

FURTHER SUPPLEMENTAL REPORT OF THE DEMOCRATIC SERVICES
MANAGER
Agenda item 14.1

6. Agenda item 13.1: Report of the Special Committee (Constitution Review) 28 March 2007.

Council is asked to note the attached appendix to the report of the Special Committee (Constitution Review) which was inadvertently omitted from the papers previously circulated. This relates to Recommendation 1(iv) and shows the revised version of Constitution Part 4, Section 1 – The Council.

Additionally, an error has been found in the appendix showing the revised version of Constitution Part 4, Section 4 – Public Participation. A revised version of paragraph 5.14 of this section is attached. The paragraph 5.14.3 has been deleted as this was not agreed by the Special Committee and was included erroneously.

Janet Rawlings
Democratic Services Manager

Section 1 – The Council

Types of meetings

Explanatory notes – types of council meetings

Article 4 of the Council Constitution sets out three types of council meeting.

The council meeting comprises all elected members of the council.

Annual meetings

By law, the Council must hold an annual meeting of the Council. It usually does so in May.

The Council will appoint the Cabinet to deal with the executive functions allocated to it under the constitution, and committees to deal with other non-executive functions. The Cabinet can appoint any body subordinate to it, but only committees can appoint sub-committees and panels. Panels are small sub-committees with a specific purpose. Therefore, Barnet's practice is to hold a joint meeting of committees following the annual meeting of the Council to:

- Set up any sub-committees or panels; and
- Appoint councillors and co-opted members to them for the next municipal year.

Ordinary meetings of Council

These will normally be held monthly, unless the Council or Mayor decides otherwise, at 7pm at the Town Hall, The Burroughs, Hendon on the dates agreed by the Council, usually at its annual meeting.

Budget

The Council must meet before 11 March to agree the Council's budget and the council tax for the following financial year. At this meeting, the Council will usually agree performance management plans that set out what services intend to do in the forthcoming financial year and the revenue and capital programmes that support them.

Council Procedure Rules

Mayoralty

It is the custom in Barnet for the Council in March to consider nominations for the election of Mayor for the following municipal year. At the meeting the Mayor calls for nominations. After they have been proposed and seconded they are put to the vote. The successful nomination becomes the "Mayor Designate". The actual election of the Mayor is decided at the annual meeting of the Council.

Chairing Council meetings

By law, the Mayor must chair Council meetings. In the absence of the Mayor, the Deputy Mayor may preside only if chosen for that purpose at the meeting. If the Deputy Mayor is not chosen, the Council must choose another member of the Council to preside.

Agenda conference

At least two weeks before an ordinary meeting, the Democratic Services Manager will arrange an agenda conference by e-mail with the Leader of the Council, the Leaders of any other political groups and Group Secretaries, or their representatives:

- to consult on the agenda;
- to agree the time limits for discussion of each item and for debating any amendments.

All Members of Council will be informed of the items scheduled for consideration at the next meeting on the day after the Agenda Conference.

1. Annual meeting of the Council

- 1.1 In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.
- 1.2 The annual meeting will:
 - 1.2.1 elect a person to preside if the Mayor is not present;
 - 1.2.2 elect a Mayor (who may appoint a Deputy Mayor);
 - 1.2.3 approve the minutes of the last meeting;
 - 1.2.4 receive official announcements;
 - 1.2.5 elect the Leader;
 - 1.2.6 appoint the Leader and nine other members to the Cabinet, and decide whether to appoint one of them Deputy Leader;

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- 1.2.7 note the appointment as Leader of the Opposition of the Leader of the largest political group other than the group of which the Leader of the Council is a member;
- 1.2.8 appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 and 2 of this Constitution, and a Chairman and (if Council so wishes) Vice-Chairman for each;
- 1.2.9 agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree as set out in Part 3 of this Constitution;
- 1.2.10 approve a programme of ordinary meetings of the Council for the year;
- 1.2.11 consider any other business dealt with in Part 5 of an ordinary Council meeting set out in the notice convening the meeting.

2. Selection of Councillors on Committees and outside Bodies

At the annual meeting the council will:

- i. decide which committees to establish for the municipal year;
- ii. decide the size and terms of reference of those committees;
- iii. decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- iv. receive nominations of councillors to serve on each committee and outside body; and
- v. appoint to those committees and outside bodies except where appointment to those outside bodies has been delegated by the Council or is exercisable only by the executive.

3. Ordinary meetings

- 3.1 Unless the Council or Mayor decides otherwise, ordinary meetings of the Council shall be held at 7pm at the Town Hall, The Burroughs, Hendon in accordance with a programme decided at the Council's annual meeting.
- 3.2 Ordinary meetings will deal with the following matters except for the meeting that deals with the approval of the budget and council tax to which only Parts 1 and 5 will apply.

Council Procedure Rules

Part 1 - Statutory formalities/Announcements (15 minutes)

1. Elect a member to preside if the Mayor is absent
2. Prayer
3. Minutes of last meeting
4. Official announcements
5. Declarations of interest
6. Any business remaining from last meeting

Part 2 - Question Time (30 minutes or until 7.45 p.m. whichever is longer)

7. Questions to the Leader and Cabinet

Part 3 - Members' Motions (60 minutes)

8. Motions in the order in which notice has been given

(Break – 15 minutes)

Part 4 – Policy Development (60 minutes)

9. **Administration Policy Item (30 minutes)**

Matters proposed by the political group led by the Leader of the Council and any other political group which acknowledges that it has combined with it to form a political administration.

10. **Opposition Policy Item (30 minutes)**

Matters proposed by the other political groups, lasting no more than 30 minutes.

In the absence of agreement between the opposition political groups, the time available in this part of the meeting will be allocated pro rata to the number of members in each group.

Council Procedure Rules

Part 5 - Statutory Council Business (40 minutes)

11. Reports from Cabinet
12. Reports from overview and scrutiny committees
13. Reports from other council committees
14. Reports of officers

Part 6 - Accountability

15. Comments on the work of the Cabinet (10 minutes)
16. Questions to council representatives on outside bodies (this is a statutory requirement for the Council meeting) (10 minutes)

4. Agenda Conference and Timetable for Meetings

- 4.1 The Democratic Services Manager will set the agenda and timetable after consultation with the political groups.
- 4.2 The Democratic Services Manager will consult by e-mail the Leaders or if unavailable another representative of the political groups at least two working weeks before the meeting to consult them on the agenda and timetable. This will be known as "the agenda conference". The Administration and the Opposition will confirm to the Democratic Services Manager in writing by 4pm that day the full text of the policy initiatives to be debated in Part 4 of the meeting.
- 4.3 The Democratic Services Manager will circulate the draft agenda on the next day.

4(a) Callover

On the day before the meeting after the 10.30 deadline for final items of business the Democratic Services Manager will consult by e-mail the Mayor and political group leaders, copying-in group secretaries (or if unavailable other representatives of the political groups) on variations to the agenda and timetable to add additional time to Part 3 of the meeting from any unused Part of the meeting as set out in Rule 3.2, provided that this does not cause the meeting to terminate after 10.30 pm.

The Democratic Services Manager will notify Members that day of the changed timetable.

The variation will be made by a Motion moved by the Mayor at the commencement of Part 3.

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5. Visual presentations

A Member presenting a Motion in Part 3 or commenting on the work of the Cabinet in Part 5 shall be able to make a visual presentation.

6. Extraordinary meetings

6.1 Extraordinary meetings can be called in accordance with the legal requirements.

6.2 The only business permitted at an extraordinary meeting is that which appears in the summons.

Explanatory notes – extraordinary meetings

The Mayor may call an extraordinary meeting at any time.

Five members of the Council may also request the Mayor to call an extraordinary meeting. The meeting must be called within 7 days of the notice being presented to the Mayor, although there is no time limit by which the meeting must take place. If the Mayor refuses, or does not call the meeting within the 7 days, any five members may themselves call an extra-ordinary meeting.

(Paragraph 3 of Schedule 12 of the Local Government Act 1972)

Order of business and general procedure for all meetings

7. Chairing Meetings

7.1 The person presiding at the meeting may exercise any power or duty of the Mayor concerning the conduct of Council meetings.

7.2 The Mayor or person presiding at the meeting will always be able to exercise a casting vote in the event of an equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided he or she has voted when the motion or amendment was first put to the vote.

8. Quorum

8.1 No business will be transacted at a meeting of the Council unless there is a quorum present. The quorum is $\frac{1}{4}$ of the membership of the Council rounded up to the nearest whole number.

8.2 If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed for up to 15 minutes. When 15 minutes has passed, the Democratic

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Services Manager will count the number of members present, and if there is no quorum, he or she will advise the meeting that no business can be transacted and the meeting will be cancelled.

- 8.3 If the Mayor finds that a quorum of members is not present at any time during the meeting, the Democratic Services Manager shall call over the names of the members of the Council. If there is not a quorum of members present, the Mayor shall adjourn the meeting and the Democratic Services Manager shall record in the minutes of the meeting the names of those who were present and those who were absent.

Explanatory Note – Inquorate meetings, adjourned meetings, cancellation and postponement

Where a meeting is inquorate it cannot be held, and if a meeting already commenced becomes inquorate no further business can be transacted. Such a meeting is not “adjourned” since this would require a positive decision that the meeting is, of course, unable to take.

In these circumstances a new date for a meeting must be arranged in accordance with Council Procedure Rule 12 and the Access to Information Procedure Rules giving the requisite days notice of the meeting.

Where a meeting is adjourned by the Mayor or by a unanimous or majority decision of the members a new meeting date must be arranged on the same basis.

Once the council has been convened by the proper officer publishing notice of the meeting there is no power for anyone to cancel or postpone it.

The meeting must take place and, if quorate, transact the business set out on the summons.

This does not prevent members at the meeting, if they consider it inappropriate for the meeting to proceed for whatever reason, from taking a unanimous or majority decision to adjourn it.

Council Procedure Rules

9. Order of business

The order of business at meetings of the Council shall be as set out in Rules 1 and 2.

10. Variation

10.1 The following order of business may not be changed:

10.1.1.1 to choose a person to preside if the Mayor is absent

10.1.1.2 to deal with any business required by statute to be done before any other business

10.1.1.3 to approve the minutes as a correct record

10.2 The order of any other business may be varied:-

10.2.1 by the Mayor at his or her discretion either at or before the meeting; or

10.2.2 by a motion put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of the motion is required.

11. Minutes

11.1 The minutes of the last ordinary meetings of the Council and any extraordinary meetings will be circulated with the agenda for the next ordinary meeting of the Council, provided that it is not on the same day.

(Paragraph 3 of Schedule 12 of the Local Government Act 1972)

11.2 The Mayor shall put the question that the minutes of the meeting of the Council held on the day of be approved as a correct record.

11.3 No discussion shall be allowed on the confirmation of the minutes. Any question about their accuracy must be raised by motion and voted on without discussion. Upon approval as a correct record, the Mayor shall subsequently sign the minutes.

12. Resumption of adjourned meetings

12.1 The Democratic Services Manager, in consultation with the Mayor, must summon the members to resume any meeting adjourned because:

12.1.1 the meeting became inquorate; or

12.1.2 the Mayor adjourned the meeting due to a general disturbance in any part of the meeting place open to the public; or

Council Procedure Rules

- 12.1.3 the Mayor adjourned the meeting due to a named member continually disrupting the meeting.

(See standing order 28)

- 12.2 The meeting must be held within ten days of the adjournment and the summons will give details of the business remaining to be dealt with. No new items may be included on the agenda.

Standing Orders – Interpretation, suspension and amendment

13. Interpretation

- 13.1 The ruling of the Mayor concerning the interpretation or application of these standing orders shall not be challenged at any meeting of the Council.
- 13.2 The ruling of the person presiding at a meeting of any Council body must not be challenged on the interpretation of standing orders relating to the meeting.

14. Suspension

- 14.1 The Council at any of its meetings may suspend any standing order provided that:
- 14.1.1 either due notice has been given, or Council agrees that it is a case of urgency, and
- 14.1.2 the motion to suspend a standing order is moved, seconded and carried without discussion by a majority of the members of the Council present and voting.

15. Amendments to Standing Orders

A meeting of the Council may only consider changes to these standing orders if notice of the intention is included in the summons for the meeting.

Close of business

16. Suspension of business

- 16.1 No business at any meeting of the Council shall be transacted after 11 p.m. and any business transacted after that time shall be null and void

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Rules that apply to the whole of all Council meetings

17. Validity of motions, amendments, initiatives and questions

17.1 Every motion, amendment, initiative and question shall be relevant to matters within the

Council's powers or duties or which affect the borough. The Mayor shall, if need be, give a ruling as to whether the motion is relevant.

17.2 If the Democratic Services Manager has any doubts about any motion, amendment, initiative or question for the agenda for reasons of propriety, he or she may refer it to the Mayor.

17.3 If the Mayor considers the motion, amendment, initiative or question to be vexatious, irrelevant, or otherwise improper, the Democratic Services Manager will return it to the member who submitted it. The Democratic Services Manager will explain to the member in writing why it will not be included on the agenda circulated for the meeting. The matter will only be included on the agenda if it is resubmitted in the timescale for receiving an item of business of that category and is signed by at least fifteen members of the Council.

17A General provisions for motions and amendments

17A.1 An amendment must be relevant to a motion on the agenda and shall be to either:

17A.1.1 refer a subject of debate to a committee for consideration or re-consideration; or

17A.1.2 change the words (including deleting or adding words) but such changes must not merely have the effect of negating the motion before the Council.

17A.2 No member may submit more than one amendment to a particular motion or report on the agenda.

17A.3 If requested by the Mayor, the mover of a motion or amendment shall put it in writing and hand it to the Mayor before it is discussed or put to the vote. This standing order does not apply to motions or amendments where notice has been given in accordance with these standing orders.

17B Alterations to motions or amendments

17.B.1 Where, under Rule 31 a motion (including Administration and Opposition Policy Initiatives for debate in Part 4 of the meeting) has been notified to the Democratic Services Manager, but the deadline for giving such notice has not passed:-

- A Member may alter the text of his or her motion or amendment by giving further notice to that effect to the Democratic Services Manager within the

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deadline. The Democratic Services Manager will keep a record of the altered text and shall record the date the notice altering the text was received. Any Member of the Council may inspect the record.

Otherwise, where the deadline for giving notice of a motion or amendment to the Democratic Services Manager has passed:-

- A Member may, at the Council meeting and with the consent of the Mayor, alter the text of his or her motion or amendment. If the motion or amendment has been moved and seconded, the seconder must also give further consent to the alteration.

Any alteration must adjust, correct or clarify the motion or amendment and must not change its sense, meaning or purpose to such an extent that it becomes an entirely new motion or amendment.

17C Withdrawal of motions and amendments

17.C.1 Where, under Rule 31 a motion or amendment (including Administration and Opposition Policy Initiatives for debate in Part 4 of the meeting) has been notified to the Democratic Services Manager, but the deadline for giving such notice has not passed:-

- A Member may withdraw his or her motion or amendment by giving further notice to that effect to the Democratic Services Manager within the deadline. The Democratic Services Manager will keep a record of the notice of withdrawal including the date it was received. Any Member of the Council may inspect the record. Once notice of withdrawal has been received by the Democratic Services Manager, the Member concerned may not move the same motion or amendment (or a similarly worded motion or amendment having the same overall meaning purpose or intent as the withdrawn motion or amendment) for that particular Council meeting.

Otherwise, where the deadline for giving notice of a motion or amendment to the Democratic Services Manager has passed:-

- The mover may, at the Council meeting and with the consent of the Council and his or her seconder, withdraw his motion or amendment. No member may speak on the motion or amendment after the mover has asked permission for its withdrawal, unless permission has been refused.

18. Motions and amendments which may be moved without notice

18.1 The following motions and amendments may be moved without notice to:

18.1.1 appoint a Chairman of the meeting;

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- 18.1.2 question the accuracy of the minutes;
- 18.1.3 move that an item of business in the summons takes precedence;
- 18.1.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);
- 18.1.5 agree to hear oral representations;
- 18.1.6 give leave to withdraw a motion;
- 18.1.7 extend the time limit for speeches;
- 18.1.8 move that "the question be now put" (to the vote);
- 18.1.9 move that "the debate be now adjourned";
- 18.1.10 move that "the Council do now adjourn";
- 18.1.11 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;
- 18.1.12 move that a member named under standing order 30 be not further heard or do leave the meeting;
- 18.1.13 deal in public with a staff matter;
- 18.1.14 give consent of the Council where consent is required by these standing orders;
- 18.1.15 grant urgent action powers.

19. Motions which may be moved during debate and closure motions

- 19.1 When a motion is under debate no other motion shall be moved except:
 - 19.1.1 to amend the motion;
 - 19.1.2 motions moved by the Mayor or another member that a member:
 - "be not further heard";
 - "must leave the meeting";
 - 19.1.3 motions to exclude the press and public
 - 19.1.4 closure motions as follows:

A member may move without comment, at the conclusion of a speech of another member;

 - "That the question be now put";
 - "That the debate be now adjourned"; or

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"That the Council do now adjourn".

If the motion is seconded, the Mayor shall put the motion to the vote without further discussion.

- 19.1.5 If the Council agree "that the question be now put", the mover of the motion will retain his or her right of reply before the motion is put to the vote.

19A. Speeches - limit and content

- 19A.1 A member may only speak once during the debate on an item of business to either:
- 19A.1.1 move an amendment or motion; or
 - 19A.1.2 second or speak on an amendment or motion moved by another member.
- 19A.2 The exceptions are:-
- 19A.2.1 to speak on the substantive motion;
 - 19A.2.2 to exercise a right of reply;
 - 19A.2.3 on a point of order; and
 - 19A.2.4 by way of personal explanation.
- 19A.3 A member shall direct his or her speech to:
- 19.A.3.1 the question under discussion or
 - 19.A.3.2 a personal explanation or a point of order.

Voting and division

20. Division bell

When the mover of an original motion is called by the Mayor to speak in response to any debate or amendment, but not on the adoption of a cabinet or committee report, the Democratic Services Manager shall arrange for a bell to be rung.

21. Voting

- 21.1 All motions and amendments shall be determined by a show of hands except where otherwise provided by law or in these standing orders.

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21.2 Members must be seated in the Chamber when voting and while the vote is being recorded.

22. Member's dissent

22.1 If, immediately after a vote is taken, a member requests his or her vote to be recorded, the Democratic Services Manager will record in the minutes whether that member:

22.1.1 cast his or her vote for or against the question; or

22.1.2 abstained from voting.

23. Division

23.1 If following a vote, ten members rise in their place and demand a formal division, the Democratic Services Manager shall call over the names of all the members, and record and enter in the minutes those:

23.1.1 voting for or against the motion or amendment;

23.1.2 abstaining from voting; and

23.1.3 absent from the meeting when the division was taken.

23.2 The voting at the division shall take the place of the voting indicated by a show of hands.

24. Voting on appointments

Where more than two persons are nominated for any position to be filled by the Council, and there is no majority of votes in favour of one person, the name of the person having the least number of votes shall be deleted from the list. Further votes will then be taken on the same basis until a majority is given in favour of one person.

Members' conduct

25. Only one member to stand at a time

A member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call on one to speak: the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising on a point of order or in personal explanation.

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26. Respect for Chairman of meeting

Whenever the Mayor or member chairing the meeting rises during a debate any member then standing must resume his or her seat and the council must be silent.

27. Points of order and personal explanation

- 27.1 **Points of order:** A member may rise on a point of order and must be heard forthwith. The point of order shall relate only to an alleged breach of a standing order or statutory provision or a factual error within an officer's report. The member must specify the standing order or statutory provision and the way he or she considers it has been broken, or details of the alleged factual error within the officer's report.
- 27.2 **Personal explanation:** A member who has previously spoken on an item of business may rise and, with the consent of the Mayor, speak in personal explanation. The member must be heard forthwith if consent is given. The personal explanation shall relate only to some material part of his or her previous speech, which may have been misunderstood in the present debate.
- 27.3 **Personal attack:** The Mayor may consent to a member giving an immediate personal explanation if he or she is abused, misinterpreted or unfairly accused of a misdemeanour by another member. The member's response should relate only to that part of the previous member's speech, which abuses, misinterprets or unfairly accuses him or her. No member may speak under this standing order unless the Mayor gives consent.
- 27.4 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

28. Disorderly conduct by a member

- 28.1 If the Mayor or another member considers that a member of the Council is:
- 28.1.1 persistently disregarding the ruling of the Mayor; or
 - 28.1.2 behaving improperly or offensively; or
 - 28.1.3 wilfully obstructing the business of the meeting;
- the Mayor may move "That [the member named] be not further heard". The motion if seconded shall be determined without discussion.
- 28.2 The Mayor must notify the Council of the misconduct before he or she, or another member may move the motion. If the motion is approved, the named member shall be entitled to vote on any remaining matters but must not speak.

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- 28.3 If the named member continues in a disorderly manner after the motion has been passed, the Mayor may either:-
- 28.3.1 move "That [the member named] must leave the meeting" (in which case the motion shall be determined without seconding or discussion); or
 - 28.3.2 adjourn the meeting of the Council.
- 28.4 A member excluded from the meeting under this standing order will not be entitled to return to the meeting to vote on any item.
- 28.5 A motion passed in accordance with either standing order 28.2 or 28.4 will remain in force for any adjourned meeting.

See also Access to Information Procedure Rules - Disturbances by individual members of the public and general disturbance.

29. Personal and Prejudicial Interests

- 29.1 **Personal interest:** If any member of the Council has a personal interest in any matter being considered at a meeting, he or she must disclose to that meeting the existence and nature of that interest at the commencement of when the matter comes into consideration or when the interest becomes apparent.
- 29.2 **Prejudicial interests:** If any member of the Council has a prejudicial interest in any matter being considered at a meeting, he or she must disclose that interest in accordance with Standing Order 29.1 and withdraw from the Council Chamber (including the public gallery) until the matter has been dealt with unless he or she has obtained a dispensation from the Standards Committee.

Council Procedure Rules

Explanatory Note – Declaring Interests at Meetings

When a member declares a personal interest at a meeting, the member should state clearly:

(a) the specific nature of the interest e.g. employed by ABC Ltd, hold major shares in DE plc;

(b) whether or not it is a prejudicial interest;

If it is a prejudicial interest the member should state clearly:

(a) that he or she will withdraw from the Council Chamber until the matter has been dealt with; or

(b) that a dispensation has been given by the Standards Committee permitting the member to stay to speak and/or vote at the meeting and the nature of the dispensation.

The member's name, nature of the interest and whether or not the member remained in the meeting, took part in the debate or voted will be included in the minutes.

Rules that apply to Part 2 of the meeting

30. Question Time

Question time – explanatory note

Members may put questions to the Leader of the Council and other members of the Cabinet provided these are submitted in writing 10 working days before the meeting. The same member may ask one supplementary question. No notice is required of the supplementary question.

The questions and written answers will be circulated two working days before the meeting. Questions will be answered in the order in which they are received by the Democratic Services Manager but shall be ordered so that a question from one party is followed by a question from another party until all parties have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached. The Democratic Services Manager will consult with the Leader if there is doubt about which Cabinet member should give an answer.

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Any supplementary question and any answers will be recorded.

Normally, members may not ask a question which has already been dealt with at a previous Council meeting in the last six months.

Question Time shall end after 30 minutes or at 7.45 p.m. whichever is longer but a supplementary question commenced before the expiry of the time limit may be answered.

- 30.1 In part 2 of the meeting the Leader of the Council and other members of the Cabinet will answer questions from any member of the Council. In the absence of the appropriate member of the Cabinet the question may be answered by another Cabinet member. The Democratic Services Manager will consult the Cabinet on which Cabinet member questions should be referred to.
- 30.2 Questions will be put to the appropriate Cabinet member in the order in which they are received by the Democratic Services Manager, except that questions shall be ordered so that a question from one political group is followed by a question from another group until all groups have placed one question each. This sequence shall be maintained until all questions have been dealt with or the time limit for question time is reached.
- 30.3 Any member wishing to ask a question must deliver it in writing, by hand, post, fax or e-mail, to be received by the Democratic Services Manager by 10.30am ten working days before the day of the meeting.
- 30.4 The Democratic Services Manager shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.
- 30.5 The Leader/Cabinet member may agree to answer a question of which notice has not been given, if it relates to urgent business and has been discussed with him/her before the meeting.
- 30.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 30.7 The Leader/Cabinet member may decline to answer a question.
- 30.8 Every question shall be put and answered without discussion.
- 30.9 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow an oral elaboration from the appropriate Cabinet member. In the absence of the appropriate Cabinet member an oral elaboration may be allowed from another member of the Cabinet.
- 30.10 One supplementary question and answer will be allowed on the same subject from the same member.

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- 30.11 Questions and answers will be recorded. The Democratic Services Manager shall send the transcript of oral questions and answers to the relevant members for correction of punctuation and grammar prior to publication.
- 30.12 The time allowed for questions will be 30 minutes. At the end of that time the Mayor will allow an oral reply to a supplementary question commenced before the expiry of the time limit and then bring this part of the meeting to a close. The Mayor has the right to prevent any member asking or giving a protracted supplementary question or answer.

Rules that apply to Part 3 of the meeting

31. Individual members' motions for the agenda - Part 3 of the meeting

Individual member's motions - explanatory Note

These are in effect the method members may use to put items on the agenda for Council meetings for discussion.

Motions should be phrased to take account of the separate functions of the council and the Cabinet. Motions on Council functions, for example, may seek approval to a course of action or instruct council committees or officers to take action. Motions on Executive functions should invite the Cabinet to consider a matter identified in the motion.

- 31.1 Any member may put a motion on the agenda for an ordinary meeting of the Council, except the meeting that deals with the budget and council tax. The member must give written notice to the Democratic Services Manager at least six clear working days before the meeting. A working day is deemed to end at 4pm. Any motion delivered after 4pm will be recorded as received on the next working day. The motion must be signed by the member and delivered by hand, post, fax or e-mail.
- 31.2 The Democratic Services Manager shall keep a record of the date the notice was received and any member of the Council may inspect the record.
- 31.3 The Democratic Services Manager shall set out in the summons for the meeting all motions in order of receipt.
- 31.4 Once the motion is on the agenda, any member may move the motion at the meeting. If the motion is not moved it shall be treated as withdrawn, unless the Council agrees to postpone it.
- 31.5 If the member's motion is not dealt with by the end of the meeting, it will be referred to the Cabinet or an appropriate council committee or sub-committee for consideration and any necessary action. (However, if the proposer has specifically asked in his or her

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notice for the motion to be voted on at that Council meeting it will be voted on without discussion).

- 31.6 A member who has a motion on the agenda may submit a further motion by 10.30am on the last working day before the meeting asking for the motion to be withdrawn and referred to the Cabinet or an appropriate council committee. The member must sign the motion and deliver it to the Democratic Services Manager by hand, post, fax or e-mail.

32. Amendments to motions

- 32.1 Amendments to motions must relate to the motion on the agenda. They may be:

32.1.1 submitted to the Democratic Services Manager in writing, by hand, post, fax or e-mail, (in which case they must be received no later than 10.30 am on the working day before the day of the meeting, and will be circulated by email and by hand by the Democratic Services Manager at or before the meeting); or

32.1.2 moved orally at the meeting. The Democratic Services Manager may require oral amendments to be submitted in writing at the meeting.

33. Rules of Debate

- 33.1 The rules of debate for part 3 of the meeting are as follows:

33.2 Each motion will be dealt with in turn in the order set out on the agenda. The motion need not be seconded. The member moving the motion, or another member of that group, will open the debate. The Leader of each of the other groups, or another member of their group, will then have an opportunity to comment. The time for this part of the debate will be set out in the timetable, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.

33.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. After all the amendments have been debated the motion will be debated. Then the member who opened the debate, or his/her nominee, has the right to respond.

33.4 At the end of debate the Mayor will put each amendment to the vote in turn. If an amendment is carried it alters the substantive motion.

33.5 The Mayor will then put the initiative to the vote.

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34. Time for debate

- 34.1 The time allowed for Part 3 of the meeting will be set out in the timetable. Each of the first three speakers under Rule 33.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time the Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all the business for that part of the meeting has been dealt with. The Mayor will then put the remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.
- 34.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, motion or recommendation be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.

Rules that apply to Part 4 of the meeting

35. Administration and Opposition Policy Initiatives

Explanatory note

Part 4 of the meeting will debate:

- Any motions put forward by the Leader of the Council, a member of the Cabinet or the Leader of any other party or parties who form part of an administration. The time limit for the debate will be 30 minutes.
- Any motions put forward by the opposition groups. The time limit for the debate will be 30 minutes.

- 35.1 Motions must consist of comments or requests addressed to the Executive. They must address broad policy issues and relate to the Council's powers or duties or matters that affect the Borough or its residents.
- 35.2 Motions may not promote a policy initiative which has been rejected, or negate a policy initiative that has been agreed by Council or the Executive in the six months before the meeting.

36. Rules of Debate

- 36.1 The rules of debate for administration and opposition policy initiatives are as follows:

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36.2 Each policy initiative will be dealt with in turn in the order set out on the agenda. The initiative need not be seconded. The Leader of the group promoting the policy initiative, or another member of that group, will open the debate. The leader of each of the other groups, or another member of their group, will then have the opportunity to comment. The time for this part of the debate will be set out in the timetable, and at the end of the time allowed, the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.

36.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. After all the amendments have been debated, the motion will be debated. Then the member who opened the debate, or his/her nominee, has the right to respond.

36.4 At the end of the debate, the Mayor will put each amendment to the vote in turn. If an amendment is carried, it alters the substantive motion.

36.5 The Mayor will then put the initiative to the vote.

37. Amendments to motions

37.1 Amendments to motions must relate to the motion on the agenda. They may be:

37.1.1 submitted to the Democratic Services Manager in writing, by hand, post, fax or e-mail (in which case they must be received by no later than 10.30 am on the working day before the day of the meeting, and will be circulated by the Democratic Services Manager at or before the meeting); or

37.1.2 moved orally at the meeting. The Democratic Services Manager may require oral amendments to be submitted in writing at the meeting.

38. Time for Debate

38.1 The time allowed for Part of the meeting will be set out in the timetable. Each of the first three speakers under Rule 36.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time, the

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Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all of the business for that part of the meeting has been dealt with. The Mayor will then put any remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.

- 38.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment or motion be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.

Rules that apply to Part 5 of the meeting

39. Questions on Cabinet/committee reports

A member may ask the Leader/Chairman of a committee, or a member moving the reception of the report of the committee, any question on it whilst it is being considered. Notice of the question should be given to the Leader/Chairman, or any member moving the report, where practicable. Every question shall be put and answered without discussion. The person to whom a question has been put may decline to answer.

40. Rules of debate

- 40.1 The rules of debate in this part of the meeting for reports of the Cabinet (except for the report on the Budget and Council Tax to which Rules 44 to 47 apply), Committees and Overview and Scrutiny Committees are as follows.
- 40.2 The Leader/Chairman of the relevant committee, or another member of the Cabinet/Committee, will move reception of the report and adoption of the recommendations. This motion need not be seconded. The leader of each of the other groups, or another member of their group, will then have an opportunity to comment on the recommendation. The time for this part of the debate may be set out in the timetable, and at the end of the time allowed the Mayor will bring this part of the debate to an end, whether or not all those entitled have spoken or completed their speeches.
- 40.3 Amendments may be moved by those speaking in the first part of the debate. The Mayor will then invite other members to move amendments. Amendments need not be seconded. After all the amendments have been debated the motion will be debated. Then the member who opened the debate, or his or her nominee, has the right to respond.

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40.4 At the end of the debate, the Mayor will put each amendment to the vote in turn. If an amendment is carried it alters the substantive recommendation.

40.5 The Mayor will then put the recommendation to the vote.

41 Amendments to recommendations

41.1 Amendments must relate to the recommendation of the Cabinet or committee. They may be:

41.1.1 submitted to the Democratic Services Manager in writing, by hand, post, fax or e-mail, (in which case they must be received no later than 10.30 am on the working day before the day of the meeting, and will be circulated by the Democratic Services Manager at or before the meeting); or

41.1.2 moved orally at the meeting. The Democratic Services Manager may require oral amendments to be submitted in writing at the meeting.

42 Time for debate

42.1 The time allowed for Part 5 of the meeting will be set out in the timetable. Each of the first three speakers under Rule 41.2 may speak for a maximum of 5 minutes. All subsequent speakers will be limited to a maximum of 4 minutes. At the end of that period of time the Mayor will bring that part of the meeting to a close, whether or not every member wishing or entitled to speak is speaking or has spoken, and whether or not all the business for that part of the meeting has been dealt with. The Mayor will then put the remaining items of business for that part of the meeting to the meeting in turn, and the Council will decide and if necessary vote on each of them without debate.

42.2 The Mayor may at any time move that more time be allowed for a debate than is shown on the timetable, that an amendment, motion or recommendation be put to the vote without further debate, or that the order of business be varied. This motion from the Mayor need not be seconded, and will be immediately put to the vote without debate.

Rules that apply to Part 6 of the meeting

43. Comments on the work of the Cabinet

43.1 In Part 6 of the meeting any Member who has given due notice shall be entitled to comment on the work of the Cabinet subject to the following conditions:

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- (a) A Member's comment shall not relate to any item included elsewhere on the agenda for that meeting.
 - (b) A Member shall not comment upon more than one matter and that matter shall only relate to one subject.
 - (c) Only the Member giving notice may speak. At the conclusion of the Member's comments, the relevant Cabinet member shall be entitled to reply.
 - (d) In the event of notice being received from more than one Member of intended comment on the same subject, it shall be at the Mayor's discretion as to whether or not such comments shall be taken together.
- 43.2 Notice by the Member specifying the subject matter of any intended comment shall be given in writing, by hand, post, fax or e-mail, to the Democratic Services Manager by not later than 10.30am on the last working day before the meeting, and details shall be circulated by the Democratic Services Manager to all Members of the Council on that working day.
- 43.3 In the absence of the notifying Member it shall be competent for any other Member to act in his/her behalf provided he/she has been so authorised by the notifying Member.
- 43.4 Comments and replies will be recorded. The Democratic Services Manager shall send the transcript to the relevant members for correction of punctuation and grammar prior to publication.
- 43.5** Any Comments not dealt with at the meeting will be responded to in writing by the relevant Cabinet Member to the Member concerned within 10 working days, with a copy being sent to the Democratic Services Manager for circulation to all Members of the Council.
- 44. Questions to Council representatives on outside bodies**
- 44.1 At an ordinary meeting, a member, who has given 21 clear days written notice to the Democratic Services Manager, may ask any question about the activities of a company or outside body to any member or officer who has been appointed or nominated to the outside body.
- (Sub-section 71(5) of the Local Government and Housing Act 1989 - Section 41, Local Government Act 1985 - G.P. Dec. 21/10/85-5)*
- 44.2 The member or officer may decline to answer if the question would disclose information about the outside body that has been communicated to him or her in confidence.
- 44.3 An answer may take the form of:
- 44.3.1 an oral or written answer (officers will invariably give written answers); or
 - 44.3.2 a reference to a Council publication; or

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- 44.3.3 a holding reply where it is not possible to give an immediate response. A written response must be circulated to members when the information is available.
- 44.4 No discussion shall be permitted about any question or the reply to it.
- 44.5 Questions and answers will be recorded. The Democratic Services Manager shall send the transcript of oral questions and answers to the relevant members for correction of punctuation and grammar prior to publication.

Rules that apply to the report of the Cabinet on the Budget and Council Tax, and Extraordinary Meetings

45 Amendments

- 45.1 If a member wishes to move an amendment to recommendations in the Cabinet's report or an item on the agenda of an extraordinary meeting he or she may only do so if written notice has been given to the Democratic Services Manager by no later than 10.30 a.m. on the last working day before the day of the meeting.

The member must sign the amendment and deliver it to the Democratic Services Manager by hand, fax, post or e-mail and the Democratic Services Manager must have circulated details to all members on or before that day.

- 45.2 The Council may at the meeting agree to waive the requirements of this standing order.

Dealing with amendments at the meeting

- 45.3 An amendment shall not be discussed or put to the meeting unless it has been moved and seconded.
- 45.4 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been dealt with. No member shall move more than one amendment. The mover of the amendment may speak for five minutes.
- 45.5 If an amendment is lost, other amendments may be moved on the original motion but only where notice has been given. If an amendment is carried, the amended motion replaces the original motion. The amended motion then becomes the motion upon which any further amendment may be moved. This is known as the substantive motion.
- 45.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.

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46. Speeches

46.1 Except with the consent of the Council, which will normally be granted to specified members for the debate on the adoption of the budget, the speech must not exceed:

46.1.1 four minutes, or

46.1.2 five minutes for each speech when a member is moving:

- the cabinet report;
- an item on the agenda of an extraordinary meeting
- an amendment;
- a member is exercising his or her right to reply

46.2 If a member when seconding a motion or amendment declares an intention to do so, he or she may reserve the right to speak until later in the debate.

47. Right of reply

The mover of an original motion shall have a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion also has a right of reply at the close of the debate on each amendment, but must not otherwise speak on the amendment. At the end of the debate, the Mayor will call on the original mover of the motion to exercise his or her final right to reply.

48 Procedure for Cabinet's budget report

48.1 The Leader, or in his/her absence any other member of the Cabinet, must move a motion for the report to be received. The mover may speak for five minutes.

48.2 If the motion is approved, the recommendations in the report shall be moved for reception by each page number being called out.

48.3 If a member has submitted notice of an amendment on a particular item, the Mayor will invite him or her, or another member, to move the amendment. If the amendment is seconded, the mover of the amendment may speak for five minutes when moving the amendment. His or her seconder may also speak for four minutes or, on request, later in the debate. If the amendment is not moved, it shall be treated as having been withdrawn.

48.4 Only one amendment may be moved, discussed and voted on at any one time.

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- 48.5 After all the amendments to the report have been dealt with in this way, the whole report shall be moved for adoption, subject to any amendments agreed at the meeting. The motion must be seconded and voted on without further discussion.

Section 4 – Public Participation

- 5.14 In respect of a planning application reported to the Planning and Environment Committee for decision a maximum of four speakers shall be allowed. Otherwise a maximum of three speakers shall be allowed. In either case this will include where there are objectors the applicant or the applicant's representative named on the planning application or the person who submitted the application or an employee of the applicant or bona fide member of the applicant, except:
- 5.14.1 multiple applications for the same site shall be treated as one application for public speaking purposes and a maximum of four speakers if considered by the Planning and Environment Committee or three speakers if considered by an Area Planning Sub-Committee, including the applicant or their representative, shall be permitted on the applications combined;
- 5.14.2 where the applicant does not wish to speak the number of speakers shall be restricted respectively to three speakers at Planning and Environment Committee and otherwise two speakers only.