

# **PART 4**

## **COUNCIL PROCEDURE RULES**

## **THE COUNCIL PROCEDURE RULES**

### **1. SCOPE**

These rules apply to meetings of the Council.

### **2. MEETINGS OF THE COUNCIL**

2.1 The annual meeting of the Council shall be held:-

2.1.1 In a year of the ordinary election of Councillors within 21 days immediately following the day of retirement as the Council may fix.

2.1.2 In any other year on such day in the month of May as the Council may fix.

2.2 The Council shall hold other ordinary meetings in each year on such dates as may be fixed by the Council.

2.3 If the Mayor considers that the day fixed for a Council meeting is no longer suitable for that purpose or there is insufficient business to justify the holding of that Council meeting, they shall, after consultation with the Leaders of Political Groups and the Managing Director cancel the holding of that Council meeting and, if appropriate, fix an alternative day for the holding of that Council meeting.

2.3.1 The Mayor may call an extra-ordinary meeting of the Council at any time.

2.3.2 If the Mayor does not call an extra-ordinary meeting of the Council after a requisition for that purpose, signed by at least five Members of the Council, has been presented to them then the five Members of the Council, may forthwith require the Managing Director to summon an extra-ordinary meeting to discuss the matters referred to in the requisition to the Mayor.

2.3.4 Unless otherwise specified by the Council or by the Mayor, all meetings of the Council shall be held at the Guildhall, Worcester commencing at 7.00 p.m.

### **3. MAYOR AND DEPUTY MAYOR OF THE COUNCIL**

3.1 The Mayor and Deputy Mayor shall respectively be the Chair and Vice-Chair of the Council.

3.2 The Mayor shall preside over meetings of the Council

3.3 Any powers and duties assigned to the Mayor under these Council Procedure Rules shall, in the absence of the Mayor, be undertaken by the Deputy Mayor.

3.4 Where both the Mayor and Deputy Mayor are absent from a meeting of the Council, the Council shall as the first item of business at that meeting appoint another Member of the Council to act as Chair for that meeting and that person shall, for the duration of that meeting, be entitled to exercise all the powers and duties of the Mayor under these Council Procedure Rules in relation to that meeting.

3.5 The Mayor shall not be the Chair or Vice-chair of any other committee of the Council.

3.6 The Deputy Mayor shall not be the Chair of any other committee of the Council.

#### 4. **QUORUM**

4.1 No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council are present.

#### 5. **SUMMONS AND AGENDA FOR MEETINGS OF THE COUNCIL**

5.1 Not less than five clear working days before the date of a meeting of the Council the Proper Officer shall send to all Members of the Council a summons and agenda for the meeting.

5.2 No business other than that specified in the summons and the agenda shall be transacted at a meeting of the Council except urgent items

5.3 No business shall be conducted at the Annual Council meeting other than

- (i) the election of the Mayor and Deputy Mayor;
- (ii) the election of the Leader of the Council;
- (iii) the election of the Deputy Leader of the Council
- (iv) the appointment of committees and the election of Chairs and Vice-chairs of committees;
- (iv) any other civic matter;
- (v) any urgent item of business.

#### 6. **MINUTES OF MEETINGS OF THE COUNCIL**

6.1 At a meeting of a Council the Mayor shall put the question that the Minutes submitted to the meeting be approved as a correct record of that meeting.

6.2 Following approval of the Minutes the Chair will sign the minutes and shall allow discussion of any matters arising from the Minutes.

#### 7. **VOTING**

- 7.1 Any question at any meeting of the Council shall be determined by show of hands by a majority of the Councillors and co-opted Members (where they are entitled to vote) present and voting.
- 7.2 On the requisition of any Member of the Council made before the vote is taken and supported by at least four other Members who signify their support by rising in their places, the voting on any question shall be by roll call (in which case the vote shall be taken by the Democratic and Civic Services Manager calling the names of Members) and shall be recorded to show how each Member voted.
- 7.3 Where immediately after a vote is taken any Councillor requires, there shall be recorded in the Minutes whether that person cast their vote for the question or against the question or whether they abstained from voting.
- 7.4 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.

## 8. **NOTICES OF MOTION**

- 8.1 Motions must be about matters for which the Council has a responsibility or which affect the City of Worcester. Any Member of the Council who is considering proposing a notice of motion may obtain information from a relevant officer of the Council to assist the Member of the Council in the preparation of their notice of motion.
- 8.2 Notices of motion must be in writing signed by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and must be delivered to the Democratic and Civic Services Manager at least five clear working days before the meeting.
- 8.3 The Monitoring Officer shall determine whether a notice of motion is valid and whether a notice of motion requires any officer advice. Any officer advice shall be provided as soon as is reasonably practicable and in any event no later than the time of the meeting.
- 8.4 The Proper Officer shall insert in the agenda for every meeting of the Council all notices of motion received. The Proper Officer shall determine where in the agenda for every meeting of the Council each notice of motion shall be inserted.
- 8.5 When a motion is reached on the agenda, in the absence of the proposer, it may be moved by any other Member of the Council, failing which it shall be treated as abandoned, and shall not be moved without fresh notice.
- 8.6 Any notice of motion relating to any matter ordinarily dealt with by a committee may be referred to the relevant committee by the Monitoring Officer. Where a notice of motion is referred the mover of the motion shall have a right to attend the meeting to which it has

been referred in order to move the motion and have a right of reply.

- 8.7 The following motions and amendments may be moved without notice:-
  - 8.7.1 Appointment of a Chair of the meeting
  - 8.7.2 Motions relating to the accuracy of the minutes.
  - 8.7.3 That an item of business specified in the Agenda has precedence.
  - 8.7.4 Reference or reference back to a Committee.
  - 8.7.5 That the Council resolve itself into Committee.
  - 8.7.6 Appointment of a Committee or Members thereof or of representatives or nominees occasioned by an item mentioned in the Summons to the meeting.
  - 8.7.7 Adoption of reports and recommendations of Committees or Officers and any consequent resolutions.
  - 8.7.8 That leave be given to withdraw a motion.
  - 8.7.9 Amendment of motions.
  - 8.7.10 Extending the time limit for speeches.
  - 8.7.11 That the Council proceed to the next business.
  - 8.7.12 That the question be now put.
  - 8.7.13 That the debate be now adjourned.
  - 8.7.14 That the Council do now adjourn.
  - 8.7.15 That the period of public participation at the meeting be extended.
  - 8.7.16 Authorising the sealing of documents.
  - 8.7.17 Suspending Council Procedure Rules, in any case of urgency
  - 8.7.18 Motion to exclude the public and press.
  - 8.7.19 That a Member named under Council Procedure Rule 12.1 be not further heard and leave the meeting.
  - 8.7.20 Requesting a Member to leave the Meeting in accordance with the Council's Code of Conduct.

8.7.21 Giving consent of the Council where the consent of the Council is required by these Council Procedure Rules.

## 9. **QUESTIONS BY MEMBERS OF THE COUNCIL**

9.1 Any Member may, without prior notice, ask any question of the Leader of the Council, the Deputy Leader of the Council or Chair of a Committee in relation to any matter which is the subject of a report by that person to the Council.

9.2 Any Member of the Council may ask the Leader of the Council, the Deputy Leader of the Council or the Chair of any Committee or Sub-Committee any questions on any matters in relation to which the Council have powers or which affects the area of the Council provided that either:-

9.2.1 written notice of the question has been given to the Democratic and Civic Services Manager not later than 12 Noon on the day previous to the meeting of the Council; or

9.2.2 the Mayor has decided that the question relates to any matter which is of sufficient urgency to warrant consideration and a copy of the question has been given to the Democratic and Civic Services Manager no later than 10 o'clock on the morning of the meeting.

9.3 Every question under Council Procedure Rule 9.2 shall be put and answered without discussion. When an answer to a question has been given the Member asking the question may ask one further question arising out of the original question or the reply and shall receive a reply.

9.4 An answer may take the form of:-

(i) A direct oral answer; or

(ii) Where the desired information is contained in a publication of the Council, a reference to that publication; or

(iii) Where the reply to the question cannot conveniently be given orally, a written answer circulated to the Members of the Council.

9.5 A record of questions and answers under Council Procedure Rule 9.2 shall be included within the Minutes of the meeting.

## 10. **PUBLIC PARTICIPATION AT MEETINGS OF THE COUNCIL**

10.1 Provision shall be made on the agenda of each meeting of the Council (other than the Annual Meeting) for members of the public to participate. The provisions of this Council Procedure Rule shall not apply to the consideration by the Council of applications under Town

and Country Planning legislation for planning permission and/or listed building consent, or to consideration by the Council of the minutes of the Planning Committee. It shall also not apply to the consideration by the Council of matters relating to the grant, refusal, variation or revocation of any licence, permit or approval falling within the terms of reference of the Licensing and Environmental Health Committee or to consideration of the minutes of the Licensing and Environmental Health Committee.

- 10.2 A member of the public for the purposes of this Council Procedure Rule shall include a member of a body or organisation representing that body or organisation but shall not include any employee of the Council in relation to any matter connected with his employment; any representative of an employee or group of such employees; any person in a contractual relationship with the Council in relation to any matter connected with that contract; any elected member of any local authority on a matter concerning that local authority, or (unless the Mayor determines otherwise) any person appointed or engaged to speak on behalf of another.
- 10.3 Unless the Council (or in the circumstances of a particular case the Mayor at their discretion) determines otherwise:-
- 10.3.1 a member of the public in each case speaking for no more than five minutes may
- (i) present a petition on any matter relating to the functions of the Council or which affects the area of the Council and explain its contents or purpose;
  - (ii) ask a question on any matter relating to the functions of the Council or which affects the area of the Council;
  - (iii) make a comment on any matter on the agenda of the Council
- 10.3.2 The total period available for public representations shall not exceed fifteen minutes.
- 10.3.3 Any member of the public wishing to participate at a Council meeting shall notify the Democratic and Civic Services Manager no later than 12 noon on the working day before the date of the meeting and indicate the nature and content of their participation.
- 10.3.4 Any petition shall be received by the Mayor without response.
- 10.3.5 Any question shall be directed at the Leader of the Council, the Deputy Leader of the Council or the chair of the relevant committee who may reply orally at the meeting, or in writing following the meeting or who may decline to reply; or who may ask another Member of the Council or an Officer so to reply on their behalf.

- 10.3.6 No response shall be made to comments at the time but Members of the Council may allude to them in the course of the consideration of the relevant item.
- 10.3.7 The Mayor shall have the right to decide whether (because of the availability of time, or for any other reason) a member of the public is invited to participate in pursuance of Council Procedure Rule A10.4.1 above, notwithstanding that the member of the public in question has complied with the requirements of this Council Procedure Rule.

## 11. **RULES OF DEBATE FOR COUNCIL MEETINGS**

### 11.1 **Speaking at Council Meetings**

A Member wishing to speak will raise their hand. A Member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call them in turn to speak. Whilst a Member is speaking the other Members shall remain seated, unless rising to a point of order or personal explanation. When the Mayor rises during a debate any Member then standing must immediately stop speaking and sit down.

### 11.2 **Content of Speeches**

A Member shall speak on the question under discussion or a personal explanation or to a point of order.

### 11.3 **Motions and Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Council Procedure Rule A8 it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.

### 11.4 **Secunder's Speech**

A Member when seconding a motion or amendment may reserve their speech until a later period of the debate.

### 11.5 **Recommendations from other committees**

A motion to adopt a recommendation from other Committees, details of which appear on the agenda for the meeting, shall normally be moved without further notice by the Chair of that Committee

### 11.6 **Length of Speeches**

No Member shall, except with the consent of the Mayor or the Council, be allowed to speak for more than the following times:-

- |       |                                              |           |
|-------|----------------------------------------------|-----------|
| (i)   | the speech of a Member moving a motion       | 15minutes |
| (ii)  | the reply of a mover of a motion             | 10minutes |
| (iii) | the speech of the Member moving an amendment | 10minutes |
| (iv)  | every other speech                           | 5 minutes |

11.7 **When a Member May Speak Again**

A Member who has spoken on any motion shall not speak again while it is the subject of a debate, except:-

- (i) to speak once on an amendment moved by another Member
- (ii) in exercise of a right of reply
- (iii) on a point of order; or
- (iv) by way of personal explanation.

11.8 **Amendments to Motions**

Every amendment shall be relevant to the motion on which it is moved and shall be:-

- (i) to leave out words; or
- (ii) to leave out words and insert or add others; or
- (iii) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

11.9 **Two or More Amendments**

Only one amendment may be moved and discussed at a time and no further amendments shall be moved until the amendment under discussion has been disposed of.

11.10 **Reference Back or Non-Confirmation**

If an amendment is carried referring a matter back for reconsideration no further amendments shall be moved on that matter.

11.11 **Position if an Amendment is Lost or Carried**

If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

11.12 **Withdrawal of Motion**

A motion or an amendment may be withdrawn by the mover with the consent of their seconder and no Member may speak upon it after it has been withdrawn.

11.13 **Right of Reply**

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote or before the motion "that the meeting proceed to the next business", "that the question now be put" or "that the debate be adjourned or that the meeting do now adjourn" is put.

If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment.

The mover of the amendment shall have a right of reply at the close of the debate on the amendment, immediately before the mover of the original motion exercises their right of reply.

If an amendment is carried and there is a further amendment moved upon that particular matter in which event the right of reply becomes that of the mover of the original amendment in place of the mover of the original motion.

After a right of reply has been exercised the matter shall be put to the vote without further discussion.

#### 11.14 **Content of Reply**

A Member exercising a right of reply shall not introduce new matters.

#### 11.15 **Alteration of Motion**

A Member may, with the consent of their seconder, alter a motion or amendment which they proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment thereto.

#### 11.16 **Motions Which May be Moved During Debate**

When a motion is under debate no other motion shall be moved except the following:-

- (i) To amend the motion;
- (ii) A closure motion under the next paragraph;
- (iii) That a Member be not further heard;
- (iv) By the Mayor that a Member do leave the meeting;
- (v) A motion to exclude the public and press.

#### 11.17 **Closure Motions**

A Member who has not spoken on the subject under discussion may without comment at the conclusion of a speech of another Member move one of the following closure motions

- (i) **"that the meeting proceed to next business"**

- (ii) **"that the question be now put"**
- (iii) **"that the debate be now adjourned" and**
- (iv) **"that the meeting do now adjourn"**

Closure motions take precedence over other business, other than points of order, and shall, if seconded be put to the vote immediately without discussion. If a closure motion is carried the mover of the motion, and if appropriate the mover of the amendment, have a right of reply and the motion or amendment is then to be put.

#### **11.18 Resumption After Adjournment**

On resumption of an adjourned debate the Member who moved the adjournment is entitled to speak first.

#### **11.19 Points of Order or Personal Explanations**

A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall only call attention to an alleged breach of a Council Procedure Rule or statutory provision and the Member shall briefly refer in the form of a question to the Mayor to the relevant Council Procedure Rule or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some part of a speech by them which may appear to have been misunderstood.

#### **11.20 Ruling on Points of Order**

The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### **11.21 Irrelevance, repetition and limitation on speakers**

In speaking to any motion or amendment members are to confine their remarks strictly to such motion or amendment and shall not introduce irrelevant matters or indulge in needless repetition. The Mayor's ruling on this is final.

If three speakers have spoken consecutively in support of, or in opposition to a motion, the Mayor may call for a speaker to the contrary. If no such speaker is forthcoming and after the mover has had a right of reply, the motion must be put. Members speaking must, if called upon to do so by the Mayor, announce whether they are speaking in support of, or against the motion or amendment being debated.

#### **11.22 Officers of the Council**

Officers of the Council may speak during a debate at the Council meeting on being asked to do so by the Mayor.

### 11.23 **Written Reports**

When a written report presented for the information of the Council is circulated with or referred to in the Summons for the meeting and contains no recommendations, such report shall be introduced by the Leader of the Council or relevant Committee Chair and discussion may take place thereon. No motion may be moved, but the Member presenting the report shall have a right to reply to the discussion.

### 11.24 **Oral Reports**

With the consent of the Mayor, the Leader of the Council or a Chair or other Member of a Committee acting on their behalf may make an oral report on a matter of importance and urgency, and no discussion shall take place thereon.

## 12. **DISORDERLY CONDUCT**

12.1 If at a meeting any Member of the Council, in the opinion of the Mayor misconducts themselves by persistently disregarding the ruling of the chair, or behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move "that the Member named be not further heard" or "that the Member named do forthwith leave the meeting", and the motion if seconded shall be put and determined without discussion.

### 12.2 **Use of electronic media by members**

Social or electronic communications media may not be used in meetings dealing with regulatory matters and in Personnel and General Purposes Committee or when confidential items are being debated.

In other cases, there is no restriction on use of social or electronic communications media unless otherwise indicated by the Chair of the Committee or the Monitoring Officer. Where members use social or electronic communications media, they should not do so in such a manner as to give rise to the impression that they are not concentrating on the debate in question. Use of such media should not identify by name officers below service manager level and any comments made should show respect for members and officers present at the meeting. Breach of this rule is a breach of the Code of Conduct.

### 12.3 **Continuing Misconduct by a Named Member**

If the Member so named continues such misconduct after a motion that they be not further heard and in the opinion of the Mayor such continued misconduct renders the due and orderly despatch of the Council's business impossible, the Mayor shall

**EITHER** move "that the Member named do forthwith leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);  
**OR** without question adjourn the meeting of the Council for such period as they consider expedient.

12.4 **General Disturbance**

In the event of general disturbance which in the opinion of the Mayor renders the due and orderly despatch of business impossible, the Mayor in addition to any other power vested in them may, without question, adjourn the meeting of the Council for such period as they consider expedient.

A Member or Members of the Council so named in a motion carried under this Council Procedure Rule shall comply with such motion.

13. **DISTURBANCE BY MEMBERS OF THE PUBLIC**

If a member of the public interrupts the proceedings at any meeting the Mayor shall warn them if they continue the interruption the Mayor shall order their removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Mayor shall order that part to be cleared.

14. **AUDIO RECORDING, FILMING, VIDEO RECORDING, PHOTOGRAPHY ETC.**

The taking of photographs, films, video or sound recording at any meeting shall not be prohibited. Any person wishing to record the proceedings of a Council meeting shall contact the Democratic and Civic Services Manager in advance of the relevant meeting to make suitable arrangements for the recording.

15. **RESCISSION OR AMENDMENT OF PREVIOUS RESOLUTION**

No resolution or decision of the Council shall be rescinded or varied during the period of six months after it was passed, except that the Council may rescind or vary the composition or duties of any Committee or Sub-Committee of the Council.

16. **VOTING ON APPOINTMENTS**

When there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

17. **RECORD OF ATTENDANCES**

17.1 Every Member of the Council attending a meeting of the Council shall sign their name in the attendance book or sheet provided

18. **INTERPRETATION OF COUNCIL PROCEDURE RULES**

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