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PART 3A PROCEDURE RULES FOR MEETINGS OF FULL COUNCIL

Part 1 Introduction

Rule 1: General Provisions

Application

- 1.1 These Procedure Rules apply to meetings of the Council only. Where there is any inconsistency between these rules and the Budget and Policy Framework Procedure Rules or the Overview & Scrutiny Procedure Rules, the latter shall prevail. In the application of these rules, informality may be exercised at the discretion of the Mayor/ person presiding.

Amendment of Rules

- 1.2 These Procedure Rules may only be varied, revoked or added to by resolution of the Council. Any motion to do so shall be referred to a future meeting of the Council for consideration and report.

Interpretation

- 1.3 The ruling of the Mayor or person presiding at the meeting as to the construction or application of any of these Procedure Rules shall not be challenged at any meeting.
- 1.4 The Definition section below shall apply for the purpose of interpreting expressions used in these Procedure Rules. The headings and sub-headings are not part of the Procedure Rules.

Service of Notices and Other Documents

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

Suspension of Rules

- 1.6 The Procedure Rules listed above as Part 1 may only be suspended by the Council provided that notice of the intention to move suspension has been included in the agenda for the meeting or at least one half of the number of Members of the Council are present. Suspension can only be for the duration of the meeting and these Rules are not otherwise capable of being suspended.

Part 2: Meetings of the Council

Note: Annual Meetings of the Council take place once a year as required by law. The Council also has Ordinary Meetings (meetings on days scheduled in advance), while Extraordinary Meetings (unscheduled meetings to deal with matters that cannot wait until the scheduled Council meeting) may also be called.

Rule 2: Annual Meeting

Appointment of Leader after Whole Council Elections

- 2.1 In a year when there is an ordinary election of Councillors, the Council shall appoint a Leader at its Annual Meeting. The Annual Meeting will take place within twenty one days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place during March, April or May. In accordance with custom and practice, the Annual Meeting shall take place on a Thursday in May wherever reasonably practicable.
- 2.2 At the Annual Meeting, the Leader shall present to the Council a List of Executive members ('the List') for insertion in the Allocation of Responsibility for Functions: Cabinet published as Part 2E of the Council's Constitution. The List shall include information regarding the following:
- The Leader's appointment of at least two and no more than nine Members as members of the Executive and the portfolio holder responsibilities and other delegations assigned to those appointees.
 - The Leader's appointment of at least one and no more than two Deputy Leaders from the members of the Executive
- 2.3 The Leader shall hold office as Leader until one of the following circumstances applies:
- (a) The Council holds its first meeting after the next whole Council elections following their election as Leader; or
 - (b) They resign from office; or
 - (c) They are disqualified from office by resolution of the Council; or
 - (d) They otherwise cease to be a Councillor.
- 2.4 If the circumstance in 2.3(a) applies, then the Council shall appoint a new Leader at the same meeting of the Council. In all other cases, that appointment shall be made at the first meeting of the Council held after the circumstances arise.
- 2.5 Members who are appointed to the Executive by the Leader shall continue in their roles on the Executive until one of the following circumstances applies:
- (a) In the case of the Deputy Leader, the end of the term of office of the Leader;
 - (b) The Leader makes changes to the members of the Executive or to their responsibilities*.
 - (c) They are removed from office by the Leader;
 - (d) They resign from office
 - (e) They are disqualified from being councillors;
 - (f) They otherwise cease to be councillors.

*Note: in any such case the Leader may make relevant changes with immediate effect, thereafter presenting the changes to the Council meeting

for noting. Once the changes have been noted then the Constitution shall be updated accordingly.

- 2.6 Between a whole Council Election and the day of the next Annual Meeting then if the Leader has not been re-elected as a Councillor or, if re-elected, the political party of which they are member does not have the majority on the Council, the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all Group Leaders.

Other Business at the Annual Meeting of the Council

- 2.7 In addition to the appointment of Leader which shall take place at the Annual Meeting in a year in which there is an ordinary election of Councillors, the Annual Meeting will:
- (a) Elect a person to preside at the Annual Meeting if the Mayor is not present;
 - (b) Elect the Mayor's appointment of the Deputy Mayor ;
 - (c) Receive the results of the Local Government Elections (in an election year);
 - (d) Receive notification from the Leader of the Council of the name(s) of the Member(s) appointed as their Deputy Leader (in an election year)
 - (e) Receive notification from the Leader of the Council of the number of Members they are appointing to the Executive, their names and their portfolios, which information shall be presented prior to its publication in a Table inserted in the Allocation of Responsibilities ;
 - (f) Approve the minutes of the last meeting;
 - (g) Receive any announcement from the Mayor;
 - (h) Receive the Leader and portfolio holders' announcements;
 - (i) Receive any declarations of interests from Members;
 - (j) Receive any apologies for absence
 - (k) Establish Overview and Scrutiny Committees as well as such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions
 - (l) Appoint the Chair, Vice chair, members of committee making other appointments to committees and boards and approving or report their respective Terms of Reference.
 - (m) Appoint and nominate representatives of outside bodies unless the appointment has been delegated by Council
 - (n) Receive reports from other committees and officers as required
 - (o) Approve a programme of ordinary meetings of the Council for the year; and
 - (p) Consider any other business set out in the notice convening the meeting.

- 2.8 The Council may at any time amend resolutions previously made under Procedure Rule 2.7

Selection of Councillors on Committees

- 2.9 At the Annual Meeting, the Council will:
- (a) Decide which Committees to establish for the Municipal Year;

- (b) Decide the size and terms of reference of those Committees and Sub-committees;
- (c) Decide the allocation of seats (and substitutes) to political groups in accordance with the wishes of the Group leaders
- (d) Receive nominations and appoint Councillors to serve on each Committee and sub-committee
- (e) Appoint a Chair and Vice Chair for each Committee as may be appropriate for the Municipal Year;
- (f) Appoint independent members and co-optees to Committees as appropriate
- (g) Make appointments to any joint Committees formed with other authorities and to outside bodies.

Rule 3: Ordinary Meetings of the Council

Meeting Days

- 3.1 Ordinary meetings of the Council will take place in accordance with a programme decided by annual Council.

Time and Place

- 3.2 The time and place of the meeting will be determined by the Chief Executive. The Chief Executive will give notice to the public and to Members of the Council of the time and place of any meeting in accordance with the Access to Information Procedure Rules. Except in cases of urgency, at least ten clear working days before a meeting, the Chief Executive will sign and send a summons to every Member of the Council by post or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- 3.3 Meetings of the Council shall take place at the time and place stated on the summons. Following consultation with the Leaders of each of the political groups and subject to compliance with the Access to Information Rules which form of this Constitution, the Mayor shall have the power to alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Council.

Cancellation of Meetings

- 3.4 In exceptional circumstances after consulting the Mayor, the Head of Governance and or the Monitoring Officer may cancel an ordinary meeting of the Council either before or after the summons for the meeting has been issued provided that reasons for the cancellation are given.

Rule 4: Extraordinary Meetings of the Council

Extraordinary Meeting called by the Mayor

- 4.1 The Mayor may at any time call an Extraordinary Meeting of the Council and shall do so when such a meeting is required under the Budget and Policy Framework Procedure Rules.

- 4.2 If the Mayor is unable to act for any reason, the Deputy Mayor may at any time call an Extraordinary Meeting of the Council.
- 4.3 If the offices of both Mayor and Deputy Mayor are vacant, or if neither the Mayor nor Deputy Mayor are able to act for any reason, the Leader of the Council or their Deputy may at any time call an Extraordinary Meeting of the Council.

Extraordinary Meeting Requisitioned by Members

- 4.4 An Extraordinary Meeting of the Council may be called by submission of a requisition signed by at least five Members, specifying the business to be transacted. The requisition shall be delivered to the Chief Executive (see Procedure Rule 1.5). The Extraordinary Meeting shall be called within seven days of receipt of the requisition by the Chief Executive to take place as soon as reasonably practicable.

Extraordinary Meeting called by Council or Officers

- 4.5 Extraordinary Meetings of the Council may also be called by the Chief Executive, the Monitoring Officer or by resolution of the Council meeting itself.
- 4.6 No Extraordinary Meeting shall be called unless it is proposed to transact at the meeting business which, in accordance with statute and these Procedure Rules, may be transacted at a meeting of the Council.

Urgency requirement for Extraordinary Meetings

- 4.7 The purpose of an Extraordinary Meeting is to enable business to be transacted, or a matter to be debated, that cannot await the next Ordinary Council Meeting. An extraordinary meeting will only be called to deal with a matter which is urgent and cannot wait until the next Ordinary Meeting of full Council. The Chief Executive will determine whether the stated business can wait until the next Ordinary Meeting of full Council.

Rule 5: Person Presiding at Meetings of the Council

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

Rule 6: Quorum of Meetings of the Council

Quorum

- 6.1 The quorum for Council meetings shall be fourteen.

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

Rule 7: Order of Business at Meetings of the Council

Order of Business at Ordinary meetings of the Council

- 7.1 The order of business at every meeting of the Council shall normally be:
- (a) In the absence of the Mayor and Deputy Mayor to choose a Member of the Council to preside;
 - (b) To receive declarations of interest;
 - (c) At the Annual Meeting, or at any other meeting after the office of Mayor has become vacant, to elect a Mayor;
 - (d) At the Annual Meeting, or at any other meeting after the office of Deputy Mayor has become vacant, to elect a Deputy Mayor;
 - (e) To approve as a correct record the minutes of the last meeting of the Council, and of any earlier meeting of which the minutes have not been already approved, and for the person presiding to sign them;
 - (f) To receive communications from the Mayor;
 - (g) To receive announcements from the Leader and/or relevant Portfolio Holder
 - (h) Where the meeting has been requisitioned under Rule 4 above, to consider the business specified;
 - (h) To consider business expressly required by statute to be decided by the Council;
 - (i) To receive Petitions and e-Petitions;
 - (j) To allow the asking and answering of questions from members of the public;
 - (k) To hear depositions from members of the public;
 - (l) To consider Petitions to be debated by the Council;

- (m) To allow the asking and answering of questions by Members;
- (n) To consider items of business (if any) remaining from the last meeting;
- (o) To receive and consider any reports, minutes and recommendations of the Council's regulatory Committees;
- (p) To consider any reports of the Overview and Scrutiny Committees referred to it for debate;
- (q) To consider notices of motion;
- (r) To consider any other business specified in the summons for the meeting including business for which a motion to exclude the press and public is to be put to the Council.

Order of Business at Extraordinary meetings of the Council

7.2 Business at Extraordinary meetings of the Council shall be restricted to:

- (a) The election of a person to preside if the Mayor is absent;
- (b) Any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;
- (c) Any Petitions relating to items of business on the agenda which the Mayor agrees to hear.

Leader and Portfolio Holders' Announcements

7.3 Announcements by the Leader and Portfolio Holders will be dealt with at ordinary meetings of the Council in the following way:

- (a) A Leader and Portfolio Holders' Announcements item will appear on the Council's order of business paper as a separate item and the Leader and/or Portfolio Holders may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council.
- (b) The Leader and Portfolio Holders' Announcements will last no more than 10 minutes in total.

Variation of Order of Business

7.4 The order of business outlined in Rule 7.1 **Error! Reference source not found.** above may be varied at the discretion of the Mayor or by resolution of the Council.

Urgent Items

7.5 If the Mayor decides that an item of business not included in the agenda for the meeting may be taken for reasons of urgency, such reasons must be specified and noted in the minutes and that item will be taken at the end of other items of business unless otherwise decided in accordance with Procedure Rule 7.4 above.

Withdrawal of items from the Agenda

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

Call Over (Reservation of Items for Discussion)

- 7.7 Before the Council receives and considers any reports of Committees, the items which appear on the agenda of the Council meeting shall be called over item by item. A Member of the Council wishing to speak on or vote against any item on the agenda for Council may reserve it for debate immediately the number of the item has been called. After the reports of Committees have been called over, the Mayor shall put to the meeting in one motion the reports of the Committees, with the exception of those items which have been called and reserved and the Council shall vote on the motion without discussion.
- 7.8 After Call Over has taken place and the wishes of the Members indicated, no discussion shall be permitted on any part of the reports which is not a 'reserved item'.

Rule 7A: the inclusion of proceedings of Committees and Sub-Committees on the Council's agenda

- 7.9 Where a Committee so directs, reports of the proceedings of the Committee shall be submitted to Council for reception. The relevant Cabinet portfolio holder or such other member nominated by the portfolio holder shall move the reception of such Committee reports and any recommendations contained therein.
- 7.10 Committees may determine whether items are to be put to Council for information or for decision by Council and the relevant Committee report shall distinguish items for information and those for decision by Council:

Items for information

- (a) Items for information may be included on a Council Agenda where they relate to decisions made by a Committee under delegated powers (i.e. which are not for decision by full Council but for information only). The process for this is indicated in the Council's Committee Procedure Rules, which provide that a Committee may determine that any agenda item is to be included in the report to Council. In addition, each minority Political Group represented on any Committee may specify one further item which shall be so included, by notifying the Chief Executive of the item not later than 12 noon on the eighth working day before the Council meeting to which the report is to be made or, if the Committee meeting takes place after this deadline, immediately at the conclusion of the Committee meeting. Items referred for information under this provision are referred to Council for information only – not for further discussion. As such, they

are not subject to call over and are not moved for discussion but are included in the agenda for information only.

Items for decision

- (b) Items for decision by Council shall be all those where a recommendation is made on matters falling outside the delegated powers of the Committee or where the Committee decides that the decision is to be made by the Council.

- 7.11 Items referred to full Council by a Committee may be reserved for debate during call-over.

Note on the Continuity of Committees & other bodies and Holders of Offices

- 7.12 Any Committee or other body set up by the Council shall continue to discharge the functions delegated to them until the Council resolves otherwise.

Continuity of Holders of Office

- 7.13 Every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Committee shall continue to act as such until such time as the appointment is terminated by the Authority.
- 7.14 The order of business set out in Procedure Rule 2 may be varied by the Mayor.

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

Rule 8: Notices of Motion

Procedural Requirements

- 8.1 Notice of every motion, other than a motion which may be moved without notice, shall be given in writing. All motions shall be signed by not fewer than two Members of the Council and delivered to the Chief Executive (see Procedure Rule 1.5) by not later than 10.00 am on the tenth working day before the relevant Council meeting.

Number of Notices of Motion

- 8.2 The maximum number of notices of motion to be presented at a Council meeting shall be as follows:
- a) The three largest Political Groups:
 - One per Group plus also
 - One additional notice of motion per Group jointly with another Group
 - b) Any other Group: One

- 8.3 Any Member not belonging to a Political Group may present no more than one notice of motion signed by a second Member, at the discretion of the Mayor.
- 8.4 Where Members of a Political Group submit more than the permitted maximum number of notices of motion, the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from members of a Political Group shall be taken in the order in which they are received, up to the maximum permitted number.

Substantive (not Declaratory) Motions

- 8.5 A notice of motion shall be placed on the agenda for a Council meeting. If the motion includes a proposal for the Council to take any substantive action or incur any expenditure (a 'substantive motion'), then it shall only be considered if it has been referred to the relevant body and is accompanied by a written report which considers any legal or financial implications.
- 8.6 The Monitoring Officer may issue guidance on the application of Procedure Rule 8.5 above.

Motions Not to be Duplicated

- 8.7 The Mayor may reject a notice of motion on the grounds that it is the same or substantially the same as any other notice of motion which is being or has been put at any meeting of any decision-making body of the Council in the previous six months.

Moving a Motion

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

Relevance

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

Consultation

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

Written Questions from Members

- 8.11 If a Member of the Council wishes to ask a written question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) a Cabinet portfolio holder, d) the Chair of any Committee or Sub Committee, or in their absence, the Deputy Chair, or (d) a Member of the Council appointed by the Authority to any external body or joint authority, they shall give notice in

writing by submitting their written question to the Chief Executive by no later than 10am on the fourteenth working day before the meeting at which the question is to be asked.

Length of Questions

- 8.12 All Member Questions (whether written or oral) are subject to a 150 word limit.

List of Questions

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

Waiver of Notice Requirements

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

Answers

- 8.15 The questions included on the list of questions at Procedure Rule 8.13 above shall be taken as read at the Council meeting. The question will be answered by a written answer made available at the Council meeting, although the person to whom the question has been put may decline to answer it provided that they provide a written reason for such a decision at that time. No supplementary questions shall be permitted on written questions.

Form of Answers

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

Oral Questions from Members

- 8.17 A period of not more than thirty minutes shall be allowed for oral questions from Members, at the expiry of which the meeting shall proceed to the next business.
- 8.18 If a Member of the Council wishes to ask an oral question at a meeting of the Council of: (a) the Mayor, (b) the Leader of the Council, (c) the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or, (d) a Member of the Council appointed by the Authority to any external body or joint authority, they shall give notice in writing to the Chief Executive of the subject matter of question (see Procedure Rule 1.5) by not later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.

- 8.19 Oral questions shall only be allowed where they focus on matters of general policy only. Questions not focused on general policy, for instance questions of a technical or purely operational nature, will normally be disallowed by the Mayor. The Member to whom such a question is directed may decline to answer or state that a written answer will be provided.
- 8.20 In deciding whether a question is technical or operational in nature, as opposed to a matter of general policy, the Mayor and Members shall have regard to any guidance issued by the Monitoring Officer.
- 8.21 No more than one minute shall be allowed for the asking of each oral question and no more than three minutes shall be allowed for the response. Oral questions shall be taken in the following order:
- Leader of the Official Opposition
 - Leader(s) of any other Opposition Political Group(s), in order of diminishing number of Group members
 - Members of any other Groups in order of diminishing size of the Political Group they belong to
- 8.22 Each Political Group shall submit to the Mayor in advance of the meeting the order in which they wish their questions to be taken. The Mayor shall have regard to, but not be bound by, these submissions.
- 8.23 The Mayor shall allow an Independent Member to ask an oral question.
- 8.24 A Member may ask no more than one oral question at the same Council meeting.
- 8.25 A Member asking an oral question (but no others) may ask one relevant supplementary question which shall be put and answered without discussion.

Relevance of Oral and Written Questions

- 8.26 Any Oral or Written Question asked by a Member under the preceding provisions shall be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or some or all of the inhabitants of that area, and does not relate to any personal or individual matter.

Oral Questions from Members on Reports

- 8.27 Any Member of the Council may ask the Mayor or other Member moving a report an oral question upon an item of the report, at the time provided for Members' questions or when that item is under consideration by the Council. The Member who will be moving, or has moved, that report may, at their discretion, nominate another Member to reply to the question.

Rule 9: Petitions

Presentation and Notice of Petitions

- 9.1 Any Member of the Council or a member of the public may present a Petition which has been submitted in accordance with the Authority's Petition Scheme, which forms Part 3F of the Council's Constitution.
- 9.2 All Petitions that Members or members of the public wish to present for debate at full Council or to another of the Council's decision-making bodies shall be referred to Democratic Services no less than ten working days in advance of the relevant meeting.
- 9.3 The Mayor shall have the discretion to take a late Petition if it relates to an officer Report which is before the meeting for consideration.
- 9.4 The presentation of any Petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the Petition and indicating the number and description of the signatories.

Petitions under the threshold for Qualifying Petitions

- 9.5 A Petition submitted to the Council in accordance with the Petitions Scheme which has fewer than 1250 signatures shall be received without discussion at a meeting of Cabinet or one of the Council's Committees or Sub Committees, whichever the Mayor considers appropriate. The Member of the Council or member of the public presenting the Petition shall be invited to attend the relevant meeting and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme.

Debate on Qualifying Petitions

- 9.6 A qualifying Petition with 1250 or more signatures will trigger a debate at Council, if the petitioner wishes it.
- 9.7 A Petition which is compliant with Procedure Rule 9.6 above may be debated at the meeting at which it is presented or at a later meeting.
- 9.8 There shall be a guillotine of fifteen minutes on the debate at full Council in relation to each individual Petition, after which time the vote will be put unless the Mayor at their discretion extends the debate.

Action following all Petitions

- 9.9 The Council will decide how to respond to the Petition and may consider:-
- To take the action the Petition requests;
 - Not to take the action the Petition requests for reasons stated in the debate;
 - To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular Committee or body for their views;
 - To refer the Petition to a relevant Committee or Sub-Committee, with recommendations;

- To note the Petition

Public Questions

Public Question Time

- 9.10 A period of up to 30 minutes shall be made available for Public Questions.
- 9.11 Questions will be published prior to the meeting. Any additional questions received will be not be accepted.
- 9.12 Members of the public submitting questions may send a substitute to ask their question if they are unable to attend the committee meeting. The Head of Democratic Services should be made aware of this prior to the start of the meeting.
- 9.13 Any questions that are not answered at the meeting will be given a written response at the discretion of the Leader.

List of Questions

- 9.14 A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked, with priority being given to questions submitted by members of the public who have not asked a question at a meeting of any decision-making body of the Council in the previous six months.

Procedural Requirements

- 9.15 A public question shall be put at a Council meeting provided that:-
- (a) a copy of the question has been delivered to the office of the Chief Executive (see Procedure Rule 1.5) by not later than 10am four working days before the meeting at which it is to be put;
 - (b) the name and address of the questioner is indicated on the question;
 - (c) the questioner (or if not available, their nominated substitute) is present at the time when the question is put;
 - (d) the questioner is not presenting a Petition or Deputation on the same, or substantially the same, issue at the same meeting.

Length of Questions

- 9.16 A question shall not exceed 150 words in length. The Chief Executive, after consultation with the questioner, may summarise a question to comply with this requirement.

Formal Referral of Questions from Full Council

- 9.17 If the Mayor considers that it would be more appropriate to do so, a question received for submission to Council may instead be referred to Cabinet or one of the Council's regulatory Committees for answer.

Waiver of Notice Requirement

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

Putting Questions

- 9.19 Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions. The Leader will determine the relevant Member for a response. All questions shall be notified to the relevant Member and shall be put by being read out loud without additional comment.

Answers

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

Form of Answers

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

Rule 10: Deputations

- 10.1 A period of no more than fifteen minutes shall be allowed at each Ordinary Meeting of the Council for the hearing of Deputations from members of the public.

Procedural Requirements

- 10.2 A Deputation shall be heard provided that by no later than 10am on the eighth working day before the relevant Council meeting:
- (a) notice has been given to the Chief Executive in accordance with Procedure Rule 1.5, which complies with paragraphs (b) to (d) below;
 - (b) the subject matter and substance of the Deputation is notified in writing in the form of a written summary. A Deputation shall not exceed one side of A4 in length. Accompanying material may be supplied and should comprise no more than 2 sides of A4 paper;
 - (c) the names, addresses and organisation (if any) of the persons forming the deputation, to be a minimum of five and no more than twelve, indicating which one person (or if not available, their nominated substitute) is to speak, are notified in writing (note - the addresses of those persons forming the Deputation will not be published by the Council, but details of the ward(s) in which they are located will be circulated to the Council meeting);
 - (d) A person forming the Deputation is not presenting a Petition or question on the same, or substantially the same, issue at the same meeting.

Time Allocated for Presentation

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

Action Following Deputation

- 10.4 Where a decision is made to refer a Deputation heard at the Council meeting to any other decision-making body of the Council then the persons forming the Deputation shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in relation to the matters set out in the deputation.

Rejection of Public Questions, Petitions and Deputations and Member Questions

- 10.5 The Chief Executive or Mayor may reject a Petition, Deputation, Public or Member Question if, following consultation with the Monitoring Officer, it is in their opinion:
- not about a matter for which the Authority has a responsibility or which affects Brighton & Hove;
 - a situation where the meeting to which the Petition, Deputation, Public or Member Question has been addressed is not the appropriate forum;

- defamatory, frivolous or vexatious;
- the same, or substantially the same, as a Petition, Deputation, Public or Member Question which has been put at any meeting of the Council, Cabinet, or any of the Council's Committees in the past six months;
- requires the disclosure of confidential or exempt information;
- from a member of staff on matters affecting them as employees; or
- otherwise inappropriate.

10.6 If the Chief Executive or Mayor rejects a Petition, Deputation or Public or Member Question, then their decision is final.

Part 4: Conduct of Meetings

Rule 11: Minutes

- 11.1 Minutes of every meeting of the Council shall be submitted to and approved at the following Ordinary Meeting.
- 11.2 The Mayor shall put the question that the minutes submitted to the meeting be approved as a correct record.
- 11.3 No discussion shall take place upon the minutes, except upon their accuracy. Any question as to accuracy shall be raised by motion. The Mayor or Chair shall then sign the minutes.
- 11.4 The minutes shall record the names of Members present and any decisions taken at the meeting.
- 11.5 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 paragraphs 41(1) and (2) of schedule 12 of the above Act relating to signing of minutes.

Rule 12: Motions and Amendments

Motions where Notice is Not Required

- 12.1 The following motions may be moved without notice at any meeting:
- (a) to elect in the event of a vacancy a Mayor, or Deputy Mayor to appoint a person to preside at the meeting at which the motion is made;
 - (b) motions relating to the accuracy of the minutes;
 - (c) motions relating to a change in the order of business;

- (d) motions extending the time limit for speeches;
- (e) “that the Council proceed to the next business”;
- (f) “that the question be now put”;
- (g) “that the debate be now adjourned”;
- (h) “that the Council do now adjourn”;
- (i) motions as to the termination of meetings;
- (j) motions relating to the suspension of these Procedure Rules without notice;
- (k) motions to exclude the public from a meeting where there is likely to be otherwise disclosure of exempt or confidential information, in accordance with the Access to Information Procedure Rules set out in Part 3E of the Constitution;
- (l) motions giving consent of the Council where it is required under these Procedure Rules;
- (m) motions to appoint a Committee or Member arising from an item on the summons for the meeting;
- (n) motions to refer a Petition which has been presented to the Council or any other matter to a Committee or Sub-Committee or other appropriate body or individual for consideration;
- (o) motions relating to Deputations.

Moving Recommendations

- 12.2 On consideration of a report or a recommendation from an officer or other Council body, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice. Where more than one recommendation is being proposed, then it will be at the discretion of the Mayor to decide whether they are voted on individually or one at a time.

Amendment to Motions

- 12.3 Subject to the requirements of Procedure Rule 1.5 as to notice, an amendment to a motion may be moved, but shall be relevant to the motion. No amendment shall be moved to an amendment.

An amendment shall be either to refer the matter to Cabinet, a Committee, Sub-Committee or an officer for consideration, to leave out some or all words, or to insert or to add other words.

Negating amendments

- 12.4 Any amendments including an omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting. A negating amendment is one which – while on the same subject as the original motion - would if passed generate the same outcome as a simple vote against the proposal. It would nullify the proposal in its entirety, resulting in no change to the status quo.

Alteration/Withdrawal of Motions/ Amendments

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

The 6 Month Rule

- 12.7 At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council or any of its decision-making bodies which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.

Consent

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

Rule 13: Written Reports

- 13.1 No report upon which decisions are proposed to be made shall be taken at any meeting of the Council unless it is in writing.
- 13.2 Verbal amendments and additions to written reports may only be made by Members in accordance with these Rules (notice of amendments, and amendments not to have effect of negating the motion)
- 13.3 With the agreement of the Mayor, then unless any Member objects, officers may revise or modify recommendations to reports where it is considered

necessary to do so to ensure technical accuracy or to facilitate an agreed outcome.

- 13.4 Where Petitions, Motions or Deputations are referred unaccompanied by a written report, the Council may discuss the relevant item in general terms and note the same, or ask for an officer report on the matter. No decision which requires the Council to take substantive action or incur expenditure may be taken in response to a request in a Petition, Notice or Deputation or otherwise, in the absence of an officer report.

Rule 14: Rules of Debate

General

- 14.1 While the rules of debate in this Procedure Rule shall apply to all meetings of the Council, it is recognised that a greater informality may be exercised at the discretion of the Mayor in order to efficiently transact the business before the meeting.

Seconding Motions and Amendments

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

Reserving Speech

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

Notice of Amendments

- 14.4 Copies of amendments will be prepared and circulated prior to the start of a meeting only if such amendments are presented to the Chief Executive by 10am on the working day which precedes the meeting. Amendments for which notice has not been given may be permitted at any time at the discretion of the Mayor if they consider it appropriate with regard to the complexity of the matter, the question of whether notice has been given as soon as is reasonably practicable and any other circumstances that appear to be relevant. Such amendments shall be put in writing unless the Mayor exercises their discretion to allow an amendment to be put orally.

Taking of More Than One Amendment at a Time

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

Discussion

- 14.7 If two or more Members offer to speak, the Mayor shall call on one to speak.

- 14.8 When speaking, all Members shall address the Mayor.
- 14.9 A Member shall direct their speech to the question under discussion, or to a personal explanation or to a point of order under the provisions of Procedure Rule 14.10 below.

Points of Order

- 14.10 A Member claiming to speak on a point of order or in personal explanation shall be entitled to be heard forthwith.
- A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and the way in which the Member raising it considers that it has been broken.
 - A personal explanation shall be confined to some material part of the speech by the Member which may appear from the current debate to have been misunderstood.
- 14.11 A Member who has already had two points of order ruled as inadmissible by the Mayor shall not normally be permitted to raise a third point of order at the same meeting.
- 14.12 The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

Procedural Motions

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

Closure Motions

- 14.14 The following closure motions shall be permitted during discussion of another motion. They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the person presiding shall proceed as follows:
- (a) **“that the meeting proceed to the next business”**. The person presiding shall permit the mover of the original motion to reply, and then put to the vote the motion to proceed to the next business; if that motion is carried the original motion shall lapse;
 - (b) **“that the question be now put”**. If the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed they may refuse to accept the motion; if they accept the motion, they shall put to the vote forthwith the motion that the question be now put; if this is

carried, they shall permit the mover of the original motion (at meetings of the Council) any right of reply to which they are entitled and then put that motion to the vote;

- (c) **“that the debate be now adjourned”** or **“that the meeting do now adjourn”**. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, they may refuse to accept either of these motions, and instead put the motion that the question be now put; if they are of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council.

General

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

Speech Times

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

Right to Reply

- 14.20 The mover of a motion has a right of reply at the close of debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the

debate on the amendment but shall not otherwise speak on the amendment. The mover of an amendment shall have no right of reply to the debate on that amendment.

Motions and Related Reports

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

Right to Reply when Amendment is Accepted

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

Rule 15: Termination of Meeting

- 15.1 Without prejudice to Procedure Rule 15.2 below, when a period of four hours excluding adjournments has elapsed since the commencement of a meeting of the Council, the Mayor shall move, without comment, that the meeting ends and that business be concluded in accordance with Procedure Rule 15.5.
- 15.2 At a time when a period of not less than four hours excluding adjournments has elapsed since the commencement of the meeting of the Council a Member of the Council may move, without comment, that the meeting shall end at a time to be specified in the motion.
- 15.3 The Mayor may refuse to accept the motion moved under Procedure Rule 15.2 above if a similar motion has been rejected earlier in the same meeting.
- 15.4 If a motion under Procedure Rule 15.2 is accepted, it shall be seconded and put to a vote without comment.
- 15.5 If the motion under Procedure Rule 15.1 or 15.2 is passed then immediately after the vote (in the case of a motion under rule Procedure Rule 15.1) or when the time specified in the motion arrives (in the case of a motion under Procedure Rule 15.2):
- (a) no further points of order shall be raised except by the Mayor;
 - (b) the Mayor shall then interrupt the discussion of the question then before the meeting;

- (c) unless the mover of the motion then under discussion seeks leave to withdraw that motion, the Mayor shall allow them to reply to the debate for not more than three minutes;
- (d) unless the motion then under discussion is withdrawn, the Mayor shall put, without further discussion, all the questions necessary to dispose of that motion;
- (e) the Mayor shall put, without discussion, all the questions necessary to complete consideration of any reports which remain on the agenda for the meeting, unless the Committee Chair (or a person on their behalf) indicates a wish to the contrary;
- (f) the Mayor shall call each Member who has given notice of a motion to be moved at that meeting to move the motion (unless previously withdrawn) without comment, shall permit any motions so moved to be seconded without comment, and shall forthwith put any motions to the vote;
- (g) finally, the Mayor shall close the meeting.

Part 5: Miscellaneous

Rule 16: Prevention of Disorderly Conduct

Misbehaviour by a Member

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

Misbehaviour by a Member of the Public

- 16.2 If a member of the public interrupts proceedings at any meeting, the person presiding shall order them to leave the room where the meeting is being held. If they do not leave, the person presiding shall order them to be removed. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for fifteen minutes or such period as shall seem expedient to them.
- 16.3 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary. 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.

Declaration of Interests

- 16.4 Where any Member (or Co-opted Member with voting rights) who is present at a meeting of the Council, its Committees or Sub-Committees has a disclosable pecuniary interest within the meaning of Section 30(3) of the Localism Act 2011 in connection with any item under consideration, they shall withdraw from the meeting room for the duration of the consideration of the item of business, including the debate and any related vote.
- 16.5 Procedure Rule 16.4 above does not apply where a Member has been granted a dispensation in accordance with the Code of Conduct for Members.

Rule 17: Exclusion of Public and Press

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

Rule 18: Voting

General

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

Recorded Votes

- 18.2 If a requisition is made by the specified number of Members before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each Member present gave their vote for or against that question or abstained from voting. Voting may be by roll call or by an electronic method.
- 18.3 The specified number of Members is one-fifth of the Members entitled to vote at the meeting – so eleven for Council meetings.
- 18.4 Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that their vote or abstention shall be recorded in the minutes by informing the Mayor forthwith, immediately after the vote is taken.
- 18.5 In addition to the arrangements set out above, a recorded vote must be taken, and recorded in the minutes, immediately after any vote is taken at a budget decision meeting of the Council, as defined in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

Voting on Appointments

- 18.6 Where a vote is required on a motion to appoint or elect a Member of the Council to a position to be filled by the Authority, and there are two or more Members nominated for that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for any one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 18.7 If there is a requisition under Procedure Rule 18.2 for a recorded vote on the appointment of candidates, Procedure Rule 18.5 shall apply without the requirement to put the names of those nominated in alphabetical order of surname. Each Member shall instead be asked to indicate their preferred candidate when their name is called. The rest of the requirements under Procedure Rule 18.5 shall apply.

Rule 19: Filming, Photographing, Audio Recording at Council meetings

- 19.1 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or the power to deal with other misbehaviour or interference with proceedings at a meeting, any person shall be permitted to film, photograph, record and/or stream proceedings at Council meetings.
- 19.2 Subject to Procedure Rule 19.1, any person attending a meeting of the Council may use any communication device or method to record or transmit Council proceedings, and reasonable facilities will be made available to facilitate this, provided that:-

- (i) Any mobile communications devices are kept in silent mode throughout the meeting;
 - (ii) There is no use of any voice facility to make calls, receive calls or check voice messages and only text or non-voice uses are made of mobile phones.
- 19.3 The recording of proceedings by authorised personnel for the purposes of web-casting shall be permitted, providing that the Mayor or person presiding at the meeting may withdraw such authorisation if they consider it not to be conducive to the efficient despatch of business.
- 19.4 There shall be no recording or transmission:
- (i) of any part of a meeting from which the public is excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 as amended;
 - (ii) if exempt or confidential business is discussed;
 - (iii) if the person presiding at the meeting orders that all mobile phones be switched off and any audio recording cease.

Rule 20: Definitions

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

“Authority” - Brighton & Hove City Council

“Committee or Sub-Committee” - any Committee or Sub-Committee of Brighton & Hove City Council, including its regulatory Committees and its Overview & Scrutiny Committees

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

“Executive Member” shall have the same meaning as “Cabinet Member” and “Portfolio Holder”: a Member appointed to the Executive by the Council’s Leader, who has delegated responsibilities as outlined in the Allocation of Responsibility for Functions: Cabinet at Part 2E of the Constitution

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

“Leader of the Council” - the Leader of the Council appointed in accordance with Procedure Rule 2.1

“Mayor” –the member appointed in accordance with Procedure Rule 2.2 or a member acting in the capacity of the Mayor in accordance to Procedure Rule 5.

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

“Member” - a Member of the Council

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

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

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

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

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

- 20.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular.