

# **PART 4**

## **RULES OF PROCEDURE**

# CONTENTS

<b>Section A.</b>	Council Procedure Rules
<b>Section B.</b>	Access to Information Procedure Rules
<b>Section C.</b>	Budget and Policy Framework Procedure Rules
<b>Section D.</b>	Executive Procedure Rules
<b>Section E.</b>	Scrutiny Procedure Rules
<b>Section F.</b>	Officer Employment Procedure Rules

## Part 4

### Section A

# Council Procedure Rules

# COUNCIL PROCEDURE RULES

## SECTION A: COUNCIL PROCEDURE RULES

### **CONTENTS**

(FOR USE AT COUNCIL AND COMMITTEE AND SUB-COMMITTEE MEETINGS)

- Rule 1. Interpretation and Chair's Ruling**
- Rule 2. Suspension and Amendment of Rules**
- Rule 3. Lord Mayor and Deputy Lord Mayor**
- Rule 4. Political Groups and Leaders**
- Rule 5. Establishment of Committees and Sub-Committees**
- Rule 6. Membership of Committees, Sub-Committees, Joint Authorities and Joint Committees**
- Rule 7. The Leader and Executive**
- Rule 8. Chairs and Deputy Chairs**
- Rule 9. Decisions Taken under Delegated Powers**
- Rule 10. Convening Meetings**
- Rule 11. Cancelling Meetings**
- Rule 12. Withdrawal of Items from Agenda**
- Rule 13. Order of Business**
- Rule 13A. Petitions Requiring Debate**
- Rule 14. Notices of Motion to Council**
- Rule 15. Quorum**
- Rule 16. Minutes of Meetings**
- Rule 17. Committee Minutes/Reports Submitted to Council**
- Rule 18. Amendments to be Moved at Council**
- Rule 19. Motions Without Notice at Council**
- Rule 20. Submission of Motions and Amendments**
- Rule 21. Speeches at Council**
- Rule 22. Voting**
- Rule 23. Questions at Council**
- Rule 24. [...]**
- Rule 25. Previous Decisions and Motions (Six Months' Rule)**
- Rule 26. Conduct at Meetings**
- Rule 27. Duration of Council Meetings**

## COUNCIL PROCEDURE RULES

- Rule 28. Recording and Filming of Meetings**
- Rule 29. Notification and Declaration of Interests**
- Rule 30. Non-participation and withdrawal in the case of Disclosable Pecuniary Interests and Prejudicial Interests.**

# COUNCIL PROCEDURE RULES

## 1. Interpretation and Chair's Ruling

- 1.1 These Rules apply to meetings of the full Council and, where appropriate, to meetings of committees and sub committees. None of these Rules apply to meetings of the Executive.
- 1.2 References in these Rules to the Lord Mayor, Leader of the Council or chair, include the appointed deputy or any other member acting in their absence.
- 1.3 References in these Rules to the Lord Mayor shall include the chair of any meeting where appropriate.
- 1.4 These Rules should be read in conjunction with other parts of the Council's Constitution.

**1.4A Subject to any particular requirement in law as to form, any requirement (howsoever expressed) in these Rules that a document is to be signed shall be interpreted as including (in addition to physical signing) signing by way of an appropriate (as determined by the City Solicitor) electronic signature and any requirement for a document to be signed by more than one individual may be satisfied by an appropriate mechanism (as determined by the City Solicitor) for the document to be signed in separate parts (such as via separate counterpart copies).**

- 1.5 \*\*\*These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 1.6 The ruling of the Lord Mayor on the application and interpretation of these Rules is final.

## 2. Suspension of Rules

- 2.1 \*\*\*With the exception of the Rules marked by an asterisk (\*\*\*), any Rule may be suspended at Council meetings either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a majority of those present and voting. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present.

## COUNCIL PROCEDURE RULES

### 3. Lord Mayor and Deputy Lord Mayor

- 3.1 \*\*\*The Lord Mayor will be elected, and the Deputy Lord Mayor will be appointed at the Annual Meeting of Council.
- 3.2 \*\*\*If the Office of Lord Mayor becomes vacant during a Municipal Year it will be filled at the next Council meeting, or, if a vacancy arises within 14 days before that meeting, it will be filled at the next but one meeting.
- 3.3 If the Office of Deputy Lord Mayor becomes vacant during a Municipal Year it will be filled at the next Council meeting, or, if a vacancy arises within 14 days before that meeting, it will be filled at the next but one meeting.
- 3.4 The Lord Mayor will chair meetings of the Council. In the Lord Mayor's absence the Deputy Lord Mayor will chair the meeting. In the absence of both the Lord Mayor and Deputy Lord Mayor, the Council will appoint another member to chair the meeting.

### 4. Political Groups and Leaders

- 4.1 A political group will be treated as constituted when the Chief Executive has received a notice in writing signed by two or more members of the Council stating: -
  - a) that the members who have signed it wish to be treated as a political group;
  - b) the name of the group; and,
  - c) the name of one member of the group who has signed the notice and who is to act as its leader.
- 4.2 \*\*\*The notice may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader of the group (This authorised member is referred to as "the representative").
- 4.3 \*\*\*The leader of the group may be changed by a further notice in writing to the Chief Executive signed by a majority of the members of the group.

## COUNCIL PROCEDURE RULES

- 4.4 \*\*\*The name of the group and of "the representative" (see also Rule 4.2) may be changed by a further notice in writing to the Chief Executive signed by the leader of the group or a majority of the members of the group.
- 4.5 \*\*\*A member of the Council is to be treated as a member of a political group if s/he has: -
- a) signed a notice in accordance with Rule 4.1; or
  - b) given the Chief Executive a notice in writing, signed by her/him and by the leader (or representative) of the group or by a majority of members of the group, stating that s/he wishes to join the group.
- 4.6 \*\*\*A person is to be treated as having ceased to be a member of a political group when: -
- a) s/he has ceased to be a member of the authority;
  - b) s/he has notified the Chief Executive in writing that s/he no longer wishes to be treated as a member of the group;
  - c) s/he joins another political group;
  - d) the Chief Executive receives a notice in writing signed by a majority of members of the group stating that they no longer wish her/him to be treated as a member of it.
- 4.7 \*\*\*No person shall be treated as a member of more than one political group at any given time.
- 4.8 The Chief Executive will keep and maintain a record of the current membership of each political group.
- 4.9 The Leader of the Council will be elected at the Annual Meeting of the Council on 19 May 2010 and subsequently in accordance with Rules 7.1 and 7.2.
- 4.10 The leader of the next largest Political Group or combination of Groups (as chosen by the members of the group/s) will be known as the Leader of the Opposition.



## COUNCIL PROCEDURE RULES

### 5 Establishment of Committees and Sub-Committees

- 5.1 Subject to Rules 5.2 to 5.10 below, the Council may establish such committees as it considers necessary to carry out the work of the Council and may refer to those committees such matters as are considered appropriate.
- 5.2 \*\*\*The Council shall establish a committee to discharge its functions relating to Art Galleries. Such committee should consist of at least 14 elected members and 7 non-voting members appointed by the University of Manchester. The Council and the University may agree that a lesser number of University members be appointed.
- 5.3 The Council shall establish a Standards Committee, the composition of which will be in line with Article 9 of Part 2 of the Constitution.
- 5.4 The Council shall establish a Health and Wellbeing Board in accordance with section 194 of the Health and Social Care Act 2012, the composition of which will be in line with Article 8.2 of part 2 of the Constitution.
- 5.5 The Council shall establish a Licensing Committee with not less than 10 and not more than 15 members.
- 5.6 The Council shall establish a Planning and Highways Committee.
- 5.7 The Council shall establish a Licensing and Appeals Committee.
- 5.8 Not allocated.
- 5.9 The Council shall appoint a Constitutional and Nomination Committee, a Personnel Committee, an Employee Appeals Committee and an Audit Committee.
- 5.10 The Council shall establish the following scrutiny committees:
- Children and Young People
  - Communities and Equalities
  - Environment and Climate Change
  - Economy
  - Health

## COUNCIL PROCEDURE RULES

### Resources and Governance

- 5.11 Committees may establish standing sub-committees, subject to the approval of the Council, to carry out the work of the committee and may refer to those sub-committees such matters as are considered appropriate. Committees may also establish ad hoc sub-committees to consider any specific matter referred to them.
- 5.12 \*\*Subject to Rules 5.13 and 5.14 where a matter is referred to a committee or sub-committee, the decision of the committee must be approved by the Council before it becomes effective.
- 5.13 \*\*Except in relation to those decisions which by statute must only be taken by the full Council, the Council may delegate powers to committees or sub-committees. Where a matter has been delegated to a committee, the committee may further delegate the matter to a sub-committee unless the Council otherwise direct.
- 5.14 \*\*\*Subject to Rule 9, where a matter is delegated in accordance with Rule 5.13 above, the decisions of the committee or sub-committee do not require approval by the Council (or committee) unless the delegation has been previously withdrawn in relation to the particular item.

## **6 Membership of Committees and Sub-Committees and Joint Authorities and Joint Committees**

- 6.1 In relation to committees the Annual Meeting of the Council will: -
- a) Subject to Rule 5 above, determine the number of members to serve on them;
  - b) Allocate seats on them to the political groups in accordance with the principles of political balance; and
  - c) Appoint named members to them giving effect to the wishes (where expressed) of each political group.
- 6.2 \*\*\*Appointments to all sub-committees will be made by their parent committees in accordance with: -

## COUNCIL PROCEDURE RULES

- a) The principles of political balance (as to the allocation of numbers of seats); and
  - b) the wishes of the political groups (as to individual appointments).
- 6.3 Members serving on sub-committees are not required to be members of the parent committee.
- 6.4 Where the Council is entitled to seats on a joint authority or on a joint committee with another local authority or local authorities, appointments to such seats will be made by the Council.
- 6.5 \*\*\*Where the Council is entitled to three or more seats on a joint authority or joint committee ("relevant joint authority/joint committee"), the Council in making appointments will: -
- a) allocate seats on them to the political groups in accordance with "the principles of political balance", and
  - b) appoint members to them giving effect to the wishes (where expressed) of the relevant political group.
- 6.6 \*\*\*"The principles of political balance" are: -
- a) that not all seats on the committee, sub-committee or relevant joint authority or joint committee ("the body") are allocated to the same political group;
  - b) that the majority of seats on the body are allocated to a political group holding the majority of seats on the Council;
  - c) that, subject to (a) and (b) above, the total number of seats held by each political group on all committees of the Council taken as a whole is proportionate to that group's membership of the authority;
  - d) that subject to (a) to (c) above, the number of seats held by each political group on individual bodies is proportionate to that group's membership of the Council.

## COUNCIL PROCEDURE RULES

- 6.7 \*\*\*Where a political group wishes to change one of its appointed members on a committee or sub-committee, the Council or parent committee shall give effect to that group's wishes.
- 6.8 \*\*\*Where there is a change in the political balance of the Council, the allocation of seats on committees and sub-committees will be reviewed and changes made: -
- a) to reflect the new political balance; and,
  - b) the wishes of the political groups.
- 6.9 \*\*\*Any scrutiny committee discharging education functions shall also contain, as voting members, three elected representatives of parent governors; and one appointed representative each of the Church of England and the Roman Catholic Church.
- 6.10 In addition to Rule 5.2 non-voting co-opted members may be appointed by: -
- a) The Council, to serve on its committees; and,
  - b) Committees to serve on their sub-committees.
- 6.11 As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members.
- 6.12 For each committee, the Council may appoint up to the same number of substitutes in respect of each political group as that group holds seats on that committee.
- 6.13 Substitutes will have all the powers and duties of an ordinary member of the committee but will not be able to exercise any special powers exercisable by the person they are substituting.
- 6.14 Substitute members may attend meetings only in the capacity set out below: -
- a) to take the place of the ordinary members for whom they are designated substitute;

## COUNCIL PROCEDURE RULES

- b) where the ordinary member will be absent for the whole of the meeting; and
- c) after notifying the Chief Executive by 9.00am on the day of the meeting of the intended substitution.

### 7. The Leader and the Executive

- 7.1 The Council will elect the Leader at each Annual Meeting for a period of one municipal year expiring on the date of the next annual meeting.
- 7.2 The Council may re-elect the same Councillor as the Leader on the expiry of his/her term of office.
- 7.3 If before the expiry of the Leader's term of office, the Leader –
  - (a) resigns the office of Leader, or
  - (b) ceases to be a councillor, or
  - (c) is removed from office by a resolution of the Council under Article 7.3 (c)(iii) in Part 2 of the Constitution,the Council will elect a new Leader as soon as reasonably practicable.
- 7.4 The Leader will appoint between two and nine councillors to the Executive (one of whom will be appointed by the Leader to act as Deputy Leader).

### 8. Chairs and Deputy Chairs

- 8.1 The Council will appoint an Independent Member of the Standards Committee as Chair of the Committee on the recommendation of the Constitutional and Nomination Committee.
- 8.2 The Council will appoint chairs and (where required) deputy chairs of ordinary committees, scrutiny committees, and advisory committees on the recommendation of the Constitutional and Nomination Committee.
- 8.3 Chairs and (where required) deputies of sub-committees of committees will be appointed by the parent committee.

## COUNCIL PROCEDURE RULES

- 8.4 The Council may at any time remove a chair or deputy of a committee.
- 8.5 Where there is a vacancy for chair, the deputy chair will act as chair until the Council fills the vacancy.
- 8.6 Where there are vacancies for both chair and deputy, the committee or sub-committee will appoint one of its members to be temporary chair until the vacancy is filled by the Council.
- 8.7 Written notice of the resignation of a chair or deputy will be effective on receipt by the Chief Executive.
- 8.8 A member may not be chair or deputy of the same committee, or of the same sub-committee, for more than four consecutive whole municipal years.
- 8.9 A member who has been the chair of the same committee for four municipal years cannot be the deputy chair during the following year.
- 8.10 If the chair and deputy are disqualified from acting, are absent, or decline to act as chair, the meeting will appoint another member to chair the meeting. If that member has to leave, another member should be appointed.
- 8.11 A joint meeting should appoint a member to chair the meeting.

### 9. Decisions Taken Under Delegated Powers

- 9.1 Rule 9 applies to decisions taken by the Art Galleries Committee and the Personnel Committee (“relevant Committees”) exercising delegated powers.
- 9.2 Decisions taken by a relevant committee exercising delegated powers will become valid decisions of the authority as from the time and date set out below: -
  - a) where Rule 9.4 applies, with immediate effect.
  - b) where the Chief Executive has not received a relevant requisition, as from 4.00pm on the fifth working day after the day on which the decision was published.

## COUNCIL PROCEDURE RULES

- c) where the Chief Executive receives a relevant requisition, as from the date when the decision is confirmed by Council, with or without modification or amendment.

9.3 A relevant requisition is a written request that a decision should not take effect until confirmed by Council, where such request: -

- a) has been delivered to the Chief Executive before 4.00pm on the fifth working day after the day on which the decision was published; and
- b) has been signed by: -
  - (i) any five members of the Council [this requirement will be satisfied either by individual letters from five members or one requisition signed by five members]; or
  - (ii) the Chair of a Scrutiny Committee whose remit covers the decision in question.

9.4 Decisions taken by a relevant committee exercising delegated powers will become valid decisions of the authority with immediate effect: -

- a) where a matter has been approved in principle by Council and specifically delegated to a relevant Committee for detailed implementation, or
- b) where the relevant Committee determines on the written advice of either the Head of the Paid Service, the Chief Finance Officer or the Monitoring Officer that a matter is urgent on the grounds that the legal or financial position of the Council or the interests of the Council or the residents of Manchester would be prejudiced if action were not taken in advance of the next ordinary Council meeting, or
- c) where the relevant Committee determines on the advice of the City Solicitor that a matter is quasi-judicial.

9.5 Decisions of relevant Committees will be published, including where possible by electronic means, and shall be available at the main office of the Council normally within 2 working days of being made. The record of the decisions will bear the date on which it is published.

## COUNCIL PROCEDURE RULES

### 10 Convening Meetings

- 10.1 Subject to rule 10.2, the Chief Executive is responsible for determining the schedule of and convening all meetings.
- 10.2 Dates and times of ordinary meetings of the Council, will be agreed by the Council at the Annual Meeting.
- 10.3 The Annual Meeting of the Council will take place on the second Wednesday following the municipal elections in May unless otherwise agreed by the Council.
- 10.4 \*\*\*A meeting of the Council will take place between 1st March and 10th March each year in order to calculate the budget requirement and set the Council tax.
- 10.5 Council meetings will start at 10.00 am unless otherwise determined by the Lord Mayor.
- 10.6 \*\*\*Those listed below may request the Chief Executive to call extraordinary Council meetings: -
- a) The Council by resolution
  - b) The Lord Mayor
  - c) The Monitoring Officer
  - d) any five members of the Council if they have signed a requisition presented to the Lord Mayor and he/she refused to call a meeting or has failed to do so within seven days of the presentation of a requisition.
- 10.7 Meetings of committees and sub-committees will be convened by the Chief Executive in consultation with the chair.

**10.8 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules at Section B of Part 4 of the Constitution. At least five clear days before a meeting the Chief Executive will authenticate (by signature or otherwise) and send to every**



## COUNCIL PROCEDURE RULES

member of the Council a summons by, (i) leaving it at, or sending it by post, to the member's usual place of residence; (ii) where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post, to that different address; or (iii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### 11 C cancelling Meetings

- 11.1 The Chief Executive may cancel or postpone any meeting, in consultation with the chair (or the Lord Mayor in the case of City Council meetings), prior to the issue of the agenda or subsequently if there is no business to be transacted other than procedural matters such as the appointment of a Chair or the consideration of the minutes of a previous meeting.

### 12. Withdrawal of Items from Agenda

- 12.1 The Chief Executive may, in consultation with the City Solicitor and the Chair (or the Lord Mayor in the case of City Council meetings) withdraw an item from the agenda for legal reasons.

### 13. Order of Business

- 13.1 Subject to Rules 13.3; 13.4; and 14.8, the Agenda and order of business for meetings will be determined by the Chief Executive in consultation with the appropriate chair and chief officers. Items may be withdrawn from an agenda with the consent of the meeting.
- 13.2 The order of business may be altered at the meeting.
- 13.3 Business at the Annual Meeting of the Council will consist of: -

a) Election of the Lord Mayor and appointment of the Deputy Lord Mayor.

## COUNCIL PROCEDURE RULES

- a)b) Special business (including the submission of any urgent business) introduced by the Lord Mayor.
- ~~b) Election of the Lord Mayor and appointment of the Deputy Lord Mayor.~~
- c) Approval of the minutes of the last meeting as a correct record
- d) Disclosure of pecuniary and non-pecuniary interests by members.
- e) Election of the Leader of the Council
- f) Appointment of scrutiny committees, a Standards Committee, an Art Galleries Committee, a Licensing Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3 of the Constitution.
- g) Appointment of representatives.
- h) ...
- i) ...
- j) ...
- k) Approval of dates of meetings.
- l) Approval of the non-executive parts of the Constitution, including approval of the delegation of the Council's non-executive functions in the Scheme of Delegation set out in Part 3 of this Constitution, if in the opinion of the Monitoring officer there are any changes to the Constitution that should be made.
- m) ...
- n) ...

## COUNCIL PROCEDURE RULES

- o) Any other business specified in the summons to the meeting.

13.4 The business at all ordinary Council meetings will consist of: -

- a) Where the Lord Mayor and Deputy Lord Mayor are absent, to appoint a person to chair the meeting.
- b) Any announcements or special business (including the submission of any urgent business) introduced by the Lord Mayor.
- c) Disclosure of pecuniary and non-pecuniary interests by members.
- d) Approval of the minutes of the last meeting as a correct record.  
  
(The Lord Mayor will move that the minutes be approved and, if so approved, will sign them as a correct record. There will be no discussion on the minutes except as to their accuracy).
- e) Notices of Motion submitted under Rule 14.1 (to be dealt with in their order of receipt by the Chief Executive).
- f) Consideration by the Council of any Petitions Requiring Debate that have been submitted in accordance with the Council's Petition Scheme and which have been included on the Agenda for the Council meeting.
- g) Any business remaining from previous meetings.
- h) Report of the Executive and any questions under Rules 23.2 and 23.3.
- i) Reports or minutes of scrutiny committees, including matters referred to Council by scrutiny committees.
- j) Minutes of other committees and any questions under Rules 23.2 and 23.3.
- k) ...
- l) Any other business specified in the summons to the meeting.

# COUNCIL PROCEDURE RULES

## **13A. Petitions Requiring Debate**

### **13A.1 Presentation of Petition Requiring Debate**

Where a Petition Requiring Debate has been properly submitted in accordance with the Council's Petition Scheme and is included on the Agenda for an ordinary or extraordinary Council meeting, the main petition contact (as defined in the Council's Petition Scheme) or a person nominated by the main petition contact to act on their behalf, will be allowed to speak for a maximum of 5 minutes in order to present their petition to Council.

### **13A.2 Petition Debate**

A Petition Requiring Debate under the Council's Petition Scheme will be debated by Council Members. Any Council Member who speaks in a Petition Debate may speak only once and for a maximum of 5 minutes on the issue raised by the Petition Requiring Debate. When chairing a Petition Debate the Lord Mayor will normally seek to ensure that the Petition Debate lasts for a maximum of 25 minutes, although the Lord Mayor has discretion to extend the time for a Petition Debate where he/she considers this to be appropriate.

### **13A.3 Council Response to Petitions following a Petition Debate**

At the end of the Petition Debate, the Lord Mayor will ask for motions on how the Council wishes to respond to the Petition Requiring Debate which may include:

- a) Taking the action requested in the Petition, with or without modifications;
- b) Noting the Petition, but not taking the action requested in the Petition;
- c) Commissioning further investigation into the matter;
- d) Deciding whether to make recommendations to the Executive where the matter falls to the Executive to make the final decision.

Members will vote on such motion(s) by voice or by show of hands, or by ballot, at the discretion of the Lord Mayor.

## COUNCIL PROCEDURE RULES

### 13A.4 Notification of the Council's Response following a Petition Debate

The main petition contact will receive written confirmation from the Council of the decision taken by the Council following a Petition Debate and this will be published on the Council's Petition Website (unless under all the circumstances the Council believes that this would be inappropriate).

## 14. Notices of Motion to Council

- 14.1 Except for the motions which can be moved without notice under Rule 19.1, and motions in relation to the Council's response to a Petition Requiring Debate under Rule 13A.3, written notice of every motion must be received by the Chief Executive no later than 12.00 noon on the ninth day before the meeting (e.g. where the Council meeting is held on a Wednesday, the Monday in the week preceding the Council meeting), unless that day is not a working day in which case the notice must be received by noon on the first working day thereafter.
- 14.2 Notices of Motions must be signed by the proposer and four other members. For this purpose, and without prejudice to the discretion afforded the City Solicitor under Rule 1.4A, an email from a Councillor, using their individual City Council email account, confirming that they wish to be a signatory to a particular Notice of Motion will constitute their signature being applied to the Notice of Motion.
- 14.3 The proposer of the motion will be taken as being the first signature on the Notice of Motion, unless otherwise indicated on the notice.
- 14.4 Subject to the exception in Rule 14.10, the motion will be withdrawn from the agenda if the proposer is not present at the time that it is due to be considered.
- 14.5 The Chief Executive will number each Notice of Motion in the order in which it is received, and provided it is in order will publish the Notice of Motion together with a record of the time and date of its receipt, in a register open to public inspection.
- 14.6 Motions must either be about matters which affect the Council or the interests of the City or its residents, provided that no such motion may

## COUNCIL PROCEDURE RULES

seek to take a decision in respect of a matter which is the responsibility of the Executive (other than to make a recommendation).

14.7 Following consultation with the Chief Executive, the Lord Mayor may: -

- a) Exclude from the Council agenda any motion which s/he considers to be out of order; or,
- b) Amend any motion subject to the agreement of the proposer.

14.8 Valid motions will be listed on the Council agenda in the order in which they were received.

14.9 The proposer may withdraw a motion at any time prior to its consideration. Such a withdrawal must be put in writing to the Chief Executive.

14.10 When the proposer of a motion is unable to attend the Council meeting s/he may write to the Lord Mayor authorising another member who signed the motion to move it. If no such authority has been given, the motion falls.

14.11 Motions containing proposals which would: -

- a) Increase the capital and / or, revenue expenditure of the Council and / or,
- b) Reduce the income of the Council

must first be referred to the Executive by the Chief Executive prior to consideration by Council.

14.12 Prior to consideration of a motion, the Lord Mayor may invite the meeting to decide whether it should be referred to the Executive or an appropriate committee(s) for a report.

## 15. Quorum

15.1 The minimum number of voting Members necessary for business to be dealt with at each meeting (the "Quorum") is as follows: -

## COUNCIL PROCEDURE RULES

<i>Council</i>	25
<i>Committees (with more than 12 Members)</i>	5
<i>Committees (with 12 or fewer Members)</i>	3
<i>Joint meetings*</i>	<i>Relevant Quorum from each Committee</i>
<i>Sub-Committees</i>	3
<i>Joint meetings*</i>	<i>3 from each sub-committee</i>

[\*In determining that a quorum for a joint meeting is present, a member who sits on more than one of the committees / sub - committees involved shall be counted towards each individual quorum.]

- 15.2 Subject to Rule 15.4, there must be a quorum within fifteen minutes of the scheduled start time of a meeting, otherwise it cannot take place.
- 15.3 If, during the course of a meeting, the number of members present falls below the quorum the meeting cannot continue and any outstanding business will be carried forward to the next meeting.
- 15.4 The City Solicitor (or the City Solicitor's representative) may determine, with the agreement of the members present, that the deadline in Rule 15.2 should be extended by a further period (not exceeding 45 minutes) provided that
- (a) there is a reasonable expectation that a quorum could be achieved by extending the deadline, and
  - (b) failure to determine the matter on the day of the meeting would cause serious prejudice or cause serious inconvenience to parties affected.

## 16. Minutes of Meetings

- 16.1 The City Solicitor will prepare the minutes of every meeting.
- 16.2 \*\*\*The minutes will be submitted for approval and signature as a correct record at the following meeting, unless that meeting is an extraordinary meeting in which case they may be submitted to the next ordinary meeting.
- 16.3 \*\*\*The names of members present at a meeting will be recorded in the minutes.

## COUNCIL PROCEDURE RULES

### 17. Committee Minutes/Reports Submitted to Council

17.1 When moving approval of committee minutes, a chair may: -

- a) Correct any factual inaccuracy; and / or,
- b) Following an explanation, seek the consent of Council to take back any item for reconsideration by the committee.

There will be no discussion.

17.2 \*\*\*If a chair declares a prejudicial interest in part of a committee's minutes, s/he should move them with the exception of that part.

17.3 A chair may move part of a committee's minutes, s/he may move them with the exception of any item.

17.4 Any excepted items must be moved, after the other proceedings have been dealt with, by another member of the committee who was present at that meeting.

### 18. Amendments to be Moved at Council

18.1 Subject to Rules 18.2, 18.3, 18.4, 18.5 and 18.6 amendments to be moved at Council must be in writing and be received by the Chief Executive at least 30 minutes before the meeting.

18.2 Amendments to items of urgent business circulated on the day of the meeting must be in writing and received by the Chief Executive within 30 minutes of the item being circulated to members.

18.3 When the Executive makes recommendations to the Council in relation to calculating the budget requirement and setting the Council tax, any amendments to those recommendations which affect those calculations or the level of Council tax must be submitted in writing and received by the Chief Executive by 4.00 p.m. on the seventh day after the meeting of the Executive. Any such amendment, together with the recommendations of the Executive, will be referred to the Resources and Governance Scrutiny Committee which will report to the Council meeting in March at which the Council calculates the budget and sets the Council Tax ("the Budget Council").



## COUNCIL PROCEDURE RULES

18.4 Nothing in Rule 18.3 will prevent –

- a) Members moving amendments at Budget Council in accordance with Rule 18.1, or
- b) the Executive reconvening and revising their recommendations to Budget Council,

where such amendments or revised recommendations arise out of the proceedings of the Resources and Governance Scrutiny Committee, nor will anything in Rule 18.3 require a further meeting of the Resources and Governance Scrutiny Committee in such circumstances.

18.5 Amendments to the Constitution of the Council (other than amendments proposed by the Monitoring Officer pursuant to Article 15 of Part 2 of this Constitution) must be submitted in writing and received by the Chief Executive not later than 12.00 noon on the ninth day preceding the Council meeting (e.g. where the Council meeting is held on a Wednesday, the Monday in the week preceding the meeting) unless that day is not a working day in which case the amendment must be received by noon on the first working day thereafter.

18.6 Where the Monitoring Officer has submitted proposals to change the Constitution pursuant to Article 15 of Part 2 of this Constitution, nothing in Rule 18.5 shall prevent members from: -

- a) disapproving the proposed changes; or
- b) Moving amendments to the proposed changes at Council in accordance with Rule 18.1.

18.7 All amendments submitted: -

- a) Must only refer to matters to be considered at the meeting.
- b) Must identify the item to be amended and the name of the mover and seconder.
- c) Must be relevant to the item.

## COUNCIL PROCEDURE RULES

- d) May refer the item back to the Executive or, as appropriate, to a committee or sub-committee, for further consideration.
- e) May add words.
- f) May delete words or, where more than one item is moved at the same time, may delete any item.
- g) May not be made to decisions of a committee or sub-committee under delegated powers.

**h) Must not have the effect of wholly negating the original motion.**

- 18.8 Copies of every amendment received will be available to members at the meeting and in the public gallery. Where they are so available they need not be read out.
- 18.9 The Lord Mayor may allow two or more amendments to be debated together if it will help the business to be dealt with more efficiently.
- 18.10 If there is more than one amendment on any item, they will be dealt with in the order in which they were received or in an order determined by the Lord Mayor as being conducive to the efficient conduct of business.
- 18.11 An amendment must be moved by the member who submitted it.
- 18.12 The mover of a motion may not submit an amendment to their own motion.

### 19. Motions Without Notice at Council

- 19.1 The following motions may be moved without notice. There will be no discussion: -
  - a) To appoint a member to chair the meeting.
  - b) To approve or correct the minutes of the previous meeting.
  - c) To change the order of business on the agenda.

## COUNCIL PROCEDURE RULES

- d) To combine debates on items on the agenda.
- e) To withdraw an item from the agenda.
- f) To move committee minutes.
- g) To withdraw any motion or amendment (by the mover).
- h) To not hear a member further.
- i) To require a member to leave the meeting.
- j) To extend the time limit on speeches.
- k) To suspend particular Rules. (see Rule 2.1)
- l) To exclude the public during consideration of confidential business.
- m) To go to the next business. If seconded, the vote will then be taken. If carried, the item under discussion will be treated as withdrawn.
- n) To put the question immediately to a vote. If seconded, the vote will then be taken. If carried, the mover of the original motion shall have a right of reply.
- o) To adjourn the debate. If seconded, the vote will then be taken, and if carried, there are no rights of reply. On resuming the debate, the member who moved the original motion will have the right to speak first.
- p) To adjourn the meeting. If seconded and before taking the vote, the Lord Mayor will deal with any unopposed business (i.e. against which no amendment has been notified in accordance with Rules 18.1 to 18.3). If the motion to adjourn is carried, there will be no right of reply allowed.

(NOTE: During the course of a debate motions (k) to (p) may only be moved by members who have not already spoken in the debate).

## COUNCIL PROCEDURE RULES

- 19.2 A member may not move any of the motions in Rule 19.1 more than once at a meeting. If a motion under that Rule 19.1 is not carried, it cannot be moved again on the same item unless the Lord Mayor decides the circumstances have changed significantly.

### 20. Submission of Motions and Amendments

- 20.1 Motions and amendments must relate to items included on the agenda or accepted by the meeting as urgent business.
- 20.2 An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected.
- 20.3 The mover of a motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion. If this happens, the mover of the amendment will have the same speaking rights as if the amendment had been debated separately.
- 20.4 Motions and amendments cannot be debated until they have been moved and seconded.
- 20.5 Subject to Rule 18.9 and Rule 19.1(d) only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with.
- 20.6 Each amendment must be voted on separately.
- 20.7 If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved.
- 20.8 If an amendment is lost, other amendments may be moved to the original motion.
- 20.9 The mover may withdraw an amendment at any time in which case no debate will be allowed.
- 20.10 A member may only move one amendment on an item.

### 21. Speeches at Council

- 21.1 Speeches on motions and amendments will be in the following order: -

Part 4 Section A (~~Adopted~~ Amended under delegated powers April ~~November~~ 202~~21~~)

## COUNCIL PROCEDURE RULES

- a) Mover then seconder of a motion.
- b) Mover then seconder of any amendment.
- c) Any other member including those who have reserved the right to speak.
- d) Right of reply of mover of the original motion.

21.2 The right of reply is to enable points made in the debate to be answered. New matters must not be introduced.

21.3 A member moving a motion may nominate another member (with the exception of the mover of a defeated amendment) to exercise the right of reply.

21.4 A member may only speak once on each of a motion and/or an amendment except:-

- a) When exercising a right of reply.
- b) When raising a point of order. (This is a request for the Lord Mayor to rule on an alleged irregularity in either the constitution or conduct of the meeting). In these circumstances:-
  - i) A point of order must be raised as soon as it arises.
  - ii) The member must refer to both the Rule in question and how it has been broken.
  - iii) A ruling must be given by the Lord Mayor before the debate continues.
  - iv) There will be no discussion on the ruling.
- c) When giving a personal explanation (i.e. when a member believes that a later speaker has misunderstood or misquoted him / her). In these circumstances:-
  - i) The member must ask the permission of the Lord Mayor to interrupt the speaker.

## COUNCIL PROCEDURE RULES

- ii) There will be no discussion on the Lord Mayor's decision.
  - d) When exercising a reserved right to speak.
- 21.5 The right to speak later in the debate must be reserved when seconding a motion or amendment.
- 21.6 This right is subject to the member being called upon by the Lord Mayor to speak.
- 21.7 A member may only speak about the matter under debate except when raising a point of order or giving a personal explanation.
- 21.8 Subject to Rule 21.9, speeches must be no longer than six minutes although they may be extended by five minutes if the meeting agrees. The meeting may also change these time limits.
- 21.9 Speeches by the member of the Executive for Finance and Human Resources and the finance spokesperson of the opposition group(s) at the meeting referred to in Rule 10.4 to calculate the budget requirement and set Council Tax levels shall be up to 20 minutes duration, but all other speeches shall be subject to the limitations in Rule 21.8 above.
- 21.10 Members should address the meeting through the Lord Mayor.

## 22. Voting

- 22.1 Subject to the provisions of any enactment and Rule 22.2 and 22.2A, members will vote by voice or by show of hands, or by ballot or by electronic voting system, at the discretion of the Lord Mayor. Where there is a vote by show of hands, all members wishing to vote “for” the motion or amendment should vote before the votes “against” are taken, including the Lord Mayor using his/ her first (but not casting) vote.
- 22.2 At Council: -
  - a) Ten members may demand before the vote is taken that the names of those voting be recorded in the minutes.
  - b) Members may not vote unless they are in the meeting when the matter is put to the vote.

## COUNCIL PROCEDURE RULES

### 22.2A At a budget decision meeting of the Council:-

- a) Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- b) References to a “budget decision meeting” for the purposes of this Rule 22.2A means a ,meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A or 52ZF of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.
- c) References to a “vote” for the purposes of this Rule 22.2A are references to a vote on any decision related to the making of the calculation.

22.3 \*\*\*A member may demand that his / her vote be recorded in the minutes.

22.4 \*\*\*Subject to the provisions of any enactment and Rule 22.7 all questions will be decided by a majority of members present and voting.

22.5 If there are more than two people nominated for any one position to be filled and there is not a clear majority in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

22.6 \*\*\*Where there is an equality of votes, the Lord Mayor may exercise a second or casting vote.

22.7 \*\*\*A decision to promote or oppose a local or personal Bill in Parliament under Section 239 of the Local Government Act 1972 or to [apply for or] oppose an order under the Transport and Works Act 1992 will require to be passed by a majority of the whole number of the Council (i.e. 49 affirmative votes are required).

## COUNCIL PROCEDURE RULES

### 23. Questions at Council

- 23.1 A member may submit a question to the Leader of the Council or a member of the Executive in respect of reports of the Executive submitted to Council.
- 23.2 Subject to Rule 23.4, a member of the Council may ask the Leader of the Council, a member of the Executive, or the chair of a committee, a question on any matter in relation to which the Council has powers or duties, or which affects the interests of Manchester or its residents.
- 23.2A Questions that may be put to the Leader of the Council or to a member of the Executive under Rule 23.2 include questions about any matter which relates to the work of the following bodies on which the Council is represented by the Leader or a member of the Executive:
- a) The Greater Manchester Combined Authority;
  - b) The Greater Manchester Transport Committee; ~~and~~
  - c) The Greater Manchester Police and Crime Panel; ~~and~~
  - d) The Greater Manchester Integrated Care Partnership.**
- 23.3 Subject to Rule 23.4, a member of the committee or sub committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties, or which affects Manchester, and which falls within the terms of reference of that committee or sub committee.
- 23.4 A member may only ask a question under Rules 23.2 or 23.3 if either: -
- a) they have given at least 48 hours notice in writing of the question to the Chief Executive; or
  - b) the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Chief Executive at least two hours prior to the start of the meeting.
- 23.5 An answer may take the form of: -
- a) a direct oral answer;



## COUNCIL PROCEDURE RULES

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

23.6 A member asking a question under Rule 23.2 or 23.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

23.7 The submission of a question under Rule 23.2 or 23.3 shall not restrict the right of a member to propose a motion or amendment upon the minutes.

24. [...]

### **25. Previous Decisions and Motions (Six Months' Rule)**

25.1 Decisions of the Council made within the last six months may not be changed, unless this Rule is suspended. (see Rule 2.1)

25.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved, unless this Rule is suspended.

### **26. Conduct at Meetings**

26.1 If the Chair calls the meeting to order members shall be silent.

26.2 If a member behaves improperly or offensively or deliberately obstructs business, the Lord Mayor may direct the member to be silent.

26.3 If the member continues such behaviour the Lord Mayor may direct either that the member leave the meeting or that the meeting be adjourned for a specified period.

## COUNCIL PROCEDURE RULES

- 26.4 If a member of the public interrupts proceedings, the Lord Mayor will warn the person concerned. If the interruption continues, the Lord Mayor may order his / her removal from the meeting.
- 26.5 If there is a disturbance which interrupts proceedings, or makes business impossible, the Lord Mayor may call for the room to be cleared of those making the disturbance, and may adjourn the meeting for as long as necessary.
- 26.6 Members of the Council, officers and members of the public shall not permit mobile telephones, pagers, or other such devices with audible operating signals, to be brought into Council, Committee or sub committee meetings unless the audible call function is muted for the duration of the meeting.

### **27. Duration of Council Meetings**

- 27.1 Unopposed business may be taken if the meeting continues beyond 3.00pm, or such other time as the Lord Mayor may decide.
- 27.2 Unopposed business is business on which no amendment has been moved.

### **28. Recording, Filming, Photographing and other reporting of Meetings**

Where the public are admitted to council, committee or sub-committee meetings, then audio recording, filming, photographing or other reporting of proceedings may take place in accordance with Rule 3.2 of Section B of Part 4 of this Constitution.

### **29. Notification and Declaration of Interests**

- 29.1 In this Rule and, where relevant, Rule 30 –

“the Code” means the Conduct of Conduct for Members adopted by the Council under Section 28 of the Localism Act 2011;

“disclosable pecuniary interest” means an interest specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in paragraph 8 of the Code;

“member of the Council” includes a voting co-opted member.

## COUNCIL PROCEDURE RULES

“personal interest” for the purpose of Rule 29.2 means an interest described in paragraph 11 of the Code, and for the purpose of Rule 29.3 and Rule 30 means an interest described in paragraph 11 or 12.2 of the Code;

“prejudicial interest” means an interest described in paragraph 13.1 of the Code;

29.2 Members of the Council must within 28 days of their election or appointment to office notify the Monitoring Officer in writing of the details of their disclosable pecuniary interests (including, where required, interests of their partner) and their personal interests.

29.3 Where a member of the Council is present at a meeting and has a disclosable pecuniary interest or, subject to paragraphs 12.4 to 12.6 of the Code, a personal interest in any matter to be considered at the meeting, they must disclose the interest to the meeting.

### **30. Non-participation and withdrawal in the case of Disclosable Pecuniary Interests and Prejudicial Interests.**

30.1 Where a member of the Council has a disclosable pecuniary interest or, subject to paragraphs 13.3 and 13.4 of the Code, a prejudicial interest in any matter being considered at a meeting, they must not participate or vote on the matter and must withdraw from the room of the meeting while the matter is being considered.

### **31. Honorary Titles and Awards**

31.1 The Council may, by a resolution passed by not less than two thirds of the members voting thereon at a meeting of the Council specially convened for the purpose with notice of the object given, confer the title of honorary aldermen or alderwomen on persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of the Council, but who are not then members of the Council.

31.2 The Council may, by a resolution passed by not less than two thirds of the members voting thereon at a meeting of the Council specially convened for the purpose with notice of the object given, admit to be honorary freemen or honorary freewomen of the city, persons of

## COUNCIL PROCEDURE RULES

distinction and persons who have, in the opinion of the Council, rendered eminent services to the city.

- 31.3 The Council may, by resolution at a meeting of the Council specially convened for the purpose with notice of the object given, formally recognise the outstanding contributions and achievements of individuals and organisations whatever their field or expertise under either of the categories described in Rules 31.4 and 31.5 below (the making of such a resolution to be known as “The City of Manchester Award”).
- 31.4 The first category referred to in Rule 31.3 (to be known as “Outstanding Contribution to Manchester”) shall relate to an individual or organisation who lives, works or studies in the city (or who has previously lived, worked or studied in the city) and who has, in the opinion of the Council, made such an exceptional contribution to Manchester that it should be formally recognised and recorded in the city’s history. Outstanding Contributions may arise from a one off event or specific achievement, or consistent excellence, which has had a positive impact on Manchester, its people or the city’s reputation nationally or internationally.
- 31.5 The second category referred to in Rule 31.3 (to be known as “Honorary Mancunian”) shall relate to an individual who does not live or work in the city but who by their actions has, in the opinion of the Council, made an exceptional contribution to the city, its people or the city’s reputation nationally or internationally.