

PART 4A COUNCIL PROCEDURE RULES

This section includes changes approved by Council on 18 September 2014

(Note: rules in this section shown in bold are required by law)

For the purposes of the Council Procedure rules, all rights and obligations of Councillors will also apply to the City Mayor.

1. ANNUAL MEETING

- (a) The Annual Meeting of the Council shall be held on the third Thursday in May in any year when there are no City Council Elections.
- (b) In a year where there are City Council Elections, the Annual Meeting shall be held on the first Thursday after the tenth day after the election.
- (c) The City Mayor may change these provisions within the limits of legislation.

(The statutory limits on the holding of the annual council meeting are:

- (i) In election years, on the eighth day after the retirement of Councillors or on any other day within the 21 days immediately following the retirement of Councillors as the Council may fix.**
- (ii) In other years within the month of March, April or May.)**

2. ORDINARY MEETINGS

- (a) Ordinary meetings of the Council shall be held on dates fixed by the Council at its Annual Meeting.
- (b) Any dates agreed can be varied by the Monitoring Officer in consultation with the Lord Mayor, City Mayor and Leaders of each of the Council's political groups.

3. SPECIAL MEETINGS

- (a) Special meetings can be called as follows:-
 - (i) By the Lord Mayor.
 - (ii) Five Councillors may sign a requisition to the Lord Mayor requesting the calling of a special meeting of the Council.
- (b) If, following receipt of a requisition, the Lord Mayor does not issue a meeting summons within seven days of receipt of the requisition or actually refuses before the seven days, any five Councillors, on that refusal or on the expiration of seven days, may call a special meeting.

- (c) Where the Lord Mayor agrees to call a meeting, this meeting must be held within 21 days of receipt of the requisition unless the Councillors who requisitioned the meeting agree on a later date.

4. PLACE AND TIME OF MEETING

- (a) Ordinary meetings of the Council shall be held at 5.00pm at the Town Hall.
- (b) The place and time of Council meetings can be varied by the Monitoring Officer in consultation with the Lord Mayor, the City Mayor and Leaders of each of the Council's political groups.

5. CHAIR OF MEETING

- (a) The Chair of the Council shall be the Lord Mayor or in his/her absence, the Deputy Lord Mayor. If the Deputy Lord Mayor is also absent, the High Bailiff will perform this role. In the absence of all three, the Council shall choose a Councillor who is not a Member of the Executive to Chair the meeting.
- (b) Any power or duty of the Lord Mayor contained in these Council Procedure Rules may or shall be exercised by any other Councillor chairing the meeting in place of the Lord Mayor.

6. PUBLIC NOTICE OF MEETINGS

- (a) Notice of the time and place of a Council meeting shall be published at the Council's Offices, at least five clear days before the meeting, unless a special meeting is called within five days. In the case of a special meeting called within five days, the required notice must be given as soon as the special meeting is called. (Five clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays).
- (b) Where the meeting is a special one called by Councillors, the notice must be signed by those Councillors and specify the business to be transacted.

7. SUMMONS TO MEETING

A summons to attend a Council meeting must be delivered to each Councillor, giving at least five clear days notice (unless the meeting is called within five days), specifying the business to be transacted and signed by the Monitoring Officer. In the case of a special meeting called within five days, the notice must be delivered as soon as is practically possible. (Five clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays).

8. AGENDA FOR ANNUAL MEETING

- (a) The agenda for the Annual Meeting shall include the following:-

- (i) Lord Mayor's announcements.
 - (ii) Election of Lord Mayor.
 - (iii) Election of High Bailiff.
 - (iv) Election of Deputy Lord Mayor.
 - (v) Appointment of Lord Mayor's Spiritual Adviser.
 - (vi) Other Speeches.
 - (vii) Establishment of Scrutiny Committees and Regulatory Committees.
 - (viii) The City Mayor to inform Council of the appointments of the Deputy City Mayor and Assistant City Mayors.
 - (ix) Annual calendar of meetings of Executive, Scrutiny Committees and Regulatory Committees.
 - (x) Dates of Council meetings.
- (b) No other business shall be transacted except that the City Mayor can authorise the consideration of an Executive report if s/he considers it necessary.

9. AGENDA FOR ORDINARY MEETINGS

- (a) Declarations of Interest must be declared at the outset of the business of the meeting.
- (b) Subject to the provisions of Rule 11, (Variation of Order of Business), the usual order of business at ordinary meetings of the Council shall be as follows:-
 - (i) Lord Mayor's announcements.
 - (ii) Declarations of interests and declarations under Section 106 of the Local Government Finance Act.
 - (iii) Minutes of the last meeting for approval of accuracy.
 - (iv) Statement by the City Mayor or Executive if identified
 - (v) (a) Petitions presented by members of the public
 - (b) Petitions presented by Councillors.

- (vi) Questions of which notice has been given
 - (a) From Members of the Public.
 - (b) From Councillors.
- (vii) Business (if any) remaining from the last meeting.
- (viii) Matters reserved to Full Council
- (ix) Other Reports of The City Mayor or Executive.
- (x) Reports of Working Parties.
- (xi) Reports of Scrutiny Committees
- (xii) Reports of Regulatory and Standards Committees
- (xiii) Authority to seal documents other than referred to in reports of Committees.
- (xiv) Reports of the Monitoring Officer and/or Head of Paid Service, if any.
- (xv) Appointment of Councillors to Scrutiny and Regulatory Committees and notification of changes to Executive Membership.
- (xvi) Notices of Motion.
- (xvii) Any other business items as determined by the City Mayor.
- (xviii) Any Other Urgent Business.

Items (i), (ii), (iii) and (xiii) above must not be displaced.

Subject to any requirements or duties within the Constitution the City Mayor will approve the agenda for the meeting.

10. AGENDA FOR SPECIAL MEETINGS

The agenda for special meetings of the Council shall include items (i) and (ii) of Rule 9 plus the item(s) for which the special meeting has been called. Matters of Other Urgent Business may be transacted at the discretion of the Lord Mayor.

11. VARIATION OF ORDER OF BUSINESS

At meetings of the Council, the order of business may be varied by the Lord Mayor or by resolution of the Council at that meeting. A motion to vary the order of business shall be moved, seconded and put to the vote without discussion.

12. MINUTES

- (a) The Minutes of each meeting of the Council shall be made available for public inspection in the offices of the Monitoring Officer, shall be sent to each Member of the Council together with or before the issue of the summons to attend the meeting at which the Minutes are to be submitted for approval and shall be published within two working days of such approval on the Council's Internet site.**
- (b) The Lord Mayor will sign the minutes of the proceedings at the next suitable meeting. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.**
- (c) Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(i)(ii) of schedule 12 relating to signing of minutes.**

13. PETITIONS

- (a) The Council shall only receive petitions which comply with this Rule and which comply with the Council's Petitions Scheme.
- (b) Petitions may be presented at an ordinary meeting and shall be relevant to some question over which the Council has authority or which affects the City.
- (c) The address of each person signing the petition shall be shown.
- (d) Petitions to be presented by members of the public shall be received by the Monitoring Officer no later than five clear days before the meeting. (Clear days exclude the day of receipt, the day of the meeting, Bank Holidays, Saturdays and Sundays). Petitions to be presented by Councillors must be received by the Monitoring Officer not later than three clear days before the meeting.
- (e) A petition to be presented by a member of the public shall indicate which one of the signatories is to present the petition.
- (f) Petitions shall be presented to the Council in the order in which they have been received, except that petitions presented by members of the public shall take precedence.

- (g) The reading of the subject matter shall not be of excessive length and speeches or additional remarks shall not be permitted.
- (h) Petitions shall be referred without debate to the Monitoring Officer who shall arrange for the petition to be dealt with in accordance with the Council's Petitions Scheme.
- (i) If the petition is presented at the same Council meeting at which there is a report on the agenda on the same subject, the Lord Mayor may exercise her / his discretion and may decide that the petition be considered with the report.
- (j) Where a petition has been referred to a Committee or Sub-Committee, a report shall be submitted to the Committee or Sub-Committee on the action taken as soon as practicable. Where the petition was presented by a member of the public, the lead petitioner shall be informed of the response. If the report on the petition requires an executive decision, the report will also be referred to relevant Executive member or appropriate Director

14. QUESTIONS AT COUNCIL

(a) Questions from Councillors

- (i) Only questions which comply with this Rule shall be asked.
- (ii) A member of the Council may, at any ordinary meeting of the Council, ask the Lord Mayor or the City Mayor or the relevant Executive member any question relating to the business of the Council or of the Executive or relating to any matter which affects the City. S/he may also may ask the duly nominated member of the Police Authority a question(s) regarding the Police Authority.
- (iii) Notice of the question(s), in writing, must be received by the Monitoring Officer not later than 10 am two days before the meeting.
- (iv) No question from a Councillor shall be accepted
 - (a) which contains abusive, defamatory or offensive language;
 - (b) which relates to a specific and identifiable person;
 - (c) at the Annual Meeting of the Council, a Special Meeting of the Council, or at any meeting of the Council summoned for the purposes of considering the budget;
- (v) Questions shall be asked in the order in which they have been received, subject to, at the Lord Mayor's discretion, questions on the

same or related subject being taken consecutively and / or answered by way of one consolidated reply.

- (vi) At the meeting, after a question has been given a reply (including by way of a consolidated reply), the person who asked the question may ask one supplementary question for the purposes of clarifying the reply and, in the following paragraphs of this part of this Rule the word 'question' shall include such a supplementary question.
- (vii) Every question shall be asked and answered without discussion.
- (viii) No discussion shall be permitted nor any resolution moved with reference to any question or reply to a question.
- (ix) The Lord Mayor or the City Mayor (as may be appropriate) may authorise a Deputy City Mayor or Assistant City Mayor or any other Councillor to answer any question.
- (x) The name of the Councillor asking the question, the text of the question and a summary of the response shall be recorded in the Minutes.

(b) Questions from Members of the Public

- (i) Only questions which comply with this Rule shall be asked.
- (ii) A question shall be one main question about a particular topic and not include a series of sub-questions.
- (iii) An adult resident of the City of Leicester or the Chair or Vice-Chair (or /her/his nominee) of the Leicester Young People's Council may ask the Lord Mayor or the City Mayor any question relating to the business of the Council or of the Executive or relating to any matter which affects the City.
- (iv) No question from a member of the public shall be accepted:-
 - (a) from or on behalf of a political party or organisation or in connection with the activities and aims of such a party or organisation.
 - (b) from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;
 - (c) in relation to an individual's particular circumstances;
 - (d) about any matter where there is a right of appeal to the courts, a tribunal or to a government minister or on any matter which, in the opinion of the Monitoring Officer, is of a quasi-judicial nature;

- (e) about any matter which has been the subject of a petition or question or of a decision of Council, the Executive or any Committee or Sub-Committee within the previous six months;
 - (f) at the Annual Meeting of the Council, a Special Meeting of the Council or at any meeting of the Council summoned for the purposes of considering the budget;
 - (g) which contains abusive, defamatory or offensive language
 - (f) which relates to a specific and identifiable person.
- (v) Notice of the question(s), in writing, must be received by the Monitoring Officer not later than five clear days before the meeting. (Five clear days excludes the day of receipt, the day of the meeting, Bank Holidays, Saturdays and Sundays). The notice shall be signed and shall include the questioner's address.
 - (vi) Questions shall be asked in the order in which they have been received, except that where a member of the public wishes to ask more than one question (not including a supplementary question), s/he may only ask a second question when the first questions of all the other questioners have been disposed of, and so on for any subsequent questions.
 - (vii) In the event of more than one question being asked on the same or a related subject by one or more members of the public, subject to the discretion of the Lord Mayor, these questions may be taken consecutively and / or answered by way of one consolidated reply.
 - (viii) Where the person who gave notice of the question does not wish personally to ask the question s/he may have a friend ask the question on /her/his behalf, provided that the Monitoring Officer shall be notified of such an arrangement at the time notice of the question is given.
 - (ix) Where the person who is to ask the question is not present at the meeting when the question is reached on the agenda, the question shall not be asked, except that where the question is to be asked by a friend under (viii) above if the friend is absent, the person who gave notice may ask the question.
 - (x) At the meeting, after a question has been given a reply, the person who gave notice of the question may ask one supplementary question for the purposes of clarifying the reply and, in the following paragraphs of this part of this Rule, the word 'question' shall include such a supplementary question. Where a friend has asked the first question, s/he may also ask a supplementary question on behalf of the person who gave notice.

- (xi) Every question shall be put and answered without discussion.
- (xii) No discussion shall be permitted nor any resolution moved with reference to any question or reply to a question.
- (xiii) The Lord Mayor or the City Mayor (as may be appropriate) may authorise a Deputy City Mayor or Assistant City Mayor or any other Councillor to answer any question.
- (xiv) The name of the person who gave notice of the question, the text of the question and a summary of the response shall be recorded in the Minutes.
- (xv) The time taken in asking and answering all questions from members of the public shall not exceed twenty minutes, subject to that time being extended at the discretion of the Lord Mayor. Any questions not disposed of at the expiry of the allotted period shall be answered in writing. The time taken in asking and answering one question shall not exceed three minutes.
- (xvi) No member of the public may ask more than -six main questions in any one municipal year.

15. REPORTS TO COUNCIL

- (a) The City Mayor, the Executive, Scrutiny or other Committees **may** report to the Council on any issue which they have considered and **must** report on matters reserved to Council as detailed in Article 4 and Part 3 of the Constitution. The Monitoring Officer can apply this provision to Council working parties where appropriate. There may also be circumstances where the Monitoring Officer and/or Head of Paid Service consider it appropriate to report direct to Council.
- (b) An Executive report to Council shall be submitted in the name of the City Mayor
- (c) All reports to be considered at a Council Meeting shall be sent to every Councillor five clear days before the meeting. (Five clear days excludes the day of despatch, the day of the meeting, Bank Holidays, Saturdays and Sundays).
- (d) Any plan referred to in a report to be considered at Council shall be available for inspection by any Member of the Council for at least five clear days before the Council meeting at which the report is to be considered and shall be displayed in the Council's Tea Room during the afternoon of the day of the Council Meeting.
- (e) Any reports and their associated appendices/plans shall be available for public inspection five clear days before the meeting at which they are to be

discussed, unless it is proposed that they are to be considered on the private agenda.

- (f) The Member of Council whose name in which a report is submitted shall propose any necessary motion to either:
- obtain approval by the Council of the recommendations as contained within the report, or
 - any other proposal relevant to the content of the report, or
 - the withdrawal of the report (unless a decision is legally required), or
 - the referral back to the City Mayor, the Executive or Committee for further consideration of the report.

(A proposal to withdraw a report or refer a report back to the Executive or a Committee shall be voted on without debate).

- (g) The Councillor who would otherwise move a motion to secure approval of the report may authorise another Councillor to move the motion, subject to notice of the authorisation being given to the Monitoring Officer before 12 noon on the day of the Council meeting.
- (h) A motion to secure approval of the report shall, in the absence of the Member of Council who would otherwise move it, be proposed by some other Member of the Council designated by the Lord Mayor.
- (i) Two or more Scrutiny Committees may submit a joint report. In such cases the relevant Committee Chairs shall agree by 12 noon on the day of the meeting and notify to the Monitoring Officer by that time which Councillor will propose the appropriate motion. In the event of a failure to agree by the Scrutiny Chairs who should propose the associated motion, the decision shall be left to the discretion of the Lord Mayor.
- (j) Reports other than the City Mayor or Executive report and associated Scrutiny comments on the budget shall not be considered at any meeting designated as summoned for the purposes of considering the budget. However, the City Mayor or Executive may authorise the submission of any report at either of these meetings if exceptional circumstances make this desirable in its opinion.

NOTE:

Flow charts showing the operation of rules regarding Motions and amendments are included for information at the end of the Council Procedure Rules.

16. NOTICES OF MOTION

- (a) Apart from the exceptions outlined in Rule 17, notice must be given of every motion.
- (b) Every notice shall be in writing, signed by the Councillor giving the notice and delivered at the office of the Monitoring Officer at least six clear days

before the next meeting of the Council. (six clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays). The Monitoring Officer shall keep records of the motions received and in the order of receipt.

- (c) The Monitoring Officer shall insert in the summons and notice for every meeting of the Council all notices of motion given as outlined above, in the order in which they have been received, unless the Councillor giving such a notice has indicated in writing that s/he proposes to move it at some later meeting or wishes to withdraw it.
- (d) If a motion of which notice has been given and not withdrawn is not moved by the Councillor who gave the notice, it may be moved by another Councillor. If it is not moved, it shall, unless postponed by consent of the Council, such determination being without debate, be treated as abandoned and shall not be moved again without new notice being given.
- (e) Notice of any motion which would have the effect of materially increasing the expenditure or reducing the revenue of the Council may not be submitted except in the form of referring such a proposal to the Executive and, if appropriate, to a Scrutiny Committee for consideration and report.

17. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

- (a) The following motions may be moved without notice:-
 - (i) Appointment of a Chair for the meeting.
 - (ii) Motions relating to the approval of accuracy of the Minutes of the Council.
 - (iii) Variation of order of business.
 - (iv) Motions for resolutions to be reconsidered within six months and inserted in the summons for the next ordinary meeting.
 - (v) Giving the consent of the Council where consent of the Council is required by the Constitution's Rules.
 - (vi) To withdraw or alter a report.
 - (vii) That a Councillor be not further heard or leave the meeting.
 - (viii) Adoption of reports and recommendations of the City Mayor, the Executive, Scrutiny Committees and Regulatory Committees.
 - (ix) Where necessary confirmation of City Mayor, the Executive and Regulatory Committee decisions.

- (x) Any motions arising out of consideration of a report at Council or of a decision of the Executive or a Regulatory Committee submitted for separate confirmation.
 - (xi) Authorising the sealing of documents.
 - (xii) Any other motions listed in Rule 19 (amendments) whether or not moved whilst another motion is under debate.
 - (xiii) Business required by or under statute to be transacted at the Annual Meeting.
 - (xiv) Appointment of Members on a Scrutiny Committee or on Regulatory Committees and Sub-Committees and their Chairs and Vice-Chairs.
- (b) The Lord Mayor **may** require motions of which notice is not given to be put in writing and given to the Monitoring Officer immediately upon being seconded.

18. MOTIONS GENERALLY

- (a) All motions and amendments must be proposed and seconded before any discussion is allowed.
- (b) A Councillor may not propose or second a motion or an amendment on an issue on which s/he is disqualified from voting.
- (c) As long as s/he has the consent of the seconder and the Council, a proposer of a motion or an amendment may alter the motion/amendment, if the alteration is such that it could be achieved by an amendment. The Lord Mayor may require that the altered motion or amendment be written down and handed to the Monitoring Officer before the consent of the Council is sought.
- (d) The proposer of a motion or an amendment may, with the consent of the Council, withdraw the motion or amendment and no other Councillor may speak on the motion or amendment, unless permission for its withdrawal has been refused.
- (e) The giving or refusal of the approval of the Council to the alteration or withdrawal of a motion or amendment shall be done without discussion.
- (f) When a motion is under debate no other motion shall be moved except the following:-
 - (i) To amend the motion.
 - (ii) To adjourn the meeting.
 - (iii) To go to the next business.

- (iv) To adjourn the debate.
- (v) That the question under consideration be put to the vote immediately (known as 'the closure motion').
- (vi) That a Councillor not be heard further.
- (vii) That a Councillor leave the meeting.
- (viii) That the subject of debate be referred to a Committee.
- (ix) To extend the time limit for speeches.
- (x) That a Councillor be invited to remain in the meeting.
- (xi) To exclude the public and press.
- (xii) That a Procurement Rule be suspended.
- (xiii) That consent be given to alter or withdraw a motion or amendment.

19. AMENDMENTS

- (a) The Lord Mayor may request that amendments be written down and handed to the Monitoring Officer before being discussed or put to the vote. However, amendments which merely refer an issue back to the City Mayor or Executive, a Scrutiny Committee or a Regulatory Committee need not be written down.
- (b) Each amendment to a motion shall be dealt with in turn and a further amendment shall not be moved until the Council has disposed of every amendment previously moved and seconded.
- (c) If an amendment is rejected, other amendments may be moved on the original motion but a further amendment must not have the same effect as an earlier rejected amendment.
- (d) If an amendment is carried, the motion as amended will take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- (e) An amendment shall be directly relevant to the motion to which it is moved and shall be either to leave out words or insert or add others or a combination of both. It must not be a direct negative of the motion.

20. WHEN A COUNCILLOR MAY SPEAK

- (a) A Councillor may only speak once on any motion and shall not speak again while it is the subject of debate except:-

- (i) On a point of order.
 - (ii) To give a personal explanation.
 - (iii) To propose or second any of the motions referred to in paragraphs (ii)-(xiii) of paragraph (f) of Rule 18.
 - (iv) To second or speak once on an amendment moved by another Councillor.
 - (v) If the motion has been amended since s/he last spoke, to move a further amendment.
 - (vi) If her/his first speech was on an amendment, to speak on the main issue after the amendment has been disposed of.
 - (vii) To exercise the right of reply of the proposer of a motion.
- (b) A Councillor, when seconding a motion or an amendment, may reserve her/his right to speak until later in the debate, as long as s/he indicates that this is her/his intention.

21. SPEECHES BY COUNCILLORS

- (a) Any Councillor when speaking to the Council Meeting in a debate shall stand in her/his place and address the Lord Mayor. This may be waived where it is a reasonable adjustment.
- (b) No speech shall exceed five minutes in length except where a motion for extension of time has been carried under the provisions of Rule 22.
- (c) A Councillor shall confine her/his speech to the matter under discussion, to a point of order or to a personal explanation.
- (d) Where a Councillor moves an amendment part way through her/his speech, the amendment shall be taken to be part of the same speech for the purposes of calculating the length of time for which a Councillor is permitted to speak.

22. EXTENSION OF TIME

- (a) A motion for an extension of time shall be moved, seconded and put to the vote without discussion, subject to rule (d) below.
- (b) The motion shall specify the length of the extension but no extension shall exceed ten minutes, and in the absence of any lesser period being specified, any extension shall be presumed to be for five minutes.
- (c) No more than two extensions of time may be moved in relation to a single speech.

- (d) Where the City Mayor is addressing the Chamber (i) to explain the annual Budget or (ii) to explain a matter of Executive policy he/she shall not be required to move a motion but shall be permitted to indicate to the Lord Mayor, before the expiry of 5 minutes, that he wishes to address the Chamber for up to 10 further minutes.

23. POINT OF ORDER

- (a) A point of order is a request by a Councillor to the Lord Mayor to rule on an alleged irregularity in the constitution or conduct of the meeting
- (b) A Councillor, whether s/he has spoken on the matter under discussion or not, and even if another Councillor is speaking, may stand, to raise a point of order, and with the consent of the Lord Mayor, be entitled to be heard immediately. The need to stand may be waived where it is a reasonable adjustment
- (c) The Councillor must make the point immediately s/he notices it and state the rule or procedural rule in question and how s/he alleges it has been broken.
- (d) A ruling on the point must be given by the Lord Mayor before the debate continues. No discussion shall be allowed on the Lord Mayor's ruling.

24. PERSONAL EXPLANATION

- (a) If a Councillor makes a statement which is misunderstood or misquoted by another Councillor at that meeting, the Councillor may stand to make a personal explanation and with the consent of the Lord Mayor, be given the opportunity to correct the misunderstanding, either immediately or at the end of the speech then in progress.
- (b) The ruling of the Lord Mayor on the admissibility of a personal explanation shall not be open to discussion.

25. RIGHT OF REPLY

- (a) A proposer of an original motion shall have the right to reply to the debate at the following times:-
 - (i) At the close of the debate on the motion.
 - (ii) At the close of the debate on an amendment to the motion.
 - (iii) Before a motion to proceed to the next business is put to the vote.
 - (iv) Before a motion to adjourn the debate or refer the item to a Committee is put to the vote.

- (v) After a closure motion is carried.
- (b) The proposer of an amendment to a motion shall not have the right of reply to either the debate on the amendment or to the debate on a substantive motion formed by the carrying of the amendment.
- (c) A Councillor exercising the right of reply shall confine her/himself to answering previous speakers to whom s/he has not already had the opportunity of replying and shall not introduce any new matter.
- (d) After every reply to which this Rule applies a decision shall be taken immediately on the motion or amendment under discussion.

26. NEXT BUSINESS

- (a) A Councillor who wishes to avoid a decision on the matter under debate, or to adjourn or close the debate may, at the conclusion of a speech of another Councillor, move either:
 - (i) That the Council proceed to the next business (which would have the effect of dropping the original motion); or
 - (ii) That the debate be adjourned to a specified hour or occasion (or to the next ordinary meeting of the Council if no other occasion is specified) and treated as continuous; or
 - (iii) That the question now be put (which would cause the question under discussion to be voted on immediately).
- (b) Such motions shall be proposed and seconded without speeches.
- (c) The Lord Mayor may consider that the matter under debate requires further discussion, or may without further discussion, put to the vote the motion to proceed to the next business, adjourn or to put the question.
- (d) If a motion that the question now be put is carried, the mover of the original motion shall have the right of reply. The motion or amendment under debate shall then be put to the vote.

27. RECONSIDERATION OF COUNCIL RESOLUTIONS

- (a) The proposal of a motion to reconsider any resolution of the Council passed within the preceding six months or to the same effect as one which has been rejected within that period shall not be allowed unless it is part of a Committee report to Council or, at a meeting of the Council, a Councillor moves for such a motion to be included in the agenda for the next ordinary meeting of the Council and the motion is seconded and carried.

- (b) When any motion to reconsider an issue is disposed of, no Councillor shall move for leave to propose a similar motion, that is, with reference to the same subject, within a further six months.

28. VOTING

- (a) Every proposition shall, unless otherwise required by law, be determined by votes recorded by electronic means, or a show of hands, or at the discretion of the Lord Mayor, by voices.
- (b) In taking the votes on any proposition, only those Members who are not disqualified from voting, and are present in the Council Chamber, to cast their vote shall be entitled to vote.
- (c) In the case of equality of votes, the person presiding at the meeting shall have a second or casting vote.

29. RECORDING OF VOTES

- (a) After a proposition is put from the Chair but before the vote is taken, any three Councillors present at the meeting may request that the names of Councillors voting for or against the proposition be recorded by the Monitoring Officer in the minutes of the meeting and any such record shall, on request, be supplied to Councillors or to the press.
- (b) Immediately after a vote is taken any Councillor may require that the Minutes record how s/he voted if at all on the proposal.**
- (c) That as required by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 immediately after any vote on any decision relating to the making of the calculation or the issuing of the precept is taken at a budget decision meeting there must be recorded in the minutes the names of the persons who cast votes for the decision or against the decision or who abstained from voting.

30. MISCONDUCT BY COUNCILLORS

- (a) If a Councillor, in the opinion of the Lord Mayor, misconducts her/himself by persistently disregarding the ruling of the Chair, or behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Council, or by excessive repetition or unbecoming language in her/his speech, the Lord Mayor may name that Councillor and another Councillor may move that the Councillor named not be heard further and such a motion, if seconded, shall be put to the vote without discussion.
- (b) If the Councillor named continues her/his misconduct after a motion outlined above has been carried, the Lord Mayor may either:-

- (i) Move that the Councillor named leave the meeting and such motion shall be put to the vote without seconding or discussion; or
- (ii) If, in the opinion of the Lord Mayor, misconduct or obstruction renders the due and orderly dispatch of business impossible, s/he may, without taking a vote, suspend the sitting of the Council for a period not exceeding 30 minutes, to be specified by the Lord Mayor.
- (c) Whenever the Lord Mayor stands during a debate, a Councillor who is standing shall sit down and the Council shall be silent.

31. DISTURBANCE BY MEMBERS OF THE PUBLIC

- (a) If a member or members of the public interrupt the proceedings at a Council meeting, the Lord Mayor may warn them. If they continue the interruption, the Lord Mayor may order their removal from the Council Chamber.
- (b) In cases of general disturbance in any part of the Chamber open to the public, the Lord Mayor may order that part to be cleared.
- (c) The Lord Mayor shall in the case of misconduct or obstruction by a member or members of the public have the same power of suspending the sitting of the Council as outlined under Rule 30.

32. URGENT BUSINESS

The Lord Mayor / Chair can decide to accept an urgent item on to the agenda where, in his/her opinion, the item should be considered as a matter or urgency because of special circumstances which shall be specified in the minutes.

33. QUORUM

- (a) **It is not permissible to transact any business at a Council meeting unless at least one quarter of the whole number of Councillors are present. In the event of more than one third of the Members of the Council becoming disqualified at the same time, the quorum shall be determined by reference to the number of Councillors remaining qualified - Local Government Act 1972, Schedule 12, Paragraphs 6 and 45. The quorum of Leicester City Council while it has a membership of 55 is, therefore, 14.)**
- (b) If during any meeting of the Council the Lord Mayor, after counting the number of Councillors present, declares that there is not a quorum present the meeting shall be adjourned.
- (c) The consideration of any business not transacted shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned, or if no time is fixed, to the next ordinary meeting of the Council.

34. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

(a) Suspension

All of these Council Procedure Rules, except those required by law and shown in bold, may be suspended by motion on notice or without notice if at least one half of the total number of Councillors are present. Suspension can only be for the duration of the meeting.

(b) Amendment

Any motion to add to, vary or revoke these Council rules of procedure will, when proposed and seconded, stand adjourned without discussion until the next ordinary meeting of the Council.

35. COUNCIL COMMITTEES

(a) Appointment of Committees and Sub-Committees

(i) At the Annual Meeting, the Council shall appoint such Committees as are necessary to carry out the non-executive functions allocated to Council, and Scrutiny Committees to perform the Council's Scrutiny role. The Council shall, subject to the requirements in this Constitution, determine the following in each case of each Committee or Sub-Committee appointed:-

(a) The number of Members.

(b) The Chair and Vice-Chair(s).

(c) The Terms of Reference.

(d) The date and time of the first meeting in the municipal year.

(ii) The majority of the members of a Committee shall be Councillors.

(b) Political Balance of Committees and Sub-Committees

At its Annual Meeting, the Council shall determine the allocation of Committee and Sub-Committee places to political groups to ensure so far as is practicable the rules relating to political balance are met.

(c) Appointment of Councillors to Committees and Sub-committees

Appointment of Councillors to fill places on Committees or Sub-Committees, or any vacancies which may arise, shall be by the Monitoring Officer in consultation with the political group whips, and with the consent of any Councillor being appointed.

(d) **The Council may vary these arrangements from time to time.**

36. CHAIRS AND VICE-CHAIRS OF COUNCIL COMMITTEES

(a) Committees

- (i) At its annual meeting the Council shall appoint, and may, from time to time appoint and remove, the Chairs and Vice-Chairs of Committees, and Chairs and Spokespersons of Scrutiny Committees.
- (ii) Chairs and Vice-Chairs may resign by giving notice in writing to the Monitoring Officer. Such notice shall take effect from the time of its receipt by the Monitoring Officer unless the resignation states that it is to take effect at a later date. In that event, the resignation shall be effective from the date stated in the resignation letter.
- (iii) Unless otherwise stated in the Constitution, the Chair and Vice-Chair of a Committee shall be a Councillor.

(b) Sub-Committees

- (i) The parent Committee shall appoint, and may remove, the Chairs and Vice-Chairs of any Sub-Committees it appoints.
- (ii) Chairs and Vice-Chairs may resign by giving notice in writing to the Monitoring Officer, in accordance with the procedure for the resignation of Chairs and Vice-Chairs of Committees (Paragraph (a)(ii) of this rule refers).
- (iii) Unless otherwise stated in the Constitution, the Chair and Vice-Chair of a Sub-Committee shall be a Councillor.

(c) Duration of Appointment

Appointments under this Rule shall be for a period ending with the point in the next annual meeting of the Council when such appointments are made.

37. QUORUM OF COUNCIL COMMITTEES

(a) Committees

The quorum of every Standing Committee shall be three.

The quorum of the Standards and Audit and Risk Committees shall be three. For the Standards Committee this shall include an independent member.

*** Please note that it is anticipated that the Localism Act 2011 may necessitate change to procedures of the Standards Committee**

following the publication of finalised guidance scheduled to be issues in Summer 2012.

(b) Sub-Committees

The quorum of a Sub-Committee with 11 or more Councillors shall be three. The quorum of a Sub-Committee with less than 11 Councillors shall be two; except that the quorum of the Licensing Sub-Committee shall be three.

38. DATES OF COUNCIL COMMITTEE MEETINGS

(a) Cycle of Meetings

At its Annual Meeting, the Council shall confirm the cycle of Committee and Sub-Committee meetings for the next municipal year in terms of their frequency and sequence.

(b) Committees or Sub-Committees

The dates of Committees and Sub-Committees shall be set by the Monitoring Officer in consultation with Group Leaders and the Head of Paid Service and an agreed programme of dates shall be presented to Annual Council for confirmation.

(c) Variation of Dates

The date and/or time of any ordinary meeting of a Committee or Sub-Committee may be varied or cancelled by the Monitoring Officer in consultation with the Chair of the Committee/Sub-Committee, provided that any variation shall be reasonable and compatible, so far as is practicable, with the cycle of meetings as agreed by the Council

39. SPECIAL MEETINGS

(a) In addition to the dates of meetings agreed by the Monitoring Officer, in consultation with the City Mayor, Group Leaders and Head of Paid Service any Committee or Sub-Committee may be summoned specially if so required by either:-

(i) The Lord Mayor; or

(ii) The Chair, after consultation with the Vice Chair; or

(iii) A written request to the Monitoring Officer signed by three members of the Committee.

(b) A special meeting shall consider such business as detailed on the agenda.

40. NOTICE OF MEETINGS

Notice of the time and place of a Committee meeting shall be published at the Council's offices at least five clear days before the meeting unless a special meeting is called within five days in which case the required notice must be given as soon as the special meeting is called. (Five clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays.)

41. ABSENCE OF CHAIR FROM MEETING

- (a) Where the Chair is absent from a meeting the Vice-Chair shall take the Chair's place.
- (b) Should the Chair arrive at a meeting which is in progress with the Vice-Chair in the Chair, the Chair shall from a convenient point preside over the meeting.
- (c) Where there is no Chair or Vice-Chair present, the Committee shall elect one of their number to preside over the meeting. If at such a meeting, the Chair (or the Vice-Chair, if the Chair is absent) arrives after the meeting in progress s/he shall from a convenient point preside over the meeting.
- (d) For the purposes of this Rule, where there are two Vice-Chairs, the nominated first Vice-Chair shall take precedence over the second Vice-Chair.

42. ATTENDANCE AT MEETINGS BY COUNCILLORS WHO ARE NOT MEMBERS OF THAT COMMITTEE

- (a) A Councillor may attend a meeting of a Committee of which s/he is not a Member, and s/he may be invited to speak by the Committee but not vote on any item on the agenda, subject to the following:-
 - (i) Where a Councillor has an interest in any item of business, s/he shall declare his/her interest, s/he may not speak on that item, and may be permitted to remain, or required to withdraw, under the same procedures as if s/he were a member of the Committee.
 - (ii) The right to attend shall not apply to any part of a meeting during which a report is considered which contains exempt or confidential information of a description which does not require the report to be open to inspection in accordance with the Access to Information Procedure Rules, unless the Councillor requires access to the meeting during consideration of such an item in order to properly carry out his/her duties as a Councillor, in accordance with this Constitution.

43. PROCEDURE AT COUNCIL COMMITTEE AND SUB-COMMITTEE MEETINGS

- (a) The procedure to be followed at Council, Committee or Sub-Committee meetings which are responsible for decision making shall be in accordance with these Council Procedure Rules, but where a point of procedure arises which is not covered, the matter shall be determined by the person presiding at the meeting. Such rulings shall not be challenged at any meeting. (b) These rules apply to meetings of full Council, however, when a point of procedure arises at meetings of the Scrutiny Committee which is not covered by the Scrutiny Procedure Rules, then reference shall be had to these Council Procedure Rules in accordance with Rule 11(2) Scrutiny Procedure Rules found in Part 4E of this Constitution.

44. OBJECTIONS TO DECISIONS

- (a) Subject to the exceptions and other provisions in this Rule, any five Councillors may object to decisions taken by a Committee or Sub-Committee by giving notice in writing to the Monitoring Officer. The deadline for receipt of such notice is 5.00pm on the fifth working day after the decision (or third day after publication of the decision, if later).
- (b) A notice under this Rule requesting call-in of a decision must:
- i. Be in writing
 - ii. Specify a sponsor and a seconder
 - iii. Specify reasons for the call-in
- (c) Where the decision in question is that of a Sub-Committee, the matter shall be reconsidered at the next ordinary meeting of its Committee.
- (d) Where the decision in question is that of a Committee, the matter shall be reconsidered at the next ordinary meeting of the Council.
- (e) Where a decision of a Sub-Committee has been objected to and referred to its Committee, there shall be no right of objection to the decision of the appointing Committee on the matter.
- (f) Where the decision of a Committee has been objected to and the Council has referred the matter back to the Committee for reconsideration there shall be no right of objection to the subsequent decision of the Committee on the matter.
- (g) Where a decision has been called-in in accordance with this Rule, no further action shall be taken on it until it has been reconsidered by a Committee or Council, as appropriate or unless the objection has been withdrawn by the sponsor and seconder via the Monitoring Officer in the meantime.
- (h) A Committee or Sub-Committee may decide that any matter is of such urgency that no objection may be made.
- (i) No objection shall be made in respect of the following decisions:
- (i) Procedural decisions to include:

- (a) election of Chair / Vice-chair;
 - (b) exclusion of the press and public;
 - (c) dates and/or times of meetings;
 - (d) approval of minutes for accuracy and the confirmation of Sub-Committee decisions, but not the confirmation of Working Party minutes;
 - (e) matters relating to the membership, functions and terms of reference of Committees and Sub-Committees;
 - (f) a decision that no objection may be made on grounds of urgency.
- (ii) Items submitted for information only.
 - (iii) Decisions of the Employees Committee.
 - (iv) Decisions which, in the opinion of the Monitoring Officer, are of a quasi-judicial nature, which includes the decisions of the Licensing Sub-Committee and the Planning and Development Control Committee.

45. URGENT ACTION BETWEEN MEETINGS

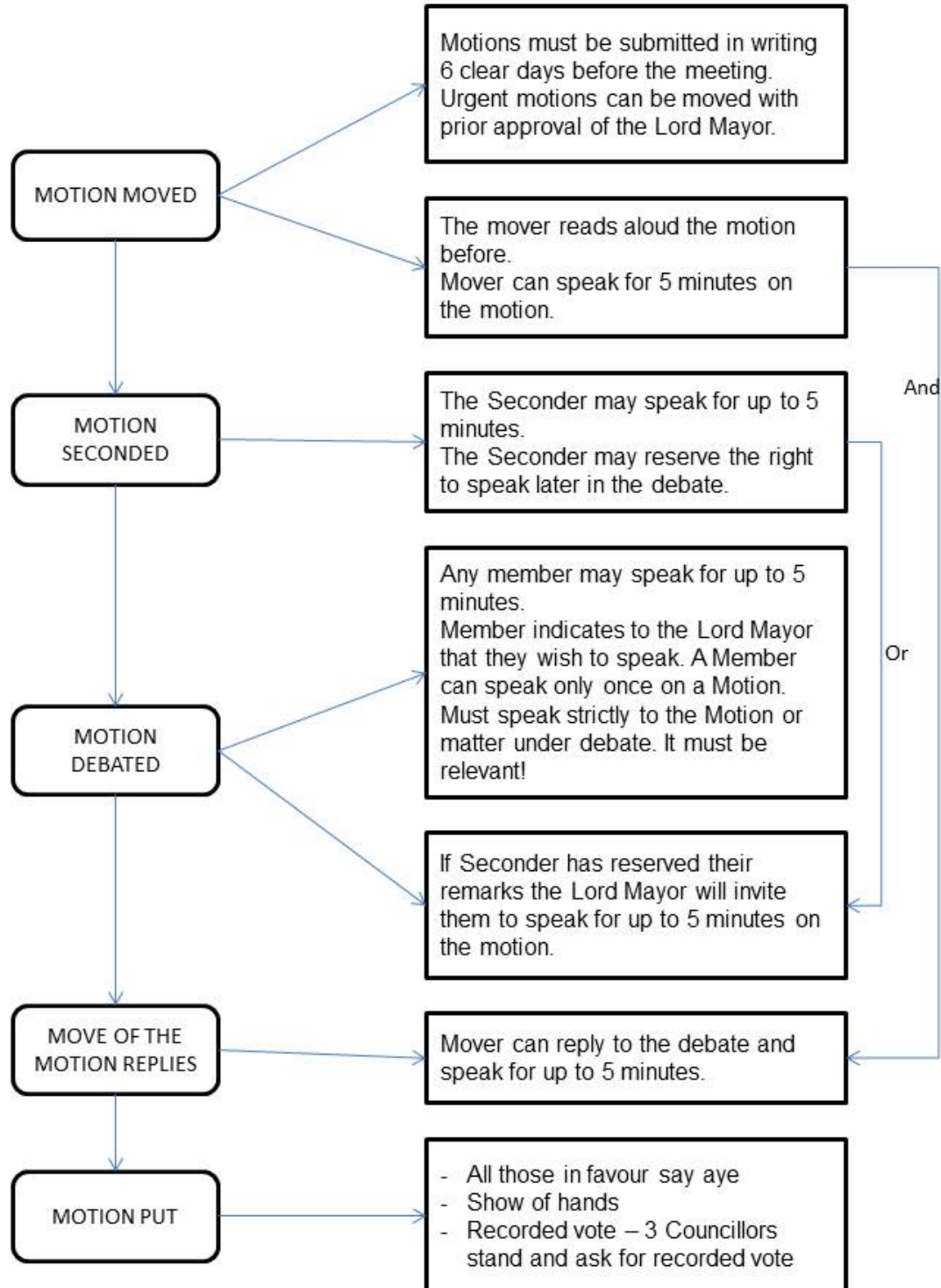
The Head of Paid Service, a Strategic Director or a Divisional Director may, after consultation with the Chair and Vice-Chair of the appropriate Committee(s) or Sub-Committee(s), take any urgent action which s/he considers it necessary to take prior to the next meeting of the Committee or Sub-Committee. Any such action shall be reported for information to the Committee or Sub-Committee at its next meeting specifying the grounds for urgency, and if there has been an avoidable delay, indicating steps to avoid recurrence.

46. RECORDING OF PROCEEDINGS

All requests to record / capture the proceedings of any Council meeting will be considered in accordance with the Council's policy attached as Appendix 8 to Part 5 of the Council's Constitution.

FULL COUNCIL GUIDE TO RULES OF DEBATE

MOTION MOVED WITHOUT AMENDMENT



MOVING AN AMENDMENT

