

# **Mayoral Handbook**

Produced by Democratic Services

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## **1.0 INTRODUCTION**

- 1.1 Congratulations on being elected Mayor of the Borough of Harrogate. We hope that you and your Consort / Mayoress have a very happy and successful year in office. This handbook aims to provide you with a useful source of general information to assist you during your Mayoral year and to outline the key rules and guidance to ensure that you, the Deputy Mayor and the officers supporting the Mayoralty are aware of their responsibilities.

Covering an area of 505 square miles, the Borough of Harrogate is the most populous in North Yorkshire with around 160,000 residents. Throughout your Mayoral year you will visit every corner of the Borough, from the larger settlements of Ripon, Knaresborough, Boroughbridge and Pateley Bridge, to the numerous smaller villages that play such an important role in the Borough's success.

We want your year in office to be enjoyable and will do everything possible to support you in your role.

- 1.2 The duties you will undertake as Mayor will be extremely varied, ranging from Civic Services to 100<sup>th</sup> birthday celebrations, from welcoming royalty to opening swimming galas. Whilst it is up to you how many events you would like to attend, it is guaranteed to be a busy year.

There are two distinct aspects to the Office of Mayor; one is to be the Chairman of the Council and the other is a ceremonial role within the Borough. Both of these aspects will be explained later in the handbook.

- 1.3 As the First Citizen of the Borough you will play a vital role in delivering the ambition for the district as set out in the Corporate Plan:

- To build on our heritage and be a progressive and vibrant place to live, work and visit

As Mayor you can have a major influence in promoting the image of the Borough in a regional and national context.

## **2.0 ROLE OF THE MAYOR**

### **2.1 Nomination and Term of Office**

The nomination of Mayor is governed by a points system, the main principles of which are as follows:-

- (1) On 1st January each year all political parties represented on the Council are allocated one point for each Group Member;
- (2) Independent Members can be treated as a Group or individuals as they determine;
- (3) The party (or individual) with the greatest number of points nominates

the Mayor for the following Municipal Year;

- (4) The party (or individual) nominating has points deducted from the cumulative total equal to the total number of seats on the Council, less any vacant seats that the Council may be carrying as at 1st January;
- (5) If a position arises where two parties have equal number of points lots will be drawn to decide who will nominate the Mayor;
- (6) A Group may nominate any Member of the Council whether or not they are Members of that Group (though in doing so will still incur the points deduction);
- (7) The Mayors elect will nominate their own Deputies.

Shortly after 1 January each year all Group Leaders and any Independent Members will be advised of the various points totals held by each of the groups/individuals and the group/individual with the most points invited to advise of their nomination for the Mayoralty to the March meeting of the Council.

The Term of Office shall run from one Annual Meeting until the next subject to and in accordance with Council Procedure Rule (Standing Order) 3 as reproduced below:-

- (1) The Mayor shall be elected annually by the Council from amongst the Councillors - LGA 1972 S.3(1);
- (2) No Member of the Executive may be elected as Mayor - LGA 1972 S.3(1A);
- (3) Unless the Mayor resigns or becomes disqualified the holder of that Office shall continue in office until a successor becomes entitled to act - LGA 1972 S.3(2);
- (4) During the term of office the Mayor shall continue to be a Member of the Council notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of councillors - LGA 1972 S.3(3);
- (5) The election of the Mayor shall be the first business transacted at the Annual Meeting of the Council - LGA 1972 S.4(4);
- (6) Wherever in these standing orders the Mayor is referred to then at a meeting other than Council where the standing order applies the reference is to the person presiding at that meeting.

The Mayor must be available for those Annual Meetings which sees their election to and retirement from office.

## **2.2 Roles and Responsibilities**

The Mayor and, in the absence of the Mayor, the Deputy Mayor will have the following roles and functions:

***A ceremonial role:-***

- to be a symbol of the authority of the Council over the area of the Harrogate District;
- to be a symbol of an open society, democracy and freedom for all the people of the Borough;
- to be an expression of the unity of all people of the Borough; and
- to be a symbol of the cohesion of the disparate and diverse peoples and parts of the District as one Borough.

As part of your ceremonial role, you will be expected to:

- Host events, receive and welcome members of the royal family, dignitaries and visitors, observing civic protocol.
- Attend functions as a representative of the Council.
- Support your chosen charities in raising funds, (chosen charities to be announced at Mayor Making).
- Promote, raise the profile and gain publicity for projects and events that are of a good charitable or voluntary nature that benefit the citizens of the Borough, particularly smaller organisations.
- Encourage citizenship and participation in the life of the Borough.
- Celebrate success, internal as well as external to the Council.

***A role as chair of the Council:-***

The Mayor will be elected by the Council annually and will have the following responsibilities:

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive and do not hold committee chairs are able to hold the executive and committee chairs to account;
- to promote public involvement in the Council's activities;
- to be the conscience of the Council;
- to attend such civic and ceremonial functions as the Council and the Mayor determine appropriate; and
- to authorise extraordinary meetings of the Council under the Council's Procedure Rules at part 4 of this constitution.

In carrying out these roles, you should, along with the Civic Party, consider the public nature of the office. Your behaviour and manner will need to be appropriate at all times and not bring the Council into disrepute. You should follow the advice and guidance issued by the Mayor's Office and should not:

- Attend any function or otherwise give support to any organisation or person whose objectives are contrary to law and/or Council policy
- Solicit engagements or visits or otherwise procure favours by virtue of office.

### **2.3 Chairing Council**

It is the legal duty of the Mayor to act as the Chair of Council. In this role the Mayor must ensure the proper conduct of the meeting in compliance with both the law and the Standing Orders as set out in the Constitution. The Democratic Services Manager, Head of Legal and Governance and the Chief Executive will all be on hand to assist in this role.

The Mayor may also be required to:

- Determine whether urgent items may be considered at a Council meeting without prior notice.
- Call an extraordinary meeting of the Council.
- Exercise a casting vote at Council in the event of an equal vote on any issue.

As the Chair, the Mayor should attend all Council meetings.

Attached at Appendix A is a document entitled 'Conduct of Council Meetings' setting out the responsibilities of the Mayor when chairing Council meetings and which the Mayor should be familiar with.

During the Mayoral year the Mayor would be expected to reduce his or her political profile. The Mayor would not be expected to attend Group meetings prior to Council meetings and would maintain an a-political role when chairing Council meetings or representing the Borough. This does not extend to voting, the Mayor is entitled to vote.

In an election year where the Mayor is standing in the election, the Mayor is entitled to campaign as a councillor but not at a mayoral event or whilst wearing mayoral regalia. Campaign literature may reference the fact that they are currently Mayor.

### **2.4 Engagements and Civic Responsibilities**

The Mayor and Mayoress and their Deputies can attend between 350 and 400 engagements during their term of office, many of which will take place over a weekend (including bank holidays) and on an evening. All invitations for these engagements should be made through the Mayor's Secretary

([mayorsoffice@harrogate.gov.uk](mailto:mayorsoffice@harrogate.gov.uk)) and those received direct by the Mayor or Deputy Mayor should be forwarded to the Secretary for response and inclusion in the diary.

Once an invitation has been accepted, it is important that every effort is made to attend. Organisers often put a great deal of effort into their events and it would reflect badly on the office of Mayor to cancel without a legitimate reason. Similarly it is seen as unacceptable to 'change your mind' if another invitation more to a Mayor's liking is received. However, there may be occasions where invitations received outrank events already accepted. In these cases discussions will take place with the Mayor's Secretary and Democratic Services Manager. Events within the district should take priority over invitations received from outside the district.

### **3.0 ROLE OF THE CONSORT / MAYORESS**

3.1 It is standard practice that the partner of a male Mayor becomes the Mayoress, or Consort if the partner is male. The partner of a female Mayor becomes the Consort. If the Mayor does not have a partner they are welcome to appoint a Consort. In this circumstance it is usually a relative or friend.

A new Mayor will need to confirm these arrangements with the Mayor's Secretary at their first meeting.

On rare occasions when the Consort / Mayoress is unable to escort the Mayor to an appointment, the Mayor can choose to either attend alone or take another person to escort them. Should the Mayor wish to take another escort it is important that this person does not wear the chain and that the Mayor's Secretary is given advance notification to enable the organisation that has sent the invitation to be advised.

3.2 The role of the Consort / Mayoress is as follows:

- To provide support for the Mayor
- To accompany the Mayor on engagements
- To support the Mayor's Charities

### **4.0 ROLE OF THE DEPUTY MAYOR AND CONSORT**

#### **4.1 Roles and Responsibilities**

The principal role of the Deputy Mayor is to deputise for the Mayor when he/she is unable to chair a Council meeting or attend a designated mayoral engagement.

The Deputy Mayor usually appoints a Deputy Mayoress or Deputy Mayor's Consort who is generally their spouse. The Deputy Mayoress/Consort will normally accompany the Deputy Mayor to official engagements but on no occasion should they attend a function on behalf of the Deputy Mayor.



The Deputy Mayor will deputise for the Mayor at those functions which the Mayor is unable to attend. If the Mayor is unable to attend an event to which he has been invited, the Mayor's Secretary will ask the inviting organisation if the invitation can be extended to the Deputy Mayor. The Mayor's Secretary will then contact the Deputy Mayor about the invitation.

## **5.0 BUDGET**

### **5.1 Allowance**

The Local Government Act 1972 allows for the Mayor and Deputy Mayor to be paid an allowance to meet the expenses of their term in office. The amount is adjusted annually in line with inflation.

The Mayor and Consort and Deputy Mayor and Consort shall each receive an annual allowance which is subject to any inflationary or other adjustments applied by the Council. The allowance is paid monthly and is taxable.

For 2019/20 the allowances are as follows:

Mayor - £11,270

Deputy Mayor - £3,160

The allowance is to meet the 'expenses of office' of the Mayor and his/her Deputy and offers recompense of the expenses of maintaining the dignity of the office(s) incurred during the mayoral year and more specifically in respect of:-

- Clothing
- Partner's clothing
- Donations to charities
- Collections
- Purchase of raffle tickets, flag day flags, poppies etc
- Sending flowers
- Personal hospitality (including lunches, dinners, charitable balls etc)
- One-off events held by the Mayor
- Attendance at events
- Foreign travel expenses

### **5.2 Mayor's Hospitality Budget**

There is a separate budget, under the control of the Mayor's Secretary, to meet the cost of civic and ceremonial activities and other hospitality. These include costs associated with the following:

- Annual Meeting
- Civic Service
- Remembrance Sunday
- Great Yorkshire Show
- Spring Flower Show
- Receptions

Mayor's Christmas cards

and other costs associated with the office.

### **5.3 The Mayor of Harrogate Fund**

The Mayor of Harrogate Fund is the account used to manage the Mayor's charitable fundraising. Charitable donations are paid into it during the course of the year and expenses for charity events can be paid from this account. The Mayor's Secretary is responsible for administering the account. At the end of the year the balance accruing is available to be distributed amongst the Mayor's chosen charities. The outgoing Mayor may wish to present his nominated charities with cheques.

Alternatively, a Mayor may opt to have charitable donations managed by the nominated charity. Where this happens the charity would also be responsible for the expenses incurred in any events and would be expected to keep records of the Mayor's fundraising over the course of the year to enable the Mayor to have a clear picture of the amount raised at the end of the year.

The Mayor must decide at the start of the Mayoral year how they wish charitable funds to be administered, either by the Mayor's Secretary or through the nominated charity. This will avoid confusion and enable a clear picture of funds raised to be available at the end of the year.

## **6.0 MAYORS CHARITY/CHARITIES**

### **6.1 Choosing a charity/charities**

It is standard practice to adopt a charity or several charities for the Mayoral year. It must be stressed that such an undertaking is secondary to the function of the Mayor (as detailed above) and therefore the setting of fundraising targets is to be avoided. This is because the use of monetary target can lead to the 'Mayor's Charity' becoming almost an overriding preoccupation of the Mayoral Year, which can detract from the role as well as requiring significant administrative support.

### **6.3 Fundraising Events**

It is entirely up to the Mayor how money is raised for charity. The Mayor's Secretary may be able to provide some support where capacity allows, though for larger or more complex events the Mayor may wish to enlist the support of their nominated charity or other parties. The Mayor's Secretary must be kept informed of all events.

## **7.0 OFFICER SUPPORT**

### **7.1 The Mayor's Secretary**

The Mayor's Secretary is based within the Democratic Services team within

Legal and Governance. The Mayor's Secretary will administer the diary, arrange/oversee civic events, engagements and act as a source of advice and support for the Mayor and his/her deputy.

It is important to note that the Mayor's Secretary is responsible to the Democratic Services Manager and the Head of Legal and Governance; the Mayor's Secretary is not to be treated as a personal secretary nor can they assist with any personal business.

Whilst there may be occasions where the Mayor's Secretary works late evenings or weekends, the usual working days are Monday – Friday normal office hours. Outside office hours contact should only be made in an emergency.

## **7.2 The Democratic Services Manager**

The Democratic Services Manager will be on hand throughout the year in office to offer advice primarily on the constitutional side of the role.

The Democratic Services team assist the Mayor's Secretary during busy periods and to cover annual leave.

## **8.0 MAYORAL CAR AND CHAUFFEURS**

The Mayoral Car and Chauffeur service is there to drive the Mayor to and from events and be of general assistance, which will include fixing the chains of office to the Mayor's clothing

The Mayor's car can only be used when undertaking official duties. An official engagement is one for which an official invitation has been received by the Mayor's Office and for attendance at the Civic Centre for meetings about civic matters. Attendance at Committee meetings will not be classed as a Mayoral function. Attendance at meetings relating to a Mayor's charity will also not be classed as a Mayoral function, although the car and chauffeur will be available for official fundraising events.

The Mayor should not embarrass the chauffeur by asking to be taken somewhere not on the official engagement sheet. If a request is made to take the Mayor somewhere not on the sheet the Chauffeur must contact the Mayor's Secretary or Democratic Services Manager to gain approval.

The Deputy Mayor will be offered the car and chauffer service for official events when it is not in use by the Mayor. If the car is unavailable, the Deputy Mayor will be expected to drive themselves to events.

Mileage allowance can be claimed by both the Mayor and Deputy Mayor when driving themselves to official engagements.

There may be occasions when the chauffeur is not available and a substitute driver may be required. In exceptional cases there may be no drivers

available and the Mayor asked to drive themselves.

There is a separate budget for costs associated with the Mayoral car, such costs are not met from the Mayor's hospitality budget.

## **9.0 CHAPLAIN**

It is customary for the Mayor to announce their Chaplain for the year ahead at the Annual Meeting of the Council. The Chaplain will assume responsibility for offering prayers and ecclesiastical guidance at meetings of the Council, the Civic Service, Remembrance Sunday and such like.

## **10.0 CLOTHING**

It is advised that the civic party give some thought to the clothes that they will wear during their Mayoral year, bearing in mind the weight of the chains of office and that the chains may be pinned to the clothes to keep them in place. Part of the Mayoral allowance can be used for the purchase of clothes for the Mayoral year.

It is traditional for ladies to wear a hat or fascinator for church services.

## **11.0 CHAINS AND BADGES**

The chains of office will be worn for all appropriate events provided that the relevant support is available for the Mayor/Deputy Mayor. For those occasions where it is not appropriate or sensible for the chains of office to be worn, the badge/jewel shall be used and advice taken from the Mayor's Secretary on their use and safe storage, if outside of the Civic Centre.

If the Mayor is invited to attend an event in another local authority area the Mayor's Secretary will request permission for the Mayor to wear the Mayoral chain. Likewise the Mayor's Office will be asked by other Councils if their Mayor or Chairman can wear their chain when attending official engagements in the Borough. Generally permission is given in both cases. Where the invitation is from a Mayor there is no need for such 'chain clearance' to be sought.

When not in use care must be taken to ensure safe storage of the chains. When not being worn the chains must be stored in the case and must be kept locked away. The Mayor's Secretary will discuss arrangements for the storage and security of the chains with the Mayor at the start of the mayoral year.

## **12.0 SPEECHES**

At many of the engagements the Mayor will be required to say something, ranging from proposing a toast, saying a few words of thank you to the host or giving a full speech.

When accepting an invitation to attend an event, the Mayor's Secretary will forward a protocol form to the organiser requesting further advice on what will be required of the Mayor at the function, including whether the Mayor will be required to say a few words.

The Mayor's Secretary will try and ensure that the Mayor is aware prior to an engagement whether he/she will be asked to speak or not. However, there will be occasions when the Mayor will be asked to say a few words with little or no notice at all. It is always advisable to be prepared to say a few words of thank you even if the protocol form has not indicated that a speech is required. It is not the role of the Mayor's Secretary to draft speeches for the Mayor.

### **13.0 GIFTS AND HOSPITALITY**

Any gifts or hospitality received should be dealt with in accordance with the '*Guidance for Members on the Acceptance of Gifts and/or Hospitality*' as outlined in the Constitution.

If you receive any gifts in your capacity of Mayor where the total value is over £25, you will need to contact the Mayor's Secretary to fill out the 'Registering Gifts and Hospitality' form.

As there is no facility for displaying the numerous gifts, some are used as raffle prizes to raise money for the Mayor's charities.

Hospitality should only be accepted where it is on a scale appropriate to the circumstances, reasonably incidental to the occasion and not extravagant. Hospitality worth over £25 should be declared via the gifts and hospitality form.

For further guidance please consult the constitution or contact the Democratic Services Manager.

### **14.0 YOUR ROLE AS A WARD COUNCILLOR AND COMMITTEE MEMBER**

#### **14.1 Ward Councillor**

During the year in office the Mayor may find it difficult to combine the civic responsibilities with ward councillor duties. This should be discussed with the Group Leader, Parish Councils and the ward Councillors of surrounding wards.

#### **14.2 Committees**

Being Mayor will take up the majority of time and as such the Mayor may want to think about the number of Committees they sit on. Particular thought should be given to positions on the Planning Committee and the Overview and Scrutiny Commission as these are the committees which meet most frequently.

## **15.0 TWINNING**

### **15.1 Harrogate is officially twinned with Luchon, France; Montecatini, Italy and Barrie, Ontario, Canada**

These arrangements are at no cost to the Council and are the responsibility of Harrogate International Partnerships (HIP). The Mayor is President of HIP during their year in office and attends committee meetings, but in their own car and without the chains.

Harrogate does not invite delegations to visit as there is no dedicated budgetary provision for this. In kind support is provided to support the links and in line with the ethos of twinning, and the community and business basis for these associations. If a delegation does visit the Mayor can provide some hospitality. The HIP committee will look after delegations through sponsorship and contacts with local businesses.

The Mayor of Luchon often invites the Mayor to the Fete de Fleurs in August. Whilst Luchon will pay for accommodation etc, the Mayor of Harrogate is expected to pay for his/her own flights and travel expenses.

## **16.0 ANNUAL CIVIC EVENTS**

### **16.1 Annual Meeting**

The Annual Meeting, also known as Mayor Making, usually takes place on a Monday during late May. During this meeting the chains of office will be handed from the outgoing civic party to the incoming civic party.

The Mayor elect will assist the Mayor's Secretary in planning for this event. In October 2018, Council agreed that the Civic Centre would be the default option when choosing a venue to hold the Annual Meeting.

### **16.2 Great Yorkshire Show**

The Mayor hosts a civic reception annually on the final day of the Great Yorkshire Show. Guests are invited to join the Mayor in the Mayor's pavilion for coffee mid-morning, followed by an opportunity to visit the show and a civic lunch. Guests will include civic dignitaries from within the County as well as other guests at the Mayor's discretion.

### **16.3 Civic Service**

It is customary for the Mayor to hold a Civic Service. There is no set date for the Civic Service to take place however it is usually before October so that it does not interfere with the planning of Remembrance Sunday and Christmas.

The Civic Service is usually held in or around the ward for which the Mayor is

a Councillor. When picking a date the Mayor will need to liaise with the Mayor's Secretary and the church. The Mayor's Chaplain will also need to be in attendance.

#### **16.4 Remembrance Sunday**

On Remembrance Sunday the Mayor will attend the Remembrance Service at Harrogate Cenotaph. The service is organised by the Mayor's Secretary, the Army Foundation College and Royal British Legion and follows the same format every year.

There is a further Service at Remembrance at Stonefall Cemetery in the afternoon that the Mayor would be expected to attend.

#### **16.5 Christmas Eve**

It is customary for the Mayor to host the annual Christmas Eve Carol Concert at the Royal Hall. Invitations are sent out on the Mayor's behalf and the Mayor would be expected to attend. The event usually lasts for around 1 hour. Whilst the event usually follows the same format, the Mayor can contribute to the organising of the event along with the Mayor's Secretary and the staff at HCC.

#### **16.6 Spring Flower Show**

Held in April, the Mayor hosts the Spring Flower Show Afternoon Tea at the Yorkshire Show. Guests usually include the Mayors from the District and County along with personal guests of the Borough Mayor.

#### **17.0 SPA LADIES**

Under the constitution of Harrogate Spa Ladies the Mayoress is invited to be the President of Harrogate Spa Ladies for the duration of her term of office. If the Mayor is female, the Mayor is asked. There is no obligation to accept the invitation. Meetings take place monthly, on the first Wednesday of the month, during the day. The Mayoress is also invited to any lunches/teas which are held and is asked to Chair the AGM which is held in January (Second or sometimes third Wednesday).

#### **18.0 DEALING WITH THE PRESS**

Saying the wrong thing or being caught off-guard can have a negative impact on the Council's reputation. It is best for Mayors to remain on the side of caution and only discuss the matter at hand (for example, the event they are attending) if approached by the media.

If any media enquiries are received, related or unrelated, to Mayoral business please explain to the reporter they will need to speak to the Council's Communications and Engagement team (contact details below) who will be

able to log the call and liaise with the appropriate Cabinet Member to draft an appropriate response.

Communications and Engagement team  
t: 01423 556825  
e: news@harrogate.gov.uk

The Communications and Engagement team will also be happy to provide any media training should the Mayor wish to have any.

## **19.0 USE OF SOCIAL MEDIA**

It is up to the Mayor how big a role Social Media plays in their Mayoral year. Some Mayors do not use it at all.

Things that can be posted on social media include:

- Pictures of events that you have attended
- Thanks to the organisers of events
- Retweets/sharing of community posts
- Details of fundraising events

Where a Mayor intends to create a social media platform he/she should first consult the Council's Communications team who will be able to offer guidance.

Once the Mayoral year has ended the Mayor will be expected to handover any social media accounts made, along with the passwords, to the Mayor's Secretary. Under no circumstances must past Mayors continue to use accounts in the name of the Mayor of Harrogate.



## MAYOR'S BRIEFING NOTE THE CONDUCT OF COUNCIL MEETINGS

### Introduction

1. Standing Orders are designed to ensure that debate at Council meetings is conducted fairly. They envisage that Members will speak once in the debate and once only. The objective is to make sure that as many Members as possible can contribute whilst also ensuring that time is wisely spent.
2. Obviously, if a main motion is the subject of a significant amendment, Members might have the opportunity to rise twice, once on the amendment and once on the motion, but that ought to be fairly rare because on most occasions, the motion will represent the position of the Administration and it is on the amendment or amendments that the main debate will take place. Usually the matter is resolved by votes on the amendments and there is no need for a subsequent debate on the substantive motion.

### Kinds of Meetings

3. The Annual Meeting and the programme of ordinary Council meetings are convened by the Head of Legal and Democratic Services. However, only the Mayor may call an extraordinary meeting of the Council unless it is requisitioned by five Members pursuant to Schedule 12 of the Local Government act 1972.

### The Mayor

4. The Mayor must preside if present in the chamber unless he or she resigns, becomes disqualified or, for example, declares a prejudicial interest in an issue, in which case the Mayor will retire and the Deputy Mayor take the chair for that particular item.
5. The Mayor has a casting vote (in addition to a normal vote) in the event of the number of votes cast on any issue being equal. The Mayor need not have voted on the issue on the first occasion.

### Order of Business

6. This is set out by statute and can be found in Standing Order 8. Variation of the order of business can be at the discretion of the Mayor, where the Group Leaders (or their Deputies acting on their behalf) have agreed in advance in respect of 'major issues' (see Standing Order 8(2)), or by agreement of the Council itself.

### Notices of Motion

7. All notices of motion must be given in writing, signed by a minimum of one Member (a seconder can be sought at the meeting itself) and must give eight clear days notice (including Saturdays, Sundays and Bank Holidays) before it will be placed on the Council agenda.
8. No Member may submit more than one notice of motion for any meeting. The general rules on notices of motion can be found in Standing Order 10. In particular, Members should note that a notice of motion must be relevant to the Council and to its powers or functions; or to its area or part of it; or its wider community leadership role, or to the inhabitants or some of them. In other words, motions which are intended to make 'political' points about the national or international scene will usually be improper. Every motion should also specify the action the 'Council' is being asked to take.
9. At each ordinary meeting one political group is entitled to require that a specified notice of motion of its choice is debated by Council. The vast majority of other notices normally stand referred to the Executive or a Committee (See Standing Orders 10(6)(a) and 10(6)(b)) though under Standing Order 10(6)(d) the Mayor has the discretion to allow debate of other notices if considered expedient to business. Whether or not a motion is to be debated by the Council, any amendments to it must be notified 24 hours in advance of the meeting

### **Motions at the Council Meeting**

10. There are a number of motions which can be moved without notice and they are set out in Standing Order 11. They mostly relate to the normal business of a Council meeting. In effect, what usually happens is that the Chairman moves the minutes of a particular meeting (Cabinet, General Purposes Committee etc) and is supported by the Vice-Chairman. The moving of the minutes is the substantive motion and that is then open to amendment. The mover of an amendment is entitled to the full seven minutes (Standing Order 13(5)); what he or she is not entitled to is a right of reply.
11. The right of reply is given to the mover of the motion and it is a right to reply at the end of the amendment and at the end of the debate on the main motion, if there is one. The mover of the motion will normally be the Chairman but not exclusively and it must be remembered that it is the actual mover of the motion (and not the Chairman) who has the right of reply. In other words, Chairmen do not have an automatic right of reply unless they have moved the motion.
12. It is also the case that the mover of a motion may not otherwise speak on the amendment except at the close (see Standing Order 13(13)).

**[This Standing Order has been the subject of much discussion and has probably caused more problems than any other. The mover of a motion (usually but not exclusively the Chairman) should not, having spoken at the moving of the motion, speak again until he or she bring the debate to an end. If the mover rises prematurely, then that will normally have the**

**effect of terminating the debate and if someone has not spoken who has earlier signified an intention to speak, that puts considerable pressure on the Mayor who then has to decide whether to allow the rules to be broken or to fail to allow a Member to speak].**

### **Antagonistic Action**

13. If a Member is behaving in an improper fashion, then there are a number of possible remedies:-
- (i) under Standing Order 10, another Member may move that the offender be not further heard OR should leave the meeting;
  - (ii) persistent misconduct, in particular disregarding the ruling of the Chair, or behaving irregularly, improperly or offensively, or obstructing the business of the Council, may be the subject of a motion under Standing Order 14, pursuant to which the Chairman or any other member may move 'that the Member named be not further heard'. If that motion is seconded, it shall be put and determined without discussion;
  - (iii) if the misconduct continues, then the Chairman shall either move that the Member named 'do leave' and the matter must be determined without discussion; or adjourn the meeting as expedient; and
  - (iv) the Mayor also has the right in respect of a general disturbance, to adjourn the meeting for as long as necessary.
  - (v) Standing Order 13(17) makes it a strict rule that when the Mayor rises during a debate, the Member then standing shall resume his seat and the Council shall be silent. This is an essential rule of protocol and involves respect for the Chair. If the Mayor rises, that should bring an immediate end to all argument.

### **Questions**

14. A Member of the Council may ask the Chairman of the Cabinet or a committee any question upon a minute or of any Officer when that item is under consideration by the Council. The Member must make it clear when rising to speak that his purpose is to ask a question (i.e not after a lengthy introduction).
15. A Member may, subject to 48 hours notice in writing to the Proper Officer ask a question of the Chairman of the Council or the Chairman of Cabinet, any committee or portfolio holder on any matter within the purview of that committee/portfolio. In other words, by such notice he or she can raise a matter which is not on the agenda.
16. Members may use that provision to ask only two questions, each with a right to a short supplementary question ( for which no notice is required). Members Question time is limited to thirty minutes.

17. Each question shall be put and answered without discussion.
18. The person to whom the question is put may:-
  - (i) give a direct oral answer;
  - (ii) give a preliminary verbal response followed by a full written answer;

### **Rules of debate at Council meetings**

19. No item may be discussed until it has been moved and seconded.
20. Unless the Mayor agrees that the item has not been sufficiently discussed, the debate must terminate at the end of thirty minutes. In other words, each motion or amendment, shall only be discussed for a maximum of 30 minutes beginning once the mover has spoken and after it has been formally seconded but before the seconder speaks. This does not apply to extraordinary meetings called to discuss specific items.
21. Amendments cannot be discussed unless they have been put in writing and received not later than 24 hours before the Council meeting. This does not apply to a further and consequential amendment to an amendment which has been properly put, that is notice had been given of it.

**N.B The convention is that minutes are always moved at the outset by each Chairman. Members know this and may assume it will happen; they will therefore know that there will be a motion on which to base their notice of amendment.**

22. In effect this means that if no amendment has been put, there can be no further and consequential amendments and all that can be discussed at the meeting is the original motion. If an amendment has been duly notified, then it can be amended further on the day.
23. The person seconding a motion may reserve a speech until a later period in the debate provided he or she has declared an intention to do so.
24. Members shall stand when speaking and address the Mayor. All other Members shall remain seated.
25. Speeches of the mover of the motion or the mover of an amendment may last for seven minutes; all other speeches may not exceed four minutes except where the Council agrees by motion under Standing Order 13(5)(i) or where the Leaders of the political groups have agreed in advance of the Council meeting and only then in respect of 'major' issues.
26. Once a Member has spoken on any motion, he may not speak again except:-
  - (i) to speak on the amendment; or
  - (ii) if the motion has been amended since he last spoke, to move a further amendment; or

- (iii) if the Members first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which the Member spoke was carried; or
- (iv) where he has a right of reply under Standing Order 13(13) and (15).

He may also rise on a point of order or a point of personal explanation.

A point of order is where there is some question of procedure.

A point of personal explanation is where a Member feels that he has been misunderstood.

27. It should be made clear that there is no such thing as a point of 'information', nor is there such a thing as a point of 'interpretation', and there is no right to speak merely because a Member has been 'named'.

### **Amendments**

28. Amendments must be relevant to the motion and can be either:-

- (i) a reference to committee for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out certain words and insert or add others;
- (iv) to insert or add words;

Provided that such omission/insertion or addition of words shall not have the effect of negating the motion before Council.

29. Only one amendment may be discussed at any one time unless the Mayor decides that two or more amendments discussed together would facilitate the proper conduct of the Council's business (**this is because of the difficulties, thought highly unlikely**). In those circumstances, however, they will have to be the subject of separate votes.
30. If an amendment is lost, other amendments may be moved on the original motion, if 24 hours notice has been given. If an amendment is carried, the amended motion takes the place of the original motion and is then the substantive motion, which may be the subject of further debate and consequential amendment, for which no notice is necessary
31. Sometimes new Members are confused by what appears to be two votes on the same issue. The usual reason for that would be where the Chairman had moved a motion and someone else had moved an amendment. Often, when the amendment has been voted upon, the main issue has been resolved and if there have been no other amendments, a vote is immediately taken on the substantive motion (e.g the acceptance of the Minutes).
32. The mover of a motion has a right to reply at the close of the debate on the motion immediately before it is put to the vote. He also has the right of reply

where an amendment is moved but only at the close of the debate on the amendment.

33. When a motion is under debate, no other motions should be moved except:-
- (i) to withdraw the motion
  - (ii) to amend it;
  - (iii) to adjourn the meeting or the debate;
  - (iv) to proceed to the next business;
  - (v) that the question be now put;
  - (vi) that a Member be not further heard; or by the Mayor that a Member leave the meeting; or
  - (vii) a motion to exclude the public.
34. A Member may (but only at the conclusion of a speech of another Member) move that the Council proceed to the next business; or that the question be put; or that the debate or the Council be adjourned.
35. If that motion is seconded, the Mayor shall automatically put that motion to the meeting provided the Mayor feels that the matter has been sufficiently discussed.
36. In practice, this means that if the matter has been discussed for a reasonable length of time, the Mayor will put the motion to the meeting. However, it cannot be used as a tactic by any political group to move to the next business and prevent a debate because the Mayor would be unable to conclude that the matter had been sufficiently discussed.
37. If the particular motion is that the question be put the Mayor must give the mover of the original motion the right of reply if the procedural motion is passed. If the motion is that the Council proceed to the next business the Mayor must give the mover of the original motion a right of reply before the procedural motion is put to the vote.
38. No right of reply exists on a motion to adjourn the debate or meeting.

### **Rescission of previous resolution**

39. Standing Order 15 is intended to make sure that Members do not persist in troubling the Council with motions that they know will not succeed. If a Member moves a particular motion and it fails, he or she cannot move it again for another six months. However, if the same issue comes through the committee cycle in the normal way, then the six months rule does not apply. The Standing Order also permits one-third of the Members to give notice and to have the matter discussed again.

### **Voting**

41. The electronic voting system will be used whenever possible for meetings of Council which take place in the Council Chamber. If the electronic voting

system is not used voting is by show of hands unless, on the requisition of any Member of the Council supported by 25% of the Members present, the voting must be recorded. The usual way this is done is that the Mayor invites the Members who want to see a vote recorded, to rise in their chairs and if over a quarter of those present do so, then a recorded vote is automatically taken.

**N.B In addition to this, there is also a convention that where a Member reasonably believes that there could be legal implications from the decision, then he or she is entitled to have their particular vote recorded.**

41. As already pointed out above, the Mayor (or other person presiding) has a second or casting vote.

### **Voting on appointments**

42. There are specific rules of this. Where more than two persons are nominated for any position and there is no overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken until a majority of votes is given in favour of one.

### **Confidentiality (Exempt information)**

43. If the Council decides that any of its business or any documents are confidential, then they must be treated as confidential unless and until they become public by a decision of the Council.

### **Motions of expenditure**

44. Any motion which would materially increase the expenditure upon any service or reduce the revenue of or involve capital expenditure upon any service, shall, when proposed and seconded, stand adjourned without discussion to the Cabinet which shall report on the financial aspect of the proposal.
45. This is intended to make sure that an individual Member cannot move something which would result in considerable expenditure to the Council at a meeting until the consequences have been identified by the Officers and considered by the Cabinet.

### **Changes to Standing Orders**

46. Certain Standing Orders can be varied or revoked but any such motion shall stand referred to the General Purposes Committee without discussion and for report back to the Council.

### **The interpretation of Standing Orders**

47. The ruling of the Mayor as to the construction or application of Standing Orders, or as to any proceedings, shall not be challenged at any meeting of the Council. In other words, the Mayor is always right (even when the Mayor is wrong!). It is

essential to the good conduct of business that someone can bring a conclusion to any discussion.

48. It is also indisputably the decision of the Mayor as to how to proceed. The Chief Executive's job is to advise the Mayor. He may though be said to have a residual jurisdiction to remind Members as to proper procedural issues but otherwise would only expect to speak if invited by the Mayor, or asked a question by a Member.

### **Other Standing Orders**

49. There are a number of other Standing Orders with which Members should be familiar, such as those relating to Members questions, planning training, public arrangements and so on, but they are not directly material to actual conduct of business in Council meetings.

### **Other conventions**

50. There has long been a convention at this Council that if a Member raised an amendment which was acceptable to the Chairman, the Chairman would signify that he would either accept it or take the matter back to committee. What is implicit in that situation is that the Chairman is effectively adding the amendment to his motion and therefore at the end of the debate, his motion goes forward with that agreed amendment.
51. If a Member objects to the Chairman's acquiescence, then he is entitled to challenge the Chairman and if a majority of Members do not agree, they may force a vote at that time.
52. A further convention is that Chairmen move the minutes of committees and, generally speaking, it is their duty and their obligation to defend those minutes but occasionally a Chairman will find himself out of sympathy with a proposition which has been put forward by his committee. In those circumstances, he has two choices:-
  - (i) he gets someone else to move the minutes; or
  - (ii) he moves the minutes, save for that issue and gets someone else to move it and that is the subject of a separate debate which the Chairman can then oppose.

### **Conclusion**

53. The Mayor will apply Standing Orders strictly except where in his/her view the occasion demands otherwise.
54. If someone other than the Mayor chairs a Council meeting, that person has exactly the same powers as the Mayor.
55. As stated in paragraph 47 above, the Mayor (or person presiding) is always right on procedure unless a court of law says otherwise.