

PART 3.2 PROCEDURE RULES FOR MEETINGS OF THE OVERVIEW & SCRUTINY AND REGULATORY COMMITTEES AND SUB-COMMITTEES

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PART 3.2 PROCEDURE RULES FOR MEETINGS OF THE OVERVIEW & SCRUTINY AND REGULATORY COMMITTEES AND SUB-COMMITTEES

Part 1 Introduction

Rule 1: General Provisions

Application

- 1.1 These Procedure Rules apply to the following meetings of the Council's Committees and Sub Committees (hereafter referred to as 'Committees'), with the proviso that in any situation of conflict with any other Rules then the Chair of the relevant Committee shall exercise discretion in the regulation of proceedings:
- 1.1.1 Audit, Standards and General Purposes Committee
 - 1.1.2 Licensing Committee
 - 1.1.3 Licensing Sub Committee
 - 1.1.4 Planning Committee
 - 1.1.5 The three Overview and Scrutiny Committees, namely:
 - 1.1..1 Health Overview & Scrutiny
 - 1.1..2 People Overview & Scrutiny
 - 1.1..3 Place Overview & Scrutiny
 - 1.1.6 Health and Wellbeing Board
- 1.2 These Rules do not apply to full Council meetings, nor to meetings of the Executive, each of which has their own Procedure Rules
- 1.3 Where there is any inconsistency between these rules and the Budget and Policy Framework Procedure Rules or the Overview & Scrutiny Procedure Rules, the latter shall prevail. In the application of these rules, informality may be exercised at the discretion of the Chair.

Amendment of Rules

- 1.4 These Procedure Rules may not be suspended. They may only be varied, revoked or added to by resolution of the Council. Any motion to do so shall be referred to the Council for consideration and report.

Interpretation

- 1.5 The ruling of the Chair or person presiding at the meeting regarding the construction or application of these Procedure Rules shall not be challenged at any meeting.
- 1.6 The Definition section in this Part shall apply for the purpose of interpreting expressions used in these Procedure Rules. The headings and sub-headings are not part of the Procedure Rules.

Service of Notices and Other Documents

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

Part 2 Meetings

Rule 2: Meetings (both Ordinary & Special) of Committees and Sub-Committees

Time and Date of Meeting

- 2.1 The Council or the relevant Committee may fix the date, time and place of ordinary meetings of Committees and Sub-Committees.
- 2.2 The Chair or Deputy Chair of the Committee may call a special meeting of the Committee or Sub-Committee as the case may be at any time. Questions, Petitions, Members' Letters and Deputations can only be heard at a Special Meeting where they relate to the matter which is the subject of the Special Meeting.

Requisition of a Meeting

- 2.3 One quarter of the total number of voting Members of a Committee or Sub-Committee may requisition a meeting of the Committee or Sub-Committee. Such requisition must specify the business proposed to be transacted and shall be delivered to the Chief Executive.

Rule 3: Chairs and Deputy Chairs of Committees and Sub-Committees

Appointment of Chairs

- 3.1 The Council may appoint, from amongst its voting Members, a Chair and Deputy Chair or Deputy Chairs of Committees and Sub-Committees and such appointments may be of one Member or two Members on a role share basis.
- 3.2 If no appointments have been made by the Council under the above Rule then the Committee or Sub-Committee shall at its first meeting after the Annual Meeting of the Council (or in the case of a vacancy at any meeting) elect from amongst its voting Members a Chair and Deputy Chair or Deputy Chairs.
- 3.3 In the absence of the Chair or Deputy Chair at a meeting of a Committee or Sub-Committee, those voting Members present shall elect a person from amongst their number to preside over the meeting.
- 3.4 The Chief Executive or their representative shall invite nominations and shall exercise the powers of the Chair in order to regulate the discussion.
- 3.5 No Member of the Council shall be Chair of more than one Committee without the permission of the Council.

Rule 4: Quorum of Committees and Sub-Committees

- 4.1 No business shall be transacted at any meeting of a Committee or Sub-Committee unless at least **one quarter** of the whole number of voting Members of the Committee or Sub-Committee are present, provided that in no case shall any business be transacted until at least two voting Members are present.

Rule 5: Urgency Sub-Committees

- 5.1 Each Committee of the Council may appoint an Urgency Sub-Committee to exercise its powers. The membership of any such Urgency Sub-Committee shall normally consist of the Chair of the Committee, as well as two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between Political Groups.
- 5.2 A meeting of the Urgency Sub Committee may be called if the Committee Chair takes the view that it is not appropriate to convene a full Committee meeting, having had regard to the importance of the business to be considered, the urgency of the decision and the need to avoid disproportionate inconvenience. A meeting of the Urgency Sub Committee may also be called where a majority of members decide to do so at an Ordinary or Special Committee meeting.
- 5.3 Urgency Sub-Committees may exercise the powers of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next Ordinary Meeting of the Committee as appropriate.

Rule 6: General Order of Business in Committees and Sub-Committees

General Order of Business

- 6.1 Except in cases of urgency, at least five clear working days before the date of every meeting of a Committee or Sub-Committee, or as soon as the meeting is called, whichever is the later, the Chief Executive shall send to every voting Member and to every other person entitled to receive the papers of the Committee or Sub-Committee a copy of the agenda for the meeting.
- 6.2 The agenda shall include:
- (a) all items of business which have been, or are deemed to have been, referred to the Committee or Sub-Committee by the Council or by another Committee or Sub-Committee, as the case may be;
 - (b) all reports submitted to the Committee or Sub-Committee by the Chief Executive, another member of the Executive Leadership Team or their nominee;
 - (c) any item of business directed to be included by the Chair of the Committee or Sub-Committee.

- (d) the asking and answering of questions from members of the public, in accordance with the Council's Protocol for Public Questions at Committees and Sub-Committees.

Members' Letters

6.3 Any Member may submit a Letter for inclusion on the agenda for a meeting of any Committee or Sub-Committee, and any such letter shall be so included providing that:

- It is delivered to the Chief Executive by 10.00 am on the eighth working day prior to the Committee.
- In the opinion of the Chief Executive it is relevant to the terms of reference of the Committee or Sub-Committee to which it is submitted, and contains a substantive proposal for consideration by the Committee or Sub-Committee
- In the opinion of the Chief Executive it is not defamatory, frivolous or offensive.

Members' Right to Speak

6.4 Any Member who has submitted a Letter which is included on the agenda for a Committee or Sub-Committee under the above Rule shall be invited to attend the meeting of the Committee or Sub-Committee on which it is so included and may speak for up to three minutes on that item at the meeting.

Unaccompanied Letters

6.5 If a Member's Letter included on the agenda for a Committee or Sub-Committee under Procedure Rule 6.3 is unaccompanied by a written officer report, it shall only be considered to the extent that either the matter is noted by the Committee or Sub-Committee or a motion that an officer report be written is carried.

6.6 Subject to any directions given by the Chair of the Committee or Sub-Committee, the items of business shall be arranged in such order as the Chief Executive thinks will best ensure the effective despatch of business.

Speech Times at Committees and Sub-Committees

6.7 Except with the consent of the Chair, the mover of a motion shall not speak for more than five minutes and no other speaker shall speak for more than three minutes on any individual agenda item. For the purposes of this Procedure Rule, a person who moves an amendment is not moving a motion. The length of time allotted to the mover of a motion does not include any time permitted under a right of reply. This rule shall not apply to questions. Any extension of time for speeches consented to by the Chair shall normally be limited to five minutes.

Rule 7: Minutes

7.1 Minutes of every meeting of Committees and Sub-Committees shall be submitted to and signed at the next following Ordinary Meeting of the body concerned.

- 7.2 The Chair shall put the question that the minutes submitted to the meeting be approved as a correct record.
- 7.3 No discussion shall take place upon the minutes, except upon their accuracy. Any question as to accuracy shall be raised by motion. The Mayor or Chair shall then sign the minutes.
- 7.4 The minutes shall record the names of Members present and any decisions taken at the meeting.
- 7.5 Where in relation to any meeting the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraphs 41(1) and (2) of schedule 12 of the above Act relating to signing of minutes.

Rule 8: Motions and Amendments

Motions where Notice is Not Required

- 8.1 The following motions may be moved without notice at any meeting:
- (a) to elect in the event of a vacancy of the Chair or Deputy Chair, to appoint a person to preside at the meeting at which the motion is made;
 - (b) motions relating to the accuracy of the minutes;
 - (c) motions relating to a change in the order of business;
 - (d) motions extending the time limit for speeches;
 - (e) “that the Committee or Sub-Committee proceed to the next business”;
 - (f) “that the question be now put”;
 - (g) “that the debate be now adjourned”;
 - (h) “that the Committee or Sub-Committee do now adjourn”;
 - (i) motions as to the termination of meetings;
 - (j) motions relating to the suspension of these Procedure Rules without notice;
 - (k) motions to exclude the public from a meeting where there is likely to be otherwise disclosure of exempt or confidential information, in accordance with the Access to Information Procedure Rules set out in Part 3E of the Constitution;

- (l) motions giving consent of the Committee or Sub-Committee where it is required under these Procedure Rules;
- (m) motions to appoint a Committee or Member arising from an item on the summons for the meeting;
- (n) motions to refer a Petition which has been presented to another Committee or Sub-Committee or other appropriate Council body or individual for consideration;
- (o) motions relating to Deputations.

Moving Recommendations

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

Amendment to Motions

- 8.3 Subject to the requirements of these Procedure Rules as to notice, an amendment to a motion may be moved, but shall be relevant to the motion. No amendment shall be moved to an amendment.
- 8.4 An amendment shall be either to refer the matter to a Committee, Sub-Committee or an officer for consideration, to leave out some or all words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.

Negating Amendments

- 8.5 A negating amendment is one which – while on the same subject as the original motion - would if passed generate the same outcome as a simple vote against the proposal. A negating amendment is one which would nullify the proposal in its entirety, thereby resulting in no change to the status quo.

Alteration/Withdrawal of Motions/ Amendments

- 8.6 With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion of which they have given notice;
 - (b) with the further consent of the seconder, alter a motion which has been moved and seconded; if the alteration is one which could be made as an amendment.

- 8.7 With the consent of the seconder and the meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No Member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.

The 6 Month Rule

- 8.8 No motion or amendment shall be moved to rescind any resolution of a Committee or any other Council body which was either passed within the preceding six months, or which is to the same or substantially the same effect as one which has been considered within that period.

Consent

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

Rule 9: Written Reports

- 9.1 No report upon which decisions are proposed to be made shall be taken at any meeting of a Committee or Sub-Committee, unless it is in writing.
- 9.2 Verbal amendments and additions to written reports may only be made by Members in accordance with the Rules which govern notice to be given of amendments, and the Rules which provide that amendments are not to have the effect of negating the motion.
- 9.3 With the agreement of the Chair then unless any Member objects, officers may revise or modify recommendations to reports where it is considered necessary to do so to ensure technical accuracy or to facilitate an agreed outcome.
- 9.4 Where Petitions, Members' letters or Deputations are referred to a Committee unaccompanied by a written report, the Committee may discuss the item in general terms and either note the same, or ask for an officer report on the matter. No decision which requires the Council to take substantive action or incur expenditure may be taken in response to a request in a Petition, Member letter or Deputation or otherwise in the absence of an officer report.

Rule 10: Rules of Debate

General

- 10.1 While the rules of debate in this Procedure Rule shall apply to all meetings of the Committees and Sub-Committees listed in this Part, greater informality may be exercised by the Chair at their discretion in order to efficiently transact the business before the meeting.

Seconding Motions and Amendments

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

Reserving Speech

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

Notice of Amendments

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

Taking of More Than One Amendment at a Time

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

Speeches

- 10.7 If two or more Members offer to speak, the Mayor or Chair shall call on one to speak.
- 10.8 When speaking, a Member shall address the Mayor or Chair.
- 10.9 A Member shall direct their speech to the question under discussion, or to a personal explanation or to a point of order under the provisions of the Procedures below.

Points of Order

- 10.10 A Member claiming to speak on a point of order or in personal explanation shall be entitled to be heard forthwith.
- A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and the way in which the Member raising it considers that it has been broken.
 - A personal explanation shall be confined to some material part of the speech by the Member which may appear from the current debate to have been misunderstood.

- 10.11 A Member who has already had two points of order ruled as inadmissible by the Chair shall not normally be permitted to raise a third point of order at the same meeting.
- 10.12 The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

Procedural Motions

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

Closure Motions

- 10.14 The following closure motions shall be permitted during discussion of another motion. They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the person presiding shall proceed as follows:
- “that the meeting proceed to the next business”**. The person presiding shall permit the mover of the original motion to reply, and then put to the vote the motion to proceed to the next business; if that motion is carried the original motion shall lapse;
 - “that the question be now put”**. If the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed they may refuse to accept the motion; if they accept the motion, they shall put to the vote forthwith the motion that the question be now put; if this is carried, they shall permit the mover of the original motion (at meetings of the Council) any right of reply to which they are entitled and then put that motion to the vote;
 - “that the debate be now adjourned”** or **“that the meeting do now adjourn”**. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, they may refuse to accept either of these motions, and instead put the motion that the question be now put; if they are of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council, Committee or Sub-Committee, as the case may be.

The Appointment of Committees

- 10.16 The terms of reference of Committees as agreed from time to time are set out in the Council's Constitution. They may be varied upon the resolution of the Council, as may arrangements as to the composition of Committees including the number of voting and non-voting members and the appointments of co-optees.

Delegation to Sub-Committee

- 10.17 Every Committee may appoint Sub-Committees for such purposes as they think fit and may make arrangements for a Sub-Committee to discharge any of the functions of the Authority which the Committee may discharge. The Delegations to Committees as agreed from time to time are set out in the Constitution.

Continuity of Committees and Sub-Committees

- 10.18 Each Committee appointed in accordance with para 8.7 of these Rules, and every Sub-Committee set up by such a Committee, shall continue to discharge the functions committed to them until the Council or Committee, as the case may be, resolves otherwise.

Continuity of Holders of Office

- 10.19 Every person appointed as a voting Member of such a Committee or Sub-Committee and every person appointed to exercise other functions in relation to a Committee shall continue to act as such until such time as the appointment is terminated by the Authority.

Appointments in Accordance with the Wishes of Political Groups

- 10.20 Whenever an appointment of a voting Member for a Committee or Sub-Committee or a representative on an outside body needs to be made in accordance with the wishes of the Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Chief Executive shall make or terminate the appointment accordingly.

Attendance at Committee Meetings of Leader, Chairs and Leader of the Official Opposition

- 10.21 The Chair or Deputy Chairs of a Committee may attend and speak at a meeting of any Sub-Committee appointed by that Committee but may not vote unless appointed as a voting Member. The Leader of the Council or in their absence one of their Deputy Leaders may attend and speak at any meeting of a Committee or Sub-Committee appointed by the Council but may not vote unless appointed as a voting Member. The Leader of the Official Opposition may attend and speak at any-meeting of a Committee or Sub-Committee appointed by the Council but may not vote unless appointed as a voting Member. These rules shall not apply to Committees or Sub-Committees discharging quasi-judicial or personnel appeals functions (e.g. planning, licensing, or standards panel).

Attendance: All Members

- 10.22 A Member of the Council who is not otherwise entitled to attend and speak at a Committee or Sub-Committee shall be entitled to do so at a meeting of the

Committee or Sub-Committee with the agreement of the Chair of the relevant Committee or Sub-Committee.

Substitutes

10.23 The Council recognises that the purpose of the Local Government (Committees and Political Groups) Regulations 1990 is to ensure that the political balance of and representation on committees and Sub-committees is maintained in the decision making process. These Procedure Rules for the use of substitutes have been adopted to ensure this principle is maintained.

Appointing a Substitute

10.24 Subject to the Procedure Rules below, where Members of the Council who are Members of Committees or Sub-Committees are unable to attend a meeting for whatever reason, a substitute Member may attend and speak and vote in their place for that meeting.

10.25 The substitute Member shall be a Member of the Council drawn from the same Political Group as the Member who is unable to attend the meeting, and must not already be a Member of the relevant Committee or Sub-Committee. The substitute Member must declare themselves as a substitute, and be minuted as such, at the beginning of the meeting or as soon as they arrive.

10.26 It shall be the responsibility of the individual substitute Member to ensure that they are apprised of the items on the agenda of the relevant meeting in order to facilitate effective decision making.

10.27 A substitute may only serve as a Member at a meeting when the Member for which they are substituting is absent for the entire meeting. A substitute may not be appointed for a specific item. Once a meeting has started with a Member in place then no substitution may be made during the course of the meeting to replace that Member.

10.28 If a substitute has not arrived by the commencement of the meeting and the original appointed Member is present, then the appointed Member will continue as a voting member of the Committee.

10.29 Where a substitute Member has attended a meeting which is adjourned, the original appointed Member may attend the reconvened meeting as the voting Member, provided that the meeting is not part way through the consideration of an item or issue.

10.30 Any Member attending as a substitute will be entitled to travelling and subsistence allowance in accordance with the scheme approved by the Council.

Voting

10.31 The substitute Member will be entitled to speak and vote in their own capacity, and is not constrained by the views of the Member for whom they are substituting.

Substitution in Licensing Committee

10.32 The requirement for a substitute Member to be drawn from the same Political Group as the Member who is unable to attend the meeting shall not apply to the Licensing Committee and Sub Committee/Panel.

Substitution on Standards Hearing Sub-Committee

10.33 Once a Standards Hearing Sub Committee has been appointed in accordance with the approved procedure for investigating allegations of a breach of the Members' Code of Conduct, no substitution to that Sub Committee shall be allowed

Part 3: Questions, Petitions and Deputations

Rule 11: Questions

Written Questions from Members

Notice

11.1 If a Member of the Council wishes to ask a question at a meeting of a Committee or Sub Committee of, the Chair of any Committee or Sub-Committee (or in the Chair's absence the Deputy Chair), or a Member of the Council appointed by the Authority to any external body or joint authority, they shall give notice in writing to the Chief Executive of the question (see Procedure Rule 1.7) by no later than 10.00 am on the eighth working day before the meeting at which the question is to be asked.

Length of Questions

11.2 Member questions are subject to a 150 word limit.

List of Questions

11.3 A list of the questions of which notice has been given shall be circulated to Members of the relevant Committee or Sub Committee at, or before, the meeting at which they are to be asked.

Waiver of Notice Requirements

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

Answers

- 11.5 The questions included on the list of questions above shall be taken as read at the meeting.
- 11.6 Questions may either be answered orally at the meeting either by the person to whom it is addressed or by another person on their behalf. Alternatively and at the discretion of the Chair, it may be answered by way of a written response circulated to Members of the Council as soon as reasonably practicable after the meeting.

Relevance

- 11.7 Any written question from a Member at a Committee meeting shall be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or some or all of the inhabitants of that area, as well as to a function of the relevant Committee. It must not relate to any personal or individual matter.

Oral Questions from Members on Reports

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

Public Questions

Public Question Time

- 11.9 A period of not more than thirty minutes shall be allowed for questions submitted by a member of the public who either lives or works in the area of the Authority at each ordinary meeting of a Committee. Any questions not dealt with within the 30 minute period will receive a written response.

Priority Accorded to Public Questions

- 11.10 No questioner may submit more than one question to any meeting. Priority will in any case be given to questions asked by members of the public who have not asked a question at any meeting of any Council body in the previous six months.

List of Questions

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

Procedural Requirements

- 11.12 A public question shall be put at a Committee meeting provided that:-

- (a) a copy of the question has been delivered to the office of the Chief Executive (see Procedure Rule 1.7) by not later than 10am on the eighth working day before the meeting at which it is to be put;
- (b) the name and address of the questioner is indicated on the question;
- (c) the questioner is present at the time when the question is put;
- (d) the questioner is not presenting a Petition or Deputation on the same, or substantially the same, issue at the same meeting.

Length of Questions

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

Formal Referral of Questions to another body

11.14 If the Chair considers that it would be more appropriate to do so, a question received for submission to a Committee may instead be referred to a different Council body.

Waiver of Notice Requirement

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

Putting Questions

11.16 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions. Any question shall be notified to the relevant Member of the Committee and shall be put to such Member at the Committee meeting by being read out loud, without additional comment.

Answers

11.17 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

Form of Answers

11.18 An answer may take the form of:-

- (a) a direct oral answer; or
- (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer given to the member of the public submitting the question.

11.19 No questioner may submit more than one question for answer at the same meeting.

11.20 Any question properly submitted but not dealt with at the meeting for reasons of insufficient time shall be answered in writing to the questioner as soon as reasonably practicable after the meeting.

Rule 12: Petitions

Presentation and Notice of Petitions

- 12.1 A period of not more than fifteen minutes in total shall be allowed at each Committee meeting for the hearing of Petitions from members of the public, or members of the Council, submitted in accordance with the Authority's Petition Scheme. This requires that Petitions be submitted to Democratic Services no less than ten working days in advance of the relevant Committee meeting.
- 12.2 The Chair will have the discretion to take a late Petition if it relates to an officer report which is before the meeting for consideration.
- 12.3 The presentation of the Petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the Petition and indicating the number and description of the signatories.

Action Following Petitions

- 12.4 All Petitions with less than 1250 signatories shall be included on the agenda for the next available meeting of the relevant Committee or Sub-Committee. 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 relation to it.

Qualifying Petitions referred to full Council for debate

- 12.5 Where a Petition has 1250 or more signatures, it will be a qualifying petition and may be referred directly to a full Council meeting for debate if the Petitioner wishes.

Process for Petitions received by Committees and sub Committees

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

Rule 13: Deputations

13.1 A period of not more than fifteen minutes shall be allowed at each Committee meeting for the hearing of Deputations from members of the public.

Procedural Requirements

13.2 A Deputation shall be heard provided that by not later than 10am on the eighth working day before the relevant meeting:

- (a) notice has been given to the Chief Executive in accordance with Procedure Rule 1.7, which complies with paragraphs (b) to (d) below;
- (b) the subject matter and substance of the Deputation is notified in writing in the form of a written summary. A Deputation shall not exceed one side of A4 in length. Accompanying material may be supplied and should comprise no more than 2 sides of A4 paper;
- (c) the names, addresses and organisation (if any) of the persons forming the deputation, to be a minimum of five and no more than twelve, indicating which one person is to speak, are notified in writing (note - the addresses of those persons forming the Deputation will not be published by the Council, but details of the ward(s) in which they are located will be circulated to the Council meeting);
- (d) A person forming the Deputation is not presenting a Petition or Question on the same, or substantially the same, issue at the same meeting.

Time Allocated for Presentation

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

Action Following Deputation

13.4 The subject matter of a Deputation heard at the Council meeting shall be included on the agenda for the next available meeting of the relevant Committee or Sub-Committee. The persons forming the Deputation shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in relation to the matters set out in the deputation.

Rejection of Petitions, Deputations, Public and Member Questions,

13.5 The Chief Executive or Mayor, or in case of Committees and Sub Committees, the Chair, may reject a Petition, Deputation, Public or Member Question if, following consultation with the Monitoring Officer, it is in their opinion:

- not about a matter for which the Authority has a responsibility or which affects Brighton & Hove;

- following consultation with the Monitoring Officer, determined by the Chief Executive or Chair that the meeting to which the question has been addressed is not the appropriate forum;
- defamatory, frivolous or vexatious;
- the same, or substantially the same, as a Petition, Deputation, Public or Member Question which has been put at a meeting of full Council, Cabinet, a Committee or a Sub-Committee in the past six months;
- requires the disclosure of confidential or exempt information;
- from a member of staff on matters affecting them as employees; or
- otherwise inappropriate.

13.6 If the Chief Executive or Chair rejects a public question, Petition or Deputation, then their decision is final.

Part 4: Miscellaneous

Rule 14: Proceedings of Committees and Sub-Committees

General

- 14.1 A report of the proceedings of each Sub-Committee meeting shall be submitted to the next meeting of each Committee which has delegated functions to that Sub-Committee. Due to the nature of its main business, this requirement shall not apply to the Standards Hearing Sub Committee, but at the discretion of the Chair items of business may be reported to the Audit, Standards & General Purposes Committee.
- 14.2 Where the relevant Committee so directs, reports of the proceedings of the Committee shall be submitted to Council for reception. The Chair of the relevant Committee, or in their absence the Deputy Chair or person nominated by the Chair, shall move the reception of such Committee reports and any recommendations contained therein. Committees may determine whether items are to be put to Council for information or for decision by Council. Committee reports shall distinguish items for information and those for decision by Council.

Inclusion of proceedings of Committees and Sub-Committees on Council's agenda

- 14.3 A Committee may direct that reports of its proceedings shall be submitted to Council for reception. The Leader, the relevant Cabinet portfolio holder or another member nominated by the Leader shall move the reception of such Committee reports and any recommendations contained therein. Committees may determine whether items are to be put to Council for information or for decision by Council. Committee reports shall distinguish items for information and those for decision by Council.

Items for information

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

Items for decision

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

Rule 15: Prevention of Disorderly Conduct

Misbehaviour by a Member

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

Misbehaviour by a Member of the Public

- 15.2 If a member of the public interrupts proceedings at any meeting, the person presiding shall order them to leave the room where the meeting is being held. If they do not leave, the person presiding shall order them to be removed. If a member of the public persistently creates a disturbance, the person presiding

may adjourn the meeting for fifteen minutes or such period as shall seem expedient to them.

- 15.3 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary. If there is a general disturbance in any part of the meeting room open to the public the Chair may call for that part to be cleared.

Declaration of Interests

- 15.4 Where any Member (or Co-opted Member with voting rights) who is present at a meeting of the Council, its Committees or Sub-Committees has a disclosable pecuniary interest within the meaning of Section 30(3) of the Localism Act 2011 in connection with any item under consideration, they shall withdraw from the meeting room for the duration of the consideration of the item of business, including the debate and any related vote.
- 15.5 Procedure Rule 15.4 above does not apply where a Member has been granted a dispensation in accordance with the Code of Conduct for Members.

Rule 16: Exclusion of Public and Press

- 16.1 Members of the public and press may only be excluded from meetings of the Council, Committees or Sub-Committees either (i) in accordance with the Access to Information Rules in Part 3E of the Constitution; (ii) in accordance with the provisions of Procedure Rule 15.2 and 15.3 above ('Prevention of Disorderly Conduct'), or (iii) Under common law or statutory powers available to the Council, which shall be exercisable by the relevant Chair, the Chief Executive or the Monitoring Officer.

Rule 17: Voting

General

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

Recorded Votes

- 17.2 If a requisition is made by the specified number of Members, before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each Member present gave their vote for or against that question or abstained from voting. Voting may be by roll call or by an electronic method.

- 17.3 The specified number of Members is one-fifth of the Members entitled to vote at the meeting (eleven for Council meetings).
- 17.4 Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that their vote or abstention shall be recorded in the minutes by informing the Chair forthwith, immediately after the vote is taken.
- 17.5 In addition to the arrangements set out above, a recorded vote must be taken, and recorded in the minutes, immediately after any vote is taken at a budget decision meeting of the Council, as defined in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

Voting on Appointments

- 17.6 In a situation where a vote is required on a motion to appoint or elect a Member of the Council to a position to be filled by the Authority which is within the powers of the relevant Committee and there are two or more Members nominated for that position, then the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for any one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 17.7 If there is a requisition under Procedure Rule 17.2 for a recorded vote on the appointment of candidates, Procedure Rule 17.5 shall apply without the requirement to put the names of those nominated in alphabetical order of surname. Each Member shall instead be asked to indicate their preferred candidate when their name is called. The rest of the requirements under Procedure Rule 17.5 shall apply.

Rule 18: Attendance at and Reporting on Committees

- 18.1 Every person attending as a Member of a meeting of a Committee or a Sub-Committee shall be recorded as having been present
- 18.2 At the end of each municipal year a report shall be circulated by the Chief Executive as to the number of meetings held by the Council and each Committee and Sub-Committee

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

- 19.1 Subject to Procedure Rule 19.4, without prejudice to any power of exclusion to suppress or prevent disorderly conduct or the power to deal with other misbehavior or interference with proceedings at a meeting, any person shall be permitted to film, photograph, record and/or stream the proceedings at Council meetings.

- 19.2 Subject to Procedure Rules 19.1, any person attending a meeting of the Council or of a Committee or Sub-Committee may use any communication device or method to record or transmit Council proceedings, and reasonable facilities will be made available to facilitate this, provided that:-
- (i) Any mobile communications device are kept in silent mode throughout the meeting;
 - (ii) There is no use of any voice facility to make calls, receive calls or check voice messages and only text or non-voice uses are made of mobile phones.
- 19.3 Subject to Procedure Rule 19.4, the recording of proceedings by authorised personnel for the purposes of web-casting shall be permitted, providing that the Mayor or person presiding at the meeting may withdraw such authorisation if they consider it is not conducive to the efficient despatch of business.
- 19.4 There shall be no recording or transmission:
- (i) of any part of a meeting from which the public is excluded pursuant to a resolution passed in accordance with Section 100A(2) or (4) of the Local Government Act 1972 as amended;
 - (ii) if exempt or confidential business is discussed;
 - (iii) if the meeting is a Licensing Act Panel;
 - (iv) if the person presiding at the meeting orders that all mobile phones be switched off and any audio recording cease.

Rule 20: Definitions

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

“Authority” - the Brighton & Hove City Council

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

“Council” - Brighton & Hove City Council sitting as the Full Council
(NB: as indicated in Rule 1.1, those Rules which apply to ‘the Council’ apply also to the Council’s Committees and Sub Committees unless express provision is made to the contrary or the context suggests otherwise).

“Executive Leadership Team” – the Chief Executive, the Monitoring Officer and the Executive Directors

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

“Leader of the Council” - the Leader of the Council appointed in accordance with Part 3A Council Procedure Rule 2.1

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

“Member” - in relation to the Council, a Member of the Council; in relation to any Committee or Sub-Committee a person appointed as a Member of that Committee or Sub-Committee whether or not entitled to vote

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

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

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

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

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

- 20.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular. Any references to the Chair or other person holding a position of special responsibility shall include reference to Co-chairs or persons sharing a position of special responsibility as long as it is compatible with the law.

