

Appendix 1: Extracts from the Council Procedure Rules – Part 3.2

Rule 8: Notices of Motion

Procedural Requirements

- 8.1 Notice of every motion, other than a motion which under Procedure Rule 13 may be moved without notice, shall be given in writing. It shall be signed by not fewer than two Members of the Council and delivered to the Chief Executive (see Procedure Rule **Error! Reference source not found.**) by not later than 10.00 am on the ninth working day before the relevant Council meeting.

Number of Notices of Motion

- 8.2 The maximum number of notices of motion to be presented at a Council meeting shall be as follows:

the three largest Political Groups:

- 2 each plus also 2 additional notices of motion per Group jointly with another Group.
- any other Group: 1

- 8.3 Any Member not belonging to a Political Group may present not more than 1 notice of motion, at the discretion of the Mayor.
- 8.4 Where Members of a Political Group submit more than the permitted maximum number of notices of motion, the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from members of a Political Group shall be taken in the order in which they are received, up to the permitted maximum number.

Substantive and Declaratory Motions

- 8.5 A notice of motion shall be placed on the agenda for the Council meeting unless the Members submitting the motion ask that it be first considered by a Committee or Sub-Committee. However, if the motion includes a proposal for the Council to take any substantive action or incur any expenditure (substantive motion) it shall only be considered to the extent that either the matter is noted by the Council or is referred to the relevant Committee or Sub-Committee for consideration.
- 8.6 The Policy & Resources Committee or the Monitoring Officer may issue guidance on the application of Procedure Rule 8.5 above.

Members' Right to Speak

- 8.7 When a notice of motion is taken at a meeting of a Committee or a Sub-Committee, a Member who has signed the motion shall have the right to attend and address the meeting.

Reporting of Outcome of Notice of Motion

- 8.8 A notice of motion referred to a Sub-Committee will be reported to the next meeting of the parent Committee and to the next meeting of the Council under Procedure Rule 24. A notice of motion referred to a Committee will be reported to the next meeting of the Council for information.

Moving a Motion

- 8.9 A motion of which notice has been given must be moved at Council either by a Member who gave the notice or by some other authorised Member (authorised by the Mayor). If no such Member moves the motion it shall be postponed by consent of the Council, or treated as withdrawn.

Relevance

- 8.10 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Authority, the area of Brighton & Hove and/or its inhabitants.

Consultation

- 8.11 Where the Council is in the process of consulting with the public on a proposal, no notice of motion expressing support or objecting to the proposals shall be accepted.

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Rule 13: : Motions and Amendments

Motions where Notice is Not Required

- 13.1 The following motions may be moved without notice at any meeting:
- (a) to elect in the event of a vacancy a Mayor, or Deputy Mayor, or Chair, or Deputy Chair or to appoint a person to preside at the meeting at which the motion is made;
 - (b) motions relating to the accuracy of the minutes;
 - (c) motions relating to a change in the order of business;
 - (d) motions extending the time limit for speeches;
 - (e) “that the Council (or Committee or Sub-Committee) proceed to the next business”;
 - (f) “that the question be now put”;
 - (g) “that the debate be now adjourned”;
 - (h) “that the Council (or Committee or Sub-Committee) do now adjourn”;

- (i) motions as to the termination of meetings;
- (j) motions relating to the suspension of these Procedure Rules without notice;
- (k) motions to exclude the public from a meeting where there is likely to be otherwise disclosure of exempt or confidential information, in accordance with the Access to Information Procedure Rules set out in Part 7.1 of the Constitution;
- (l) motions giving consent of the Council, Committee or Sub-Committee where it is required under these Procedure Rules;
- (m) motions to appoint a Committee or Member arising from an item on the summons for the meeting;
- (n) motions to refer a petition which has been presented to the Council or any other matter to a Committee or Sub-Committee or other appropriate body or individual for consideration;
- (o) motions relating to deputations under Procedure Rule **Error! Reference source not found.**

Moving Recommendations

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

Amendment to Motions

- 13.3 Subject to the requirements of Procedure Rule 15.4 as to notice, an amendment to a motion may be moved, but shall be relevant to the motion. No amendment shall be moved to an amendment.
- 13.4 An amendment shall be either to refer the matter to a Committee, Sub-Committee or an officer for consideration, to leave out some or all words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting. **A negating amendment is one which – while on the same subject as the original motion - would if passed generate the same outcome as a simple vote against the proposal. A negating amendment is one which would nullify the proposal in its entirety, thereby resulting in no change to the status quo.**

Alteration/Withdrawal of Motions/ Amendments

- 13.5 With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion of which they have given notice;

- (b) with the further consent of the seconder, alter a motion which has been moved and seconded; if the alteration is one which could be made as an amendment.

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

The 6 Month Rule

13.7 At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period. Such a motion may be moved if it is recommended by a Committee or Sub-Committee or notice of such motion has been given by as many Members as will constitute a quorum of the Council (fourteen) on the summons to the meeting.

Consent

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

Rule 14: Written Reports

14.1 No report upon which decisions are proposed to be made shall be taken at any meeting of the Council, a Committee or Sub-Committee, unless it is in writing.

~~14.2 Verbal amendments and additions to written reports may normally be made unless the effect of them is to nullify the recommendations in the report and replace them with others. Where exceptionally amendments and additions are not allowed for special reasons, then those must be recorded in the minutes.~~
Verbal amendments and additions to written reports may only be made by Members in accordance with Rule 15.4 (notice of amendments) and Rule 13.4 (amendments not to have effect of negating the motion)

14.3 With the agreement of the Mayor or Chair, then unless any Member objects, officers may revise or modify recommendations to reports where it is considered necessary to do so to ensure technical accuracy or to facilitate an agreed outcome.

14.4 Where petitions under Procedure Rule 10, Members' letters under Procedure Rule **Error! Reference source not found.**, motions under Procedure Rule 8

or deputations under Procedure Rule 11, are referred to a Committee unaccompanied by a written report, the Committee may discuss the petition, letter, motion or deputation, as the case may be, in general terms and note the same, or ask for an officer report on the matter. No decision which requires the Council to take substantive action or incur expenditure may be taken in response to a request in a petition, notice of motion or otherwise in the absence of an officer report.

Rule 15: Rules of Debate (All Meetings)

General

- 15.1 The rules of debate in this Procedure Rule shall apply to all meetings of the Council, Committees and Sub-Committees. In the case of Committees and Sub-Committees, however, the Council recognises that a greater informality may be exercised by the Chair in order to efficiently transact the business before the meeting. Such informality shall be at the discretion of the Chair.

Seconding Motions and Amendments

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

Reserving Speech

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

Notice of Amendments

- 15.4 Copies of amendments will be prepared and circulated prior to the start of a Council meeting only if such amendments are presented to the Chief Executive by 10.00am on the day of the Council meeting (or, in the case of any meeting scheduled for 12 noon or earlier on any day, by 4.00pm on the preceding working day). Amendments for which notice has not been given may be permitted at any time at the discretion of the Mayor or Chair if they consider it appropriate with regard to the complexity of the matter, the question of whether notice has been given as soon as is reasonably practicable and any other circumstances that appear to be relevant. Such amendments shall be put in writing unless the Mayor or Chair exercises their discretion to allow an amendment to be put orally.

Taking of More Than One Amendment at a Time

- 15.5 More than one amendment may be moved and discussed at any one time. and will be dealt with at the discretion of the Mayor or Chair.

- 15.6 If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.

Speeches

- 15.7 If two or more Members offer to speak, the Mayor or Chair shall call on one to speak.
- 15.8 When speaking, a Member shall address the Mayor or Chair.
- 15.9 A Member shall direct their speech to the question under discussion, or to a personal explanation or to a point of order under the provisions of Procedure Rule 15.10.

Points of Order

- 15.10 A Member claiming to speak on a point of order or in personal explanation shall be entitled to be heard forthwith. The point of order shall relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and the way in which the Member raising it considers that it has been broken. Personal explanation shall be confined to some material part of the speech by the Member which may appear from the current debate to have been misunderstood. **A Member who has already had two points of order ruled as inadmissible by the Chair shall not normally be permitted to raise a third point of order at the same meeting.**
- 15.11 The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given.

Procedural Motions

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

Closure Motions

- 15.13 The following closure motions shall be permitted during discussion of another motion. They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the person presiding shall proceed as follows:
- (a) **“that the meeting proceed to the next business”**. The person presiding shall permit the mover of the original motion to reply, and then put to the vote the motion to proceed to the next business; if that motion is carried the original motion shall lapse;
 - (b) **“that the question be now put”**. If the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed they may refuse to accept the motion; if they accept the motion, they shall put to the vote forthwith the motion that the question be now put; if this is carried, they shall permit the mover of the original

motion (at meetings of the Council) any right of reply to which they are entitled and then put that motion to the vote;

- (c) **“that the debate be now adjourned”** or **“that the meeting do now adjourn”**. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, they may refuse to accept either of these motions, and instead put the motion that the question be now put; if they are of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council, Committee or Sub-Committee, as the case may be.

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Rule 30: Smoking at Meetings

~~30.1 Any person at or attending a meeting of the Council or of a Committee or a Sub-Committee shall observe the Council's rule that no smoking be permitted in such meetings.~~

