

## **Part 4**

### **Rules of Procedure**

#### **Section 1 Rules of Procedure for Council**

## 1. **Annual Meeting of the Council**

### 1.1 Timing and business

1.1.1 The Annual Meeting shall take place at such time as the Council shall determine in accordance with the law.

1.1.2 The Annual Meeting will:

- (a) elect a person to preside if the Mayor is not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) approve the Minutes of the last Council meeting;
- (e) receive any announcements from the Mayor and the Chief Executive;
- (f) elect the Leader where necessary;
- (g) note the appointment of the Deputy Leader and the Executive (or any changes thereto);
- (h) appoint at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate;
- (i) consider any business previously agreed by Council set out in the Notice convening the meeting.

### 1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

- (a) decide which Committees to establish;
- (b) decide the size of those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of Councillors (and any substitutes) to serve on each Committee and any outside body; and

- (e) appoint to those Committees (including substitutes), Working Groups, Service Panels and outside bodies except where appointment to those bodies has been delegated by the Council.

## 2. Ordinary Meetings

2.1 Except as provided in paragraph 2.2 below, the order of business at every meeting (apart from the Annual Meeting) will be as follows:

- (a) choosing a Councillor to chair the meeting if the Mayor and Deputy Mayor are absent;
- (b) any business which must, by law, be dealt with;
- (c) apologies for absence;
- (d) Minutes of the previous meeting;
- (e) Declarations of Interest;
- (f) the Mayor's announcements;
- (g) any business left over from the last meeting;
- (h) questions asked in accordance with the procedure rules;
- (i) recommendations of the Executive;
- (j) recommendations of any Committee;
- (k) notices of Motion in the order received by the Proper Officer;
- (l) reports and recommendations of the Proper Officer, and any other business which needs to be transacted by the Council;
- (m) nominations/changes to Councillors to serve on Committees, Working Groups, Service Panels and Outside Bodies.

## 2.2 Urgent Items

At Ordinary Meetings, the Council will only deal with business that is set out on the summons, unless the Mayor decides, after consultation with the Monitoring Officer, that a matter is urgent. If the Mayor decides that a matter is urgent, he or she will announce at the beginning of the meeting - after apologies have been announced - that an extra item is to be placed

before the Council and will explain why the matter is so urgent. The reasons will be recorded in the Minutes of the meeting.

2.3 The order of business set out in paragraph 2.1 above may be changed:

- (a) by the Mayor with the Council's permission; or
- (b) by resolution passed by the Council. The Motion will be put and does not have to be in writing.

### 3. **Extraordinary Meetings**

#### 3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to Ordinary Meetings:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### 4. **The Mayor and Deputy Mayor**

4.1 The appointment of Mayor will be the first item of business at the Annual Meeting. The appointment of Deputy Mayor will immediately follow the appointment of the Mayor.

4.2 If both the Mayor and the Deputy Mayor are absent from a meeting the Council must choose a Member of the Council to chair the meeting.

4.3 The Councillor chairing the meeting can use the Mayor's powers and carry out his or her duties.

### 5. **Notice of and Summons to Meetings**

5.1 The Monitoring Officer will give a statutory notice to the public of the time and place of the Council meetings. The Monitoring Officer will send a summons to every Councillor which will give the date, time and place of

the meeting and specify the business to be transacted, and will be accompanied by the relevant reports.

## **6. Quorum**

6.1 The quorum of the Council is fixed by the Local Government Act 1972 and is one quarter of the whole number of Councillors.

6.2 During any meeting, if there is not a quorum present, the meeting will be declared postponed by the Mayor. Any Councillor can tell the Mayor that there is not a quorum present.

6.3 If a meeting is postponed, the Mayor may decide to arrange an Extraordinary Meeting to deal with the unfinished business which should have been included in the meeting. If the Mayor does not set a date, the unfinished business will be dealt with it at the next Ordinary Meeting of the Council.

## **7. Duration of Meeting and the Guillotine**

### **7.1 Guillotine**

Where three hours have elapsed after the commencement of any Council meeting the Mayor shall interrupt the meeting and call for the vote immediately on the item under discussion. Any Councillor speaking must immediately sit down. The vote will be taken without further debate.

7.2 The Council may decide to extend the meeting or hold an adjourned or special meeting to consider one or more items of business which has not been considered.

7.3 Rule 7.1 will not operate to prevent the transaction of any business:

- which by law must be transacted at any meeting;
- which is unopposed or can be dealt with without discussion, or to extend the meeting.

## **8. Voting**

8.1 Unless otherwise stated, every matter will be decided by a simple majority of those Councillors present and voting and present in the room at the time a question is put. If there is no dissent, the vote may be taken by the affirmation of the meeting.

- 8.2 For budget meetings: Immediately after any vote is taken at a budget decision meeting of the Council, the names of Councillors who cast a vote for the decision, or against the decision or who abstained from voting shall be recorded in the minutes of that meeting.
- 8.3 Subject to the other provisions in this Rule, voting shall be by a show of hands, or such other method as the Mayor may decide.
- 8.4 The Mayor has a second or casting vote in the case of an equality of votes.
- 8.5 Immediately after a vote has been taken on any matter, any Councillor may request that a record be made of whether he/she cast his/her vote for the question or against the question or whether he/she abstained from voting and such record shall be made in the Minutes of the meeting.
- 8.6 Before any vote is taken, any six Councillors present at the meeting may request that the names of Councilors voting for or against or abstaining on the Motion be recorded and entered into the Minutes. This request shall be carried out by roll call unless the Mayor directs otherwise.
- 8.7 If there are more than two persons nominated for any position to be filled by the Council and, of the votes given, there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.
- 8.8 This Procedure Rule shall not apply in any case in which the method of voting is fixed by law.

## 9. **Council Questions**

- 9.1 At any meeting of the Council, except an Annual Meeting, questions may be asked of:
- 9.1.1 a member of the Executive;
- 9.1.2 the Chairman of any Committee; or
- 9.1.3 the Leader of any Political Group.
- 9.2 A question may only be asked if it relates to the business of the Council or to a matter which affects Ipswich, and only if proper notice has been given in accordance with this rule.
- 9.3 Questions may be asked by:

- 9.3.1 any Councillor; or
- 9.3.2 any person residing in the Borough of Ipswich.
- 9.4 No person may give notice of more than two proposed questions for any particular meeting of the Council. If someone gives more than two notices then the Monitoring Officer shall decide which two questions may be asked, after consulting the questioner if it is practicable to do so.
- 9.5 No question may be asked unless the questioner gives written notice to the Monitoring Officer no later than 10am two working days prior to the meeting. The notice must contain:
  - 9.5.1 the question (in the exact form in which the question is to be asked);
  - 9.5.2 the questioner's name and if the questioner is not a Councillor, their address; and
  - 9.5.3 the name of the Councillor to whom the question is to be asked.
- 9.6 Upon receipt of a notice of a proposed question, the Monitoring Officer shall promptly give the question to the person named in the notice under rule 9.5.3 and, if the Monitoring Officer considers it to be appropriate, to any person to whom he or she thinks the question should be redirected. The Monitoring Officer may reject any question if he/she considers that it:
  - (a) does not relate to the business of the Council or affects Ipswich;
  - (b) is defamatory, frivolous or offensive;
  - (c) is substantially the same as a question which has been asked at a meeting of the Council in the past six months, unless there has been a significant change of circumstances since the question was last asked. (To avoid doubt, a question is not considered to have been asked until it is read out at a Council meeting);
  - (d) requires the disclosure of confidential or exempt information.
- 9.7 If the Monitoring Officer redirects the question to someone else then he or she will inform the questioner if there is opportunity to do so.
- 9.8 If, at the meeting, the person who has given the notice is unable to ask the question then a written answer will be given.

- 9.9 Answers to questions may be given orally at the meeting or in writing within five working days from the date of the meeting. At the meeting questions will be dealt with in the order they are received.
- 9.10 Questions must be asked and replied to without comment, and no Motion shall be moved or considered about the question or the reply.
- 9.11 After a reply has been given to a question asked at a meeting, the person who asked the question may ask one supplementary question. Supplementary questions must relate to the subject matter of the original question. A supplementary question must not be preceded by a statement.
- 9.12 If the Mayor decides that a question or supplementary question is out of order, of a personal nature, or is contrary to the Council's interest, the Mayor shall not allow it to be answered.
- 9.13 The total period allowed for questions and answers at each meeting is 30 minutes and no questions may be asked after this period has elapsed unless the Council resolves to grant an extension.
- 9.14 Subject to rule 9.13, if a question has not been dealt with by the time the Council stops dealing with questions then the Monitoring Officer will ensure that a written response is sent to the questioner within five working days from the day of the meeting, unless the Monitoring Officer is informed that the questioner wishes the question to be deferred to the next meeting.

## **10. Petitions**

- 10.1 Where people who live or work in the Borough or are visitors to the Borough wish to raise matters, issues or their concerns that are not otherwise covered by our complaints procedures, the Council has agreed special procedures to ensure that petitions can be raised by the public and that these will be reported to an appropriately senior level within the Council.
- 10.2 Full details of the petitions procedure can be found at Part 4 Section 11.

## **11. Motions**

- 11.1 Notice of Motions for meetings of the Council
- (a) Every notice of Motion shall be in writing and signed by the Councillor giving the notice and delivered to the Monitoring Officer. Notices sent by email do not need to be signed.

- (b) When the Monitoring Officer receives a notice of Motion he/she must:
- write the date of receipt of the notice;
  - write the number of the notice (notices must be numbered in the order in which they are received);
  - enter details about the notice in a book to be kept in his/her office and open to the inspection of every Councillor.

11.2 A Motion with financial effect is any Motion which would, if passed, have the effect of:

- varying the Council's approved budget by more than £10,000; or
- varying expenditure on Council services which are not the Functions of the Executive

But a Motion is not with financial effect:

- solely because the Motion would alter the value or size of the allowances paid to members of the Council to a Motion;
- or
- if it may result in a future change to expenditure but any change would be the result of another decision of the Council or the Executive.

11.3 All notices of Motion, except those with financial effect as defined above, must be received by the Monitoring Officer not later than 5pm on the ninth working day before the day of the meeting.

11.4 A notice of Motion with financial effect must be received by the Monitoring Officer not less than fifteen working days before the meeting.

11.5 The Monitoring Officer shall insert in the summons to attend a Council meeting, other than an Annual Meeting, all Motions of which notice has been given in accordance with this Standing Order and not subsequently withdrawn in writing. The Motions shall be inserted in the summons in the order in which they have been received unless the Mayor directs otherwise.

- 11.6 The Monitoring Officer shall include in the summons any written comments upon any notice of Motion which he/she has received from the Chief Executive or the the Section 151 Officer.
- 11.7 This rule sets out which Motions may be moved.
- 11.7.1 A Motion may not be moved if it is:
- (a) not relevant to some question over which the Council has power or which affects Ipswich;
  - (b) a Motion to rescind or amend any resolution which has been passed by the Council within the preceding six months;
  - (c) Motions to the same effect as any Motion which has been rescinded or countermanded within the preceding six months; or
  - (d) a Motion which the Council has no power to pass or which contravenes any provision in Standing Orders.
- 11.8 Rule 11.7 does not prevent a Motion being moved to the extent that it is a Motion to add someone to or remove someone from an appointment made by the Council as:
- (a) the Leader;
  - (b) a member or substitute member of a Committee or Sub Committee of the Council;
  - (c) the Council's representative on a working group or outside body; or
  - (d) it is a motion to do something which the Council is required to do by law.
- 11.9 No Motion may be moved without a valid notice of motion having being given unless it is a motion of the type listed in 11.8.
- 11.10 If a Motion included in the summons is not moved at the appropriate time then it shall, unless postponed to another time by the Council, be struck out and it may not be moved unless a fresh notice is given.
- 11.11 The following Motions may be moved without notice:
- (a) to appoint someone to chair a meeting;
  - (b) to approve or change the Minutes;

- (c) to change the order of business;
- (d) to refer something to a Committee or to the Executive;
- (e) to make an appointment of a Councillor to any office or position inside or outside the Council;
- (f) to receive reports or adopt recommendations of Committees, officers or the Executive and resolutions flowing from them;
- (g) to allow a Motion to be withdrawn;
- (h) to amend a Motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn the meeting but no such Motion may be moved within 30 minutes from the end of the debate on a previous Motion;
- (m) to extend the meeting or time for speeches;
- (o) to suspend one or more of these rules of debate;
- (p) to exclude the press and public from a meeting;
- (q) not to hear further from a Councillor or exclude them from the meeting;
- (r) to give the consent of the Council where needed under the Constitution;
- (s) a Motion brought into order by the Mayor or a Motion which is similar in its effect to a Motion included on the summons which is amended with the permission of the Mayor.

11.12 The Mayor may require someone moving a Motion to write it down and hand it to the Mayor. The Mayor shall decide whether the Motion is in order, and may alter it to bring it in order.

11.13 Notwithstanding anything included in the summons for the meeting, no Councillor may be removed from any appointment as a member of a

Committee, a Sub Committee or a body to which he/she has been appointed by the Council unless:

- (a) there is a notice of Motion to that effect included in the summons;
- (b) the Councillor gives his/her consent to the removal; or
- (c) (if the Councillor is a member of a recognised political group) the Leader (or the Deputy Leader in the absence of the Leader) gives his/her consent to the removal.

## 12. **Order and Length of Speeches in a Standard Debate**

12.1 Unless a Motion is moved by the Mayor, no speeches may be made about a Motion until it has been seconded by another Councillor.

12.2 Every speaker on a Motion is entitled to speak for up to five minutes.

12.3 The Mayor may extend the times in 12.2. If an extension of time is granted to the proposer or seconder of a Motion then the same extension must also be granted to the speakers from the other political groups.

12.4 The order of speeches in a debate is as set out below, subject to alteration by the Mayor:

- Proposer
- Secunder
- Spokesperson from other political groups
- Other Councillors
- Right of reply by proposer (subject to rules on amendments)

12.5 No one shall speak without the Mayor's permission. A Councillor shall indicate to the Mayor if he or she wishes to speak. When speaking, Councillors must address the Mayor. If two or more Councillors ask to speak, the Mayor shall select one Councillor, and shall give priority to a Councillor who wishes to move an amendment.

12.6 No speeches may be made about a Motion concerning the employment of any person by the Council until the Council has considered whether it must or should pass a resolution to exclude the press and public from the meeting.

12.7 When a Motion is being debated, no other Motion may be moved except the following procedural Motions:

- (a) to withdraw a Motion;
- (b) to amend a Motion;
- (c) to refer the question to an appropriate body or individual;
- (d) to proceed to the next business without a vote;
- (e) to postpone the item until later in the meeting;
- (f) that the question now be put;
- (g) to adjourn a debate;
- (h) to adjourn a meeting;
- (i) that the meeting is extended;
- (j) that the press and public be excluded;
- (k) to not hear a Councillor further or exclude them from the meeting;

12.8 At the end of the debate on any Motion the Mayor will allow the proposer of the Motion to speak for 5 minutes as a right of reply. When exercising the right of reply, a Councillor must not raise any new matters. After the right of reply has been exercised a vote will be taken without any more discussion. There are two exceptions to this rule:

- (a) there are two rights of reply at the end of a debate on an amendment (see rule 13.4)
- (b) if a Motion has been amended following a debate on that amendment, the right of reply belongs to the proposer of the last successful amendment.

12.9 No Councillor may address the Council more than once on any Motion unless that Councillor is:

- (a) exercising a right of reply;
- (b) speaking on a point of order; or
- (c) giving a personal explanation

but a Councillor may formally second a Motion and reserve their speech for a later period of the debate, which will normally be during the time when any Councillor may speak.

#### Points of order

- 12.10 A point of order must relate only to an alleged breach of any procedure rules or of the law. A Councillor may raise a point of order at any time. The Mayor must hear them immediately. When raising a point of order a Councillor must indicate what rule he or she considers has been broken and how it has been broken.

#### Points of personal explanation

- 12.11 A personal explanation is a statement by a Councillor which clarifies a material part of an earlier speech by the Councillor which may appear to have been misunderstood. A Councillor may make a personal explanation at any time. The Mayor must hear them immediately. If the Mayor considers that a Councillor is making a statement in breach of this procedure rule then he may stop them speaking.

### 13. **Amendments**

- 13.1 No amendment to the Motion to adopt the draft budget recommended to the Council may be moved unless notice giving details of the amendment has been given to the Monitoring Officer no later than 12 noon three working days before the day of the meeting.
- 13.2 An amendment may not be moved unless it is:
- (a) relevant to the Motion being discussed;
  - (b) not a direct negative of the Motion; and
  - (c) not a Motion that alters the Motion to a Motion which would seek to do something which cannot lawfully be done at that meeting.
- 13.3 Once an amendment has been proposed and seconded the Mayor shall ask the proposer of the original Motion whether or not the proposer accepts the amendment. If the amendment is accepted then the amended Motion automatically becomes the substantive Motion without a formal debate or vote.
- 13.4 If the amendment is not accepted then the debate on the principal Motion is suspended and the Council will debate the amendment as a standard

debate on the amended Motion, except that both the proposer of the Motion and the proposer of the amendment will be allowed a right of reply at the end of the debate on the amendment.

13.5 When an amendment is being debated, no further amendments may be proposed.

**14. Forcing a Debate to End**

14.1 At the close of any speech in a standard debate, any Councillor may move any of the Motions in the first column of the table below. If the Motion is seconded and the Mayor is of the opinion set out in the second column of the table then the action in the third column shall be carried out.

<b>Motion</b>	<b>Mayor's view</b>	<b>Action</b>
That the question now be put.	That the Motion has been sufficiently debated.	Mayor puts procedural Motion to a vote. If carried then the mover of substantive Motion has the chance to reply and then the Mayor puts substantive Motion to the vote.
To proceed to the next business.	That the item has been sufficiently debated. AND the business is not business that has to be dealt with at this meeting.	Mayor gives mover of substantive Motion a right to reply and Mayor puts procedural Motion to the vote. If carried then the Council proceeds to the next business.
To adjourn the debate  or  to adjourn the meeting.	That the item has not sufficiently been debated and cannot reasonably be discussed at that time AND the business is not business that has to be dealt with at this meeting.	Mayor puts the procedural Motion to the vote. If carried then the item/meeting is adjourned.

14.2 At the start of any debate on a Motion the Mayor may propose a maximum length of time for that debate.

14.3 At the expiry of any period fixed by the Mayor under Rule 14.2 any Councillor may move:

“that the period for debate be extended” but if no Councillor moves this Motion or such a Motion is defeated the Mayor shall allow a right of reply and then put the Motion to the vote.

**15. Special Procedure for Adoption of Plans and Strategies by the Full Council**

15.1 Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration, the Council objects to it, the Council must:

- (a) inform the Leader of any objections which it has to the draft plan or strategy; and
- (b) give the Leader instructions requiring the Executive to reconsider the draft plan or strategy in the light of those objections, specifying a period of at least five working days beginning on the day after the date on which the Leader receives the instructions, during which the Leader may:
  - submit to the Council for consideration a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), accompanied by the Executive's reasons for any amendments;
  - inform the Council of any disagreement that the Executive have with any of the Council's objections and the Executive's reasons for any such disagreement.

15.2 When the period specified by the Council under paragraph 15.1 has expired, the Council must reconsider the plan or strategy (as amended) and take into account:

- (a) any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy;
- (b) the Executive's reasons for those amendments;
- (d) any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for that disagreement,

which the Executive Leader submitted to the Council, or informed the Council of, within the period specified. When reconsidering the Council may then:

- amend the draft plan or strategy (or the revised draft plan or strategy); or

- approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- adopt (with or without modification) the plan or strategy.

## 16. **Special Procedure for Setting Precepts and the Council Tax**

16.1 Where, before 8th February in any financial year, the Executive submits to the full Council for its consideration in relation to the following financial year:

- estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- estimates of other amounts to be used for the purposes of such a calculation;
- estimates of such a calculation; or
- amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992

and the Council objects to them then it must, before making any of those calculations or issuing a precept, inform the Leader of any objections which it has to the Executive's estimates or amounts and must give to the Leader instructions requiring the Executive to reconsider the matter, allowing them a specified period of at least 5 working days during which the Leader can

- submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the full council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
- inform the Council of any disagreement that the Executive has with any of full council's objections and the Executive's reasons for any such disagreement.

16.2 When the period specified by the Council under paragraph 16.1 has expired, the authority may make the calculations or issue a precept under

Chapter IV of Part I of the Local Government Finance Act 1992, but must take into account:

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Executive's reasons for those amendments;
- (c) any disagreement that the Executive has with any of the Council's objections; and
- (d) the Executive's reasons for that disagreement

which the Executive Leader submitted to the Council, or informed the authority of, within the period specified they must take into account any response received from the Leader within that time limit.

16.3 This Rule does not apply to:

- (a) calculations or substitute calculations which full Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

## 17. **Question and Answer Debates**

17.1 At the start of a question and answer debate the Mayor shall fix a maximum length of time for the debate and may fix the maximum length of any speech.

17.2 During a question and answer debate no Motion is to be debated, although the Mayor may allow any of the following to be moved:

- (a) to proceed to the next business;
- (b) to postpone the item until later in the meeting;
- (c) to adjourn a meeting;
- (d) that the meeting be extended;
- (e) that the press and public be excluded;

- (f) to not hear a Councillor further or exclude them from the meeting.
- 17.3 The question and answer debate shall last until one of the following occurs:
- (a) no further Councillors wish to speak; or
  - (b) the expiry of the time fixed under 17.1.
- 17.4 Anyone invited to the meeting may, if requested to do so by a Councillor, respond to a question asked by a Councillor during a question and answer debate.
- 17.5 At the end of a question and answer debate, a Motion to sum up the Council's position may be moved. Any such Motion shall be debated as a standard debate.