

## Council Procedure Rules

The full Council is the formal decision-making body of the Authority and its operation is governed by rules of debate and order, which are set out below.

### 1. ANNUAL MEETINGS

- 1.1 The Council shall in every year hold an annual meeting, at a date, time and place to be fixed by the Council, in accordance with paragraphs (b) and (c) of this Standing Order.
- 1.2 The annual meeting of the Council shall be held:-
  - (a) In a year of ordinary elections of Councillors to the Council, on the eighth day after the day of retirement of the Councillors or such other day within 21 days immediately following the day of retirement as the Council may fix;
  - (b) In any other year, on such day in the month of March, April or May as the Council may fix.
- 1.3 An annual meeting of the Council shall be held at 7.00pm, if no other time is fixed by the Council.
- 1.4 The matters to be considered at the annual meeting shall be:
  - (a) Electing a Mayor and appointing a Deputy Mayor.
  - (b) Receiving the report of the Chief Executive on appointments by Party Groups, and, in an election year, of the election of Councillors.
  - (c) Adopting or changing the Constitution.
  - (d) Approving or adopting the budget and policy framework of the authority.
  - (e) Electing the Leader of the Council for the ensuing four year period.
  - (f) Receiving a report from the Leader on the appointment of the Deputy Leader and other members of the Executive.
  - (g) Appointing the Chair and membership of Committees, Policy and Accountability Committees and other regulatory bodies, and approving their respective terms of reference.
  - (h) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council.
  - (i) Receiving a report from the Leader about the delegation of Executive functions, and agreeing schemes of delegation to officers in respect of non-executive functions.
  - (j) Reviewing an allowance scheme for members.
  - (k) Receiving annual reports from the Executive, the Opposition leadership and Whip, the Audit, Pensions and Standards Committee,

the Chairs of the Council's Policy and Accountability Committees, and the Youth Mayor or Deputy Youth Mayor on work undertaken in the previous year.

- (l) Agreeing the Council Calendar of meetings.
- (m) Reports from officers as required in the proper discharge of functions delegated by the Council.
- (n) Considering any petitions made to the Council under the Petitions Scheme at Annex A.
- (o) Special motions.

## **2. BUSINESS AT ORDINARY COUNCIL MEETINGS**

2.1 The matters to be considered at an Ordinary Council meeting shall be:

- (a) Any plans, strategies or decisions required by statute to be considered and determined by the full Council.
- (b) Reports from the Leader, the Executive, Policy and Accountability Committees or other Committees of the Council, and the Youth Mayor or Deputy Youth Mayor as required.
- (c) Issues placed on the agenda by the Leader as being of interest or concern to those living or working in the Borough.
- (d) Reports from the Chief Executive, Chief Finance Officer (s.151 Officer) or Monitoring Officer, as required to meet statutory functions.
- (e) Reports from officers as required in the proper discharge of functions delegated by the Council.
- (f) Urgent matters in accordance with the provisions of Paragraph 4(5) of Part I of Schedule 12 of the Local Government Act 1972 (as amended by LGA 2000).
- (g) Special Motions (except at the Budget and Extraordinary meetings of the Council).
- (h) Considering any petitions made to the Council under the Petitions Scheme at Annex A.
- (i) Questions submitted by the public and the Youth Mayor or Deputy Youth Mayor on behalf of young people (except at the Annual and Extraordinary meetings of the Council).
- (j) Any other issues raised by young people that affect the lives of young people who live, study, or work in the borough.

## **2.2 Conflict Resolution Mechanism**

The provisions of paragraph 2 (d) – (j) of the Budget and Policy Framework Procedure Rules of the Constitution shall apply where there is conflict between the Executive and the Council in agreeing the Budget and Policy framework.

### 3. OTHER COUNCIL MEETINGS

- (a) The Council shall hold a Budget meeting at a time, date and place fixed by the Council to:
- determine the annual estimates and the Council Tax for the ensuing financial year and
  - adopt to an allowance scheme for members.
- (b) The Council may hold, in addition to the Annual meeting and the Budget meeting, such other meetings at such hour, on such days and at such place as the Council may determine.
- (c) An Extraordinary meeting of the Council may be called at any time by the Mayor. (In determining the date of the Extraordinary Council Meeting, where this has been requisitioned by five Councillors, the Mayor shall have regard to the nature and urgency of the item of business which is the subject matter of the requisition). An Extraordinary meeting may consider any of the matters specified in Rule 2.1 above (Business at ordinary Council meetings) except questions submitted by the public.
- (d) If the Mayor refuses to call an Extraordinary meeting of the Council after receiving a requisition for that purpose signed<sup>1</sup> by five Councillors or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days of receiving a requisition, then any five Councillors, on that refusal or on the expiration of those seven days, may forthwith call an Extraordinary meeting of the Council.
- (e) In addition to the Mayor and any five Councillors, the Chief Executive or the Director of Law, as a matter of urgency, may call an Extraordinary meeting of the Council at any time.

### 4. NOTICE OF MEETING

- (a) At least **five clear days**<sup>2</sup> before a meeting of the Council:–
1. Notice of the date, time and place of the intended meeting shall be published at the Council's offices, and where the meeting is called by Councillors in accordance with Council Procedure Rule 3(d) above, the notice shall be signed<sup>1</sup> by those Councillors and shall specify the business proposed to be transacted.

---

<sup>1</sup> The term 'signed' in this context means either in manuscript, facsimile or by other electronic means.

<sup>2</sup> The term 'clear days' below refers to weekdays, and excludes weekends, Bank Holidays, the day the notice, agenda or summons is published, and the day on which the meeting is held.

2. A summons to attend the meeting, specifying the business proposed to be transacted and signed<sup>1</sup> by the proper officer of the Council, shall, subject to sub-paragraph (b) below, be left at or sent by post to the usual place of residence of every Councillor.
  3. A copy of the agenda shall be open to inspection by members of the public.
- (b) If a Councillor specifies in writing to the Director of Law that he/she desires summons to attend meetings of the Council to be sent to him/her at some address so specified other than his/her place of residence, any summons addressed to him/her and left at or sent by post to that address shall be deemed sufficient service of the summons.
  - (c) Summons will be sent in electronic form to Councillors consenting in writing to the summons being so sent, until such consent is withdrawn in writing. Such consent may be withdrawn at any time.
  - (d) Want of service of a summons on any Councillor(s) shall not affect the validity of a meeting of the Council.

## **5. MAYOR**

- (a) The Mayor shall be elected annually by the Council from among the Councillors.
- (b) The Mayor, unless he/she resigns or becomes disqualified, shall continue in office until their successor becomes entitled to act as Mayor.
- (c) During his/her term of office the Mayor shall continue to be a member of the Council notwithstanding the provisions relating to the retirement of Councillors.
- (d) The election of the Mayor shall be the first business transacted at the Council's annual meeting.
- (e) If, apart from paragraph (c) above, the person Chairing the Annual Meeting (during the election referred to in paragraph (d) above) would have ceased to be a Councillor he/she shall not be entitled to vote in the election except to exercise their casting vote.
- (f) In the case of an equality of votes the Mayor shall have a casting vote in addition to any other vote he/she may have.
- (g) The Mayor may appoint a Councillor to be Deputy Mayor, and the person so appointed shall, unless he/she resigns or becomes

disqualified, hold office until a newly elected Mayor becomes entitled to act as Mayor (whether or not the Deputy Mayor continues until that time to be a Councillor).

- (h) The Deputy Mayor may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge those functions which the Mayor as such might discharge, except that he/she shall not take the chair at a meeting of the Council unless specially invited by the meeting to do so under Council procedure rule 8.2 below.

## **6. COUNCILLORS' TERMS OF OFFICE**

- (a) Councillors' terms of office are four years and they retire on the fourth day after the Council election when the newly elected Councillors come into office.
- (b) Vacation of Office - a person elected to any office under the Local Government Act 1972 or a member of a Committee or other body may at any time resign their office or membership by written notice delivered to the Chief Executive and the resignation shall take effect upon the receipt of the notice.
- (c) Subject to sub-paragraphs (d) and (e) below, if a member of the Council or Executive fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council or Executive they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council or Executive.
- (d) Attendance as a Councillor at any Executive or Council Committee which discharges or advises the Council on the discharge of its functions shall be deemed for the purposes of sub-paragraph (c) to be attendance at a Council meeting. (For purposes of clarification this includes all Executive, Committee, Sub-Committee, Policy and Accountability Committee or quasi-judicial (i.e. regulatory) bodies established by the Council).
- (e) Councillors are relieved from disqualification on account of absence if it is due to employment by Her Majesty's naval, military or airforce services or the service of Her Majesty in connection with war or any emergency as agreed by the Secretary of State.
- (f) Where a Councillor ceases to be qualified or is disqualified, the Council shall, except in any case in which a declaration has been made by the High Court under the Act, forthwith declare their office vacant.
- (g) A person elected or appointed under the Act to fill any casual vacancy shall retire on the date on which the person whom they are replacing would have retired.

- (h) Committees and their Chairs/Vice Chairs shall remain constituted or hold office until their successors are appointed, except in a Council election year, when they will cease to be constituted or hold office at the end of the day preceding the election.

## **7. COUNCILLORS**

- (a) A person shall, so long as he/she is, and for twelve months after he/she ceases to be a Councillor, be disqualified from being appointed by the Council to any paid office.
- (b) Unless specifically authorised so to do by the Council or a Committee, a Councillor shall not issue any order in respect of any works which are to be or are being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council, any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.
- (c) A Councillor may request information from a Director but such a request may be declined if in the opinion of the Chief Executive (or the Director of Law in his/her absence), it entails intensive research, or an undue expenditure of time or abortive costs, or there is another good reason for non-compliance.
- (d) A Councillor acting professionally, by himself/herself, or by his/her partner, in conflict with the interest of the Council, shall on each occasion notify the Chief Executive and Monitoring Officer.

## **8. ROLE OF MAYOR, LEADER & CABINET MEMBERS**

- 8.1 At a meeting of the Council, the Mayor, if present, shall preside.
- 8.2 If the Mayor is absent from a meeting of the Council then the person appointed by the Mayor as Deputy Mayor shall preside, providing that they remain a Councillor and are chosen to preside by the Councillors then present.
- 8.3 If the Mayor and Deputy Mayor are absent from a meeting of the Council, or the Deputy Mayor, being present, is not chosen to preside or no appointment of Deputy Mayor has been made, another Councillor chosen by the Councillors present shall preside.
- 8.4 The Leader and the other members of the Executive (referred to herein as Cabinet Members) shall have the right to speak first in debate on any matters falling within their respective Portfolios at meetings of the Council (after any other Councillor in whose name a motion or amendment may stand).

- 8.5 The Leader and Cabinet Members may be called to answer questions on such matters at meetings of the Council's Policy and Accountability Committees in accordance with the provisions relating to the meetings of these bodies.

## **9. COUNCIL QUORUM**

- 9.1 The Council shall not carry out any business at their meetings unless at least one quarter of the total number of Councillors are present (i.e. 12 Councillors).
- 9.2. If no quorum is present 15 minutes after the start time of a Council meeting, or if during the course of a meeting it becomes inquorate, the meeting shall be adjourned. Any outstanding business at a Council meeting shall be held over to a time to be fixed by the Mayor or to the next ordinary Council meeting.

## **10. MINUTES**

- 10.1 Minutes of Council or Committee or Panel meetings shall be kept in a minute book and shall be signed at the next ordinary meeting by the Mayor/Chair.
- 10.2 A Council or Committee or Panel meeting which has had its minutes properly signed shall be deemed to have been held, and all Councillors present at the meeting shall be deemed to have been duly qualified, until the contrary is proved.
- 10.3 There shall be no discussion of the minutes except on their accuracy. Any question of accuracy should be raised by motion. The Mayor/Chair shall sign the minutes once they have been voted on.

## **11. ATTENDANCE**

- 11.1 The names of the Councillors present at a meeting of the Council shall be recorded.

## **12. PUBLIC QUESTIONS**

- (a) There shall be a public question time not exceeding 20 minutes in total at each ordinary meeting of the Council, including the Budget Council meeting. No public questions may be asked at the Annual Council meeting or any Extraordinary meeting convened.
- (b) A member of the public, or Youth Mayor or Deputy Youth Mayor on behalf of a young person, who lives, works, or is being educated in the Borough, may ask the Leader or a Cabinet Member one question (and

one supplementary on his/her reply) on any matter relating to the discharge of the Council's functions. The question must be in writing<sup>3</sup> and submitted to the Director of Law at least 7 clear days<sup>4</sup> [no later than 12 noon] before the day of the Council Meeting.

- (c) Questions may be edited as necessary by the Director of Law both to bring them into proper form and to secure brevity. Questions which, in the opinion of the Mayor, are defamatory or unsuitable in form, frivolous or derogatory shall not be accepted.
- (d) The Mayor shall call the questions in the order that they have been received and the member of the public submitting the question shall then read it out. (If the questioner is not present when the question is called, a written reply shall be provided).
- (e) Replies to questions shall be oral. However, persons questioned may decline to reply, if, in their opinion, questions involve an excessive and unnecessary amount of time on the part of officers in collating or preparing the information required.
- (f) A Cabinet Member or the Leader may arrange for the reply to be given by another Councillor.
- (g) There shall be no speech or discussion allowed on any question or reply.
- (h) If a question does not receive a reply within the time allowed for the public session, the Leader or Cabinet Member shall provide a written reply to the questioner. All public questions and the reply given by the Leader or Cabinet Member shall be recorded in the Minutes of the Council.

### **13. REPORTS TO COUNCIL**

13.1 The Leader, Executive, Policy and Accountability Committees or other Committees of the Council may place reports on the Council agenda.

13.2 Recommendations may be:-

- (a) approved or rejected on a majority vote;
- (b) varied by way of amendment; or
- (c) referred back for reconsideration.

provided that decisions in relation to Executive functions may only be referred back to the Executive for reconsideration.

---

<sup>3</sup> The term 'in writing' in this context means in manuscript, facsimile or by email.

<sup>4</sup> The term 'clear days' below refers to weekdays, excluding weekends, Bank Holidays, the day the question is received, and the day on which the meeting is to be held.



## 14. SPECIAL MOTIONS

- (a) Any two Councillors may submit a Special Motion for debate by the Council. Such motions shall be published in the agenda for the meeting.
- (b) Special Motions must be relevant to matters affecting the lives of people living and working in the Borough.
- (c) Special Motions may be ruled out of order by the Mayor, on advice from the Director of Law, if they are irrelevant to the affairs of the Borough, defamatory, or place the Council at legal risk. Where ruled out of order, such motions shall not be placed on the agenda, and the mover and seconder shall be notified. Where motions are submitted close to the deadline, and review has not been possible prior to publication of the agenda, the Mayor may make a ruling, on advice, at the Council meeting. Motions that are ruled out of order at Council meetings may not be amended to make them valid. Neither may a substitute motion be tabled.
- (d) A Councillor may not move a Special Motion to directly overturn a Council resolution arising from a previous Special Motion passed in the previous six months. A Special Motion or amendment may not be submitted to the same effect as one rejected in the preceding 6 months.
- (e) Special Motions must be submitted to the offices of the Director of Law signed<sup>5</sup> by the mover and seconder, no later than midday **7 clear days**<sup>6</sup> before the date of the Council meeting (i.e. by midday (12 Noon) on the Friday (normally) the week before the date of publication of the Council agenda).
- (f) Amendments to Special Motions may be submitted prior to, or moved at, the Council meeting. They will be included on the agenda if received **6 clear days**<sup>6</sup> (no later than 12 noon) prior to the meeting.
- (g) Special Motions will be included on the agenda in the order that they are received.
- (h) Amendments to Special Motions must relate sufficiently to the original motion so as not to contravene requirements for public notice of matters on the Council agenda as required by the 1972 Local Government Act.
- (i) Special Motions may be withdrawn at, or prior to, a Council meeting.

---

<sup>5</sup> The term 'signed' in this context means either in manuscript, facsimile or by email.

<sup>6</sup> The term 'clear days' below refers to weekdays, and excludes weekends, Bank Holidays, the day the motion is received and the day on which the meeting is held.

Motions not moved or seconded shall be treated as withdrawn.

- (j) Special Motions shall be debated in accordance with the rules of debate and may be (i) supported; (ii) supported in amended form following one or more amendments moved and accepted; (iii) opposed.
- (k) No Councillor shall move or second more than two Special Motions at the same meeting.
- (l) No Special Motions shall be debated at Budget and Extraordinary Council meetings.

## 15. RULES OF DEBATE AT COUNCIL

- (a) Debate may be on motions, recommendations or other items placed on the Council agenda.
- (b) Speeches should be relevant to the subject under discussion and be addressed to the Mayor. No speech may exceed 5 minutes without the consent of the Mayor except –
  - (i) At the Budget meeting, the Leader shall be allowed unlimited time to set out his/her priorities or to propose the Budget.
  - (ii) The Leader of the Opposition shall also be allowed unlimited time to reply to a Leader's speech.
  - (iii) In the event of the absence of the Leader or the Leader of the Opposition at the Budget meeting, the Mayor shall invite the Deputy Leader or another Cabinet Member (for the Leader) or another Member of the same political group (for the Leader of the Opposition) to exercise the rights of speech of the Leader or the Leader of the Opposition.
  - (iv) Up to 3 other speakers from either side shall speak at the Budget meeting. No speech may exceed 5 minutes.
- (c) The Mayor shall call speakers in a manner designed to achieve effective debate and to air the views of all political parties. A Councillor who has initiated a debate by Special Motion shall have a right of reply at the end of the debate.
- (d) At meetings of the Council, a Councillor when speaking shall stand and address the Mayor. If two or more Councillors rise, the Mayor shall call on one to speak; the other or others shall then sit. When a Councillor is speaking, all other Councillors shall remain seated, unless rising to a point of order or in personal explanation. (See below)
  - 1. **On a point of order:** a Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall give way. A

point of order shall relate only to an alleged breach of a Rule or statutory provision, and the Councillor shall specify the Rule or statutory provision, and the way in which he/she considers it has been contravened. The Councillor's remarks shall be confined to the point of order.

2. **On a point of personal explanation:** a Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall give way. A point of personal explanation shall be confined to some material part of a former speech by him/her, which may appear to have been misunderstood in the present debate, or as to some statement or act wrongly attributed to him/her. But in making such explanation, the Councillor must confine his/her remarks strictly to that point and must not refer to other matters, nor endeavour to elaborate a former speech by new arguments, or reply to other Councillors.

- (e) The following Motions and Amendments may be moved without prior notice:-
1. Election of a Chair for the meeting (if the Mayor is absent), and/or to invite the Deputy Mayor, if present, to take the Chair.
  2. Motions relating to the accuracy of the minutes.
  3. That an item or items of business specified in the agenda shall have precedence.
  4. That leave be given to withdraw a motion.
  5. Extending the time limit of speeches.
  6. Amendment to a motion or recommendation.
  7. That the meeting proceed to the next business.
  8. That the question be now put.
  9. That the meeting or debate or Special Motion be now adjourned.
  10. Point of Order.
  11. Point of personal explanation.
  12. Suspension or variation of Council Rules (except those of statutory effect).
  13. A motion under Section 100(A) of the Local Government Act 1972 to exclude the public.
  14. That a Councillor named be not further heard.
  15. Inviting a Councillor to remain after declaring an interest under the terms of the Code of Conduct.
- (f) **On a motion to adjourn the meeting or debate:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall put the adjournment motion to the vote

without giving the mover of the original motion the right of reply on that occasion. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.

- (g) **On a motion to adjourn a Special Motion:** The Mayor shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.
- (h) **On a motion to proceed to next business:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business.
- (i) **On a motion that the question be now put:** Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall first put to the vote the motion that the question be now put, and if it is passed, then give the mover of the original motion the right of reply before putting their motion to the vote.
- (j) A Councillor may move a relevant amendment to any motion or recommendation. Such amendments shall require a seconder and shall, if required, be put in writing to the Mayor before discussion.
- (k) An amendment shall be relevant to the motion or recommendation and shall leave out, add or insert words.
- (l) Only one amendment shall be discussed at a time. If an amendment is lost, other amendments may be moved on the original motion or recommendation. If an amendment is carried, the motion or recommendation as amended shall take the place of the original motion or recommendation and shall become the substantive motion or recommendation upon which any further amendments may be moved.
- (m) A motion may be withdrawn or altered with the consent of the meeting by the mover or seconder of the motion or their Party's Whip on their behalf whether prior to or during the meeting. No member may speak on a withdrawn motion.
- (n) After the guillotine has fallen and an extension has not been agreed, all circulated amendments to motions shall be taken as proposed and seconded. The Mayor shall put to vote, without discussion, each amendment to the undebated motions to complete the consideration of any remaining items of business on the agenda.

**New 16. ORDER OF DEBATE AT COUNCIL (When a Member may speak during a debate)**

- 16.1 All motions and amendments must be formally moved and formally seconded by Members, or deemed to be so under these Rules, before they may be debated and voted upon.
- 16.2 A mover of the motion or amendment may elect to speak immediately or reserve his/her speech until later in the debate (subject to the prior termination of the meeting or a resolution that the matter be now put).
- 16.3 A Member seconding a motion or amendment shall indicate his/her intention to second the motion immediately following the proposal of the motion, and may then elect to speak immediately following the proposer, or may elect to reserve his/her speech until later in the debate (subject to the prior termination of the meeting or a resolution that the matter be now put).
- 16.4 The Mayor will then call any Members who have indicated to speak.
- 16.5 If an amendment is moved, the debate shall proceed in the following manner:
- (a) The mover of the amendment, thereafter the seconder of the amendment shall speak unless he or she has reserved their speech
  - (b) Then shall follow such other speakers as the Mayor considers appropriate
  - (c) A vote shall be taken on the amendment
  - (d) The Mayor will then call any further Members who have indicated they wish to speak on the substantive motion.
  - (e) The mover of the substantive motion shall have a right to reply at the end of the debate immediately before it is put to the vote.
  - (f) A vote shall be taken on the substantive motion, as amended if appropriate.
  - (g) If more than one amendment is moved, they shall be debated separately and voted upon one at a time.

Note – A member may speak only once on a motion and also once on an amendment except where they have the final right to reply.

## **17. VOTING AT COUNCIL AND COMMITTEE MEETINGS**

- (a) All questions considered by Council or a Committee shall be decided by a simple majority of the Councillors (or voting members comprising the Panel) present and voting thereon, subject (in the case of voting at Council meetings) to the provisions of any enactment. Where there is no dissent, the Mayor shall take the recommendation or motion as agreed.
- (b) If there is dissent, the Mayor shall take a vote by show of hands. The Mayor shall announce the result of the votes – For, Against and Not Voting.

- (c) In the case of an equality of votes, the Mayor/Chair shall have a second or casting vote and may exercise it at their discretion.
- (d) The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require a recorded vote to be taken on any decision relating to the budget or council tax and will follow the procedure set out at Rule 16 .d below.
- (e) In addition to Rule 16.c, if at a meeting any five Members present demand a recorded vote by standing, prior to the Mayor calling a vote, to indicate such demand, the names “for” or “against” the motion or amendment or abstaining from voting i.e. “not voting” will be taken down in writing and entered into the minutes. The procedure for a recorded vote shall be as follows:

  - (i) The Monitoring Officer or his/her representative shall ring the division bell for a minute. At the end of the one minute division bell, the Mayor shall put the motion to a vote and the Monitoring Officer or his/her representative shall call out the names of Members and record their votes or abstentions.
  - (ii) Each member shall answer “For”, “Against” or “Not Voting”.
  - (iii) The Mayor shall declare the result of the vote and the vote of each Member shall be recorded in the minutes.
- (f) This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be waived. Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
- (g) If more than two persons are nominated for any position to be filled by Council and there is not a majority vote in favour of one person, then the person with the least votes shall be removed from the list and a fresh vote taken. This shall continue until one person has a majority of votes.

## **18. REGULATORY, POLICY AND ACCOUNTABILITY AND OTHER COUNCIL COMMITTEES**

- 18.1 The Membership and Terms of Reference of all Council Committees shall be decided by Annual Council and any subsequent vacancies or changes made via special motion at future Council meetings.
- 18.2 Membership and terms of reference of any Sub-Committees, Advisory Committees, Working Groups or other Panels shall be decided by their parent body.

- 18.3** Annual Council shall set the dates for Council and other Committee meetings, provided that the Chair/Vice-Chair, or Chief Executive or Director of Law may, in instances of urgency, call a meeting in consultation with the Chief Whip.
- 18.4** A Chair of a Committee may cancel a meeting on the grounds of insufficient business, in consultation with the Chief Whip.
- 18.5** Subject to the provisions of Section 100(A) of the Local Government Act 1972:
1. The Chair of a Committee may vary the date and time of a meeting only after consultation with the Chief Whip.
  2. The Opposition Whip shall be notified immediately of any changes.
- 18.6** In the absence of the Chair of a Committee, the Vice-Chair shall take the chair and shall have a second or casting vote. In the absence of both the Chair and Vice-Chair, the members present shall elect a Chair for the meeting from among the members then present, who shall have the second or casting vote. If the Chair or Vice-Chair subsequently attends the meeting, the person then in the chair shall vacate it.

**19. QUORUM OF COMMITTEES & PANELS**

- 19.1** The following quorums will apply:

Cabinet	3
Planning and Development Control Committee	4
Audit, Pensions and Standards Committee	5
Audit, Pensions and Standards (Complaints) Sub-Committee	3
Audit, Pensions and Standards (Appeals) Sub-Committee	3
Audit, Pensions and Standards (Dispensations) Sub-Committee	3
Pensions Fund Sub-Committee	3
Pensions Board	3
Licensing Committee	5
Licensing Sub-Committee	2
Appointments Panel	6 members in respect of the appointment of the Chief

	Executive, and 3 for all other appointments
Health and Wellbeing Board	3
Wormwood Scrubs Charitable Trust Committee	2
Policy and Accountability Committees	3

19.2 If a quorum is not present 15 minutes after the start time of a meeting, the business shall be adjourned to a date to be arranged.

19.3 If a quorum is lacking at any time after a meeting has started, the meeting shall be suspended for up to 15 minutes, after which time, if a quorum is still not achieved, the meeting will end. Any items of business remaining on the agenda for that meeting will then be lost.

## **20. RULES OF DEBATE AT COMMITTEES<sup>7</sup>**

(a) Debate may be on reports, recommendations or other items placed on the agenda for the meeting.

(b) The Chair shall order the meeting in a manner designed to achieve effective debate and to air the views of all political parties.

(c) When a Councillor is speaking, all other Councillors shall remain silent, unless speaking to a point of order or in personal explanation (see below).

1. **On a point of order:** a Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall be silent. A point of order shall relate only to an alleged breach of these Council procedure rules or a statutory provision, and the Councillor shall specify which rule or statutory provision, and the way in which he/she considers it has been contravened. The Councillor's remarks shall be confined to the point of order.

2. **On a point of personal explanation:** a Councillor shall be entitled to be heard forthwith. Any other Councillor then speaking shall be silent. A point of personal explanation shall be confined to some part of a speech which may have been misunderstood, or to some statement or act wrongly attributed to the councillor. In making such explanation, the Councillor must confine his/her remarks strictly to that point and must not refer to other matters, nor endeavour to elaborate a former speech by new arguments, or reply to other Councillors.

---

<sup>7</sup> Excepting the Cabinet, to which the Executive Procedure Rules shall apply



- (d) The following may be moved without prior notice:-
1. Election of a Chair for the meeting (if absent) and/or to invite the Vice-Chair, if present, to take the chair.
  2. Motions relating to the accuracy of the minutes.
  3. That an item or items of business specified in the agenda shall have precedence
  4. That a report, recommendation or amendment be withdrawn.
  5. To move an amendment to a recommendation.
  6. That the meeting proceed to the next business.
  7. That the recommendation/amendment be now put.
  8. That the meeting or debate be now adjourned.
  9. Point of Order.
  10. Point of personal explanation.
  11. Suspension or variation of Council Procedure Rules (except those of statutory effect).
  12. A motion under Section 100(A) of the Local Government Act 1972 to exclude the public.
  13. That a Councillor named be no longer heard.
  14. Inviting a Councillor to remain after declaring an interest under the terms of the Code of Conduct.
  15. To suspend the meeting
- (e) **On a motion to adjourn the meeting or debate:** Unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall put the adjournment motion to the vote. If the motion is passed, consideration of the matter(s) under discussion shall stand adjourned to a further meeting.
- (f) **On a motion to proceed to next business:** Unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall put the motion to proceed to the next business to the vote.
- (g) A Councillor may move an amendment to any recommendation. Such amendments shall require a seconder and shall, if required, be put in writing to the Chair before discussion.
- (h) Only one amendment shall be discussed at a time. If an amendment is lost, other amendments may be moved on the original recommendation. If an amendment is carried, the recommendation as amended shall take the place of the original recommendation and shall become the substantive recommendation upon which any further amendments may be moved.

## **21. DECLARATIONS OF INTEREST<sup>8</sup>**

- (a) If a Councillor (or a co-opted member) has a **disclosable pecuniary interest** in any particular agenda item at a meeting, he/she should declare the existence and nature of the interest (unless it is a sensitive interest) at the commencement of the consideration of that item or as soon as it becomes apparent.
- (b) Any Councillor with a **disclosable pecuniary interest** may make representations, give evidence or answer questions about the matter, but only at meetings where members of the public are allowed to be in attendance and to speak. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken, unless a dispensation has been obtained from the Audit, Pensions and Standards Committee.

At meetings where members of the public are not allowed to be in attendance, then the Councillor with a **disclosable pecuniary interest** must withdraw from the meeting while the matter is under consideration, unless the Audit, Pensions and Standards Committee have granted a dispensation.

- (c) Each Councillor (or co-opted member) shall, within **28 days** of his/her election or appointment to office (if that is later) give to the Director of Law or another approved officer a general notice, to be recorded in the Register of Members' Interests open to public inspection, of any **disclosable pecuniary interests**, as defined in the Code of Conduct in Part 5 of the Constitution.
- (d) If a Councillor (or co-opted member) has declared a **disclosable pecuniary interest** at a meeting which has not been recorded in the Register of Members' Interests he/she shall, within **28 days** of the declaration, give notice of the interest to the Director of Law.

## **22. ORDER AT COUNCIL AND COMMITTEE MEETINGS**

- (a) Councillors shall abide by the provisions of the Code of Conduct and the ruling of the Mayor/Chair on all matters.
- (b) If at a meeting any Councillor is guilty of misconduct by persistently disregarding the ruling of the Mayor/Chair, behaving improperly or irregularly, using racist or sexist language or obstructing the business of the meeting, the Mayor/Chair or any Councillor may move "That the Councillor named be not further heard." If the motion is seconded, it shall be put and determined without discussion.
- (c) If the Councillor named continues misconduct, after a motion under (b) is carried, and does not heed a further warning from the Mayor/Chair, the

---

<sup>8</sup> This Rule shall apply to all Council, Executive, Regulatory, Policy and Accountability Committee or any other Council Committee meetings.

Mayor/Chair shall be empowered to require the Councillor to leave the meeting.

- (d) The Mayor/Chair may at his/her discretion suspend the meeting for such period of time that he/she considers expedient.
- (e) In the event of general disturbance which in the opinion of the Mayor/Chair renders the due and orderly despatch of business impossible, the Mayor/Chair may, without the question being put, suspend the meeting for such period of time that he/she considers expedient and so announces.
- (f) The Mayor/Chair, in the event of a continuous disturbance which renders the orderly despatch of business impossible, may order the clearance of the public galleries and/or the removal of individuals from the meeting or room.
- (g) The Council will provide reasonable facilities for any member of the public to report on meetings that are open to the public:
  - (i) Members of the public may film, photograph or record for social media any meeting of the Council that is open to the public. Members of the public wishing to do so are asked to make themselves known to Council officers so that appropriate provisions can be made.
  - (ii) Private meetings or discussions of agenda items containing exempt or confidential information (as defined by paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended) may not be filmed or recorded.
  - (iii) Filming and photography may not be allowed when young or vulnerable people are speaking or in attendance.
  - (iv) Filming and photographing should be conducted using hand-held devices and carried out in a way which is conducive to the good order and conduct of the meeting.
  - (v) Attendees should be informed that a meeting is being photographed, filmed or recorded.
  - (vi) The Mayor or Chair of the meeting may order that filming or photography must stop if it is being disruptive to the conduct of the meeting.
  - (vii) Larger film crews with roving cameras are obliged to agree authorisation at least one working day before the meeting commences.
  - (ix) Recordings of meetings can be shared online; however if they are edited to misrepresent proceedings, the Council may request that the recordings be removed.
- (g) A bell may be rung two minutes before the commencement of any Council meeting to alert Councillors and other attendees.
- (i) Smoking shall not be permitted during any Council, Executive, Regulatory, or Policy and Accountability Committee or any other Council Committee meetings.

- (j) Consumption of drink, other than water, shall not be permitted during a Council meeting.
- (k) Meetings of the Council may be preceded by prayers.
- (l) Each Member shall ensure that their mobile devices are on silent or switched off during any meeting. If on silent, that his/her use of such equipment does not interfere with the proper conduct of the meeting.

### **23. ADMISSION/EXCLUSION OF PRESS AND PUBLIC**

- (a) Council, Executive and Policy and Accountability Committee meetings shall be open to the press and public, unless they are excluded by a resolution under this paragraph, or under the provisions of the Access to Information Procedure Rules set out elsewhere in the Constitution, or for disorder.
- (b) Applicants or their agents and people who have commented on a planning application are able to speak at meetings of the Planning and Development Control Committee where the application is being considered, in accordance with the Public Speaking at Planning and Development Control Protocol in Part 5 of the Constitution. Written petitions made on a planning application are incorporated into the officer report to the Planning and Development Control Committee. Petitioners, as members of the public, are welcome to attend meetings, but are not permitted to speak. They can, however, be represented by their Ward Councillor, who may address the Committee. Deputation requests are not accepted on applications for planning permission.

### **24. MOTION TO CLOSE MEETING<sup>9</sup>**

- 24.1 A Councillor may move without comment at the conclusion of a speech, to close the meeting. After the motion is seconded the Chair shall proceed as follows:
  - (a) Seconding will be without a speech. The mover and one other speaker replying on invitation of the Chair, may speak for five minutes only and the question shall then be put.
  - (b) If the motion is carried, the Chair will then follow the procedures to close the meeting (guillotine provisions) below. Any member who has moved or seconded such a motion may not move or second another such motion subsequently during the course of the meeting. A motion to close shall not be moved (without leave of the Chair) within one hour of the moving of a previous closure motion.

---

<sup>9</sup> This Rule applies only to meetings of the Council.

## **25. GUILLOTINE PROVISIONS**

- 25.1** All Council, Executive, Policy and Accountability Committee, Regulatory Committee and other Committee meetings (with the exception of Personnel, Planning, Adoption, Licensing, and Appointments Panels) shall end after three hours (“the guillotine”).
- 25.2** The time elapsed during any suspension of a meeting shall be added to extend the time at which the following provisions come into effect:
- (a) At that time, or at any other time when a motion to close the meeting has been successfully carried;
  - (b) No further points of order shall be raised except by the Mayor/Chair; except that Councillors may declare an interest in any remaining items of business;
  - (c) The Mayor/Chair shall then interrupt the discussion of the item before the meeting;
  - (d) Unless the mover of a motion then under discussion seeks leave to withdraw it, the Mayor/Chair shall allow them a right of reply to the debate;
  - (e) Unless the motion or item of business then under discussion is withdrawn, the Mayor/ Chair shall put, without further discussion, all the questions necessary to dispose of it;
  - (f) The Mayor/Chair shall put without discussion, all the questions necessary to complete consideration of any remaining items on the agenda;
  - (g) Finally, the Chair shall close the meeting.
- 25.3** Prior to the guillotine provision coming into effect, where the Council, Executive, Policy and Accountability Committee, Regulatory Committee or other Council Committee believes that a specific extension of time is warranted, this may be agreed by a resolution to extend the guillotine for a specified period. There is no limit to the number of extensions which may be agreed under this rule for Regulatory or Policy and Accountability or any other Council Committee, but at a Council meeting only one extension shall be allowed. No motion to extend the guillotine shall be permitted once the guillotine has fallen.

## **26. SUSPENSION OF RULES**

- (a) In respect of business at Council meetings, any Rule, except those of statutory effect, may be suspended on a motion which may be moved without notice, provided at least one half of the whole number of Councillors are present; otherwise no motion of such effect shall be moved without notice.
- (b) At Committee meetings, these Rules shall not be suspended.

**27. INTERPRETATION**

- (a) In relation to the conduct of meetings of the Council and the Council's business in relation thereto, the ruling of the Mayor as to the conduct or application of any of these Rules shall not be challenged.
- (b) In relation to the administration of the Council's business and to the business of Committees, these Rules shall be interpreted in cases of doubt by the Director of Law, whose ruling shall not be challenged.

Updated - [October 2016](#)