

## B1 – Council Standing Orders

### STANDING ORDERS DEALING WITH THE PROCEDURE AT MEETINGS OF THE FULL COUNCIL

#### 1 Order of Business

- (1) The order of business and the indicative timescales at every ordinary meeting of the Council shall usually be –

Standard Item	Time Limits	Indicative Timetable
Minutes, Lord Mayor's Announcements	5 minutes for Lord Mayor's Announcements - and <u>no</u> presentations.	2.00 – 2.05 p.m.
Lord Mayor's Annual report (AGM only)	15 minutes	
Petitions A schedule of outstanding petitions will be available electronically	10 minutes	2.05 – 2.15 p.m.
Question time	90 minutes	2.15 – 3.45 p.m.
Questions from members of the public to any Cabinet Member or District Committee Chairman	20 minutes 1 minute for each question 2 minutes for each answer	
Questions from any Councillor to a Committee Chairman or Lead Member of a Joint Board. Each Councillor may ask only one question. No supplementary questions.	20 minutes 1 minute for each question 2 minutes for each answer	
Questions from Councillors other than Cabinet Members to a Cabinet Member. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer	
Questions from Councillors other than Cabinet Members to the Leader or Deputy Leader. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer	
Appointments	10 minutes	3.45 - 3.55 p.m.
Policy Plans or Reports from CBM	30 minutes	3.55 – 4.15 p.m.
Adjournment Break	15 minutes	4.15 – 4.30 p.m.
Overview & Scrutiny reports	60 minutes	4.30 – 5.30 p.m.
Motions submitted by individual Councillors rotated equally between the political groups as determined by CBM	90 minutes Any Motions or Amendments not moved within this time will be treated as withdrawn.	5.30 – 7.00 p.m.

- (2) The time allowed for speeches shall be up to 7 minutes for the mover of a Motion or Amendment to the Motion, with up to 4 minutes each for other Members wishing to participate in the debate and a right of reply for the mover of the Motion only of up to 5 minutes.
- (3) The order of business may be varied by a resolution passed on a Motion which, after being moved and seconded, shall be put to the vote without discussion.
- (4) Question time will be excluded from the agenda at the Annual Meeting and the Annual Budget Meeting of the Council.

## **2 Record of Attendance and Quorum**

The Chief Executive shall record the attendance of Councillors.

A Quorum is 30 Councillors.

## **3 Urgent Business**

- (1) Urgent business may be moved or raised at the meeting with the prior agreement of the Lord Mayor.

## **4 Motions and Reports to the City Council for Debate**

### *(A) Motions submitted by individual Councillors*

- (1) A motion to be submitted to the Council (other than at the Annual General Meeting) for debate under Part (A) of this Standing Order must be relevant to any of the Council's Policy Framework Plans and/or the Budget Framework, be in writing signed by two members and must be delivered to the Chief Executive at any time between the end of the previous ordinary Council meeting and six clear working days before the Council meeting at which it is to be debated. No Motions under Standing Order 4A are permitted for the meeting of the City Council reserved for the Annual Budget debate.
- (2) The Chief Executive shall maintain a record of all such motions and the order in which they have been received and this record shall be open to inspection by any member of the Council. The Chief Executive shall also provide the Lord Mayor with copies of all such motions and shall have the power, after receiving appropriate advice from the Monitoring Officer, to seek appropriate amendments from the proposer of the Motion, so as to ensure compliance with any legal and/or constitutional aspects and in the event that the proposer is unable to agree, the proposed Motion will not appear on the summons for the Council meeting.
- (3) If, at any time during the debate on any Motion before the Council, it appears to the Lord Mayor that the motion (in its original, modified or amended form) would, if carried -
  - (a) have the effect of materially increasing the expenditure, or materially decreasing the revenue, of the Council;

- (b) involve capital expenditure not provided for in the Council's approved capital budget; or

the Lord Mayor will direct that the motion shall stand adjourned without further debate in order that the Executive may consider any financial, policy or other implications of the motion and request the Executive to submit its recommendations to a future meeting of the Council.

*(B) Motions submitted via the Council Business Management Committee*

- (1) Prior to each ordinary meeting of the Council, the Council Business Management Committee shall consider and determine what motions it is necessary or appropriate to submit to that meeting.
- (2) The Chief Executive shall set out in the Summons, for each meeting, the motions which the Committee has determined should be submitted.

*(C) Annual Report of the Leader*

- (1) The Leader of the Council will, on an annual basis (usually June) submit a "Leader's Policy Statement."
- (2) No amendment to the Motion "to receive the Report" will be allowed.

## **5 Conduct of Debate**

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (2) Every motion and amendment, except when printed in the Summons or when copies have been supplied to each member at the commencement of the meeting (in which case the motion or amendment shall be taken as read), shall be read by the mover before being spoken upon and no other member shall speak on it until it has been seconded.
- (3) Every amendment shall, unless the Lord Mayor otherwise indicates, be reduced to writing, signed by the mover and delivered to the Chief Executive before it is moved.
- (4) Any member who seconds a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later stage of the debate on that motion or amendment.
- (5) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
  - (a) to speak once on an amendment moved by another member;
  - (b) on a point of order as defined by Standing Order 5(6);

- (c) by way of personal explanation as defined by Standing Order 5(6);
- (6) A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her in the Council Chamber or in relation to a matter outside of the Council Chamber, which may appear to have been misunderstood in the present debate. The ruling of the Lord Mayor on a point of order or on the admissibility of an explanation shall not be open to discussion and shall be final. No points of information are permissible under Standing Orders.
- (7) When a motion is under debate no other motion shall be moved except the following -
  - (a) to amend the motion,
  - (b) to proceed to the next business;
  - (c) to adjourn;
  - (d) that the question be now put;
  - (e) that a member (named) under Standing Order 15 be not further heard or do leave the meeting;
  - (f) to suspend Standing Orders;
  - (g) to exclude the public under S.100(A) of the Local Government Act 1972;
  - (h) to re-admit the public;
  - (i) that the consent of the Council be given where the consent of the Council is required by these Standing Orders (e.g. to extend time limits, to withdraw motions, etc).
- (8) The Lord Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the business of the Council.
- (9) An amendment shall be relevant to the motion and shall be –
  - (a) to leave out specified words; or
  - (b) to insert or add specified words; or
  - (c) to refer a subject of debate to the Executive or to a committee for consideration or re-consideration.

but any omission, insertion or addition of words shall not result in substance in a direct negation of the motion before the Council.

- (10) Once voting on any motion or amendment has commenced, there shall be no further debate on the matter under consideration and no further 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.
- (11) Not every debating possibility has been covered by these Standing Orders and, in the event of anything not being covered in Standing Orders, the Lord Mayor's ruling on the matter shall be final and binding on the Council.

## **6 Suspension of Standing Orders**

Standing Orders may be suspended by resolution of the Council, provided that a motion to suspend Standing Order 13 (Length of Council Meetings) may only be moved by the Leader or Deputy Leader (or their nominee) of one of the Party Groups and seconded by the Leader or Deputy Leader (or their nominee) of another Party Group.

## **7 Voting**

- (1) Motions shall be determined (as the Lord Mayor may direct) by a show of hands.
- (2) If, after a vote has been taken by a show of hands, a "named vote" is requested by at least 10 members rising in their place, the following procedure shall apply -
  - (a) the division bell will be rung for one minute;
  - (b) the doors of the Council Chamber will then be closed;
  - (c) the names of those voting for or against or abstaining will then be ascertained by the use of the vote recorder and included in the Minutes.

## **8 Petitions**

- (1) Every petition to the Council meeting shall either be in writing presented by a Councillor or an e-petition from the Council's website.
- (2) A Councillor presenting a petition or the Lord Mayor (on behalf of Councillors who have submitted their petitions to the Chief Executive in advance of the meeting) may move without comment that the petition(s) be received and referred to the relevant Chief Officer(s) to examine and respond appropriately.
- (3) At each meeting of the City Council, the Chief Executive shall ensure that an "Update Report" is electronically available for Members providing relevant details on the progress, or otherwise, of any petitions received by the City Council since the Annual General Meeting of 2005. Where a petition has been discharged, the Update Report does not need to mention the same.

**9 Questions***(A) Written Questions*

Any Councillor may ask one written question (with no sub-questions) of any Cabinet Member, Committee Chairman or Lead Councillor for a West Midlands Joint Authority by submitting the question in writing to the Chief Executive by no later than 1200 hours on the Thursday prior to the day of the Council meeting. A copy of each such question and the written answer shall be supplied to every Councillor at the start of the Council meeting and shall also be annexed to the Minutes of the meeting.

*(B) Oral Questions**(1) Questions from Members of the Public*

A member of the public may ask one oral question of any Cabinet Member or District Committee Chairman by submitting the question in writing to the Chief Executive no later than 12 noon on the Friday before the Council meeting. No question will exceed 1 minute and no answer will exceed 2 minutes.

- The question must refer to an issue which affects Birmingham or falls within the Council's responsibilities.
- The question must not be substantially the same as a question which has been put at a meeting of the Council in the past 6 months.
- The question must not be defamatory, frivolous, vexatious or offensive.
- The question must not require the disclosure of confidential or exempt information.
- The question must not refer to individual planning or licensing matters, or any matter of a personal nature.

*(2) Questions from Councillors*

Councillors may ask questions as set out in the order of business.

**10 Conduct at Meetings of the Council**

- (1) Councillors are expected to treat each other with respect and abide by the Code of Conduct.
- (2) The Lord Mayor may, as she/he sees fit, direct a Councillor to discontinue his/her speech.
- (3) If there is more general disorder, the Lord Mayor may direct a Councillor causing such disorder to retire from the meeting.

**11 Disturbance by Members of the Public**

If a member or members of the public present at a meeting of the Council interrupt(s) the proceedings, the Lord Mayor may warn them that on any further interruption they will be required to retire from the Chamber. If the member(s) of the public, after such warning, again interrupt(s) the proceedings the Lord Mayor may instruct them to retire from the Council Chamber and if they fail to comply the Lord Mayor may order their removal from the Chamber.

**12 Common Seal**

A decision of the Executive or a resolution of the Council or a committee acting within the powers and duties delegated to it shall be sufficient authority for sealing any deed, instrument, document or writing necessary to given effect thereto.

The Seal shall be attested by one of the following persons who shall subscribe his/her name thereto after sealing, that is to say, the Lord Mayor, the Deputy Lord Mayor, the Chief Executive or any senior lawyer in the employment of the City Council from time to time authorised for this purpose by or on behalf of the Council.

**13 Length of Council Meetings**

If a meeting of the Council has not come to an end by 7:00 p.m, the following procedure shall apply

- (i) at the conclusion of the speech then being delivered, the Lord Mayor shall allow the mover of the motion then under debate to exercise his/her right of reply and shall then put the motion to the vote;
- (ii) in respect of any remaining items of business, the Lord Mayor shall allow motions to be moved and seconded formally (without comment) and shall forthwith put the motions to the vote without discussion; and
- (iii) the Lord Mayor shall then close the meeting.

**14 Conflict resolution between Full Council and the Executive**

- (1) The Leader must have at least 5 working days to object to a full Council decision which is contrary to the Executive's proposals for either the budget or a plan or strategy before that decision takes effect;
- (2) if the Leader registers an objection, the full Council must meet to reconsider the issue in light of the objection;
- (3) ultimately, full Council can insist on its decision.

**15 Appointment of Committees**

On the recommendation of Council Business Management Committee, the Council shall appoint Committees necessary for the discharge of the Council's functions, along with the membership and Chairman of each, for a period ending no later than the next annual meeting of the Council.