

## **COUNCIL PROCEDURE RULES**

**These Procedure Rules are Standing Orders made under section 106 and paragraph 42 of Schedule 12 to the Local Government Act 1972.**

### **1 Interpretation**

- 1.1 The expression "the Lord Mayor" when used in these Procedure Rules as relates to procedure at meetings of the Council shall, where the context so allows, include the Deputy Lord Mayor or the Chair of the meeting for the time being.
- 1.2 The expression "Body" when used in these Procedure Rules shall mean the Council, Policy Committees, Audit and Standards Committee, Regulatory Committees, Area Committees and other such meetings.

### **2 Council Procedure Rules to apply to all Bodies**

These Council Procedure Rules shall, where appropriate, apply to the Council, Policy Committees, Audit and Standards Committee, Regulatory Committees, Area Committees and other such meetings.

### **3 Ruling on Council Procedure Rules**

The ruling of the Lord Mayor or Chair of a Body, after consultation with the Chief Executive or his/her representative as to the construction or application of any of these Council Procedure Rules, or as to any proceedings of the Council or other Body, shall not be challenged at any meeting of the Council or other Body.

### **4 Suspension and Amendment of Council Procedure Rules**

- 4.1 All of these Council Procedure Rules, except Rules 6.1 and 18.5 may be suspended by motion on notice or without notice if a minimum of 42 Members are present, and a majority of those present vote in favour. Suspension can only be for the duration of the meeting.
- 4.2 Except in the case of a recommendation from the Governance Committee or Monitoring Officer, any motion put to the Council to permanently add to, vary or revoke these Council Procedure Rules shall, when moved and seconded, be deferred without discussion to the next ordinary meeting of the Council.

## **5 Meetings of the Council and Other Bodies**

- 5.1 The annual meeting of the Council shall be held in the Town Hall at 11.30 a.m. on the third Wednesday in May or, in particular circumstances, at such other venue as may be determined by the Lord Mayor or the City Council.
- 5.2 The annual meeting will:
- (a) elect a person to preside if the Chair is not present;
  - (b) elect the Lord Mayor (Chair) of Council;
  - (c) elect the Deputy Lord Mayor (Deputy Chair) of Council;
  - (d) receive any apologies for absence from Members of the Council;
  - (e) receive declaration from Members of interests in the matters to be considered at the meeting;
  - (f) approve the minutes of the last meeting;
  - (g) appoint a Leader and Deputy Leader of the Council;
  - (h) receive any announcements from the Chair, Leader and/or Chief Executive;
  - (i) appoint such Committees and Sub-Committees as the Council considers appropriate to deal with matters which are not reserved to Full Council (as set out in Part 3 of this Constitution);
  - (j) decide the size and terms of reference for those Committees and Sub-Committees;
  - (k) decide the allocation of seats and any substitutes to Political Groups in accordance with the political balance rules;
  - (l) receive nominations of Councillors to serve on each Committee or Sub-Committee and appoint Members of those Committees and Sub-Committees;
  - (m) receive nominations to the positions of Chair and Deputy Chair for each Committee and Sub-Committee (other than Area Committees and any other Committee which the Council has decided should appoint the Chair itself) and appoint the Chairs and Deputy Chairs of those Committees and Sub-Committees;

- (n) receive nominations to serve on and appoint Members to panels, advisory groups, working parties and miscellaneous other bodies and appoint Members (and/or other individuals) to outside bodies and organisations, except where appointment to those bodies has been delegated by the Council;
  - (p) approve a programme of ordinary meetings of the Council and a schedule of Committee meetings for the year;
  - (q) agree the formula for determining the order in which Notices of Motion will be set out in the Council Summons for ordinary meetings of the Council during the year; and
  - (r) consider any other business set out in the notice convening the meeting.
- 5.3 In the event that any of the tasks outlined in paragraph 5.2 above are unable to be completed at the annual meeting, they will be undertaken at the next, or subsequent, ordinary meeting.
- 5.4 Ordinary meetings of the Council shall normally be held in the Town Hall at 2.00 p.m. on the first Wednesday in months to be determined at the Annual Council Meeting or, in particular circumstances, at such other dates and venues as may be determined by the Lord Mayor or the City Council.
- 5.5 Ordinary meetings will terminate at no later than 5.30 p.m. Any unfinished business will normally be voted on without debate at the end of that time. Any meeting starting other than at 2.00 p.m. shall finish no later than three hours and 30 minutes after the start. Special and Extraordinary meetings of the Council shall also be subject to this rule.
- 5.6 In exceptional circumstances, with the consent of the majority of Members present and voting, the Council meeting may be adjourned in accordance with the provisions of Council Procedure Rules 11(a)(iv) and 17.14(d) and where an adjournment is agreed in the above circumstances, the remaining business of the day shall be considered at a date and time fixed by the Lord Mayor, or if he/she does not fix a date and time, at the next ordinary meeting of the Council.
- 5.7 Ordinary meetings will:
- (a) elect a person to preside if the Chair and Deputy Chair are not present;
  - (b) consider the extent to which the public and press may be excluded from the meeting;
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- (c) receive any apologies for absence from Members of the Council;
- (d) receive declarations by Members of interest in the matters to be considered at the meeting;
- (e) receive any communications or announcements from the Lord Mayor, the Leader or the Chief Executive;
- (f) receive public questions and petitions in accordance with Council Procedure Rules 13 and 15;
- (g) receive questions from Members of the Council in accordance with Council Procedure Rules 16 and 32;
- (h) receive any reports relating to matters reserved to the Council.
- (i) consider motions of which notice has been submitted by Members of the Council in accordance with Council Procedure Rule 10.
- (j) receive any recommendations from the Council’s Committees.
- (k) receive any presentations on matters of significant interest to the City;
- (l) approve as a correct record the minutes of the last meeting; and
- (m) make any changes to the memberships of its Committees and appointments to other bodies.

5.8 The Council will not ordinarily receive any reports requiring decision in respect of matters delegated to a Committee. Exceptionally, it may receive

- a motion notice of which has been submitted by Members of the Council in accordance with Council Procedure Rule 10, or
- a report from Strategy and Resources Policy Committee or from the relevant Policy Committee

in either case recommending that the Council rescinds the authority of a Committee to make a decision on a particular matter within that Committee’s work programme where that decision has not yet been made. If such a recommendation is agreed then the decision will fall to be made by the Council itself on consideration of a report which meets the requirements of Access to Information Procedure Rule 13 in Part 4 of this Constitution.

- 5.9 Any five Members may give notice in writing to the Lord Mayor to call an Extraordinary Meeting of the Council to consider a specified item of business and this will take place at a date and time to be determined by the Lord Mayor in consultation with the Monitoring Officer. If the Lord Mayor refuses, or fails, to call an Extraordinary Meeting within seven days of receipt of such notice, then those five Members may call the meeting. An extraordinary meeting may also be called by the Lord Mayor, the Monitoring Officer or by resolution of the Full Council.
- 5.10 In special circumstances, the Lord Mayor may fix some other hour of commencement of any meeting of the Council.
- 5.11 Meetings of Policy Committees shall be conducted according to the following procedures:- (a) Meetings shall last no longer than 2.5 hours, subject to the proviso that Members may, by agreement, continue beyond such time limit by a period of not more than 30 minutes on up to two occasions in any one meeting; (b) Any unfinished business after the period of 2.5 hours (or up to 3.5 hours by agreement) shall be deferred to the next meeting of the Body, or be voted on without debate. Extraordinary meetings may be called by the Chair of the Committee, in consultation with the Monitoring Officer.
- 5.12 Meetings of all other Bodies, with the exception of Regulatory Committees, shall be conducted according to the following procedures:-
- (a) Meetings shall last no longer than four hours, subject to the proviso that Members may, by agreement, continue beyond such time limit by a period of not more than 30 minutes.
  - (b) Any unfinished business after the period of four hours (or four hours and 30 minutes by agreement) shall be deferred to the next meeting of the Body, or be voted on without debate.

## **6 Signing of Minutes**

- 6.1 Where in relation to any meeting of the Council, the next meeting 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 the next suitable meeting for the purposes of paragraph 41(1) and (2) of that Schedule relating to the signing of minutes.
- 6.2 In relation to the signing of the minutes of other Bodies, the next suitable meeting of that Body shall be the next ordinary meeting and not a special meeting for the purposes of paragraph 44 of Schedule 12 to the Local Government Act 1972

## **7 Quorum**

- 7.1 The quorum for a meeting of the Council shall be one quarter of the whole number of the Council (including vacancies). During any meeting at the instigation of the Lord Mayor, or at the request of a Member of the Council, the number of Members present shall be ordered to be counted and if there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Lord Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 7.2 Provided that, where more than one third of the Members are disqualified at the same time and until the number of Members in office is increased to not less than two thirds of the whole, the quorum shall be determined by reference to the number of Members remaining qualified.
- 7.3 The quorum for meetings of Policy Committees, Policy Committee Sub-Committees and Regulatory Committees shall be three. The quorum for meetings of Area Committees shall be determined by the Council. Unless statutory regulations or legislation require otherwise, the quorum for meetings of other Bodies shall be two.

## **8 Notice of and Summons to Council Meetings**

The Director of Legal and Governance will give notice to the public of the time and place of any meeting in accordance with Council Procedure Rules 26 and 27 and existing legislation relating to access to information, as amended from time to time. At least five clear working days before a meeting, the Director of Legal and Governance will send a summons signed by him/her to every member of the Council giving 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.

## **9 Order of Council Business**

- 9.1 The business of the Council shall be ordered in the Council Summons so as to include items of public engagement and public interest before other business items, and the business shall be taken in the order in which it appears in the Council Summons. However, the Council may, by a resolution passed on a motion duly moved and seconded, direct the order of precedence to be changed, in circumstances where the subject of a motion proves to generate public interest reflected by a significantly increased attendance by members of the public at a Council meeting and it is therefore deemed appropriate to take the motion in question as an earlier item of business. The motion to change the order of business

shall be dealt with in accordance with the process set out in Council Procedure Rule 11(b).

- 9.2 The Council shall, where appropriate, consider any item referred from a Committee and shall take such action on the issues as may be deemed appropriate.

## **10 Notices of Motion to Council**

### **10.1 Deadline for receipt of notices of motion**

Except for motions which can be moved without notice, as set out under Council Procedure Rule 11, written notice of every motion to be included in the Council Summons for each ordinary meeting of the Council (except January) must be delivered to the Chief Executive not later than 12.00 noon on the Tuesday in the week prior to the next meeting of the Council or the day earlier where a Bank Holiday falls within the intervening period.

### **10.2 Motions set out in agenda**

- (a) For each Motion delivered to the Chief Executive, the written notice must include a subject title and the names of the Members who propose to move and second the Motion at the meeting. The subject title and names will be included in the Council Summons.
- (b) Unless the Member giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it, motions for which notice has been given will be listed on the Council Summons in an order based on a pre-determined formula according to the relative size of the various Party Groups on the Council, with Motions being considered in an order of priority identified by the various recognised Groups. The formula shall be agreed at the start of each municipal year, to take account of any changes in size of the Groups etc. The number of Motions submitted through the recognised groups for each ordinary meeting of the Council will be limited to no more than four. Provision shall also be made for the inclusion of any individual Motions that are not submitted through the recognised Groups.
- (c) In addition, the formula shall include an allocation for having the first Motion listed on the Council Summons, with the frequency being determined according to the relative size of the Party Groups. Any Group not sufficient in size to be entitled to a meeting at which it would have the first Motion listed on the agenda, shall be entitled to have the first Motion listed on the Council Summons once within a period of two Municipal years. In-year variations to

the scheduling of a Group's first Motion shall be permitted, in exceptional circumstances, with the prior agreement of each of the Groups.

### 10.3 Scope

The Chief Executive may reject a Motion if it:-

- (a) is not a matter for which the Council has a responsibility or which affects the City, or its inhabitants;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a Motion which has been put at a meeting of the Council in the past six months, unless Council Procedure Rule 10.4 has been complied with;
- (d) requires the disclosure of confidential or exempt information;
- (e) contains information which is factually inaccurate; or
- (f) seeks to overturn a resolution made by the Council to rescind the authority of a Policy Committee in the circumstances described in Council Procedure Rule 5.8.

### 10.4 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### 10.5 Motions which commit the Authority to new or additional expenditure

- (a) Members moving a motion at Council the net effect of which, if accepted, is to commit the Authority to new or additional expenditure or cause loss of income shall before moving such motion clearly demonstrate that they have taken appropriate officer advice on all the following issues (1) whether or not the proposal set out in the motion is within current budgets, (2) what the implications of incurring the expenditure or loss of income would be, (3) if not within current budgets how any expenditure or loss of income is to be funded and (4) any change in priorities as a result of the proposal. The relevant information and consequences of the proposal must be clearly set out in the motion together with the fact that, in voting for the motion, Members will also be voting to amend the previously agreed



expenditure or income and/or change in priorities for the services or areas affected.

- (b) Failure to comply with the above requirements in total means that the motion cannot be implemented until such time as the requirements are met.

#### 10.6 Motions regarding a matter which is delegated to a Committee

A motion will not be valid if it would have the effect of binding a Committee on a matter which falls within that Committee's delegated authority, to the extent that the decision of that Committee becomes predetermined. The Committee will have regard to the resolution of the Council when it considers the matter at a meeting which meets the requirements set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

### 11 **Motions which may be moved without notice at Council Meetings**

- (a) Subject, where appropriate, to the provisions of Council Procedure Rule 17.13, the following motions may be moved without notice:-
- (i) Appointment of Chair at a meeting from which the Lord Mayor and Deputy Lord Mayor are absent.
  - (ii) Motions and Amendments where it is not reasonably possible to comply with Council Procedure Rules 10.1 and 12.1.
  - (iii) To proceed to the next business, subject to the provisions of Council Procedure Rule 17.14.
  - (iv) That the question be now put, subject to the provisions of Council Procedure Rule 17.14.
  - (v) That the meeting or debate be adjourned, subject to the provisions of Council Procedure Rule 17.14.
  - (vi) Suspending all or any particular Council Procedure Rule and Financial Regulations, subject to the provisions of Council Procedure Rule 4.
  - (vii) That a member be no longer heard and/or be excluded from the meeting, subject to the provisions of Council Procedure Rule 19.

- (viii) To vary the order of business, subject to the provisions of Council Procedure Rule 9.1.
  - (ix) To alter a motion or amendment, subject to the provisions of Council Procedure Rule 17.10.
  - (x) To withdraw a motion or amendment, subject to the provisions of Council Procedure Rule 17.11.
  - (xi) Motions referred to in Council Procedure Rule 13.1 (a) and (b).
  - (xii) To exclude the public and press pursuant to existing legislation relating to access to information, as amended from time to time, subject to the provisions of Council Procedure Rule 28.
  - (xiii) In relation to the accuracy of the minutes.
  - (xiv) To refer something to an appropriate body or individual.
  - (xv) To appoint a Committee or Member arising from an item on the Summons for the meeting.
  - (xvi) To give the consent of the Council where it is required by the Constitution.
- (b) After the mover has spoken to his/her motion for a maximum of 30 seconds, it shall be formally seconded. A maximum of one speaker from each political group officially recognised by the Council, other than that of the mover's Group, shall be allowed to speak to the motion for a maximum of 30 seconds per speaker. The mover shall not have a right of reply. The Lord Mayor will then put the motion to the vote.

## **12 Amendments to Motions**

- 12.1 Subject to the provisions of Council Procedure Rules 11, 13 and 17.13, every amendment shall be submitted in writing to the Chief Executive (except for an amendment to any motion not detailed in the Council Summons), by not later than 12 noon on the day preceding the Council Meeting to which it is proposed to be submitted.
- 12.2 An amendment to a motion must be relevant to the motion and will either be:-

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration.
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words, as long as the effect of (ii) to (iv) is not to negate the motion such that it departs from the subject of the motion.

12.3 The Chief Executive may reject an amendment if it:-

- (a) negates the motion such that it departs from the subject of the motion;
- (b) is not a matter for which the Council has a responsibility or which affects the City or its inhabitants;
- (c) is defamatory, frivolous or offensive;
- (d) is substantially the same as a motion or amendment which has been put at a meeting of the Council in the past six months, unless Council Procedure Rule 10.4 has been complied with;
- (e) requires the disclosure of confidential or exempt information;
- (f) contains information which is factually inaccurate; or
- (g) seeks to overturn a resolution made by the Council to rescind the authority of a Policy Committee in the circumstances described in Council Procedure Rule 5.8.

12.4 Each amendment shall be numbered and include the names of the Members who propose to move and second the amendment at the meeting, and a copy shall be placed on each Member's desk in the Council Chamber before the commencement of the Council Meeting.

12.5 The names of the mover and the seconder of any motion or amendment may be changed at any time prior to its being spoken upon.

### **13 Petitions**

13.1 The Council recognises that the presentation of petitions is one way in which citizens can express their concerns and priorities to the Council. The Council's Petitions Scheme is at Part 5 of this Constitution. Petitions that can be presented to a meeting of the Council, Policy Committee, Regulatory Committee or Area Committee fall into three main types:-

(a) Ordinary Petitions

Comprising at least five signatures from members of the public requesting some form of action. As a courtesy, Democratic Services should be notified of the intention to present a petition at the earliest opportunity and no later than 9.00 a.m. two working days before the day of the meeting. The Council, on a Motion

which need not be in writing and which shall be put without discussion, may (i) refer the petition to the appropriate body for consideration or (ii) decide that no further action be taken on the matter. Where the appropriate Policy Committee Chair wishes to respond to the petition at the meeting, his/her speech shall be limited to 5 minutes.

(b) Petitions requiring a Council Debate

A petition containing 5,000 signatures or more will trigger a debate by Full Council. Seven working days' notice submitted to the Head of Democratic Services should be given prior to a Council meeting to ensure Members have adequate preparation time. The Council will endeavour to consider the petition at its next meeting, but due to other Council business it may not be possible to debate every eligible petition at the next Council meeting, and it is unlikely that any more than two eligible petitions will be debated at any one meeting. Therefore, on occasions, an eligible petition may be debated at the next but one Council meeting.

The debate will be conducted and concluded as follows:-

- A 25 minute time limit for the item, with Members able to speak for up to two minutes each, except for the appropriate Policy Committee Chair's initial contribution which shall be for up to five minutes.
- The petition representative will be given 3 minutes to present the petition at the beginning of the debate at the meeting.
- The Lord Mayor will facilitate discussion of the petition by Members, offering the relevant Policy Committee Chair and then the relevant Group Spokespersons the opportunity to make the first and next contributions. Members' contributions will be summarised within the minutes of the meeting in order for the reasons for any subsequent referral to another body to be captured and communicated along with the petition, or for the reasons for the Council subsequently deciding to take no action on the petition to be recorded.
- At the conclusion of the debate, the Lord Mayor will offer a "right of reply" to the representative of the petitioners so that he/she can respond for up to three minutes to any matters raised in the debate. With the consent of the Lord Mayor, the representative may nominate another representative, who is entitled to speak under the Constitution, to provide that reply.

- The Lord Mayor shall then offer a Right of Reply to the relevant Policy Committee Chair who shall respond for up to two minutes and then propose the course of action to be taken in response to the petition. The courses of action available to the Council will be either to:-
  - note and take no action for the reasons put forward in the debate, or
  - take the action requested by the petitioners (if it is within the Council’s remit to do so), or
  - refer the petition to either a Committee or an Executive Director for consideration having regard to the comments made by Members during the course of the debate.
- The Lord Mayor shall seek a seconder for the motion proposed by the relevant Policy Committee Chair, and then enquire whether any Member wishes to propose an alternative course of action. Any motion proposed will need to be seconded.
- If only one motion has been proposed and seconded, the Lord Mayor will call for a vote on that motion, which will either be carried or lost.
- Should multiple motions have been proposed and seconded, the Lord Mayor will outline each motion and then call for a vote on each motion in turn until a motion is carried and an outcome is achieved.

(c) Petitions requesting evidence from an Officer

A petition containing 2,500 signatures may ask that a Senior Officer gives evidence at a public meeting of a Policy Committee about something which falls within that Officer’s remit.

- 13.2 Members of the public shall have an opportunity to address the Council or relevant Committee in respect of their petition for which they are the lead petitioner for a maximum of three minutes within the allocated time under Council Procedure Rule 15.1 for Public Question Time and Petitions, with the exception of petitions requiring a debate under Council Procedure Rule 13.1(b) in which a total of 25 minutes will be available for the debate, inclusive of the three minutes for the lead petitioner to present the petition.

## **14 Communications**

Each meeting of the Council will include an item of business to receive any communications or announcements that the Lord Mayor, the Leader of the Council or the Chief Executive may wish to place before the Council.

## **15 Public Question Time and Petitions**

### **15.1 At Council Meetings**

- (a) A period of up to one hour shall be allocated at each ordinary meeting of the Council for the presentation of ordinary petitions and for written or oral questions submitted by members of the public on matters relating to the City of Sheffield or the services provided by the Council. Questions will be answered by the Leader of the Council or the appropriate Committee Chair. Employees of the City Council will not be permitted to ask questions where they relate directly or indirectly to their employment and where there are other more appropriate channels of communication, unless previously authorised by the appropriate Executive Director in advance of the meeting and a copy of such authorisation has been passed to the Director of Legal and Governance before the meeting in question.
- (b) Questions should be submitted no later than 9.00 a.m. two working days before the day of the meeting. Advice will be given on the most appropriate Body to receive the question but a member of the public has the right to choose the meeting at which the question is submitted. Questions submitted after the deadline will be asked at the meeting subject to the discretion of the Chair.
- (c) Where a submitted question cannot be answered because time does not allow, or where a Committee Chair undertakes to provide a written answer, the written answer will be provided within ten working days of the Council meeting and will be published on the Council website.
- (d) With the consent of the Council, by a simple majority vote, the Lord Mayor may extend the one hour period of public question time, having regard to the number and type of issues to be covered.
- (e) On the advice of the Chief Executive, the Lord Mayor may not accept questions which relate to:-

- (i) matters not being within the responsibility of the Local Authority or which do not affect the City or its inhabitants;
- (ii) judicial or quasi-judicial matters;
- (iii) individual planning/licence/grant applications or appeals
- (iv) named officers or Members of the Council;
- (v) confidential matters of the type referred to in Schedule 12A to the Local Government Act, 1972; and
- (vi) matters of an irrelevant, repetitious, defamatory, frivolous or offensive nature or a general misuse of the opportunity.

#### 15.2 Meetings other than Council

- (a) A period of up to thirty minutes shall be allocated at meetings of Policy Committees and other appropriate Bodies for members of the public to present ordinary petitions or to ask questions of Members and officers present. Employees of the City Council will not be permitted to ask questions where they relate directly or indirectly to their employment and where there are other more appropriate channels of communication, unless previously authorised by the appropriate Executive Director in advance of the meeting and a copy of such authorisation has been passed to the Director of Legal and Governance before the meeting in question.
- (b) The ability of a member of the public to ask questions or present petitions in the allotted time at relevant meetings shall be subject to the discretion of the Chair and, in normal circumstances, such discretion shall be exercised in favour of the question being asked or petition being presented. However, the Chair may decide that the individual is asking irrelevant, repetitious, defamatory, frivolous or offensive questions or generally misusing the opportunity, in which event he/she may decline to allow the individual to put questions to the meeting and such person will instead be invited to put the questions in writing. At the discretion of the Chair, a period longer than the stipulated three minutes for the presentation of a petition may be allowed.

### **16 Members' Questions at Ordinary Meetings of the Council**

- 16.1 Provision shall be made in the Council Summons for each ordinary meeting of the Council (except January), for Members of the Council to ask the Leader of the Council, any Policy Committee or Regulatory Committee Chair, or a Member appointed by the Council to serve on an external body or joint committee, any question on matters within the functions of that Body. The Chairs of Regulatory Committees can only be asked questions relating to policy and practice rather than individual cases.

- 16.2 Written notice of questions is required by not later than 12.00 noon on the Tuesday in the week prior to the next meeting of the Council or the day earlier where a Bank Holiday falls within the intervening period. The Member giving the reply shall have the option to reply by way of:-
- (a) an oral or written answer at the Council Meeting;
  - (b) reference to a previously published document; or
  - (c) a written reply provided, wherever possible, within 10 working days of the Council meeting and circulated to all Council Members and published on the Council website.
- 16.3 Where an oral answer has not been commenced during question time, it shall be answered by written answer, wherever possible, within 10 working days of the Council meeting and circulated to all Council Members and published on the Council website.
- 16.4 No discussion shall be permitted on any such question or answer but, with the permission of the Lord Mayor and at the appropriate time as set out in the Council Summons, one supplemental question on each question may be asked by the Member who had submitted the original question within the time allocated for Members' questions.
- 16.5 If, in the opinion of the Monitoring Officer, a Member asks questions that are of no discernible value, that Member may be asked to justify the cost of supplying such information.
- 16.6 Provision shall also be made in the Council Summons (i) for each ordinary meeting of the Council, for Members, with the permission of the Lord Mayor, to ask questions relating to the discharge of the functions of the South Yorkshire Joint Authorities and of the South Yorkshire Mayoral Combined Authority, and (ii) for each meeting of the Council, for Members, with the permission of the Lord Mayor, to ask questions relating to urgent business of which notice in writing has been given to the Chief Executive not later than 12.00 Noon on the day of the meeting.
- 16.7 A period of up to 30 minutes shall be allocated for Members' questions.

## **17 Rules of Debate at Council Meetings**

The rules of debate set out in Council Procedure Rule 17 shall apply to all meetings of the Council and its Committees, Sub-Committees and Area Committees.



17.1 Addressing the Lord Mayor

When a Member speaks, he/she must stand (if possible) and address the meeting through the Lord Mayor. If more than one Member stands, the Lord Mayor will ask one to speak and the others to sit down. Other Members must remain seated whilst a Member is speaking unless he/she wishes to make a point of order or a point of personal explanation. Whenever the Lord Mayor addresses the meeting, all other Members shall not attempt to address the meeting. When the Lord Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

17.2 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded, subject to the other provisions of these Council Procedure Rules and particularly Council Procedure Rules 17.13 and 17.14.

17.3 Right to require motion in writing

Unless notice of the motion has already been given, the Lord Mayor may require it to be written down and handed to him/her before it is discussed.

17.4 Secunder's speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate, subject to the other provisions of these Council Procedure Rules and particularly Council Procedure Rules 17.13 and 17.14.

17.5 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Subject to the provisions of Council Procedure Rules 11, 17.6, 17.13 and 17.14, speeches on motions or amendments shall be subject to a time limit of 3 minutes for the proposer of a motion and 2 minutes for the seconder of the motion, the mover and seconder of amendments, all other speakers on the debate, and for the right of reply for the mover of the motion.

17.6 Time limit for debate

All Motions for which notice has been given in the Council Summons and all items of business relating to matters reserved to the Council, shall be subject to a maximum time limit of 25 minutes debate in total per Motion/item, including any amendments relating thereto. Upon expiry of

the time limit, any and all outstanding business relating to that Motion/item, including any amendments relating thereto, will be voted upon without further debate. Presentations to be considered at ordinary meetings of the Council shall not be subject to a maximum time limit.

#### 17.7 Procedure for debate

Debates on items of business relating to matters reserved to the Council, and on motions for which notice has been given in the Council Summons, shall be conducted as follows:-

- (a) The motion shall be moved and seconded;
- (b) Any amendments to the motion shall be moved and seconded in turn;
- (c) The subject matter under consideration shall be debated as a whole;
- (d) The mover of the original motion shall have a right of reply at the end of the debate; and
- (e) Votes shall be taken on each amendment and the substantive or original motion.

#### 17.8 When a member may speak again

A Member who has spoken on an item of business may not speak again whilst it is the subject of debate, except:-

- (a) in exercise of a right of reply;
- (b) on a point of order; and
- (c) by way of personal explanation.

#### 17.9 Amendments to motions

- (a) If an amendment is not carried, any further amendments that have been moved will apply to the original motion. If no further amendments have been moved, the original motion is put to the vote.
- (b) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments will apply. If there are no further amendments, the substantive motion is put to the vote.
- (c) If an amendment submitted under Council Procedure Rule 11(a) (ii) is carried, no further amendment relating to the same matter shall be moved unless the further amendment has been handed in writing to the Lord Mayor prior to the vote being taken on the previous amendment.

#### 17.10 Alteration of motion or amendment

- (a) A member may alter a motion or amendment of which he/she has given notice with the consent of the meeting.
- (b) A member may alter a motion or amendment which he/she has moved without notice with the consent of both the meeting and the seconder.
- (c) The motion to alter a motion or amendment shall be dealt with in accordance with the process set out in Council Procedure Rule 17.13(b).

#### 17.11 Withdrawal of motion or amendment

- (a) A member may withdraw a motion or amendment which he/she has moved, or given notice of, with the consent of both the meeting and the seconder. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
- (b) The motion to withdraw a motion or amendment shall be dealt with in accordance with the process set out in Council Procedure Rule 17.13(b).

#### 17.12 Right to reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) The mover of an amendment has no right of reply to the debate on his or her amendment.
- (c) Subject to the provisions of Council Procedure Rule 17.14, a Member who has formally seconded a motion or amendment and who has been permitted to reserve his/her speech until a later period in the debate will not be deemed a speaker for the purposes of counting five persons, but will lose his/her right to speak if he/she has not spoken prior to the passing of a motion that the question be now put.

#### 17.13 Motions which may be moved during debate

- (a) When an item of business is under debate, no other motion may be moved except the following procedural motions:-
  - (i) to withdraw a motion or amendment;

- (ii) to alter a motion or amendment;
  - (iii) to proceed to the next business, subject to the provisions of Council Procedure Rule 17.14;
  - (iv) that the question be now put, subject to the provisions of Council Procedure Rule 17.14;
  - (v) to adjourn a debate or the meeting, subject to the provisions of Council Procedure Rule 17.14;
  - (vi) to suspend a particular Council Procedure Rule, subject to the provisions of Council Procedure Rule 4;
  - (vii) to exclude the public and press in accordance with existing legislation relating to access to information, as amended from time to time;
  - (viii) to not hear further a Member or to exclude him/her from the meeting, subject to the provisions of Council Procedure Rule 19.
- (b) After the mover has spoken to his/her motion for a maximum of 30 seconds, it shall be formally seconded. A maximum of one speaker from each political group officially recognised by the Council, other than that of the mover's Group, shall be allowed to speak to the motion for a maximum of 30 seconds per speaker. The mover shall not have a right of reply. The Lord Mayor will then put the procedural motion to the vote.

#### 17.14 Closure motions

- (a) A Member may move the following motions at the end of a speech of another Member:-
- (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is moved, seconded and spoken upon, and not less than five persons have spoken on the item of business under debate, and at least one member of each of the political parties recognised by the Council as constituting an identifiable and separate Party Group, having previously indicated to him/her a wish to contribute to the debate, has been given the opportunity so to do, then the Lord Mayor will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is moved, seconded and spoken upon, and not less than five persons have spoken on the item of business under debate, and at least one member of each

of the political parties recognised by the Council as constituting an identifiable and separate Party Group, having previously indicated to him/her a wish to contribute to the debate, has been given the opportunity so to do, then the Lord Mayor will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply and shall then put any outstanding amendments and the substantive or original motion to the vote.

- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Lord Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, then he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If a majority of Members vote in favour of the motion, the remaining business of the day shall stand adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

#### 17.15 Point of Order

- (a) A Member may raise a point of order at any time. The Lord Mayor will hear the Member immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Lord Mayor on the matter will be final.
- (b) A Member may call upon the Lord Mayor to advise the meeting as to whether an issue has arisen of factual inaccuracy, or defamation or discrimination. The Lord Mayor, advised by the Chief Executive, will advise the meeting as to what action should be taken if such an issue has arisen.

#### 17.16 Personal Explanation

A Member may, at any time, request to address the meeting to provide a personal explanation where he/she has made a mis-statement that is being quoted by a later speaker, or where another Member has misquoted or misunderstood what the Member had said. The Lord Mayor will decide whether or not to permit the request, and the Lord Mayor's ruling shall not be challenged. The Member shall confine his/her personal explanation to correcting the misunderstanding.

## **18 Voting at Meetings of the Council and Other Bodies**

### **18.1 Majority**

Unless otherwise indicated within the Constitution or required by legislation, any matter will be decided by a simple majority of those Members present in the room and voting at the time the question was put.

### **18.2 Chair's casting vote**

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

### **18.3 Method of Voting**

Unless a recorded vote is demanded in accordance with Rule 18.6, the Chair will take the vote by show of hands or electronically by using the available technology, or if there is no dissent, by seeking the affirmation of the meeting. In the interests of aiding clarity and transparency 'voting in parts' shall not be permitted other than in exceptional circumstances at the discretion of the Chair.

### **18.4 Show of Hands**

Where there is not a consensus (and no electronic system is available), the Chair will ask for a show of hands, in turn, for those Members voting for, those voting against, and those abstaining from voting, and will announce the number of Members voting for, against and abstaining and then announce the outcome of the vote.

### **18.5 Electronic voting**

Where facilities for electronic voting or the electronic recording of votes are available, this system will be used. The vote will be recorded and published but (unless demanded) such a vote shall not be a recorded vote as described in paragraph 18.6 below and shall not be entered into the minutes as such. At the meeting the Chair will announce the number of Members voting for, against and abstaining and then announce the outcome of the vote.

### **18.6 Recorded Votes**

- (a) If not less than ten Members present at a meeting of the Council or, in the case of meetings of other Bodies, one third of the Members present demand it, the names for and against the

motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The recording of votes at a meeting of the Council shall be carried out by roll-call or electronically by using the available technology after a period of approximately one minute has elapsed.

- (b) In accordance with the requirements in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended), on any vote relating to the calculation of the council tax taken at a budget decision meeting of the Council the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes.

#### 18.7 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

#### 18.8 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. In the event of a tie between the last two persons, the Chair shall have a second or casting vote.

### **19 Misconduct, Irrelevance Etc.**

- 19.1 The Chair of a Body of his/her own volition or at the request of any Member of the Body may call the attention of the Body to irrelevance, tedious repetition, repeated breach of order, unbecoming language, racist, sexist, homophobic or other offensive behaviour or conduct on the part of a Member of a manner which could reasonably be regarded as bringing his/her office or the Authority into disrepute and will issue a warning to such Member. If a Member disregards the warning, the Chair of the Body will, immediately and without debate, put to the vote that the Member be excluded for the remainder of the meeting
- 19.2 If a majority of the Members of the Body present vote in favour, the Chair shall order the Member to leave the meeting and/or may adjourn the meeting for such period as he/she in his/her discretion shall consider expedient.
- 19.3 In the event of a general disturbance which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair

in addition to any other power vested in him/her may, without the question being put, adjourn the meeting for such period as he/she in his/her discretion shall consider expedient.

- 19.4 Any complaint about alleged misconduct on the part of a Member which may give rise to a breach of the Councillor Code of Conduct must be reported to the Monitoring Officer.

## **20 Disturbance by Members of the Public**

If a Member of the public interrupts proceedings of a meeting the Chair shall warn him/her. If he/she continues the interruption or repeatedly interrupts, the Chair shall order his/her removal from the meeting room. In the case of meetings where there is a general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.

## **21 Use of Equipment such as Mobile Phones and Recording Equipment**

- 21.1 Mobile telephones, pagers and other such equipment must be switched to silent mode during meetings of the Council and other Bodies so as not to disturb the conduct of the meeting. Photography, video and sound recording of the proceedings of meetings whilst open to the public shall be permitted under the direction of the Chair of the meeting and in accordance with any protocols and guidance issued by the Council's Monitoring Officer.

- 21.2 The Chair has discretion to withdraw or suspend this permission should he or she deem it necessary, for example if the recording is disrupting the conduct of the meeting, or where a member of the public participating in a meeting objects to being recorded. In order to assist the Chair to manage the recording of the meeting, any member of the public wishing to record must inform the Chair and the recording must be clearly visible.

## **22 Budget and Policy Framework**

- 22.1 In reaching a decision concerning the adoption of any plan, strategy or budget that forms part of the Council's Budget and Policy Framework, the Council may either approve the proposals, amend them or substitute and approve its own proposals.
- 22.2 The Monitoring Officer and/or the Chief Finance Officer shall determine whether a decision is considered to be contrary to the Policy Framework or contrary to or not wholly in accordance with the approved Budget.



22.3 Further details are contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.

### **23 Minutes of Meetings**

23.1 Minute books of all meetings shall be open to the inspection of Members of the Council during normal office hours at the offices of Democratic Services and can also be accessed electronically on the Council's website.

23.2 The minutes will be submitted to the next ordinary meeting of the Body for approval and will contain the names of Members and any co-opted Members present, those Members present who are not members of that particular Body and apologies for non-attendance by Members.

### **24 Appointment and Removal of Leader and Deputy Leader**

24.1 The Council shall at its Annual Meeting appoint a Leader and a Deputy Leader for a period of one year. If the Council fails to elect the Leader at the relevant Annual Meeting, the Leader is to be elected at a subsequent meeting.

24.2 The Leader, and/or the Deputy Leader may be removed from office by resolution of the Council.

24.3 Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the Council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Lord Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.

### **25 Appointment and Membership of Council Committees**

25.1 The Council shall at its Annual Meeting appoint and agree, in accordance with political balance rules if applicable, membership and terms of reference for its Committees. It shall also appoint such other Committees and Sub-Committees as it considers appropriate, such as Regulatory Committees, an Audit and Standards Committee, Area Committees and such other Bodies as it is required by law and as it deems necessary to appoint for the ensuing year.

25.2 Those Bodies will be granted delegated powers, as appropriate, by the Council and may appoint any Task Groups as appropriate to assist in the completion of their duties save that each Policy Committee may have no more than one appointed Task and Finish Group at any time.

- 25.3 A Policy Committee may not appoint a Sub-Committee but may delegate powers to a Sub-Committee appointed by the Council for that purpose. Other Committees may appoint Sub-Committees if permitted to do so by their Terms of Reference.
- 25.4 A Policy Committee may co-opt non-voting members who are not elected Members of the Council to the Committee or a Task and Finish Group to assist in its consideration of an issue.
- 25.5 Subject to any statutory provisions in that behalf, the Council may at any time dissolve a Body or alter its membership.
- 25.6 Every Member of the Council shall be appointed a member of at least one Policy Committee or Regulatory Committee, unless otherwise determined by the Council.

## **26 Urgent Business**

An item of business may be considered at a meeting of the Council, a Committee or Sub-Committee as a matter of urgency, where it has not been possible to give five clear working days' notice, on the recommendation of the Chair but the reason for such urgency must be recorded in the minutes. Any non-confidential or non-exempt report relating to such item must be made available for public inspection once it has been issued.

## **27 Public Notice of Meetings and Availability of Documents**

- 27.1 At least five clear working days' notice must be given of the date, time and place of a meeting of a Body.
- 27.2 The agenda and reports (except confidential or exempt reports) must be made available for public inspection at all reasonable times. The public may also inspect any non-confidential /exempt background documents used in the preparation of, and listed in, each report. The Council may, on request, supply a copy of any agenda, reports and background documents to a member of the public on payment of a reasonable fee.
- 27.3 A number of copies of the agenda and non-confidential/exempt reports will be made available at meetings for public use free of charge.

## **28 Public Admission to Meetings**

Meetings of all Bodies are generally open to the public, but the public may be excluded from a meeting either in accordance with existing legislation relating to access to information as amended from time to

time, or in accordance with Council Procedure Rule 20 relating to disturbance by the public.

## **29 Casual Vacancy on a Body**

A casual vacancy on a Body occasioned by the resignation of a Member from that Body may be filled by a resolution of the Council at the next following or any subsequent meeting. A casual vacancy on a Body occasioned by a Member ceasing to be a Member of the Council shall not be filled by the Council until after the consequential vacancy in the office of Councillor has been filled.

## **30 Meetings of Bodies**

30.1 The Director of Legal and Governance, shall summon a meeting of every Body to be held within 14 days after its appointment. At its first meeting a Body will consider the meeting schedule approved by the annual meeting of the Council at its first meeting and may, within the constraints of the overall schedule, request alterations. Thereafter meetings shall be summoned by the Director of Legal and Governance to be held on such days and at such times as accord with the approved schedule as amended.

30.2 An Extraordinary meeting of any Body shall be called by the Chair, in consultation with the Monitoring Officer, within 7 days of the receipt by the Monitoring Officer of a requisition in that behalf signed by not less than five members of the Body. An Extraordinary meeting may also be called by the Chair, the Monitoring Officer or by resolution of the Body.

## **31 Appointment of Chair**

31.1 Unless appointments to the positions have been made at the annual meeting of the Council, every Body at its first meeting shall commence its proceedings by electing a Chair and a Deputy Chair. In the event that there are more than two people nominated for either position and there is not a clear majority of votes in favour of one person, then the process outlined in Council Procedure Rule 18.8 shall be followed. However, in the event of a tie between the last two persons for the position of Chair, the person from the Group with the highest number of Members on the Council shall become the Chair.

31.2 In the absence of the Chair and Deputy Chair at a meeting, the Body shall elect a Chair for that meeting.

## **32 Questioning of Council Representatives on Companies**

- 32.1 In any case where a Member or Officer of the City Council has been authorised to act as its representative at a general meeting (or at meetings which include a general meeting) of a company which is an authorised company for the purposes of Part V of the Local Government and Housing Act 1989, members shall be entitled, subject to paragraphs 32.2 and 32.3 below, to put to the Member or Officer concerned at meetings of the Council or other Body questions about the activities of the company.
- 32.2 The right to put questions to Members or Officers contained in paragraph 32.1 above shall only be exercisable where:-
- (a) the Member wishing to put the question has given notice to the Director of Legal and Governance of the precise wording of the question and the person(s) to whom it is to be addressed not later than 12.00 noon on the day which precedes by five normal working days of the Authority, disregarding the day on which the notice is given and the day of the meeting, the date of the meeting at which the question is to be put;
  - (b) in the case of a question to be put at a meeting of a Body, the Director of Legal and Governance, or his/her nominee, in consultation with the Chair of the meeting to which the question is to be put, is satisfied that the activities of the company are of relevance to that meeting; and
  - (c) it is reasonable in all the circumstances to expect the Member or Officer to whom the question is to be put to attend the meeting at which the question is to be put.
- 32.3 Nothing in paragraph 32.1 above shall require any Member or Officer to whom a question is addressed to disclose any information about the company which has been communicated to him/her in confidence.

## **33 Appointment of Substitutes on Committees**

Where an Appointed Member of a Committee is unable to attend a meeting of that Committee, he/she may arrange for a Substitute Member to attend, subject to the following conditions:-

- (a) a Committee Member wishing to be substituted will seek a substitute from the approved list for his/her Party Group;

- (b) the Chief Executive or his/her representative must be notified in writing of the substitution at least one full working day before the day of the Committee;
- (c) the substitution shall last for the duration of the meeting, including an adjourned meeting; and
- (d) Substitute Members are not permitted to attend a meeting of Strategy and Resources Policy Committee.

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