

DECISION-MAKER:	FULL COUNCIL
SUBJECT:	ANNUAL CHANGES TO THE CONSTITUTION
DATE OF DECISION:	15 MAY 2013
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

This report sets out the annual review of the Constitution. This was considered and discussed by Governance Committee on 30th April 2013 in its governance role. The recommendations of the Governance Committee are included below.

RECOMMENDATIONS:

- (i) to agree the changes to the Constitution as set out in this report;
- (ii) to authorise the Head of Legal, HR and Democratic Services to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision(s) of Full Council; and
- (iii) to approve the City Council's Constitution, as amended, including the Officer Scheme of Delegation for the municipal year 2013/14.

REASONS FOR REPORT RECOMMENDATIONS

1. It is appropriate for the Council to keep its Constitution under regular review and to amend it, both to reflect experience and changing circumstances.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. The Council resolved in May 2002 to review its Constitution on an annual basis. Therefore, it is appropriate that this report is considered by Members. There are a range of recommendations set out within the report. Members have a range of options about various changes not least of which is to reject some or all of them.

DETAIL (Including consultation carried out)

3. This report was considered by Governance Committee on 30th April 2013. The committee's comments and amendments are embodied within this report and the appendices.

Background Information

4. The Constitution of the Council describes the way in which the Council conducts its business. It contains not only the Articles of the Constitution, but also the various rules and procedures for decision-making, access to information, Overview and Scrutiny, the Codes of Conduct, the Officer / Member Protocol, as well as other specific rules relating to contracts and finance.
5. The Constitution forms the cornerstone of effective corporate governance. Whilst Southampton City Council's constitutional arrangements continue to be recognised as being of a high standard, Full Council agreed in May 2002 that it would on an annual basis robustly review the Constitution and its operation.

The purpose of this report is to bring forward proposed changes to the Constitution, these having been considered by Governance Committee (in its governance role) with a view to build upon the constitutional arrangements for the Council.

Petition Scheme

6. Local authorities were required to adopt a Petition Scheme, laying out in detail the way in which they would respond to petitions that achieved a certain number of signatures. The recent statutory regime has been repealed, but the Council previously resolved that it would retain in place the principles of the Petition Scheme. As a result, petitions containing 1,500 signatures or more will require a debate at a council meeting; petitions with fewer than 1,500 signatures will be presented and received without discussion a council meeting and included on the agenda for the next available meeting of the Cabinet; petitions containing 750 signatures but fewer than 1,500 and requesting an officer to give evidence will first of all be considered by Overview & Scrutiny Management Committee; petitions with more than 50 signatures will be treated as a petition that requires a response by an officer and that the council will take a flexible approach on a case by case basis in responding to petitions with fewer than 50 signatories.
7. The Constitution currently states that a petition that requires a debate (over 1,500 signatures) at Full Council will be managed at the discretion of the Mayor and in accordance with the Council Procedure Rules, after which a vote will be put.
8. This is the regime that we have in place and reflects the fact that we are no longer legally obliged to have a Petition Scheme but we have in essence retained much of the thrust of the original approach, giving people the right to have petitions debated at Full Council. Indeed the NHS petition presented at the recent Full Council meeting qualified (subject to a final ratification by Democratic Services) for a Full Council debate.
9. The question that has been asked was whether or not the rules were flexible enough to deal with petitions that might be raised at the budget meeting? Members will recall Council had a petition raised and chose to include it within the timeframe, ie 30 minutes allotted to each of the Groups to respond on budget issues. It was agreed that this resulted in the petition not receiving the attention that it duly deserved.
10. If the Council is, therefore, to continue to allow petitions presented at the Budget meeting to have a debate, the methodology of dealing with that is currently wholly at the discretion of the Mayor. It is advised that the Mayor allows such a debate but that it might take a more truncated form than perhaps would otherwise be the case, reflecting the nature of the budget meeting. Also if we had numerous (linked) budget related petitions, it could result in a combined truncated debate. This might involve a limited amount of time per Group or a limited number of speakers per Group on the petition debate.
11. This is provided for within the Constitution. The Mayor has the discretion to manage the debate process. Therefore the rules do not need to be amended. However, it would be possible for Council to add some additional wording, should members feel it helpful to express the sentiment at least that for the purposes of any debates on petitions at the budget meeting, given the special

nature of that business, the Mayor will take an appropriate approach, determined following consultation with the Group Leaders. This again, does not commit the Council to anything in particular, but reflects and acknowledges that the budget meeting might require some special attention and consideration. The revised scheme is attached at Appendix 1.

Council and Executive Procedure Rules -

12. The Leader has requested that if following either annual or a by election the political control of the authority changes as a direct result that the Constitution is revised so that no significant decisions can be taken by Council, the Executive, or by Executive Members through delegated powers during the period between annual elections and the AGM. The concern is that the Council's arrangements need to ensure that there is no "democratic deficit" which to the public would appear to show political bias and limited legitimacy in the circumstances when one political party (whichever party that is) may have lost control of the Council. The revisions are attached on Appendix 2.
13. Such changes will not affect the Council's ability to react to any time limited or emergency matters, in the rare event that they should they arise as there are existing adequate powers under the Officer Scheme of Delegation to permit the Chief Executive, Director of Corporate Services or Head of Legal, HR and democratic Services to act.
14. The desire to do so has come as a result of the circumstances relating to the Rom TV outsourcing review which was due to be considered by Overview and Scrutiny Management Committee on 11th April 2013 but was deferred until after the AGM. The Governance Committee has considered the specific issue and recommended revisions as detailed in Appendix 3.

Officer Delegations

15. The scheme of delegation has been updated to reflect the substantial operational changes that have occurred as a result of the ongoing Directorate restructures and reduction in Director posts. The full, revised scheme can be found at Appendix 4 [add link] and has not been printed due to its size. Several delegations have been removed (.....), firstly those regarding ad hoc grant allocations as such awards should be considered as part of the overall grant award process and secondly in relation to education related functions which are no longer the Council's responsibility (all within 4.4). New delegations have not been added unless specifically referred to in this report

Health and Social Care Act 2012 and the Health & Well-Being Board

16. All matters relating to the recent changes in relation to health matters previously agreed by Council have been included in various parts of the Constitution. However, there is a requirement to finalise the scrutiny element which was considered at the last Council meeting. An interim position was put in place with the intention that the long term solution be considered at the annual meeting. [add after Governance Committee]

Chipperfield Bequest

17. Currently the Head of Leisure has delegated authority "In association with the Chipperfield Advisory Committee to select and acquire works of art for the collection under the Chipperfield Bequest, up to the value of £25,000, subject to the necessary finance being available". In light of recent changes to the

administrative arrangements it is considered that this could be increased to £125,000. The proposal has the support of the Cabinet Member.

Deputations

18. The Constitution states that where the issue is the subject of a previous deputations or a resolution of the council within the previous six months, then the deputation is not to be entertained. This raised a particular issue in relation to the Helius deputation recently, and because the Council had previously resolved on the issue, the deputation was not permissible under our rules.
19. There are a number of exceptions, but it is considered that given the view that the Council would want to encourage engagement and participation, that excluding requests for deputations where the issue has been resolved on by the council within the previous six months is perhaps harsh. Clearly if an issue has been the subject of a deputation within the previous six months, then they should not be tabled on a repeated basis, as the matter will have been considered and dealt with. However, by amending this particular exclusion so that Council only excludes issues which are the subject of a previous deputation (ie Council ceases to exclude issues which are the subject of a previous resolution of the Council within the previous six months) it is considered this will address the issue and address it appropriately and proportionately.

RESOURCE IMPLICATIONS

Capital/Revenue

20. None

Property/Other

21. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

22. The Executive Arrangements and Constitution are required under the Local Government Act 2000 (as amended). Other matters referred to in the report are addressed in the Local Government Act 1972 (as amended) as well as the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011.

Other Legal Implications:

23. None.

POLICY FRAMEWORK IMPLICATIONS

24. None.

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KEY DECISION? Yes/No N/A

WARDS/COMMUNITIES AFFECTED:	None
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Revised Petition Scheme
2.	Revised Executive Procedure Rules
3.	Revised Council Procedure Rules

Documents In Members' Rooms

Revised Scheme of Delegation (on line only)

Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
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SCHEME FOR HANDLING PETITIONS

1. Petitions

The Council welcomes petitions and recognises that they are a way in which the people can let the Council know their concerns. All petitions must be submitted in accordance with this guidance and can be in electronic form created from the Council's website or on paper and sent to Democratic Services, Civic Centre, Civic Centre Road, Southampton SO14 7LY.

2. Content

2.1 Petitions submitted to the Council must:-

- include a clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take;
- should be accompanied by the name, address, and contact details of the petition organiser; and
- contain a minimum of 50 signatures of persons who live, work or study in the City and who support the petition.

3. Petition Organiser

The Petition Organiser is the person the Council will contact to explain how it will respond to the petition. The contact details of the Petition Organiser will not be placed on the website. If the petition does not identify a Petition Organiser, the Council will contact signatories to the petition to agree who should act as the Petition Organiser.

4. Restrictions

4.1 A petition may be rejected should the Democratic Services Manager consider that it:-

- contains intemperate, inflammatory, abusive or provocative language;
- is defamatory, frivolous, vexatious, discriminatory or otherwise offensive, or contains false statements;
- is too similar to another petition submitted within the last six months;
- discloses confidential or exempt information, including information protected by a court order or government department;
- discloses material which is otherwise commercially sensitive;
- contains names of individual citizens as the target of the petition, or provides information where they may be easily identified, e.g. officers or public bodies;
- contains advertising statements;
- refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings;
- relates to the Council's Planning or Licensing functions as there are separate statutory processes in place for dealing with these matters; ~~or~~
- does not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities; or
- has been the subject of debate by Full Council within the last six months.

4.2 During politically sensitive periods, such as prior to an election or referendum, politically controversial material may need to be restricted.

4.3 If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, the Council will write to you to explain the reasons.

5. On Receipt of a Petition

5.1 An acknowledgement will be sent to the Petition Organiser within 3 working days of receiving the petition. It will let them know what the Council plans to do with the petition and when they can expect to hear from the Council again. It will also be published on the website.

5.2 If the Council can do what your petition asks for, the acknowledgement may confirm that the Council has taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate (over 1,500 signatures), or 750 signatures requiring referral to Overview & Scrutiny Management Committee, ~~or a senior officer giving evidence~~, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, the Council will tell you the steps it plans to take.

5.3 If the petition relates to action currently being progressed by the Council and the petition triggers with a debate at Full Council or Overview & Scrutiny Management Committee, then the action will be suspended pending the debate, save in relation to statutory, contractual or other legal situation, where suspension would prejudice the Council's position.

5.4 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council Tax Banding and non-domestic rates, other procedures apply. These will take precedence.

5.5 The Council will not take action on any petition which it considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in its acknowledgement of the petition.

5.6 To ensure that people know what the Council is doing in response to the petitions received, the details of all the petitions submitted will be published on the website, except in cases where this would be inappropriate. Whenever possible the Council will also publish all correspondence relating to the petition (all personal details, except the name, will be removed).

6. Council' Response to Petitions

6.1 The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:-

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation

- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview and Scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out the Council's views about the request in the petition

*Overview and Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Council - in other words, the Overview and Scrutiny Committee has the power to hold the Council's decision makers to account.

- 6.2 If your petition is about something over which the Council has no direct control (for example the local railway or hospital) it will give consideration to what the best method is for responding to it. The Council may make representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then it will set out the reasons for this to you.
- 6.3 if your petition is about something that a different Council is responsible for, the Council will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event the Council will always notify you of the action it has taken.

7. Full Council debates

- 7.1 If a petition contains more than 1,500 signatures, where time permits it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Petition Organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors in accordance with Council Procedure Rules as contained. Where time does not permit a debate at Full Council, the matter will be referred to the appropriate decision-maker or relevant committee.
- 7.2 The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the City Council's website.

8. ~~Officer Evidence~~ Non Qualifying Petitions (fewer than 1,500 signatures)

- 8.1 Should the petition contain at least 750 signatures, the relevant Cabinet Member or Director will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. The petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to Councillors to enable them to make a particular decision. A list of the senior staff that can be called to give evidence can be found at <http://www.southampton.gov.uk/council-partners/corporatemanagement/>.

~~Should the petition contain at least 750 signatures, the relevant Director will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found [here](#).~~

- 8.2 Petitioners should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Democratic Services up to three working days before the meeting.
- 8.3 A petition with a minimum of 50 signatures will be treated as one to which a response in accordance with the Scheme is to be made. Petitions with fewer signatories may still be submitted, but the Council will have greater flexibility in responding to the issues these petitions raise.

9. **E-petitions**

- 9.1 The Council welcomes e-petitions which are created and submitted through the website. E-petitions must follow the same guidelines as paper petitions. The Petition Organiser will need to provide the Council with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for three months, but you can choose a shorter or longer timeframe, up to a maximum of six months.
- 9.2 Individuals signing an e-petition will receive by email a link to that part of the City Councils' website where the response to the petition will be displayed. The Council regrets that it cannot respond by post or other means other than posting information on the website to all the signatories of paper petitions other than the promoters and organisers.
- 9.3 Should the Council feel that it cannot publish a petition for some reason the Petition Organiser will be contacted with an explanation and given the opportunity to amend and resubmit the petition. If the Petition Organiser does not resubmit within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make Executive decisions?

The arrangements for the discharge of Executive functions may be set out in the Executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how and by who they are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- a. the Executive as a whole (the Cabinet);
- b. a committee of the Executive;
- c. an individual Member of the Executive;
- d. an officer;
- e. an area committee;
- f. joint arrangements; or
- g. another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written scheme of delegations made by him/her for inclusion in the Council's Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- a. the names of the people appointed to the Executive by the Leader;
- b. the extent of any authority delegated to Members individually, including details of the limitation on their authority;
- c. the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Cabinet Members appointed to them;
- d. the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
- e. the nature and extent of any delegation to Officer with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of Executive functions

- a. Where the Executive, a committee of the Executive or an individual Cabinet Member is responsible for an Executive function, they may delegate further to an area committee, joint arrangements or an officer.
- b. Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.

- c. Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- d. Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Executive's Scheme of Delegation

- a. Subject to (b) below the Executive's Scheme of Delegation will be reported to Council and may only be amended in accordance with the Constitution. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- b. The Leader may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the ~~Senior Manager~~Head of Legal, HR and Democratic Services and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The ~~Senior Manager~~Head of Legal, HR and Democratic Services will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- c. Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when s/he has served it on its chair.

1.5 Conflicts of Interest

- a. Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- b. If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- c. If the exercise of an Executive function has been delegated to a committee of the Executive, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- d. Where a member has a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under Part 4 of the Code of Council's Conduct for Members in any matter being discussed, then the member must declare that interest and withdraw from the room where the meeting is being held immediately after making representations, answering questions or giving evidence unless a dispensation to remain has been obtained from the Council's Governance Committee.
- e. Where, as a Member of the Executive, you may discharge a function alone, and you become aware of a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under part 4 of the Council's Code of Conduct for Members in a matter being dealt with, or to be dealt with, by you, you must notify the Monitoring Officer of the interest and must not

take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

1.6 Cabinet meetings – when and where?

The Cabinet will meet every ~~two weeks~~month or at such other occasions as determined by the Leader. The time of Cabinet Meetings shall be as advised by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Public or private meetings of the Cabinet?

The Access to Information Rules in Part 4 of this Constitution set out the minimum legal requirements covering public and private meetings. Alternative additional arrangements may be put in place as determined by the Leader in the interests of openness, accountability and transparency.

1.8 Quorum

The quorum for a Cabinet meeting, or a committee of it, shall be one quarter of the total number of Members of the Cabinet (including the Leader) or three including the Leader, whichever is the larger.

1.9 How are decisions to be taken by the Cabinet?

- a. Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- b. Where Executive decisions are delegated to a committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present, s/he will preside at any meeting of the Cabinet. If the Leader is not present, s/he will appoint another person to do so. If no appointment has been made, the meeting will elect a Chair for that meeting.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 What business?

At each meeting of the Cabinet the following business shall, subject to the remaining provisions of this Article, be conducted:

- a. consideration of the record of decision and record of the last meeting;
- b. declarations of interest, if any;
- c. a statement from the Leader, if any;
- d. matters referred to the Cabinet (whether by an overview and scrutiny committee or by the Council) for reconsideration in accordance with the

provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

- e. consideration of reports from overview and scrutiny committees;
- f. matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution; and
- g. matters for public consultation.

2.4 Consultation

All reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. S/he may put on the agenda of any Cabinet meeting any matter which s/he wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any Member or officer in respect of that matter. The ~~Senior Manager:~~Head of Legal, HR and Democratic Services will comply with the Leader's requests in this respect.

In addition:

- a. Any Member of the Cabinet may require the ~~Senior Manager:~~Head of Legal, HR and Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If s/he receives such a request the Monitoring Officer ~~Senior Manager:~~Head of Legal, HR and Democratic Services will comply.
- b. The ~~Senior Manager:~~Head of Legal, HR and Democratic Services will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the Cabinet. However, there may only be up to three such items on any one agenda. In the event that there are more than three, any items not considered shall be rolled over to the next meeting.
- c. The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the ~~Senior Manager:~~Head of Legal, HR and Democratic Services to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda

may also require that a meeting be convened at which the matter will be considered.

2.6 Form of Agenda

Whilst the Leader shall decide the general form and content of the agenda for Cabinet Meetings, the Head of Paid Service, Chief Financial Officer and Monitoring Officer shall all have the right to have matters or items considered which they consider are necessary and/or appropriate for the Council and/or Executive and in addition the Monitoring Officer ~~Senior Manager~~Head of Legal, HR and Democratic Services or his/her nominee may prescribe certain matters that, as a matter of procedure, must appear on the agenda.

Without prejudice to the Overview and Scrutiny Procedure Rules in so far as they relate to Call-In, no Executive decision (which is a Relevant Decision as defined in the Overview and Scrutiny Procedure Rules) shall be implemented until 5 Clear Days after the date of publication of the decision. This is without prejudice to the procedures for urgent decisions as set out in the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.

The Executive Procedure Rules are the responsibility of the Leader and may be amended by the leader following consultation with the ~~Senior Manager~~Head of Legal, HR and Democratic Services Monitoring Officer in accordance with these Executive Procedure Rules.

2.7 Periods between Elections

If, following either annual elections or a by election, the political control of the authority changes as a direct result no significant decisions will be taken by the Executive, or by Executive Members through delegated powers during the period between that election and the next meeting of Council.

Such changes will not affect the Council's ability to react to any time limited or emergency matters, in the rare event that they should they arise as there are existing powers under the Officer Scheme of Delegation to permit the Chief Executive, Director of Corporate Services or Head of Legal, HR and Democratic Services to act.

PART 4: RULES OF PROCEDURE

COUNCIL PROCEDURE RULES CONTENTS

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1. INTRODUCTION

1.1 Interpretation

- (a) Throughout these Council Procedure Rules the following words and expressions shall have the under-mentioned meanings respectively assigned to them:-

"Cabinet Member" shall mean a member of the Executive appointed by the Leader in accordance with the Council's Constitution.

"Chief Financial Officer" shall mean the officer holding the post of Chief Financial Officer of the City Council who is also designated as the "Chief Financial Officer" responsible for the purposes of Section 151 Local Government Act 1972, Section 73 Local Government Act, 1985, and Section 112 Local Government Act 1988 for monitoring the Council's financial affairs.

"Clear Day" in relation to a meeting excludes the day on which the summons or agenda for a meeting was published, the day on which the meeting was or is to be held and in this context "Day" shall mean a day other than a Saturday or a Sunday, or a day which is a public or Bank Holiday.

"Committee" shall mean a Committee of the Council.

"Constitution" shall mean the Council's Constitution as approved by the Council in accordance with the 2000 Act.

"Council" shall mean Southampton City Council acting through the Full Council, save where applied to a Committee or Sub-Committee where it shall mean that Committee or Sub-Committee.

"Executive" shall mean the Executive of the Council as set out in the Constitution and defined by the 2000 Act.

"Head of Paid Service" shall mean the officer holding the post of Chief Executive in the City Council who is also designated as the Head of Paid Service by virtue of Section 4 Local Government and Housing Act 1989.

"Leader" shall mean the Leader of the Council, elected by the Council in accordance with the Constitution and the 2000 Act.

"Mayor" shall mean the Mayor of the Council or the Person Presiding.

"Meeting" shall mean a meeting of the Full Council or in relation to a Committee or Sub-Committee, a meeting of that body.

"Member" shall mean in relation to a meeting of the Council, a Councillor, and in relation to a Committee or Sub-Committee shall mean a member of that Committee or Sub-Committee, whether a Councillor or a person who is not a Councillor but who is appointed to be a member of the Committee or Sub-Committee under Section 102 of the 1972 Act.

"Motion" includes a recommendation contained in any report concerning an item of business for a meeting and a new motion.

"Panel" is the description and label applied to a regulatory Committee or Sub-Committee of the Council.

"Person Presiding" shall mean the person appointed or entitled to preside at any meeting including the Chair or Vice-Chair where either presides.

"Protocol" means a protocol approved by the ~~Senior Manager~~Head of Legal, HR and Democratic Services under these Council Procedure Rules.

"Proposition" shall include "Motion".

"Rule" shall mean a Council Procedure Rule.

"Special Procedure" means a procedure approved by the ~~Senior Manager~~Head of Legal, HR and Democratic Services under these Council Procedure Rules.

"Specialist Committee" means a Committee or Sub-Committee to which a Special Procedure applies.

"Summons" shall mean the summons for a meeting, or in relation to a Council Procedure Rule applied to a Committee or Sub-Committee, shall mean the agenda for the meeting.

"Sub-Committee" shall mean a Sub-Committee of a Committee of the Council.

"Terms of Reference" shall mean the terms of reference of the Committees, and Sub-Committees as varied from time to time.

"Urgent" means that the matter giving rise to the urgency must be unforeseeable (in an objective sense) and is not attributable to a failing on the part of the Council (and similar expressions shall be construed accordingly).

"Vice-Chair" shall mean the Vice-Chair of a Committee or Sub-Committee, and shall encompass the term "Person Presiding" where the Vice-Chair does not preside.

"Voting Member" means either a Councillor or other person appointed as a member of a Committee or Sub-Committee under Section 102 of the 1972 Act who is entitled by law to vote at a meeting of the Committee or Sub-Committee.

"1972 Act" shall mean the Local Government Act 1972.

"1989 Act" shall mean the Local Government and Housing Act 1989.

"2000 Act" shall mean the Local Government Act 2000.

- (b) Unless the context otherwise requires, the singular includes the plural and the plural the singular.
- (c) Any reference in a Council Procedure Rule to a numbered or lettered paragraph is, unless the context otherwise requires, a reference to the paragraph of that Council Procedure Rule.

1.2. Council Procedure Rules

- a. Subject to paragraphs (b), (c) and (h), only the Council may vary, revoke, add to or suspend these Council Procedure Rules.
- b. This Council Procedure Rule and Council Procedure Rule 2.1 (The Annual Meeting), 3 (Minutes), 6 (Notice and Summons to Meetings) and 17 (Voting), are not capable of being suspended.
- c. Any of the other Council Procedure Rules may be suspended by the Council provided that:
 - i. a motion is given with due notice; or
 - ii. notice of intention to move such suspension is embodied within a minute or report referred to in the Summons.
- d. No Council Procedure Rule shall be suspended, revoked or varied by the Council without the consent of the majority of Members present and voting, and there shall be no speeches other than by the mover of the motion whose speech shall be confined to the reasons for moving the suspension of the Council Procedure Rule(s) in question, and no discussion on a motion to suspend a Council Procedure Rule.
- e. A printed copy of these Council Procedure Rules shall be given by the ~~Senior Manager~~ Head of Legal, HR and Democratic Services to every Member upon acceptance of office.
- f. Any proposal to permanently alter these Council Procedure Rules, other than a motion to implement a recommendation of the Governance Committee, shall be in the form of a motion instructing the Governance Committee to report upon such proposals. Any such motion upon being seconded shall be put to the vote without discussion. The Governance Committee shall report to the next ordinary Council meeting upon any matter referred to it under this Council Procedure Rule.
- g. These Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders, and should be interpreted accordingly.
- h. Subject to Council Procedure Rule 26(2), a Special Procedure or Protocol may vary, revoke, add to or suspend these Council Procedure Rules.
- i. Where any step or action under these Council Procedure Rules is prescribed to be performed by a designated officer, that officer may nominate or authorise another officer in his/her place.

- 1.3 Save as in respect of any notice that has to be signed to be valid (Council Procedure Rule 13.1(a) and 13.1(d)) any other notice may be given by email to the address as prescribed by the ~~Senior Manager~~ Head of Legal, HR and Democratic Services as designated for the receipt of such communications.

1.4 Mayor's Decision Final

The Mayor's ruling on any point of order, interpretation of these Council Procedure Rules, matters arising during the debate or with regard to the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion. The Mayor may, from time to time, issue guidance as to how s/he will discharge his/her responsibility in chairing Full Council.

2. MEETINGS OF THE COUNCIL

2.1 The Annual Meeting

a. Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- i. elect a person to preside if the Mayor is not present;
- ii. elect the Mayor;
- iii. elect the Sheriff;
- iv. approve the minutes of the last meeting;
- v. receive any announcements or reports from the Head of the Paid Service, Monitoring Officer, Chief Financial Officer or Mayor;
- vi. elect the Leader;
- vii. appoint the Overview and Scrutiny Management Committee, the Governance Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, Table 1 of this Constitution);
- viii. agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Table 3 of this Constitution);
- ix. approve a programme of ordinary meetings of the Council for the year; and
- x. consider any business set out in the notice convening the meeting.

b. Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the council meeting will:

- i. decide which committees to establish for the municipal year;
- ii. decide the size and terms of reference for those committees;
- iii. decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- iv. receive nominations of Councillors to serve on each committee and

- outside body; and
- v. appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.
- c. Sub-Committees may be appointed by a special meeting of Committees held immediately following their appointment during the proceedings of annual, Council, subject to the powers of Committees to appoint Sub-Committees, Members to those Sub-Committees and Chairs and Vice-Chairs.

2.2 Ordinary Meetings

- a. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:
 - i. elect a person to preside if the Mayor and Sheriff are not present;
 - ii. approve the minutes of the last meeting;
 - iii. matters arising from the minutes of the last meeting;
 - iv. receive any declarations of interest from Members;
 - v. receive any announcements or reports from the Mayor, Leader, the Head of Paid Service, Monitoring Officer or Chief Financial Officer;
 - vi. receive deputations, petitions and requests from and provide answer to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the Council;
 - vii. deal with any business from the last Council meeting;
 - viii. receive reports from the Executive and receive questions and answers on any of those reports;
 - ix. consider motions;
 - x. receive questions on notice to any chair or the Mayor;
 - xi. consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework;
 - xii. receive reports about and receive questions and answers on the business of joint arrangements and external organisations; and
 - xiii. receive reports from Overview and Scrutiny and receive questions and answers on any of those reports.
- b. The order of business in this Council Procedure Rule may only be varied by:
 - i. direction of the Mayor, made with the unanimous consent of the Members present; or
 - ii. a resolution of the Council, moved, seconded and put without comment but not so as to preclude the consideration of any business required by law or to override the provisions of Council Procedure Rule 3.

However, the content of the Summons may be differentiated and subject to any legal requirements, the order and nature of business may vary from meeting to meeting.

c. Matters brought forward by the Mayor

The Mayor may bring forward without notice at any meeting any business judged by the Mayor to be sufficiently urgent to warrant so doing and such business shall have precedence over any notice of motion on the summons. The special circumstances which warrant inclusion of an item without notice shall be specified in the minutes.

2.3 **Extraordinary Meetings**

a. Calling extraordinary meetings

Those listed below may request the ~~Senior Manager:~~Head of Legal, HR and Democratic Services to call Council meetings in addition to ordinary meetings:

- i. the Council by resolution;
- ii. the Mayor of the Council;
- iii. The Leader;
- iv. the Chief Executive;
- v. the Monitoring Officer;
- vi. the Chief Financial Officer; and
- vii. any five Members of the Council if they have signed a requisition presented to the Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

b. Business

The ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall, in calling an Extraordinary Meeting of the Council, restrict the business on the summons to that required by law, any matter or matters that the Chief Executive, Monitoring Officer or Chief Financial Officer wish to raise and the business for which the Extraordinary Meeting has been called.

c. Timing and Logistics of Extraordinary Meetings

The ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall determine the time and day of any Extraordinary Meeting in accordance with the Constitution and following consultation with the group leaders, but shall endeavour to arrange any such meeting to be held, where possible, at 6:00 pm on a Wednesday.

- d. The Mayor shall, following consultation with the Group Leaders, subject to any legal obligations and provided that the ~~Senior Manager:~~Head of Legal, HR and Democratic Services is satisfied as to its legality, be entitled to vary any process or procedure at Full Council and/or introduce new procedures or processes for the purpose of experimenting or trialing new initiatives.

2.4 Budget Meeting

The Budget Meeting, which shall commence at 2:00 pm, shall transact such business as:

- a. in the opinion of the Chief Financial Officer, is necessary to enable the Council to comply with its legal obligations in terms of setting a budget and other legal matters associated with the determination of the Council Tax, etc;
- b. is necessary to approve, review, refresh or otherwise consider in the opinion of the Chief Executive, the Medium Term Plan; and
- c. any other business which the Chief Executive, Chief Financial Officer or Monitoring Officer consider should be placed before Members.

3. MINUTES

- 3.1 Minutes of every meeting of the Council, of any Committee or of any Sub-Committee shall be submitted to, and signed at that meeting or at the next following meeting of the body concerned.
- 3.2 The Mayor shall put the question that the minutes submitted to the meeting be approved as a correct record of that meeting, or of a specified former meeting, as the case may be.
- 3.3 Any question on their accuracy shall be raised by motion, and shall be duly seconded. If no such question is raised, or if it is raised, then as soon as it has been dealt with, the Mayor shall sign the minutes ("the Approved Minutes").
- 3.4 The Mayor shall ask if there are any matters arising upon the Approved Minutes, pursuant to which any member may ask as to the current position or progress made on any item contained in the Approved Minutes. The Mayor shall avoid any debate or discussion that could be construed as attempting to change or vary a previous decision and shall not allow any debate or discussion to transgress the statutory rule that only business specified in the Council Summons may be disposed of at a Council meeting. Information provided under this Rule shall not be minuted.
- 3.5 Where in relation to any meeting of the Council the next such meeting is a meeting called under Paragraph 3 (extraordinary meetings) of Schedule 12 to the 1972 Act, the next following meeting of the Council (being a meeting called otherwise than under that Paragraph of the 1972 Act) shall be treated as a suitable meeting for the purposes of Paragraphs 41(1) and (2) (signing of minutes) of that Schedule.

4. APPOINTMENT OF MEMBERS TO COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

The Council will allocate seats on the Committees and Sub-Committees of the Council in accordance with the 1989 Act and secondary legislation.

4.2 Appointment of Members to Seats

The ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall be the Proper Officer for the purposes of the 1989 Act and associated secondary legislation in respect of appointing members to seats on behalf of political groups in accordance with the wishes of political groups as prescribed by the law.

4.3 Replacement Members on Committees and Sub-Committees

In the event that a member of a Committee or Sub-Committee resigns from that Committee or Sub-Committee, the ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall be the Proper Officer for the purposes of the 1989 Act and secondary legislation for the purposes of appointing a replacement member, in accordance with the wishes of the political group to whom that seat has been allocated.

4.4 Procedure

The ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall, following consultation with the Group Leaders, issue such procedures, protocols and other guidance associated with this Council Procedure Rule as s/he deems necessary.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the ~~Senior Manager:~~Head of Legal, HR and Democratic Services and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The ~~Senior Manager:~~Head of Legal, HR and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five Clear Days before a meeting, the ~~Senior Manager:~~Head of Legal, HR and Democratic Services will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

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

8. QUORUM

The quorum of a meeting will be one third of the whole number of Members. During any meeting, the Mayor shall conduct a count if any Member present so requests or if the Mayor so determines of his/her own volition. If the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed

by the Mayor. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

9.1 Interruption of the meeting

- a. At a time when a period of not less than four hours excluding adjournments has elapsed since the commencement of a 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;
- b. The Mayor may refuse to accept the motion and must do so if a similar motion has been rejected earlier in the same meeting;
- c. If the motion is accepted, it shall be seconded and put without comment;

9.2 Motions and recommendations not dealt with

If the motion is passed, when the time specified arrives, if there are other motions or recommendations on the agenda that have not been dealt with, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote(s) will be taken in the usual way.

9.3 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

9.4 Motions which may be moved

During the process set out in Rules 9.1 – 9.3, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

9.5 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

9.6 Presumption in favour of meetings ending by 6:30 pm

There is a presumption in favour of all meetings of the Council, Committees and Sub-Committees finishing by 6:30 pm. When a meeting reaches that time, any member of the Council, Committee or Sub-Committee may move, without comment, that the meeting shall end. If the motion is accepted and seconded, it shall be put without comment and if passed, if there are any other motions or recommendations on the agenda that have not been dealt with, the Mayor or person presiding may determine either to deal with them in accordance with this Council Procedure Rule, or to defer remaining business to the next meeting, but in doing so shall take particular account of any advice from the Chief Executive, Chief Financial Officer and/or Monitoring Officer as to any business that, in their view, the Council or the meeting of the Council should determine at that meeting. In the event of a motion being put to the meeting under this Council Procedure Rule, it will be necessary for two thirds of the members present and voting at the meeting to support a proposal that the meeting should carry on for the meeting to proceed beyond 6:30 pm.

10. PETITIONS, DEPUTATIONS AND QUESTIONS BY THE PUBLIC

10.1 Petitions

Petitions shall be managed in accordance with the Petition Scheme set out in Part 11 of this Constitution save as provided elsewhere within the Constitution or as provided by law. At a meeting of the Council any Member or member of the public may present a petition which is submitted in accordance with the Council's scheme for handling petitions as annexed to Part 11 of this Constitution.

10.2 Action

- a. Petitions containing 1500 signatures or more (a qualifying petition) will require a debate at a Council meeting;
- b. Petitions with less than 1500 signatories (non-qualifying) shall be presented to the Council meeting and be received without discussion and shall be included on the agenda for the next available meeting of the Cabinet. The Member of the Council or member of the public presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme;
- c. Petitions containing a minimum of 750 signatures but less than 1500 signatures and requesting a senior officer to give evidence will be referred to a public meeting of the Overview and Scrutiny Committee in the first instance;
- d. Petitions with more than 50 signatories will be treated as a petition that requires a response in accordance with the Council's Scheme for Handling Petitions; and
- e. The Council will take a more flexible approach on a case by case basis in responding to Petitions with less than 50 signatories.

10.3 Presentation

The presentation of non qualifying petitions shall be confined to reading out, or summarising the petition and indicating the number and description of the signatories. Petitions shall be presented in the order in which notice of them is received by the Mayor.

10.4 Debate on Petitions

A qualifying petition will require a debate at Full Council, if timescales permit, except where the petition is asking for a senior officer to give evidence. Where timescales do not allow a debate at Full Council, the matter will be referred to the first available meeting of the appropriate decision-maker or relevant committee. The length of debate shall be at the discretion of the Mayor and in accordance with the Council's procedure rules, after which a vote will be put.

10.5 Response to Petitions

The Council will decide how to respond to the petition and shall decide either :

- a. To take the action the petition requests;
- b. Not to take the action the petition requests for reasons stated in the debate;

- c. 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;
- d. To refer the petition to Cabinet or the relevant Cabinet Member meeting where the matter relates to an executive function, in which case the Council may make recommendations to the relevant executive decision.

10.6 Officer Evidence

The senior officers to be called to give evidence at a public meeting under section 16 Local Democracy, Economic Development and Construction Act 2009 and pursuant to the Council's scheme for handling petitions are:

- The Chief Executive
- Directors

10.7 Deputations

- a. Persons wishing to make a deputation to the Council shall give at least seven Clear Days notice in writing to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services explaining the subject of the deputation, unless in the opinion of the Mayor the matter is one of significance and urgency, such that it would not have been possible for the above timetable to be complied with. In such circumstances the Mayor may, at his or her sole discretion, either permit the deputation to be heard or alternatively ask Council by vote without discussion to determine whether it wishes the deputation to be heard. All requests shall be referred to the Mayor for consideration. The Mayor shall have the discretion to reject or refuse any request, or may determine that such a request should be redirected to the Executive, a committee or sub-committee of the Council or, by agreement, a third party (eg a partner). *Petitions presented as part of or with a deputation will be dealt with in accordance with the provisions of the Council's Constitution and Scheme for Handling Petitions.*
- b. A deputation to be received by the Council shall be read by the ~~Senior Manager:~~Head of Legal, HR and Democratic Services or other officer, and immediately after having done so, any proposal to receive the person or persons or the deputation shall be formally moved and seconded without discussion and shall be put to the vote. If the motion is carried, the person or persons shall be conducted into the meeting and shall present their deputation.
- c. A deputation may comprise between one and three persons all of whom may address the Council. The deputation shall not exceed seven minutes in duration, such time to include any time taken by the deputation to read any petition or other document.

If in the view of the Mayor the deputation is duplicatory or overlaps with other deputation(s) to be considered at the same meeting, the Mayor may move that the deputations be consolidated and the time limit for the deputation varied accordingly.

- d. Subject to this Council Procedure Rule, the ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall deal with requests for deputations in accordance with the following:

i. **Where the issue is the subject of a recommendation or notice of motion to the next meeting of the Council**

The request shall be placed on the agenda for that Council meeting and the Council shall be asked whether it is willing to receive the deputation.

When a deputation has been received by the Council, there shall be no discussion on the points raised and the matter shall stand deferred until the relevant recommendation or notice of motion is presented to the Council.

ii. **Where the issue is the subject of a previous deputation ~~or a resolution of the Council within the previous six months and is not covered by (a) above~~**

The deputation shall not be entertained by the Council, when the Council has ~~resolved upon the issue or~~ considered a previous deputation within the previous six months.

iii. **Where the issue is not before the Council and has not been resolved upon in the previous six months**

The request shall be placed on the agenda for that Council meeting and the Council shall be asked if it is willing to receive the deputation.

When a deputation has been received by the Council, the Mayor shall refer the matter to the Leader or appropriate Cabinet Member for a response. In the absolute discretion of the Mayor, Members may thereafter be permitted to comment or ask questions in relation to the Leader or Cabinet Member's response. Where the Mayor permits such questions or responses to be raised, the Mayor shall allow the Leader or appropriate Cabinet Member a right of reply at the end of the debate on the deputation.

iv. **Where**

- a. the issue is within the terms of reference of a Specialist Committee; or
- b. the issue is or relates to matters of a quasi-judicial nature; or
- c. where the issue is defamatory, frivolous or offensive; or
- d. where the issue refers to legal proceedings being taken or being anticipated by or against the Council;
- e. where the issue relates to the provision of personal (eg a care package) services; or
- f. where the depute has a commercial or financial interest in the issue

the deputation shall not be entertained and the depute shall be advised accordingly by the ~~Senior Manager:~~Head of Legal, HR and Democratic Services.

10.8 Questions

a. General

Members of the public (who are not Councillors or Officers) may ask questions of the Mayor, Chairs of Committees and Members of the Executive at ordinary meetings of the Council.

b. Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

c. Notice of questions

A question may only be asked if notice has been given by delivering it in writing to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services no later than midday seven Clear Days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Executive to whom it is to be put.

d. Number of questions

At any one meeting no person may submit more than three (3) questions and no more than three (3) such questions may be asked on behalf of one organisation.

e. Scope of questions

The ~~Senior Manager:~~Head of Legal, HR and Democratic Services may reject a question if it:

- i. is within the terms of reference of a Specialist Committee; or
- ii. is or relates to matters of a quasi-judicial nature; or
- iii. is defamatory, frivolous or offensive; or
- iv. refers to legal proceedings being taken or being anticipated by or against the Council; or
- v. is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- vi. requires the disclosure of confidential or exempt information; or
- vii. relates to the provision of personal (e.g. a care package) services; or
- viii. where the questioner has a commercial or financial interest in the issue

If rejected, the questioner shall be advised accordingly by the ~~Senior Manager:~~Head of Legal, HR and Democratic Services.

f. Record of questions

The ~~Senior Manager:~~Head of Legal, HR and Democratic Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions to be asked will be circulated to all Members and will be made available to the public attending the meeting.

g. Asking the question at the meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

h. Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 10.4.

i. Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

j. Reference of question to the Executive or a committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10.9 Representations on an Item of Business

At the sole discretion of the Mayor, members of the public may be invited to address the Council, a Committee or Sub-Committee on any report in which they have a genuine or relevant interest. This includes (but is not limited to) the presentation of petitions by the public.

10.10 Application and Variation of this Council Procedure Rule

The ~~Senior Manager:~~Head of Legal, HR and Democratic Services, may, at his/her discretion, in exceptional circumstances, vary the procedure set out in this Council Procedure Rule and a Special Procedure or Protocol may regulate whether and the manner in which representations by Members, officers of the Council or other organisations and individuals may be made.

11. QUESTIONS BY MEMBERS

11.1 On reports of the business of the Executive

Subject to Rule 11.4, a Member of the Council may ask the Leader or Cabinet Member any question on notice during the Report of the Executive when that item of business is under consideration by the Council.

11.2 Questions to the Mayor or Chairs

Subject to Rule 11.4, a Member of the Council may ask:

- i. the Mayor;
- ii. the Chair of any committee or sub-committee

a question on any matter related to their role, responsibilities and/or office.

11.3 Questions on notice at committees and sub-committees

Subject to Rule 11.4, a Member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee or sub-committee.

11.4 Notice of questions

A Member may only ask a question under Rule 11.1, 11.2 or 11.3 if:

- a. the question is given in writing to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services by 12:00 noon on the Thursday of the week preceding the Council meeting (of if the Council meeting is held on a day other than a Wednesday, by 12:00 noon three Clear Days before the meeting). The ~~Senior Manager:~~Head of Legal, HR and Democratic Services will acknowledge receipt of such questions; or
- b. if the question relates to urgent matters, they have the consent of the Mayor and the content of the question is given to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services prior to the commencement of the meeting.

11.5 Form of Response

An answer may take the form of:

- a. a direct oral answer;
- b. where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.6 Transferring the Response

Every question shall be put and answered without discussion, but the person to whom a question has been put may ask another Member to respond or may decline to answer.

11.7 Supplementary question

Any Member, following a question asked under Rules 11.1, 11.2 or 11.3 may ask one or more supplementary questions without notice to the Member to whom the first question was asked at the discretion of the Mayor and subject to Rule 12. The supplementary questions must arise directly out of the original question or the reply.

11.8 Written Answers

On request from the Member asking a question, a brief summary of key points in an oral answer shall be provided within 10 working days.

11.9 Record of Questions and Answers on Notice at Full Council

Questions asked on Notice at Full Council under Rule 11.1 or 11.2 will be recorded in the minutes, as will any answer. For the avoidance of doubt, neither supplementary questions nor answers shall be recorded. Where a verbal answer is given to a question asked under Rule 11.1 or 11.2, the precise wording of the answer to be included in the minutes shall be agreed with the Member giving the response.

12. EXECUTIVE BUSINESS

- 12.1 The Leader shall prepare a Report of the Business of the Executive for each ordinary meeting of the Council. In presenting the report, the Executive shall have 15 minutes to make any statements that they wish, either relating to the report before Council or in relation to any other item, topic or subject that they feel should be drawn to the attention of Council.
- 12.2 Following the presentation of the Report of the Business of the Executive, any member may ask a question of the Leader or a Cabinet Member arising from either the written report or a verbal statement made by a member of the Executive provided that the question is not one which is to be put under Council Procedure Rule 12.3. This item of business shall not last longer than 15 minutes unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension."
- 12.3 Following the presentation of the report and questions arising on that, the Mayor shall, subject to Rule 12.6, call Members to ask questions for which due notice has been given of the Leader or a Cabinet Member submitted pursuant to Rule 11.1.
- 12.4 Where possible, the answer to the question shall be made available in writing to Members and the public prior to the meeting and, in that case, the Executive Member shall not read the answer out in full.
- 12.5 Following any question asked pursuant to Rule 12.3, subject to Rule 12.6, any Member may ask one or more supplementary questions provided the supplementary question arises directly out of the original question or reply.
- 12.6 The Mayor, in his/her absolute discretion, shall determine the order of speaking, the order in which questions are put, and shall endeavour to ensure the widest possible debate between the Executive and the Council on issues relating to the business of the Executive. The Mayor may also determine that a question should not be put, or does not warrant or justify a supplementary.
- 12.7 The Mayor, in his/her absolute discretion, may allow a Member to ask a question not on notice if in the opinion of the Mayor the matter is one which should be raised, whether it has been referred to by the Executive in their report or not.
- 12.8 At the end of the debate on Executive business, the Leader shall be afforded a further five minutes to reply, which time s/he may share with the other Members of the Executive in whole or in part at his/her absolute discretion.

- 12.9 This item of business shall not last longer than two hours unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension.
- 12.10 Any question properly submitted under Rule 12.3 but which is not reached in the timeframe allotted for this item of business shall receive a written response from the Executive.
- 12.11 Members shall ensure that questions and answers are concise, relevant and to the point.

13. MOTIONS

13.1. Motions on Notice

a. Notice

Except for motions which can be moved without notice under Rule 13.2, written notice of every motion, signed by at least one (1) Member, must be delivered to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services not later than 10:00 am on the Monday in the week preceding the next meeting of the Council (or if the Council meeting is held on a day other than a Wednesday, by 10:00 am six Clear Days before the meeting). These will be entered in a book open to public inspection.

b. Motion set out in agenda

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

c. Scope

Motions must be about matters for which the Council has a responsibility or which affect the City of Southampton.

d. Notice of Motion to Amend

Members shall use their best endeavours to ensure that notices of motion to amend shall be in writing, signed by the Member giving the notice, and delivered not later than 12:00 pm (noon) on the day before the day of the meeting to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services.

- e. If notice is given of any Motion that the ~~Senior Manager:~~Head of Legal, HR and Democratic Services considers proposes action which is ultra vires, unconstitutional or otherwise illegal, said motion shall not be printed in the Council Summons. If the ~~Senior Manager:~~Head of Legal, HR and Democratic Services considers that a motion is otherwise out of order, such Motion shall be submitted forthwith to the Mayor. The Mayor shall, in his/her absolute discretion, have the right to either rule the Motion out of order or place it on the Council Summons if, in his/her opinion, it is one that ought properly to be considered by the Members of the Council with a view to determining its validity. In the event of a Motion being rejected, the ~~Senior Manager:~~Head of

Legal, HR and Democratic Services shall so inform the Member giving notice as soon as reasonably practicable.

13.2 Motions without Notice

a. The following motions may be moved without notice:

- i. to appoint a Chair of the meeting at which the motion is moved;
- ii. in relation to the accuracy of the minutes;
- iii. to change the order of business in the agenda;
- iv. to refer something to an appropriate body or individual;
- v. to appoint a committee or Member arising from an item on the summons for the meeting;
- vi. to receive reports or adoption of recommendations of committees or Officer and any resolutions following from them;
- vii. to withdraw a motion;
- viii. subject to Rule 13.1(d), to amend a motion;
- ix. to proceed to the next business;
- x. that the question be now put;
- xi. to adjourn a debate;
- xii. to adjourn a meeting;
- xiii. any matter arising under Rule 9;
- xiv. to suspend a particular Rule;
- xv. to exclude the public and press in accordance with the Access to Information Rules;
- xvi. to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4;
- xvii. to give the consent of the Council where its consent is required by this Constitution; and
- xviii. in any other circumstances where the Mayor considers it appropriate.

14. RULES OF DEBATE

14.1 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.

14.2 Right to require motion in writing

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

14.3 Seconders' speech

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

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Without the consent of the Mayor, save where otherwise specified, the maximum length of speeches shall be as follows:

Movers of motions	7 minutes
Movers of amendments	7 minutes
The Leader or appropriate Cabinet Member	7 minutes
All other speakers	4 minutes
All rights of reply	4 minutes

14.5 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a. to speak once on an amendment moved by another Member;
- b. to move a further amendment if the motion has been amended since s/he last spoke;
- c. if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- d. in exercise of a right of reply;
- e. on a point of order; and
- f. by way of personal explanation.

14.6 Amendments to Motions

- a. 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.

- b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c. If an amendment is not carried, other amendments to the original motion may be moved.
- d. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

- e. After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of motion

- a. A Member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b. A Member may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c. Only alterations which could be made as an amendment may be made.

14.8 Withdrawal of motion

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

14.9 Right of Reply

- a. The mover of a motion has a right to reply which shall be heard prior to any vote.
- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.

14.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a. to withdraw a motion;
- b. to amend a motion;
- c. to proceed to the next business;
- d. that the question be now put;
- e. to adjourn a debate;
- f. to adjourn a meeting;
- g. any matter arising under Rule 9;
- h. to exclude the public and press in accordance with the Access to Information Rules; and
- i. to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 Closure motions

- a. A Member may move, without comment, 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;
 - ii. to adjourn a debate; or
 - iv. to adjourn a meeting.
- b. If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, s/he 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 seconded and the Mayor thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote.
- d. If it is passed s/he will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- e. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of order

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

14.13 Point of Information

A Member, whether or not he or she has spoken on the question under discussion, may rise whilst another Member is speaking, in order to provide information of assistance to the Council on the subject matter of that other Member's speech and shall, upon rising, say "Point of Information please, Mr/Madam Mayor". It shall then be for the Member who is speaking to decide whether or not to give way to the Member wishing to provide information.

If it appears to the Mayor that the Member who is addressing the Council does not intend to give way, the Mayor shall have absolute discretion as to who speaks and in what order.

14.14 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood or which contained a reference to that Member in the course of a speech by another Member in the present debate. The ruling of the Mayor on the admissibility and timing of a personal explanation will be final.

14.15 Inappropriate or Excessive Interventions

Any use of Rules 14.12, 14.13, 14.14 which the Mayor shall judge to be excessive shall be deemed to be a breach of order under Rule 21.

14.16 Disclosure of Interests and Participation

Where a member has a disclosable pecuniary interest under the Localism Act 2011 or a personal and pecuniary interest under Part 4 of the Code of Conduct for Members in any matter being discussed, then the member must declare that interest and withdraw from the room where the meeting is being held immediately after making representations, answering questions or giving evidence unless a dispensation to remain has been obtained from the Council's Governance Committee.

15. HONOURS

15.1 Where there is any proposal, howsoever it arises, to grant the status of Honorary Alderman or Freeman of the City to any citizen or group of citizens, it is a requirement of the person proposing that such an honour is conferred that the proposal shall be referred, without any further consideration, in confidence, to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services. There shall be no public statement whatsoever by the proposer as to this matter at this stage. The ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall determine whether and if such a proposal is to be taken forward to Governance Committee, in consultation with the Group Leaders.

15.2 The ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall, following consultation with the Group Leaders, operate a process and bring forward nominators for the Council to bestow recognition on citizens or groups of citizens for service and the City.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the Members of the Council.

16.2 Motion similar to one previously rejected

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

17. VOTING

17.1 Majority

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

17.2 Mayor's casting vote

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

17.3 Show of hands

Unless a vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote

If 10 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

17.5 Right to require individual vote to be recorded

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

18. COMMITTEE RECOMMENDATIONS

Upon a motion for the determination of minutes of a Committee containing recommendations of that Committee to Council, the Mayor will ask the Chair and Vice-Chair or such other members as appropriate to move and second the minute. If the Chair wishes to move an amendment it should be moved at this time otherwise it is taken that the Chair has reserved his/her introductory speech. The Mayor shall put that minute to the meeting following which it shall be open for general discussion.

If there is more than one minute of a Committee containing recommendations of that Committee to Council, it shall be dealt with once the first minute has been disposed of.

19. OVERVIEW AND SCRUTINY BUSINESS

19.1 The Chair of the Overview and Scrutiny Management Committee or another Member in his/her place, may move a motion relating to the business of Overview and Scrutiny and/or of the findings of a Panel, or a matter that Overview and Scrutiny consider should be debated by Full Council.

19.2 For the avoidance of doubt, the Council does not have the legal power to overrule, vary or change an Executive decision, save as provided in the Constitution.

19.3 The normal rules of debate for motions shall apply to this item of business.

- 19.4 This item of business shall not last longer than one hour unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Council, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of any extension.

20. EXCLUSION OF PUBLIC

- 20.1 Members of the public and press may only be excluded either in accordance with the law, the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

21.1 Standing to speak

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

21.2 Mayor standing

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

21.3 Member not to be heard further

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

21.4 Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as s/he thinks necessary.

22. DISTURBANCE BY PUBLIC

22.1 Removal of Member of the public

If a Member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal.

22.2 Clearance of part of room

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

23. ADJOURNED MEETINGS

When a meeting is adjourned to a future day, notice of the adjourned meeting shall be sent to each Member specifying the business to be transacted thereat, but it shall not be necessary to send with any such notice a second print of any Committee minutes or reports referred to therein. Only new business of an urgent nature may be introduced at an adjourned meeting.

24. TERMS OF REFERENCE FOR THE COUNCIL

The Council may discuss any matter relevant to it, including its Constitution, election, powers and duties, and the City of Southampton.

25. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

25.1 All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive. Only Rules 1, 5–9, 11–14 (but not 12), 16–18, 20–28 (but not Rule 21.1 in so far as it relates to standing) apply to meetings of committees and sub-committees subject to:

- a. in relation to Rules 5 and 6, the ~~Senior Manager~~Head of Legal, HR and Democratic Services shall determine the time and place and be responsible for issuing Committee and Sub-Committee summonses and agendas; and
- b. in relation to Rule 17.4, the number of Members present at a meeting requisite to call a recorded vote, shall be three (3) or one third of the full membership of the Committee or Sub-Committee, whichever is greater.

25.2 Whenever a casual vacancy arises in relation to a person appointed other than a Member to a Committee or Sub-Committee, the ~~Senior Manager~~Head of Legal, HR and Democratic Services shall make that appointment.

25.3 Special Meetings of Committees and Sub-Committees

- a. The Chair of a Committee or Sub-Committee may call a special meeting of that Committee or Sub-Committee at any time.
- b. If
 - i. a requisition for a special meeting of a Committee or Sub-Committee, signed by at least three, or one-third of the total number of the voting Members of a Committee or Sub-Committee, whichever is the greater, has been presented to the person appointed to preside at their meetings, and
 - ii. either s/he has refused to call a meeting or, without him/her so refusing, no special meeting has been called within five Clear Days of the presentation of the requisition.

then any three, or one-third of the number of the members of the Committee or Sub-Committee, whichever is the greater, may forthwith call a special meeting of the Committee or Sub-Committee.

- c. If a meeting of a Committee or Sub-Committee is requisitioned under this Council Procedure Rule, the person doing so shall forthwith give notice in writing that they have done so to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services, specifying the business proposed to be transacted. The ~~Senior Manager:~~Head of Legal, HR and Democratic Services shall forthwith give notice to all Members of the Committee or Sub-Committee and all persons entitled to receive the papers.
- d. Any requisition under this Council Procedure Rule may be presented by being left with the ~~Senior Manager:~~Head of Legal, HR and Democratic Services.

26. CONDUCT OF BUSINESS & DEBATE AT COMMITTEES OR SUB-COMMITTEES

26.1 Terms of Reference

Subject to and in accordance with the provisions of these Council Procedure Rules, and to any directions of the Council, the terms of reference of the various Committees and Sub-Committees shall be as set out in Part 3 of this Constitution.

26.2 Special Procedures and Protocols

- a. Any Committee or Sub-Committee shall follow a Special Procedure or Protocol, where one exists, for the transaction of the whole or part their business which has been approved by the ~~Senior Manager:~~Head of Legal, HR and Democratic Services.
- b. The ~~Senior Manager:~~Head of Legal, HR and Democratic Services may direct that a Special Procedure or Protocol shall apply to the transaction of the whole or part of business at other Committees or Sub-Committees or in respect of other functions or activities of the Council in order to comply with the Human Rights Act 1998 or any rule of law or to avoid maladministration by the Council or for the efficient despatch of business.
- c. Subject always to any legal requirements, a Special Procedure or Protocol may -
 - i. vary, revoke or add to or suspend any of these Council Procedure Rules in respect of the rules and procedures to be followed by such Committees and Sub-Committees; and
 - ii. allow the Chair to waive or vary a Special Procedure or Protocol in exceptional circumstances where to do so would be in the interests of fairness or natural justice.

26.3 Committee Business Restricted to Agenda Items

Except by reason of urgent circumstances, of which the Chair of the Committee or Sub-Committee shall be judge, no business shall be transacted at any meeting of a Committee or Sub-Committee except such as is set out on the agenda which shall be available to the public five clear days before the meeting concerned or at such time as the meeting is convened, if convened at shorter notice.

26.4 Reports to Contain Recommendations

Subject to any Special Procedure or Protocol, all reports relating to items of business on the agenda shall contain a recommendation or recommendations that shall be the

original motion for determination by the meeting, and which shall be open to amendment.

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26.5 Matters on the agenda raised by Members

Any Member requiring a report on a matter within the terms of reference of a Committee or Sub-Committee to be included on the agenda of that Committee or Sub-Committee must advise the ~~Senior Manager:~~Head of Legal, HR and Democratic Services in writing twelve Clear Days prior to the meeting of this request.

- 26.6 Any Member wishing to urgently raise a matter in the Committee or Sub-Committee after the agenda has been published may do so on giving to the ~~Senior Manager:~~Head of Legal, HR and Democratic Services reasonable notice in writing stating the reason for urgency. Such matter may only be discussed if the Chair of the Committee or Sub-Committee considers the nature of the business of sufficient urgency to warrant inclusion at the meeting.

27. RIGHTS OF MEMBERS TO SPEAK AT MEETINGS OF COMMITTEES AND SUB-COMMITTEES

27.1 Save where the law or this Constitution provides to the contrary:

- a. the Mayor and Sheriff of the Council, the Leader or any Cabinet Member may speak (but may not vote) at a meeting of a Committee or Sub-Committee of which they are not Voting Members.
- b. the Chair and Vice-Chair of a Committee, may speak at a meeting of any Sub-Committee appointed by that Committee, but may not vote unless appointed as a Voting Member.
- c. a Member of the Council who is not otherwise entitled to speak at a Committee or Sub-Committee shall be entitled to do so (but not to vote) at a meeting of the Committee or Sub-Committee:
 - i. during the consideration of any motion of which notice has been given which s/he has moved or seconded at a meeting of the Council and which has been referred to that Committee or Sub-Committee; or
 - ii. with the prior agreement of the Chair; or
 - iii. during the consideration of any matter which affects his/her ward differently from other wards.
- d. This Council Procedure Rule shall apply equally to meetings or parts of meetings of Committees and Sub-Committees to which the press and public are not admitted under the access to information provisions of the 1972 Act.
- e. A Special Procedure may exclude Rule 27.1(a) above and regulate the manner in which Rules 27.1(b) and (c) are exercised.

28. URGENT BUSINESS SUB COMMITTEE

- 28.1 The Chair and Vice-Chair of each Committee and Sub-Committee of the Council and a representative of the Opposition Party(s) for each Committee or Sub-Committee shall constitute a Sub-Committee with power to deal with any urgent business arising at any time which cannot await the next scheduled meeting of the Committee or Sub-Committee. The quorum for such a meeting shall be two. The reason for urgency shall be included on the agenda, in the report and in the Minutes of the meeting.

- 28.2 Where an Urgent Business Sub-Committee involves more than one Committee or Sub-Committee then the Chairs and Vice-Chairs of those Committees or Sub-Committees together with one representative from each of the Opposition Parties for each parent Committee or Sub-Committee shall constitute the Urgent Business Joint Meeting.
- 28.3 Any Chair or Vice-Chair may nominate a Member of the Committee or Sub-Committee of which they are the Chair and Vice-Chair to act for the purposes of (1) or (2) above whenever they are absent or otherwise unable to act.
- 28.4 Every Urgent Business Sub-Committee shall, when acting in pursuance of Rule 28.1 or 28.2 above, do so subject to the provisions of these Council Procedure Rules and the respective terms of reference of the Committee or Sub-Committee concerned, and in accordance with the appropriate Committee's general policies.
- 28.5 Every decision of an Urgent Business Sub-Committee acting in pursuance of Rule 28.1 or 28.2 above shall be reported to the next following meeting of the Committee or Sub-Committee if time permits or direct to Council.
- 28.6 An Agenda shall be published 5 clear days before the date set for the Urgent Business Sub-Committee's meeting or (if the meeting is called on less than 5 clear days notice) at the time the meeting is convened. Copies of the agenda shall be made available to the Leaders of the Political Group(s) or their nominated representatives and to the public at the time the agenda is published.
- 28.7 The public shall have access to an Urgent Business Sub-Committee meeting but may be excluded by resolution if the urgent business relates to confidential or 'exempt' information as defined in Local Government Act 1972 as amended. The public will be automatically excluded if the business of the meeting is 'confidential' as defined by the Act.
- Note: Urgent Business Sub-Committees shall only be called where it is impracticable to either (1) add the report to the agenda of a scheduled Committee or Sub-Committee meeting as a "late urgent item" or (2) to call a Special Meeting of the Committee or Sub-Committee in question.**
- 28.8 In the case of any business which is included in the meeting of the Committee, Sub-Committee or Urgent Business Sub-Committee by reason of its urgency there shall be within the Minutes of such meeting a note specifying the special circumstances which warranted that the item be included.
- 28.9 For the avoidance of doubt, no business other than urgent business shall be conducted at an Urgent Business Sub-Committee.

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Revised Petition Scheme
2.	Revised Executive Procedure Rules
3.	Revised Council Procedure Rules

Documents In Members' Rooms

Revised Scheme of Delegation (on line only)

Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
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