  - (iv) a Chair of a Committee of the Council;

- (v) a member of the Council appointed by the Council to a joint authority or joint committee; or
- (vi) a member or officer of the Council who has been appointed by the Council to be a member or director of a company

at ordinary meetings of the Council.

If a member is in any doubt as to whether his/her question is about a strategic or policy issue, the matter should be referred to the Assistant Director Legal Services or Service Manager Democratic Services who will decide if the question is in order.

8(b) **Where an ordinary meeting (other than the Annual Meeting) of the Council is to be held**, any question which a member of the Council proposes to ask at the meeting must be received by the Service Manager Democratic Services in writing by noon of the second Monday before the Council meeting when such meeting is held on a Wednesday and, in other cases, by noon of the day before the day for summoning the meeting.

- (i) The member asking the question shall indicate whether the question is for written or oral reply. Questions to officers and Chairs of Committees shall be marked for written reply only.
- (ii) No political group shall have more than 10 questions on the Council agenda at the same time. The political whips will select the questions for their respective groups. No individual member shall have more than two questions on the Council agenda at the same time. Any question for these purposes shall only comprise one substantive question.
- (iii) Questions which in the opinion of the Service Manager Democratic Services require factual answers which can be provided by officers will not be accepted for the agenda. The Service Manager Democratic Services will send any such question to the relevant officer (with a copy to the member to whom it was directed). The officer shall provide a written reply within ten working days of receiving the question to the member who asked it (with a copy to the member to whom it was directed).
- (iv) The wording of any other questions submitted shall be included with the agenda unless the Lord Mayor is of the opinion that it is out of order, or of a personal character, in which case the Lord Mayor shall notify the member and the question shall not be allowed.
- (v) Questions marked for written reply and the reply to those questions will be circulated in the Council Chamber before the meeting begins. No supplementary questions will be allowed on a question marked for written reply.
- (vi) Where questions are replied to in writing, a copy of the question and reply shall be kept by the Service Manager Democratic Services and shall be open for public inspection for so long as the minutes of the relevant Council meeting are open to public inspection.
- (vii) A member of the Council may with the permission of the Lord Mayor put a question relating to urgent business of which notice has not been



received in accordance with this paragraph, but a copy of any such question shall, if possible, be sent to the Service Manager Democratic Services not later than Noon on the day two days before the meeting.

## **9. Questions by Members for Oral Reply**

9(a) At each ordinary meeting of the Council (other than the Annual Meeting) a continuous period of up to 15 minutes starting with the commencement of the first question shall be available for the putting of questions submitted under SO **8** and marked for oral reply, the putting of any supplementary questions and the giving of replies to such oral questions or supplementary questions.

- (i) Where more than one such question is to be asked, those questions shall be asked in the order in which they are received.
- (ii) Questions marked for oral reply shall be numbered consecutively in the order in which they are received and, if not included with the agenda for any reason, shall be circulated in the Council chamber before the meeting begins.
- (iii) Every question included with the agenda shall be deemed to have been put orally to the person to whom it is addressed. Any other question shall be put orally at the meeting by the person asking it. A question shall be answered without discussion but the person to whom a question has been put may decline to answer. If the person to whom it has been put is unable to attend the meeting the question may be answered by another member either nominated by that person or agreed by the Lord Mayor.
- (iv) No member may ask more than one question at any meeting, except that the member asking the original question may ask one supplementary question.
- (v) The Lord Mayor may allow up to two further supplementary questions from other members. Any supplementary question must relate to and arise directly out of the original question. A supplementary question must be a question and not a statement.
- (vi) Questions shall relate to the work of the Council or any joint authority, joint committee or company on which the Council is represented and shall be directed to a member who has responsibilities in respect of such work.
- (vii) The questions must be specific to an issue and not general.
- (viii) If the Lord Mayor is of the opinion that a question is out of order, or of a personal character, the Lord Mayor shall tell the member and shall not allow the question to be put.
- (ix) The 3 minute time limit on speeches referred to in SO**17(d)** shall apply to any question and supplementary question.
- (x) Where an answer is being given to a question put during question time, an answer may take the form of:-

- a direct oral answer;
  - a reference to a publication;
  - a written answer circulated to members, where the reply cannot conveniently be given orally; and
- (xi) Where the question or the answer to a question has not been commenced during the time allotted for such questions, a reply will be given in writing and circulated to members before the next meeting of the City Council.
- 9(b) Where questions are replied to orally, the question, a summary of the reply, any supplementary questions and any supplementary replies shall be recorded in the minutes of the meeting.
- 9(c) Questions (whether requiring a written or oral reply) which would need elaborate statistical returns to be prepared shall not be answered unless and until the Council directs, if the member to whom the question is addressed is of the opinion that the returns cannot be prepared without undue interference with the regular work of the officers supplying the information, and that the response should be submitted to a future meeting of the Council or a Committee or Sub-Committee.

#### **10. Cabinet Members' Updates**

- 10(a) A standard item shall be included in the agenda for each ordinary Council meeting (other than the Annual Meeting) called "Cabinet Members' Updates" to provide an opportunity to inform the Council of matters that fall within Cabinet Members' portfolios.
- 10(b) Before any update report is included in the agenda, it must have been considered by the appropriate Scrutiny Committee. The report must incorporate any comments made by that Scrutiny Committee, together with the Cabinet Member's response, and shall be included with the agenda.
- 10(c) A Cabinet Member's update report will review the Cabinet Member's portfolio activities over the preceding 12 months ("annual report")
- 10(d) At the meeting, the Cabinet Member shall briefly move the report unless new material information has emerged following consideration of the report by the Scrutiny Committee, in which case the Cabinet Member is entitled to speak for up to 5 minutes under **SO17(d)**.
- 10(e) The Lord Mayor shall allow up to 25 minutes for the Cabinet member introduction under Standing Order 10(d) and for questions by members and the Cabinet Member's reply to such questions. The time limit on each reply will be 3 minutes. .
- 10(f) Any question which is not answered by the Cabinet Member in the time allotted under **SO10(e)** will receive a written response.
- 10(g) So far as it is reasonably practicable no more than one Cabinet Member's annual report will be submitted to each ordinary Council meeting.

- 10(h) If the relevant Cabinet Member is unable to attend the meeting, or in any other extenuating circumstances agreed by the Lord Mayor, a Deputy Cabinet Member can act as a substitute under this Standing Order.

## **11. Public Questions and Addresses**

- 11(a) At each ordinary meeting of the Council (other than the Annual Meeting), a continuous period of up to 15 minutes shall be available to allow members of the public: -
- (i) to ask questions of the Leader of the Council, the Deputy Leader of the Council or a Cabinet Member or a Chair of a non-executive committee;
  - (ii) to address the Council for up to 5 minutes on an issue.
- 11(b) Any person or persons who wishes or wish to ask a question or address the Council shall give written notice of the question or the proposed address (which shall include the full text of the address) to the Service Manager Democratic Services by noon on the day two days before the Council meeting.
- 11(c) The Lord Mayor may direct that the wording of all or any questions submitted or the nature of each or every address together with the identity of the person or persons making the request shall be included with the agenda.
- 11(d) The Lord Mayor may allow a person or persons to ask a question or address the Council where the subject matter is urgent where notice has not been received in accordance with paragraph **(b)**.
- 11(e) The Lord Mayor shall decide whether to allow the question to be put or the address to be made and the order in which they shall be put or made. Questions and addresses shall relate to the work of the Council. Questions shall be directed to a member who has responsibilities in respect of such work. Questions and addresses shall not be of a personal character.
- 11(f) A question shall be answered by the person to whom it is put under Standing Order 11(a)(i) and the Leader of the Council or relevant Cabinet Member or non-executive Chair shall respond to an address. The person who asked the question or made the address shall then be allowed one minute to speak in response. The Council shall thereafter not discuss the subject matter of the question or the address except as provided for by Standing Order 11(g).
- 11(g) The Council may (after the question has been answered or the address has been made and any responses to it given) by resolution passed on a motion (without notice), which shall be moved, seconded and put without discussion, resolve that the matter shall be referred to Cabinet, a Committee, Sub-Committee or officer of the Council (if necessary, in consultation with a Cabinet Member and/or Chair and/or Ward Members) for consideration and decision about any appropriate action, and if so, may also resolve that there shall be a report back on the matter to the Council or any other body.

## **12. Petitions**

- 12(a) In this Standing Order, a "petition" means a written document requesting that the Council take the action referred to in the petition and signed primarily by

persons resident or working in the city.

12(b) This Standing Order applies where any person or body of persons wishes to attend a meeting of the Council to present a petition or have a member of the Council present it on their behalf.

- (i) An application from any person or body of persons to so present a petition shall be referred to the Lord Mayor by submitting the application, accompanied by the petition or a true copy of it, to the Service Manager Democratic Services.
- (ii) Unless the Lord Mayor is of the opinion that it is a matter of urgency (including where the matter relates to business on the agenda for the meeting, or where delaying the matter to a future meeting would prejudice someone), the application shall be made to the Service Manager Democratic Services by noon of the Monday before an ordinary Council meeting when such meeting is held on a Wednesday and, in other cases, by noon of the day before the day of the meeting.

Except as provided by paragraph (h) of this Standing Order, each petition shall be dealt with in accordance with paragraphs (c) to (g) below.

12(c) The Lord Mayor shall decide whether to allow the petition to be presented to Council.

In exercising his/her discretion, the Lord Mayor may have regard to the following:

- The public interest in the matter.
- Whether the petition relates to the work of the Council.
- Whether the petition is of a personal character.
- Whether the petition relates to issues that have been raised at meetings in the recent past, without good reason.
- Petitions should usually not relate to judicial or quasi-judicial matters.
- Petitions to full Council should usually not relate to individual planning applications, licence applications, grant applications or appeals.
- Petitions should not relate to confidential or exempt matters within the meaning of the Local Government (Access to Information) Act 1985.
- Petitions should not relate to party political matters.
- Petitions should not be frivolous, vexatious or unreasonable in all the circumstances.

12(d) Unless the Lord Mayor decides otherwise (and/or subject to any resolution of the Council), the person or persons presenting a petition shall confine himself/herself to reading the text of the petition (which shall not exceed 100 words) and stating the number of signatures attached to it.

12(e) After the petition has been received, the relevant Cabinet member or non-executive Committee Chair shall briefly respond.

12(f) The Council shall not discuss the subject matter of a petition except to determine the matters referred to in **SO 12(g)**.

12(g) The Council may, after the petition has been received, by resolution passed on a motion (without notice) duly moved and seconded, resolve that the petition shall be referred to a Committee, Sub-Committee or officer of the

Council (if necessary, in consultation with a Cabinet Member and/or Ward Members) for consideration and decision about any appropriate action, and, if so, may also resolve there shall be a report back on the matter to the Council or other body.

12(h) Where a petition contains more than 2,500 signatures from people who live, work, study, own businesses or use services in the city, in support of the action requested, and has triggered the requirement for a debate at Council (in accordance with the Council's Petition Scheme) then (subject to **SO 12(i)**) the procedure shall be as follows:-

- i. The organizer of the petition is allowed 5 minutes to present the petition (and s/he should have provided the full text of their presentation prior to the Council meeting). The organizer of the petition is allowed no further opportunity to participate in the debate;
- ii. The relevant Cabinet Member shall reply to the petition and propose a motion as to what action Council should decide to take;
- iii. Another Member may second that motion;
- iv. Two opposition Members may then speak;
- v. The Cabinet Member (ie the mover of the original motion as to what decision Council should take) can respond to the debate;
- vi. Council shall then vote on the motion (provided that if any amendment has been proposed and seconded, then it shall be voted on first).
- vii. Each of the speeches mentioned in sub paras (ii) to (v) will be limited to 3 minutes.

12(i) If the organizer (or his/her representative) of a petition referred to in **SO 12(h)** is unwilling or unable to present the petition, then it will not trigger a debate at Council and be dealt with in accordance with paragraphs (c) to (g) of this Standing Order.

12(j) For the avoidance of doubt, petitions which are considered by the Service Manager Democratic Services to contain less than 2,500 signatures from people who live, work, study, own businesses or use services in the city will not trigger a debate at Council and will be dealt with in accordance with paragraphs (c) to (g) of this Standing Order.

### **13. Reports**

13(a) The Lord Mayor may, after consultation with the Leader of the Council, include on the Council agenda reports which either:

- i. require a decision of the Council from persons (including officers) or organisations other than Committees or Sub-Committees of the Council; or
- ii. concern a matter which relates to an executive function which Cabinet consider should be endorsed by the Council.

13(b) The Lord Mayor may direct that any recommendation included in reports submitted under this Standing Order shall be deemed to have been moved and seconded by named members present at the meeting (unless such members object) and then the rules of debate in **SO17, 18, 19** shall apply.

#### **14. Notice of Motions**

- 14(a) The Chief Executive shall include in the summons for any meeting of the Council all notice of motions which shall have been given in writing by noon of the second Monday before the Council meeting when such meeting is held on a Wednesday and in other cases, by noon of the day before the day for summoning the meeting.
- 14(b) No notice of motion shall be deemed invalid by reason of the policy involved being deemed objectionable, but the Service Manager Democratic Services or Assistant Director Legal Services may exclude from the agenda a notice which they deem to be out of order (which, for the avoidance of doubt, shall include a proposed motion which, if approved, would result in the Council breaching its legal obligations or otherwise contravening the law) or alternatively they may make such alterations as will bring any notice into due form.
- 14(c) No member of the Council shall have more than two notices of motions on the Council agenda at the same time, except with the prior approval of the Lord Mayor.
- 14(d) No motion shall be proceeded with in the absence of the member in whose name it stands except where it is business which the Council must transact by law or where the motion is moved by another member either nominated by the absent member or agreed by the Lord Mayor.
- 14(e) Any notice of motion which would have the effect of materially increasing the expenditure of the Council, or reducing the Council revenue, should be referred to the Cabinet for consideration.
- 14(f) No motion to rescind any resolution passed within the last six months, nor any motion substantially reproducing any motion or amendment negated within the last six months, shall be in order unless the notice thereof bears, in addition to the name of the proposer, the signatures of at least fifteen members of the Council. This order shall not apply to motions moved on a report or recommendation of a Committee.
- 14(g) In the case of meetings other than ordinary meetings, where the motion does not relate to the business for which the meeting has been convened, the Lord Mayor may direct that the motion shall not be included in the summons for that meeting and that it shall be deferred to the next ordinary meeting of the Council.

#### **15. Motions and Amendments which may be moved without Notice**

The following motions and amendments may be moved without notice whether during a debate or otherwise:-

- (a) Appointment of a Chairman of the meeting at which the motion is made.
- (b) Motions relating to the accuracy of the Minutes.
- (c) A motion under Standing Order **3(d)** to alter the order of business.
- (d) Appointment of a committee or members of a committee, arising from an item on the summons for the meeting.

- (e) Adoption of reports and any resolutions following from them (subject to compliance with Standing Order 16(c)).
- (f) That leave be given to withdraw a motion.
- (g) Amendments to motions (subject to compliance with Standing Orders 16(a) and (c)).
- (h) That the Council proceed to the next business.
- (i) That the question be now put.
- (j) That the debate be now adjourned.
- (k) That the Council do now adjourn.
- (l) A motion under Standing Order **6(b)** in relation to a letter enclosed with the Council Agenda.
- (m) That the Council resolve itself into Committee in accordance with Standing Order **26**.
- (n) Suspension of Standing Orders, in accordance with Standing Order **27**.
- (o) Motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public.
- (p) That a member named under Standing Order **25** be not heard further or do leave the meeting.
- (q) Giving the consent of the Council where the consent of the Council is required by these Standing Orders.
- (r) A motion relating to Public Questions or Addresses under Standing Order **11**
- (s) A motion relating to Petitions under Standing Order **12**.
- (t) A motion to authorise the sealing of documents.
- (u) A motion under Standing Order **29 (b)** to hear an officer or other person.

## **16. Notice of Amendments**

- 16(a) Any member, who intends to move an amendment to a motion included on the agenda for a meeting, shall give written notice of the amendment to the Service Manager Democratic Services before noon on the day before the day of the meeting.
- 16(b) Details of the notice referred to in 16(a) shall not be disclosed to any member of the Council (other than the Lord Mayor, the Sheriff and Deputy Lord Mayor, or other member likely to preside at the meeting) until 4.00 p.m. on the day of the meeting, when a written copy of any proposed amendment shall be

available for any member to collect from the office of the Service Manager Democratic Services.

- 16(c) Any member who intends to move an amendment either to any motion to adopt a report, or to the recommendations in or other contents of a report, which is included on the agenda for a meeting shall give written notice of the amendment to the Service Manager Democratic Services before noon of the day before the day of the meeting.
- 16(d) Details of the notice referred to in 16(c) shall immediately upon receipt be given by the Service Manager Democratic Services to the author of the report and the Leaders of the Council and of the Opposition.
- 16(e) Paragraph **(a)** shall not apply to any proposed amendment which results from the Council having approved an earlier amendment to a motion.
- 16(f) The Lord Mayor may in his/her discretion waive the requirement to comply with paragraph **(a)**. Unless there are exceptional circumstances, such requests should be made before the meeting.
- 16(g) Where a member who has proposed an amendment is unable to attend the meeting the amendment may be moved by another member either nominated by that person or agreed by the Lord Mayor.

## **17. Rules of Debate**

- 17(a) A Member who speaks shall stand and address the chair and confine his/her speech to the subject under discussion. The Lord Mayor may call attention to continued irrelevance, repetition, unbecoming language, or any breach of order by the Member; and may tell that Member, if speaking, to end his/her speech.
- 17(b) **Members to speak only once.** No member may address the Council more than once on any item on the Council agenda with the following exceptions:
  - (i) The mover of a report or motion has the right to reply at the close of the debate upon the motion (including the debate upon a first amendment), immediately before it is put to the vote, and in so doing shall confine himself/herself to answering previous speakers and shall not introduce any new matter into the debate.
  - (ii) A member seconding a report, a motion or an amendment may without further comment reserve his/her right to speak later in the debate.
  - (iii) A member may rise during the debate on a first amendment to give notice of his/her intention to move a further amendment when the first amendment has been disposed of; and may rise again at the appropriate time to move that further amendment. The member may choose whether to address the Council generally on his/her amendment either when giving notice of it or when formally moving it but otherwise shall confine his/her remarks to the wording of the amendment.
  - (iv) A member may rise on questions of order and personal explanation, see Standing Orders **22** and **23**.



- (v) The mover of an amendment which, when carried, becomes the motion, may reply to the debate on any further amendment to it and in so doing shall confine himself/herself to answering previous speeches during the debate on the amendment in question.
  - (vi) The Lord Mayor shall have discretion to allow a member who has already spoken on the motion or earlier amendment to speak again on a further amendment.
- 17(c) At every ordinary meeting of the Council no more than six members will be permitted to speak in addition to the mover and seconder of a motion or amendment in relation to any item on the Council agenda. Each political group will use its best endeavours to submit a list of proposed speakers on each item to the Lord Mayor (through the Service Manager Democratic Services) by no later than 4pm on the day of the meeting. There will be no limit on the number of speakers on an item involving consideration and determination of the Council Tax Base and Council Tax Levy for the next ensuing year.

**17(d) Limitation of speeches**

- (i) Except as provided in **SO17(d)(ii)**, the time limit on all speeches by the mover of a report, motion or amendment will be five minutes, and the time limit on all other speeches (including a right of reply) will be 3 minutes.
  - (ii) At the meetings of the Council which consider the Council Tax base and the Council Tax levy for the next ensuing year, during the consideration and determination of such items of business, the member moving the report of the Executive and the first speaker for the main Opposition group shall be entitled to speak for up to 20 minutes each, with a time limit on all other speeches of 5 minutes.
- 17(e) When a motion is being debated, no further motion shall be received except amendments and closure motions in accordance with the following paragraphs.

**17(f) Amendments to motions**

- (i) Every amendment shall be relevant to the motion and not result in an entirely different motion and shall
  - either refer the subject of the motion to committee for consideration or reconsideration; or leave out words and/or insert or add other words;
  - be reduced to writing and handed to the Lord Mayor who shall determine whether the same is in order and may make such alterations as will bring it into due form;
  - be read by the mover before he or she speaks to it;
  - be seconded before further discussion takes place.

Except as provided in **SO17(f)(vi)**:

- (ii) Only one amendment may be discussed at any one time.

- (iii) No further amendment may be moved on a report or motion, until the first amendment shall have been disposed of.
- (iv) If an amendment is carried it shall take the place of the original motion and shall become the motion to which further amendments may be moved.
  - No further amendment shall be allowed unless notice of the terms thereof shall have been given during the discussion on the original amendment.
- (vi) At the meetings of the Council which consider the Council Tax base and the Council Tax levy for the next ensuing year, all amendments shall be moved at one time, and shall be subject to a single debate, but each amendment shall be voted on in turn.

## **18. Closure motions**

- 18(a) Any Member who has not spoken on the matter being discussed by the Council may at the end of any speech move (without comment) any of the following motions:-

**“that the Council proceed to the next business”,**

**“that the vote be now taken”,**

**“that the debate be adjourned to the next meeting”, or**

**“that the Council do now adjourn”**

- 18(b) On the seconding of the motion (without comment) the Lord Mayor shall proceed as follows:-

**(i) On a motion to proceed to the next business:**

- The Lord Mayor shall give any member who has reserved his/her right to speak under SO 17(b)(ii) a right to speak;
- The Lord Mayor shall then give the mover of the original motion a right of reply, and
- The Lord Mayor shall then put to the vote the motion to proceed to the next business.

**If that motion is carried, the original motion shall lapse.**

**(ii) On a motion that the vote be now taken:**

If the Lord Mayor considers that the item has been debated for a reasonable length of time: -

- The Lord Mayor shall put to the vote the motion that the vote be now taken;

- If the motion is carried, the Lord Mayor may call up to two additional speakers;
- The Lord Mayor shall then give any member who has reserved his/her right to speak under SO 17(b)(ii) a right to do so;
- The Lord Mayor shall then allow any member to reply to the debate who has a right to reply under SO 17(b)(i) or SO 17(b)(v) (mover of a motion at the close of the debate on the motion, mover of a motion at the close of the debate on a first amendment, and mover of an amendment that has become the motion at the close of a debate on any further amendment); and
- The Lord Mayor shall then put to the vote the original motion or the amendment under debate.

**(iii) On a motion to adjourn the debate to the next meeting:**

If the Lord Mayor considers that the item has been debated for a reasonable length of time

- the Lord Mayor may refuse to accept the motion and instead put a motion that the vote be now taken under paragraph (ii);

Otherwise: -

- The Lord Mayor shall put the motion to the vote without giving any member an opportunity to speak on that occasion.
- If that motion is carried, the business under debate shall then stand over as uncompleted business until the next ordinary meeting of the Council. When the debate resumes, any member who would have had a right to speak or reply in the adjourned debate shall have the same right in the resumed debate.

**(iv) On a motion to adjourn the meeting:**

If the Lord Mayor considers that the item has been debated for a reasonable length of time

- the Lord Mayor may refuse to accept the motion and instead put a motion that the vote be now taken under paragraph (ii);

Otherwise: -

- The Lord Mayor may proceed with any unopposed business;
- The Lord Mayor shall then put the motion to the vote without giving any member an opportunity to speak on that occasion.

If that motion is carried, the business under debate and any remaining business shall then stand over as uncompleted business until the next ordinary meeting of the Council. When a debate resumes, any member

who would have had a right to speak or reply in the adjourned debate shall have the same right in the resumed debate.

## **19. General Limit on Length of Meetings (Guillotine)**

- 19(a) With the exception of the meeting of the Council which includes as part of its business consideration and determination of the Council Tax base and Council Tax Levy for the next ensuing year, and the Annual Meeting of the Council, meetings of the Council will end not later than 9.00 p.m. or as soon as possible thereafter.
- 19(b) If by 8.30 p.m. the Council's business is unfinished, the Lord Mayor will proceed to conclude the business then under discussion by allowing whoever is speaking to finish and then making it clear that the guillotine has fallen. The Lord Mayor may then call on one further speaker before moving to close the debate by inviting any person who has reserved their right to speak to do so and inviting the mover of the motion to exercise their right of reply. The Lord Mayor will then deal with the remaining business of the agenda as follows:
- (i) The Lord Mayor will call each item on the agenda in turn, inviting the member in whose name the item stands to indicate whether he or she wishes the matter to be dealt with and put to the vote without discussion.
  - (ii) Each of those members may request that the business be postponed to the next ordinary meeting of the City Council to be dealt with as priority business at that meeting or alternatively referred to a committee of the Council without discussion or approval.
  - (iii) If the member chooses to have the matter dealt with at once the Lord Mayor will call for the report/motion to be formally seconded and will allow up to two amendments to be moved and seconded without debate before putting the matter to the vote.
- 19(c) Meetings of the Council which include as part of its business consideration and determination of the Council Tax base and Council Tax levy for the next ensuing year will end not later than 9.30pm or as soon as possible thereafter.

If by 9pm the Council's business is unfinished, the procedure in SO**19(b)** will be followed.

## **20. Withdrawal of Motion or Amendment**

A motion or amendment may be withdrawn by the mover and seconder with the consent of the Lord Mayor, which shall be signified without debate, and a member may not speak upon it after the mover has asked permission to withdraw it, unless such permission shall have been refused.

## **21. Precedence of Lord Mayor**

- 21(a) Whenever the Lord Mayor rises during a debate any member then speaking or offering to speak must resume his/her seat.
- 21(b) Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## **22. Questions of Order**

Any member, whether he or she has spoken on the matter under discussion or not, may, with the permission of the Lord Mayor, rise to a point of order. That member shall be entitled to be heard at once.

## **23. Questions of Personal Explanation**

Any member, whether he or she has spoken on the matter under discussion or not, may, with the permission of the Lord Mayor, rise in explanation, but such explanation shall be confined to some material part of his or her former speech which may have been misunderstood or misrepresented. That member shall be entitled to be heard at once.

## **24. Ruling on Questions of Order**

24(a) The Lord Mayor's ruling on all questions of order, whether or not provided for by Standing Orders, and of matters arising in debate, shall be final and shall not be open to discussion.

24(b) The Lord Mayor may adjourn the Council for a short period if considered necessary.

## **25 Disorderly Conduct**

25(a) At any meeting if the Lord Mayor considers that any member misconducts himself/herself by:

- persistently disregarding the ruling of the Chair, or
- behaving irregularly, improperly, or offensively, or by
- wilfully obstructing the business of the Council,

the Lord Mayor may move "That the member named be not further heard". If the motion is seconded it shall be put and determined without discussion.

25(b) If the member continues his/her misconduct after a motion under paragraph(1) has been carried the Lord Mayor shall:-

EITHER move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);  
OR adjourn the meeting of the Council for such period as the Lord Mayor in his/her discretion shall consider appropriate.

25(c) If there is a general disturbance which the Lord Mayor feels makes it impossible to deal with the business, the Lord Mayor in addition to any other power he or she has may, without question, adjourn the meeting of the Council for such period as he/she considers appropriate.

25(d) If a member of the public interrupts the proceedings at any meeting the Lord Mayor may, after warning, order his/her removal from the Council Chamber or that part of the Chamber open to the public to be cleared.

## **26. Committee of the Whole Council**

The Council may resolve itself into Committee upon a motion duly made and seconded being carried by a majority of those present, and when and while the Council has thus resolved itself into Committee, the Standing Order prohibiting any person from speaking more than once on the same question shall be deemed to be suspended and for the avoidance of doubt any officers or other person not a member of the Council may be heard with the consent of the Lord Mayor.

## **27. Suspension of Standing Orders**

Any Standing Order not prescribed by statute may be suspended at a meeting of the Council with the consent of a majority of the members of the Council present and voting, but not otherwise. A member moving the suspension of a Standing Order shall state without comment the purpose for which the motion is made, and, if seconded, the question shall be put at once.

## **28. Presentations**

- 28(a) Generally the Lord Mayor shall permit no more than four presentations in any municipal year.

Presentations are to be given at quarterly intervals. Three of the themes for such presentations will be: Police, Transport and Health.

Any other presentation shall concern an issue that affects the functions of the Council or the interests of the City or its citizens.

- 28(b) The time limit on all presentations will be 10 minutes. There is an expectation that the person making the presentation will not use powerpoint unless absolutely necessary.
- 28(c) A further period of up to 15 minutes shall be available for questions and answers. No more than 6 questions will be allowed. Any such questions must be questions and must not be preceded by statements.
- 28(d) Details of the presentation or presentations shall be included in the agenda for the meeting.

## **29. Officers and Other Persons**

- 29(a) Officers advising the Lord Mayor on issues of order and other matters arising in the meeting may be heard at the request of the Lord Mayor.
- 29(b) The Council may resolve that officers and persons who are not members of the Council may be heard upon motion duly moved, seconded and put without discussion.

## **30. Common Seal**

- 30(a) The Common Seal of the Council shall be kept in a safe place and should be locked up, the keys being in the custody of the Assistant Director Legal Services or some other officer of the Council entrusted by him/her with such custody.

30(b) All deeds, instruments and writings to which the Common Seal may be required shall also be signed by:

- (i) the Lord Mayor or the Sheriff and Deputy Lord Mayor or an Executive Member or the Chair or Vice-Chair of a non-executive committee; and
- (ii) the Assistant Director Legal Services or other officer nominated for the purpose by the Assistant Director Legal Services who shall subscribe their names thereto after such sealing

EXCEPT in case of securities raised on the revenues of the Council which shall be signed by any two of the following namely;

- the Assistant Director Legal Services or such other officer as may be nominated by the Assistant Director Legal Services ; and
- the Director of Resources or the Head of Finance;

30(c) A resolution of the Council or Cabinet or a committee or sub-committee with delegated powers or a decision by an individual Cabinet member or a Delegated Officer shall be construed as sufficient authority for affixing wherever this may be required, the Common Seal of the Council to any deed, instrument or writing in accordance with the foregoing provisions of this Standing Order.

### **31. Appointment of Committees**

At the Annual Meeting the Council shall appoint the committees it is required to appoint by or under any statute. The Council may at any time appoint any other committees it needs to carry out the work of the Council but, subject to any statutory provision in that behalf -

- (a) shall not appoint any member of a committee to hold office later than the next Annual Meeting of the Council;
- (b) may at any time dissolve a committee or alter the membership.

### **32. Quorum of Committees**

Except where otherwise specified by statute or Scheme, no committee or sub-committee of the Council shall carry out any business unless there be present at least one-third of the whole number of members of the committee or sub-committee who shall form a quorum provided always that in no case shall the quorum of any committee or sub-committee be less than two members (one of whom shall be the Chair or Vice-Chair of that committee or sub-committee).

### **33. Executive Leader and Other Appointments**

33(a) The Council shall appoint a new executive Leader (known as the Leader of the Council) at the first Annual Meeting after the normal date of retirement as a councillor of the previous executive Leader.

33(b) The Council shall at the Annual Meeting appoint members of the Council to the positions of Leader of the Opposition and Deputy Leader of the Opposition.

- 33(c) The executive Leader shall hold his or her position and may be removed in accordance with Article 7 of the Council's Constitution.
- 33(d) The Council may at any time fill any casual vacancy in the position of executive Leader in accordance with Article 7 of the Council's Constitution.
- 33(e) Except where the context otherwise requires, the expression "Cabinet Member" shall include the Leader of the Council (and the Deputy Leader of the Council, if any).

#### **34. Implementation of Council Resolutions**

- 34(a) Cabinet Members and Chairs shall have responsibility for overseeing the implementation of all resolutions of the Council in respect of matters that fall within their portfolio or remit of their Committee.
- 34(b) The Chief Executive, after consultation with the Leader of the Council, shall determine which Cabinet Member or Chair is responsible if there is any uncertainty.

#### **35. Deputations**

- 35(a) A Committee shall decide on the number of members and officers forming a deputation.
- 35(b) No sub-committee shall send any deputation without the previous consent of the parent committee and no deputation for the same object shall be sent by a parent committee and a sub-committee.
- 35(c) All Deputations shall present a report, if so required, to a subsequent meeting of the committee or sub-committee as the case may be.

#### **36. Representation on and Appointments to Outside Bodies**

- 36(a) Neither Cabinet nor any Committee of the Council shall be represented on any Association or organisation involving any financial obligation on the part of the Council except by resolution of the Committee having received a report containing an estimate of the financial obligations of membership and of attendances at conferences or similar gatherings.
- 36(b) If any member of the Council or Officer is appointed to a seat on the Governing or Executive Body of any Committee or organisation to which the Council or one of the Committees is represented, and such appointment involves the Council in any financial liability, the said appointment shall be notified in due course to Cabinet or the relevant Committee for approval or otherwise.
- 36(c) Appointments to outside bodies shall be made at the Annual Meeting of the Council but (except for appointments to joint authorities) casual vacancies shall be made by the Cabinet except where by law they are the responsibility of the Council or another body. Appointments to joint committees shall be made in accordance with Article 12 of the Council's Constitution.



### **37. Delegations to Committees and Officers**

- 37(a) The Council may delegate to committees, sub-committees and officers so far as the law permits them to do so, the exercise of their powers and duties, reserving to the Council, should it so resolve, the power to determine:-
- (i) all questions which involve, or appear likely to involve, significant new policy or a significant departure from existing policy;
  - (ii) all questions which involve, or appear likely to involve, any expenditure substantially in excess of that which was contemplated by the Council at the time authority was delegated to a Committee;
  - (iii) all questions of the method to be followed for exercising new powers or duties whether put on the Council from outside or obtained in pursuance of a decision of the Council;
  - (iv) expressions of opinion or proposals affecting local government generally, or the local government of the City.
- 37(b) In matters of principle reserved for decision by the Council under Standing Orders such determination shall, whenever practicable, be taken by means of a recommendation so framed as to enable the Council to arrive at a decision apart from the merits of any particular application of the principle.
- 37(c) Any committee may decide to refer a report to Council whether for approval or for information: and reports which are referred to Cabinet shall be also referred to City Council for approval if any 3 members of that committee so require.

### **38. Signing Minutes**

#### **Extraordinary Meetings**

(Note: Mandatory)

- 38(a) Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing as minutes) of that Schedule.

#### **Abolished Committees**

- 38(b) Where in relation to a meeting of a Committee or Sub-Committee of the Council the minutes were not signed by the person presiding at the same meeting and the Service Manager Democratic Services does not consider that a future meeting of the Committee or Sub-Committee will be held (whether because the Committee or Sub-Committee has not been re-appointed or for any other good reason), he or she may submit the minutes to the person who presided at the meeting (or, if no longer available, to another member who was present at the meeting) who shall sign them if satisfied as to their accuracy.

### **39. Status of Standing Orders**

These Council Procedure Rules are the Council's Standing Orders together with:

- The Financial Regulations (contained in Part 4F of the Council's Constitution);
- Those parts of the Budget and Policy Framework Rules (contained in Part 4C of the Council's Constitution) that contain mandatory standing orders; and
- Those parts of Officer Employment Procedure Rules (contained in Part 4H of the Council's Constitution) that contain mandatory standing orders

and are deemed to be incorporated in and have the force of these Standing Orders.

### **40. Codes of Conduct**

Members of the Council will comply with the Council's Code of Conduct for Members and any other Codes or Protocols approved by the Council (Part 5 of the Council's Constitution).

#### **40A. Withdrawal From Meeting Room**

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 s/he has an interest which warrants non-participation in accordance with Part 4 of the Council's Code of Conduct for Members (Part 5.2A of the Charter), except where permitted to remain as a result of a dispensation.

### **41. Canvassing of and Recommendations by Members**

- 41(a) Canvassing of members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. A statement to this effect shall be included in any recruitment information for appointments.
- 41(b) A member of the Council shall not solicit for any person any appointment under the Council, but this shall not prevent a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

### **42. Relatives of Members or Officers**

- 42(a) A candidate for any appointment under the Council who knows that he or she is related to any member or senior officer of the Council shall when making application disclose that relationship in writing to the Service Manager Democratic Services. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and senior officer of the Council shall disclose to the Service Manager Democratic Services any relationship known to him/her to exist between himself/herself and any person whom he or she

knows is a candidate for an appointment under the Council. The Service Manager Democratic Services shall keep a register of such disclosures.

- 42(b) A statement to the above effect shall be included in any recruitment information for appointments.
- 42(c) For the purpose of this Standing Order "senior officer" means any officer under the Council so designated by the Council, and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or grand-daughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

#### **43. Proceedings of Committees**

- 43(a) All Committees and Sub-Committees of the Council shall be open to the public unless grounds exist for excluding the public under the Local Government (Access to Information) Act 1985.
- 43(b) Members of the public can inspect and copy at their own expense any internal document including memoranda, letters and interim reports known to officers as background papers for any report to be discussed in public and any other document drawn to the attention of the officer by a member of the public and accepted as relevant by that officer, with the exception of those matters which may be excluded under the Local Government (Access to Information) Act 1985.
- 43(c) Background papers as defined in paragraph (a) will remain available for inspection for four years from the date of the meeting.
- 43(d) Where information is withheld under these provisions that fact must be made known to the member of the public concerned who shall be advised of the categories of information being withheld and the way in which the withholding can be challenged.

#### **44. Attendance of Non Members of Committees**

- 44(a) A member of the Council shall have the right to attend meetings of committees and sub-committees of which he or she is not a member and also with the previous approval of the chairman to speak at them.
- 44(b) No member may claim any allowance by virtue of this Standing Order alone.

#### **45. Members' Allowances and Expenses**

Claims for Members' allowances shall be made strictly in accordance with the Members' Allowances Scheme and other rules approved by the Council.

[Note: See Members Handbook for more detail].

#### **46. Standing Orders to apply to Committees etc.**

- 46(a) Standing Orders Nos. **5, 12, 25 and 40** shall, with any necessary modification, apply to all meetings of Committees and Sub-Committees

46(b) In these Standing Orders, the expression "Sub-Committee" shall include a Group, Panel or Forum appointed by the Council, a Committee or Sub-Committee.

**47. Standing Orders Relating to Chief Officers and Staffing**

(See Officer Employment Procedure Rules (Part 4H of the Council's Constitution))



## CONVENTION

### MEMBERS' QUESTIONS AT COUNCIL MEETINGS

#### QUESTIONS FOR ORAL REPLY (ORAL QUESTIONS)

1. The purpose of this convention is to assist the Lord Mayor in respect of the procedure for Questions by Members at Council Meetings that are marked for oral reply under **SO9**. This convention is not binding on the Lord Mayor except for those parts that are in **bold**.
2. The Lord Mayor may seek advice from the Service Manager Democratic Services and the Assistant Director Legal Services before giving rulings.
3. **Fifteen minutes are to be set aside at each ordinary meeting of the Council (other than the Annual Meeting) for putting oral questions and replies thereto.**
4. **Oral questions may be addressed to: -**
  - a. **The Leader of the Council;**
  - b. **The Deputy Leader of the Council (if any);**
  - c. **A Cabinet Member;**
  - d. **A chair of a committee of the Council;**
  - e. **A member of the Council appointed by the Council to a joint authority or a joint committee;**
  - f. **A member of the Council who has been appointed by the Council to be a member or director of a company. [Only written questions may be put to officers who have been appointed by the Council to be a member or director of a company].**
5. **The Service Manager Democratic Services must receive questions in writing by noon of the second Monday before the Council meeting (if it is to be held on a Wednesday) or (where the meeting is not to be held on a Wednesday) by noon on the day before the day for summoning the meeting.**
6. **The Lord Mayor has discretion to allow a late question. If possible it should be sent to the Service Manager Democratic Services before Noon on the day two days before the meeting. The question must relate to urgent business. In exercising his/her discretion, the Lord Mayor will consider:**
  - a. The stated reason why the matter is urgent;
  - b. Whether the matter relates to business on the agenda for the meeting;

- c. Whether anyone will be prejudiced by delaying the response to the next meeting;
  - d. Whether a response could be adequately given in writing;
  - e. The likely resources needed to prepare an answer to the question for the meeting;
  - f. The number of questions which the member has already submitted for reply at the meeting;
  - g. The number of other questions included on the agenda for oral reply; and
  - h. Whether there is likely to be time to answer the late questions and other questions included on the agenda.
- 7. The order in which questions should be asked will be the order they appear on the agenda being the order in which they were received.**
8. The member asking the question shall indicate the name of the member to whom it is addressed.
9. The Lord Mayor may, after consultation with the member asking the question, permit a different member to reply. Examples where this may be appropriate include: -
- a. Where the member to whom the question is put will not be attending the meeting; and
  - b. Where the Lord Mayor considers that it is more appropriate for another member to reply.
- 10. The member asking the question may ask one supplementary question.**
- 11. The Lord Mayor may allow up to two supplementary questions from other members.**
- 12.1 The Lord Mayor may decide that a question or supplementary question shall not be put. The Lord Mayor may do so where: -**
- a. **The question does not relate to the work of the Council or any joint authority, joint committee or company to which the Council makes appointment;**
  - b. **The question does not relate to the responsibilities of the member to whom it is directed;**
  - c. **The question is not specific to an issue and/or is general;**
  - d. **In the case of a supplementary question, the question does not relate to and directly arise out of the original question;**
  - e. **The question is of a personal character;**
  - f. **The question is out of order;** including for any of the following reasons:
    - (i) The question is frivolous, vexatious or unreasonable in all the circumstances;
    - (ii) The question raises issues of confidentiality;
    - (iii) The question or any response is likely to prejudice the interests of the Council e.g. because it relates to a judicial or quasi-judicial matter or because it relates to individual planning applications, licence applications, grant applications or appeals currently being considered by the Council; and

(iv) The question relates to party political matters.

12.2 A similar approach will be taken in dealing with written questions so far as the provisions of this Convention are relevant.



## CONVENTION

### PUBLIC QUESTION TIME AND ADDRESSES AT COUNCIL MEETINGS

1. The purpose of this convention is to assist the Lord Mayor in respect of the procedure for public question time and public addresses under **SO11**. This convention is not binding on the Lord Mayor except for those parts that are in **bold**.
2. The Lord Mayor may seek advice from the Service Manager Democratic Services and the Assistant Director Legal Services before giving rulings.
3. **Fifteen minutes are to be set aside at each ordinary Council meeting (other than the Annual Council) for public questions and addresses. This is usually every month other than in May and August.**
4. **Within the time available, members of the public may EITHER**  
**Ask questions of the Leader, Deputy Leader or a Cabinet Member or Chair of a non-executive committee OR**  
**Address the Council for up to 5 minutes.**
5. **Anyone wishing to do this must give written notice to the Service Manager Democratic Services by 12 noon on the day two days before the Council meeting.**
6. **The notice must specify the question or the issue of the address. Any agreement by the Lord Mayor to allow the address shall be subject to the full text of the address being submitted to the Service Manager Democratic Services by Noon on the day two days before the meeting and agreed by the Lord Mayor.**
7. **It is for the Lord Mayor to decide whether to allow the question or the address.**
8. **It is also for the Lord Mayor to decide the order in which questions or addresses are to be dealt with.**
9. In exercising his/her discretion, the Lord Mayor may have regard to the following:-
  - a. **Questions and addresses must relate to the work of the Council.**



- b. **Questions and addresses must not be of a personal character.**
  - c. **Questions must be addressed to a member of the Council who has responsibilities in respect of the particular work of the Council.**
  - d. Questions and addresses should not relate to issues that have been raised at meetings in the recent past, without good reason.
  - e. Questions and addresses should not relate to judicial or quasi-judicial matters.
  - f. Questions and addresses should not relate to individual planning applications, licence applications, grant applications or appeals.
  - g. Questions and addresses should not relate to confidential or exempt matters within the meaning of the Local Government (Access to Information) Act 1985.
  - h. Questions and addresses should not relate to party political matters.
  - i. Questions and addresses should not be frivolous, vexatious or unreasonable in all the circumstances.
10. In deciding the order, the Lord Mayor may have regard to the following: -
- a. The date on which the request was made.
  - b. Whether the person making the request has previously been given the opportunity to ask a question or make an address.
  - c. The public interest in the issue.
  - d. The issue of an address should generally be of wider public interest than for questions – in view of the limited time available.
  - e. Ensuring overall balance between different interests in the city.
  - f. Ensuring overall balance between different areas of the city.
  - g. The time available.
11. The questions and issues of the addresses shall be listed in the order decided by the Lord Mayor and circulated in the Council chamber.
12. The Lord Mayor shall call the person to put the question or make the address.
- a. A questioner shall confine him/herself to the wording of the submitted question.
  - b. A person making an address shall confine him/herself to the text of the address previously notified to the Council.
  - c. The Lord Mayor may decline to allow the questioner to proceed with the question or curtail the address if there is a departure from this

convention.

13. The member to whom a question is put shall answer it. The Leader of the Council or the relevant Cabinet Member or chair of a relevant non-executive committee may respond to an address.
14. **There shall be no discussion on the question until it has been answered or on the address until it has been heard and any response given.**
15. **After the question has been answered or the address (and any response) given, the Council may by resolution passed on a motion (without notice) duly moved and seconded (without discussion) resolve that the matter be referred to a Committee, Cabinet or officer for consideration and decision about any appropriate action, and if so, may also resolve that there shall be a report back to the Council or other body.**
16. If there is insufficient time to deal with a question, the Service Manager Democratic Services will arrange for the questioner to receive a written response.
17. If there is insufficient time to hear an address, the Service Manager Democratic Services will arrange for a written address to be circulated to all members if it is received by him/her within 5 days after the meeting.
18. The Service Manager Democratic Services or the Assistant Director Legal Services will assist any person wishing to make use of this procedure but without prejudice to any ruling that the Lord Mayor may make.

## LOCAL GOVERNMENT ACT 1972 - EXTRACTS FROM SCHEDULE 12

### Meetings and Proceedings of Local Authorities

#### Part I

#### Principal Councils

##### *Annual Meeting*

1. (1) A principal council shall in every year hold an annual meeting.
- (2) The annual meeting of a principal council shall be held-
  - (a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the council may fix;
  - (aa) in a year of an election for the return of an elected mayor to the council, which is not a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of an elected mayor or such other day within the twenty-one days immediately following the day of retirement as the council may fix;
  - (b) in any other year, on such day in the month of March, April or May as the council may fix.
- (4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.

##### *Other Regular Meetings*

2. (1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the council may determine.

##### *Extraordinary Meetings*

3. (1) An extraordinary meeting of a principal council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed [...] by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then [...] any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.

##### *Place and Notice of Meetings*

4. (1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.
- (1A) Five clear days at least before a meeting of a principal council in England—

- (a) notice of the time and place of the intended meeting shall be published at the council's offices and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and
  - (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the proper officer of the council, shall be sent to every member of the council by an appropriate method.
- (1B) In sub-paragraph (1A)—
- (a) "authenticated" means signed or otherwise authenticated in such manner as the proper officer thinks fit; and
  - (b) the reference to sending the summons to a member by an appropriate method is to—
    - (i) leaving it at, or sending it by post to the member's usual place of residence, or
    - (ii) where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post to that different address, or
    - (iii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.
- (4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of the council.
  - (5) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

*Presiding at Meetings*

- 5. (1) At a meeting of a principal council the chairman, if present, shall preside.
- (2) If the chairman is absent from a meeting of a principal council, then
  - (a) the vice-chairman of the council, if present, shall preside;
  - (c) in the case of a London borough council, the deputy mayor, if at that time he remains a councillor and is chosen for that purpose by the members of the council then present, shall preside.
- (3) If -
  - (a) in the case of a principal council, both the chairman and vice-chairman of the council are absent from a meeting of the council;
  - (c) in the case of a London borough council, the mayor and deputy mayor are so absent or the deputy mayor being present is not chosen;
 another member of the council chosen by the members of the council present shall preside.
- (4) A member of an executive of a principal council may not be chosen to preside under sub-paragraph (3) above.

- (5) Sub-paragraphs (2)(c) and (3)(c) above do not apply where a London borough council are operating executive arrangements which involve a mayor and cabinet executive [...]

*Quorum*

6. Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

## **Part VI**

### **Provisions Relating to Local Authorities Generally**

#### *Voting*

- 39.(1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.
- (2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

#### *Recording Attendance*

40. The names of the members present at a meeting of a local authority shall be recorded.

#### *Minutes*

- 41.(1) Minutes of the proceedings of a meeting of a local authority shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next [suitable] meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next [suitable] meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.
- (4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.

#### *Standing Orders*

42. Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

#### *Validity of Meetings*

43. The proceedings of a local authority shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.

*Application to Committees and Sub-Committees*

- 44.(1) Paragraphs 39 to 43 above (except paragraph 41(3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.
- (2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

*Quorum where disqualified members*

45. Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.

*Interpretation*

46. In this part of this Schedule "local authority" includes a joint authority [...] [...] [...] [...] and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.