



## **COUNCIL PROCEDURES – FREQUENTLY ASKED QUESTIONS!**

This guidance is intended to help Members with the key procedures at meetings of the full Council. It concentrates on those questions which frequently arise from new and more experienced Members alike.

When reading this guidance please remember:-

- Questions 4 -13 are answered in the context of debates on Recommended Minutes
- 'Rules' refers to the Council Procedure Rules as found in Part 4 of the Constitution.
- The ruling of the Mayor on any matter which arises at Council is final.

**1. The Questions session at the beginning of Council meetings (usually Item 4) is meant to be limited to 30 minutes – but it generally goes on for much longer and sometimes seems like a debate – what controls are there on the process?**

- A.** Rule 14 sets out the procedure for tabling formal Questions at Council meetings. Each Member receives a hard copy of all questions and answers shortly before the meeting starts. This means that they can be taken 'as read', which speeds up the overall process.

The subject matter of questions must relate to issues which concern the Council and/or the District. Questions should not be asked simply to seek information which is easily obtainable through a known source (e.g. by asking the relevant officer) unless, perhaps, there has been an unreasonable delay in supplying that information. Group Leaders can provide additional guidance about the use of the Questions session and should be consulted by their respective Members at an early stage.

The Rules allow a 30 minute period for Supplementary Questions, during which any Member may ask for additional information related to any of the original questions. It must, however, be a genuine question only and not, for example, comments or an expression of a viewpoint before the question is actually asked. Supplementary Questions do not need to be notified in advance and a Member may ask more than one, but only at the Mayor's discretion, which will be based on the time available.

It is true that the 30 minute period is often exceeded, but the Mayor has discretion and may allow an extension of time, if he/she believes this is justified by the need to allow Members to seek further information. Members who take more time than necessary to ask a Supplementary Question put others at a disadvantage in the fair allocation of the limited time available. So the Mayor will expect all Supplementary Questions to be to the point and asked without supporting remarks.

**2. Why do we have to give advance notice of Questions?**

- A.** The formal questions dealt with under Item 4 of the Council agenda can relate to any matter relevant to the Council. Because this allows a very wide subject base, Members must give two working days notice of the question to allow time to properly research an answer.

Please note that there is no formal process for tabling questions relating to Recommended Minutes, because these can be asked when the Minute is debated.

**3. There have been changes agreed to the way we consider Notices of Motion and Petitions – what are they?**

- A.** Rules 9 and 15 explain the full procedure for dealing with Notices of Motion and Petitions respectively. In summary, the main change is that in both cases a period of up to 20 minutes will be allowed for discussion by Council of the general issues raised in the Motion or Petition, without the need for formal motions to be moved. In addition, a minute of the main points raised will be taken to aid consideration at later meetings. This differs from the previous normal practice of an immediate referral to Cabinet or a committee, without any initial discussion.

All Members can participate in the initial discussion and it is hoped that this change will help to identify the key issues for later report preparation. Additionally, in the case of a Petition, some discussion on the night is more courteous and understandable to those who took the time and trouble to submit the Petition, rather than seeing Council swiftly agree a referral and move on to the next business.

**4. If I want to speak during a debate, how do I get the Mayor's attention?**

- A.** Rule 16(3) clearly states that Members should stand when speaking, but the Rules are silent on the exact way that you should attract the Mayor's attention when wishing to speak. Therefore, we look to custom and practice and that is usually the raising of a hand, which the officers assisting the Mayor will discreetly acknowledge and note down the Member's name, to be called in order later in the debate. If raising a hand fails to attract attention, 'hovering' in the half standing position appears to be the alternative method!

**5. How many times can I speak during a debate?**

- A.** Excluding the question(s) you may ask during the question period of any debate, Rules 16(4) and 16(14) state that you can normally speak only once.

You may speak a second time if -

- the original motion is amended;
- you wish to move an amendment;
- to exercise a right of reply (see 6 below);
- on a point of order or personal explanation (see 8 below).

If you second a motion, you can still speak later in the debate, provided you have not made any additional comments when seconding. Some Members prefer to formally reserve the right to speak later when seconding a motion.

For the Leader, Portfolio Holder or Chairman who has moved a motion, Rule 16(15) allows them to answer questions without prejudicing their right to also speak during a debate.

**6. Is there any time limit on Members speeches?**

- A.** Yes. It is eight minutes for the mover of a motion and five minutes for all other Members (including those moving amendments). The speeches are timed by the officers and Members are prompted to sum up shortly before the period expires.

**7. Who has a Right of Reply?**

- A.** The only member who has a right of reply is the mover of the original motion. This right does not extend to the mover of an amendment.

Where there are two Recommended Minutes on the same matter arising from different bodies (e.g. Cabinet and The Overview and Scrutiny Committee), then the two Chairmen will each have a right of reply.

**8. Motions, Substantive Motions and Amendments – what exactly do they all mean?**

- A.** **Motions** - When the Leader, Portfolio Holder or Chairman requests Council to agree a Recommended Minute, they are 'moving a motion' – in other words they are formally opening the debate on that Minute. Unless Council is happy to agree the Minute without discussion, the Mayor will first ask for questions and then move into debate.

**Amendments** - During the debate stage, any Member may move an amendment, which will usually either add or remove words to change the sense of the original motion (Rule 16(7) gives a full list of the types of amendments permitted). Amendments do not have to be written down and

circulated in advance, but when proposing other than very straightforward changes, Members and officers find it far easier to have the precise wording in front of them. The officers are happy to arrange copies of amendments and the timing of circulation in accordance with the Member's wishes.

To be valid, an amendment cannot propose the direct opposite of the original motion, because that could be achieved by simply voting against it. It must also be seconded (i.e. supported by another Member), so it is advisable to arrange for this with your Group Leader or another Member before the meeting. After more debate, the Mayor will put the amendment to the vote.

Let's say that the amendment is defeated – in which case the original motion is put to the meeting again for approval. If there are no more amendments, then the original motion will be agreed. But what if the amendment were accepted? In that case, it is open for another Member to move a fresh amendment - and then the process starts again.

**Substantive Motion** - When all amendments have been dealt with, the Council finally considers the 'substantive motion' (i.e. the original motion but incorporating the changed wording from the agreed amendment(s)) - hopefully, that will be approved and the meeting will move on to the next business!

**9. When is it right to interrupt debate with a Point of Order or Point of Personal Explanation?**

- A. Rule 16(5) allows this to happen at any time and the Member who was speaking must sit down whilst the point is heard. However, these provisions are sometimes misused - general irritation about how a debate is progressing, or that another Member is criticising your last speech, are not justifiable grounds in either case.

A Point of Order must relate to a Rule or statutory provision and the Member must immediately specify how that Rule or provision has been infringed. A Point of Personal Explanation must be confined to a speech by the Member in the present debate which has been misunderstood by later speakers. In both cases, the Mayor will decide whether or not to allow the points made.

**10. Some decisions are taken without a show hands and even when hands are raised to vote, the officers do not always count them – why is this - and how do you make Council have a Recorded Vote?**

- A. Rules 31 and 32 explain the voting arrangements. Many debates are non-controversial and so the Rules allow for approval to be given by 'the affirmation of the meeting' – in other words a general chorus of "agreed" from Members, with no significant dissent.

If the Mayor considers that the issue is more controversial and/or there appears to be an even spread of views, he will ask for a show of hands 'for' and 'against' (abstentions will not be called for). If the show of hands either way is overwhelming, then there is no point in counting, but if the voting looks close, then the officers will do a full count and announce the totals. Neither the totals nor the way each Member voted will be recorded in the minutes with this process.

However, if such a record is desired, then a quarter of the Members present may request – before the final decision is made - that a Recorded Vote be taken. This means that the name of each Member is called in alphabetical order by the officers and they will answer "For", "Against" or "Abstain". The way they vote (including abstentions) is recorded in the minutes. If there is insufficient support for a Recorded Vote, an individual Member may still require that the way he/she voted be shown in the minutes.

**11. Does the Mayor have a vote and, if so, does that include a casting vote?**

**A.** The Mayor acts as the Chairman of the Council meeting and has the same voting powers as any chairman of a formal committee. This means that the Mayor may vote if he/she so wishes and also exercise a casting vote should that be required.

**12. When I think a debate has gone on too long, how can I bring matters to a close and make Council go straight to the vote?**

**A.** Rule 16(12) gives four types of 'Closure Motion' which can be proposed as soon as the current speaker has finished. Two relate to adjournments and another to moving to next business, but the most useful in this case is 'That the question be now put'.

If this is moved by a Member, the Mayor will ask for the motion to be seconded, which we shall assume takes place. The Mayor now has a choice – he can put that Motion straight to the vote or, if he thinks there has been insufficient discussion, he can allow more speakers before putting the Motion. If the Motion is carried, the Mayor must then offer a final right of reply to the mover of the original motion (usually the Leader, Portfolio Holder or a Chairman) before taking a vote to decide the business under discussion.

**13. ....and finally..... All the above is helpful, but why is it that some Members seem to be much more successful in influencing Council debate than others?**

**A.** There may be a number of reasons for this but a key to success is undoubtedly preparation. Group Leaders and more senior Members are more than willing to advise newer Members on potential pitfalls and pointers to achieving one's aims in Council. It is important to ensure when standing to speak that the Mayor and Council are aware of your intentions. Start what you want to say by using words related to the Rules; for example "Mr Mayor, I wish

to move an amendment.....”, “Mr Mayor, on a point of personal explanation,..” etc. Also, it is usually considered beneficial for Members to work within their Group structure in preparing for Council and that is likely to be especially helpful to those Members who may be less experienced in debate.

The Mayor will always want to be as helpful as possible in enabling Members to make their points, but Council is a formal meeting and Members will help themselves to be assisted by the Mayor if they do their best to follow the Rules.

Howard Bone  
Head of Legal and Democratic Services