

MEETING**CONSTITUTION, ETHICS AND PROBITY COMMITTEE****DATE AND TIME****MONDAY 16TH NOVEMBER, 2015****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	CONSTITUTION REVIEW - SUPPLEMENTAL REPORT	1 - 16

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	<p>Constitution, Ethics and Probity Committee</p> <p>16 November 2015</p>
<p>Title</p>	<p>Constitution Review - Supplemental Report</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>None</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Revised Appendix C: Full Council Procedure Rules</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>
<p>Summary</p>	
<p>This report seeks discussion and approval of revisions to the Constitution following the review of elements which require updating and review.</p>	

<p>Recommendations</p>
<p>That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the track change version attached in Revised Appendix C.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Additional issues have been identified which are recommended for consideration by the Committee. Changes areas are proposed in section 1.2 below.

1.2 The following table represents the changes proposed to sections of the Constitution and the reasons for the changes:

No.	Section	Reference	Issue Identified	Changes Made
1	Council Procedure Rules	Page 5	<p>Full Council Procedure Rules currently state, in section 1. (j) “To agree the Council Calendar of meetings including for ordinary meetings of the Council” Reserving approval of the calendar of meetings as a function of Annual Council means that Council do not formally approve the calendar of meetings until the beginning of the new municipal year. This can have implications for: i) Members in terms of planning holidays and other commitments; and ii) officers in terms of planning projects and other matters which will require committee decisions. Officers have consulted legislation and regulations and ascertained that there is no legal requirement for Annual Council to approve the calendar of meetings. It is therefore proposed that this becomes a function of Full Council instead in order that the calendar can be approved at any point during the year.</p>	<p>Delete from Full Council Procedure Rules section 1. (j) the following wording: “To agree the Council Calendar of meetings including for ordinary meetings of the Council”</p> <p>Add the following wording into Section 2. (Ordinary Meetings) Part 1 – Statutory Formalities / Announcements: “To agree the Council Calendar of meetings including for ordinary meetings of the Council”</p>

2. REASONS FOR RECOMMENDATIONS

2.1 As per the Constitution Review report.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 As per the Constitution Review report.

4. POST DECISION IMPLEMENTATION

4.1 As per the Constitution Review report.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.2 As per the Constitution Review report.

5.3 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.4 As per the Constitution Review report.

5.5 Legal and Constitutional References

5.6 As per the Constitution Review report.

5.7 Risk Management

5.4.1 The process of managing changes to the Constitution through the Constitution Ethics and Probity Committee ensures that the proposals are developed through Member participation and consideration.

5.8 Equalities and Diversity

5.9 As per the Constitution Review report.

5.10 Consultation and Engagement

5.11 As per the Constitution Review report.

6. BACKGROUND PAPERS

6.1 None

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Full Council Procedure Rules

Types of meetings

1. ANNUAL MEETINGS OF THE COUNCIL

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. The matters to be considered at the Annual Meeting shall be

- (a)
 - (i) Apologies for absence
 - (ii) Declarations of interest
 - (iii) Electing a Mayor and noting the appointment of the Deputy Mayor;
- (b) Approve the minutes of the last meeting;
- (c) Receive official announcements;
- (d) Electing the Leader of the Council for the ensuing four year period;
- (e) Noting the appointment of the Deputy Leader of the Council;
- (f) Noting 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;
- (g) Appointing the Chairman, Vice Chairman and members of Committees, and other regulatory bodies and approving their respective terms of reference;
- (h) Agreeing the Scheme of Delegation or such part of it as the Constitution determines it is for Council to agree;
- (i) Appointing representatives to Outside Bodies unless the appointment has been delegated by the Council;
- ~~(j) Agree the Council Calendar of meetings including for ordinary meetings of the Council;~~
- (k) Reports from other Committees and Officers as required to in the proper discharge of functions delegated by Council.

2. ORDINARY MEETINGS

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

Part 1 - Statutory formalities/Announcements (15 minutes)

- 1. Apologies for absence
- 2. Elect a member to preside if the Mayor is absent

3. Prayer
4. Declaration of interest
5. Minutes of last meeting
6. Official announcements
7. Any business remaining from last meeting
8. Agree the Council Calendar of meetings including for ordinary meetings of the Council

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

- 89.** Questions to the Leader (and Committee Chairmen if he/she has delegated)

Part 3 - Statutory Council Business (60 minutes)

- 910.** Petitions for Debate (20 minutes). A petition organiser (up to 5 minutes) and Members responding (up to 15 minutes)

- 4011.** Reports from the Leader

- 4112.** Reports from Council Committees

- 4213.** Reports of Officers

- 4314.** Questions to Council Representatives on Outside Bodies

Break (15 minutes)

Part 4 – Business for Debate (45 minutes)

- 4415.** Motions (45 minutes)

Discussion of up to two motions: At least one motion originating from the Opposition to be debated if submitted. The Opposition is the next largest political group after the ruling administration.

~~The motion debated will be determined by Council if there is more than one submitted, subject to: the opposition motion debated will be determined by the opposition if there is more than one submitted.~~

If there is more than one motion submitted, the Opposition motion debated will be determined by the Opposition, and the Administration motion will be determined by the Administration.

- 4516.** Motions for Adjournment

If time permits at the end of a meeting further motions may be debated. The selection of motions to be debated will be decided following a member moving a particular motion and the Mayor putting this to a vote by members present. Voting will be by a show of hands. If agreement is not reached in relation to the first proposed motion, further motions may be

proposed until agreement on the motion to be debated is reached. The other Rules of debate in relation to motions set currently within the Constitution will apply to Motions for Adjournment. The process can be repeated, but no motions shall be transacted after 10pm. At 10pm without further debate, the Mayor shall immediately put to the vote the motion under debate and end the meeting.

2.2 The provisions in Meeting Procedure Rules 14.1 and 14.2 also apply to Council, namely that no business shall be transacted after 10 pm and any business transacted after that time shall be null and void, but that at any meeting of Full Council, the Mayor or person presiding as Chairman may extend the period for the transaction of business to 10.30 pm.

3. EXTRAORDINARY MEETINGS

3.1 The Mayor may call an Extraordinary Meeting of the Council at any time.

3.2 Five Members of the Council may also request the Mayor to call an Extraordinary Meeting. The meeting must be called within seven days of the notice being present to the Mayor, although there is no time limit by which the meeting must take place.

3.3 If the Mayor refuses, or does not call the meeting within seven days, any five Members may themselves call an Extraordinary Meeting.

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

4. BUDGET COUNCIL MEETINGS

4.1 The Council shall hold a Budget meeting at time, date and place fixed by the Council to approve the budget and Council Tax for the ensuing financial year. Only Parts 1 (Statutory Formalities/Announcements) and 3 (Statutory Council Business) will apply to the Budget meeting.

5. ROLE OF MAYOR.

5.1 At the meeting of the Council, the Mayor, if present shall preside.

5.2 If the Mayor is absent from a meeting of the Council then the person appointed by the Mayor as Deputy Mayor if still a Councillor shall preside if chosen for that purpose by the Councillors present.

5.3 If the Mayor and Deputy Mayor are absent from the meeting or if the Deputy Mayor being present is not chosen, then another Councillor chosen by the Councillors present shall preside.

5.4 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the Mayor (or other person presiding at the meeting)

- 5.5 The ruling of the Mayor or person presiding at the meeting concerning the interpretation or application of these procedure rules shall not be challenged at any meeting of the Council.

6. VARIATION

The following order of business may not be changed:

- 6.1 To deal with any business required by statute to be done before any other business

The order of any other business may be varied:

- 6.2 By the Mayor at his or her discretion either at or before the meeting; or
- 6.3 By a Business Item put forward, seconded, and carried without discussion, by a majority of members at the meeting. No written notice of the Business Item is required.

7. SUSPENSION OF PROCEDURE RULES

The Council at any of its meetings may suspend any procedure rule provided that:

- 7.1 Either due notice has been given, or Council agrees that it is a case of urgency, and
- 7.2 The Business Item to suspend a procedure rule is moved, seconded and carried without discussion by a majority of the members of the Council present and voting.

RULES THAT APPLY TO THE WHOLE OF ALL COUNCIL MEETINGS

8. VALIDITY OF MOTIONS, AMENDMENTS AND QUESTIONS

- 8.1 Every motion, amendment 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.
- 8.2 If the Head of Governance has any doubts about any motion, amendment or question for the agenda for reasons of propriety, he or she may refer it to the Mayor.
- 8.3 If the Mayor considers the motion, amendment or question to be vexatious, irrelevant, or otherwise improper, the Head of Governance will return it to the Member who submitted it. The Head of Governance will explain to the Member in writing why it will not be included on the agenda circulated for the meeting.

9. GENERAL PROVISIONS FOR MOTIONS AND AMENDMENTS

An amendment must be relevant to a Motion on the agenda and shall be to either:

- 9.1 refer a subject of debate to a committee for consideration or reconsideration;
or
- 9.2 change the words (including deleting or adding words) but such changes must not merely have the effect of negating the Motion before the Council.
- 9.3 No member may submit more than one amendment to a particular Motion or report on the agenda.
- 9.4 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 procedure rule does not apply to Motions or amendments where notice has been given in accordance with these procedure rules.

10. ALTERATIONS TO MOTIONS OR AMENDMENTS

- 10.1 A Member may amend a Motion in their name by submitting the amendment in writing to the Head of Governance by 10.30am the day before the meeting.
- 10.2 Amendments to items on the agenda will be e-mailed to Members and hard copies placed in the Group Rooms by midday of the day of the meeting.
- 10.3 After the deadline referred to at 10.1 above, a Member may only move an amendment to a Motion in their name orally from the floor.

11. WITHDRAWAL OF BUSINESS ITEMS AND AMENDMENTS

- 11.1 The Member who has submitted a Motion can withdraw the item prior to its consideration.

12. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

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

- 12.1 appoint a Chairman of the meeting;
- 12.2 question the accuracy of the minutes;
- 12.3 move that an item of business in the summons takes precedence;
- 12.4 appoint a committee (including its members, a Chairman and Vice-Chairman and members having related specified duties);
- 12.5 receive reports or adoption of recommendations of committees and officers and any resolutions following on from them;
- 12.6 agree to hear oral representations;
- 12.7 give leave to withdraw a Motion;

- 12.8 extend the time limit for speeches;
- 12.9 move that "the question be now put" (to the vote);
- 12.10 move that "the debate be now adjourned";
- 12.11 move that "the Council do now adjourn";
- 12.12 exclude or to re-admit the press and public under section 100A(4) of the Local Government Act 1972;
- 12.13 move that a Member be not further heard or exclude them from the meeting;
- 12.14 deal in public with a staff matter;
- 12.15 give consent of the Council where consent is required by these procedure rules;
- 12.16 grant urgent action powers.

13 MOTIONS WHICH MAY BE MOVED DURING DEBATE AND CLOSURE MOTIONS

When a Motion is under debate no other motion shall be moved except:

- 13.1 To withdraw or amend the Motion;
- 13.2 Motion moved by the Mayor or another member that a member:
 - (a) "be not further heard";
 - (b) "must leave the meeting";
- 13.3 Motion to exclude the press and public;
- 13.4 Closure Motions as follows:

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

 - (c) "That the question be now put";
 - (d) "That the debate be now adjourned"; or
 - (e) "That the Council do now adjourn".

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

- 13.5 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.

14 DIVISION AND VOTING

14.1 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 committee report, the Head of Governance shall arrange for a bell to be rung.

15. VOTING

- 15.1 All motions and amendments shall be determined by a show of hands except where otherwise provided by law or in these procedure rules. However, the Mayor may use his/her discretion if the feeling of the meeting is clear, subject to any Member of the Council being able to request a formal vote. In the event of an equality of voting the Mayor shall have the right to exercise a casting vote, in accordance with the provisions of the Local Government Act 1972.
- 15.2 Decisions shall be taken by a majority of those members present and voting except where specific provisions in this Constitution provide otherwise. Members must be seated in the Chamber when voting and while the vote is being recorded.
- 15.3 In cases where a vote is taken, the minutes of the meeting should record the number of votes for and against the matter together with the number of abstentions.
- 15.4 For the Council budget meeting the minutes shall reflect on how each Member present voted, on any decision relating to the budget or Council tax.

16. VOTE TO BE RECORDED

- 16.1 If, immediately after a vote is taken, a member requests his or her vote to be recorded, the Head of Governance will record in the minutes whether that member:
- (a) cast his or her vote for or against the question; or
 - (b) abstained from voting.

17. DIVISION

- 17.1 If following a vote, ten members rise in their place and demand a formal division, the Head of Governance shall call over the names of all the members, and record and enter in the minutes those:
- (a) voting for or against the Motion or amendment;
 - (b) abstaining from voting; and
 - (c) absent from the meeting when the division was taken.
- 17.2 The voting at the division shall take the place of the voting indicated by a show of hands.

18. VOTING ON APPOINTMENTS

- 18.1 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.

19. QUESTION TIME

- 19.1 In part 2 of the meeting the Leader of the Council will answer questions from any member of the Council. The Leader may delegate the responsibility for answering to any Chairman of a relevant committee.
- 19.2 Questions will be put to the Leader in the order in which they are received by the Head of Governance, 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.
- 19.3 Any Member wishing to ask a question must deliver by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting.
- 19.4 The Head of Governance shall keep a register recording the date and time the question was received. Any member of the Council may inspect the record.
- 19.5 The Leader 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.
- 19.6 All questions must relate to the Council's powers or duties or matters that affect the borough or its residents.
- 19.7 Every question shall be put and answered without discussion.
- 19.8 An answer will take the form of a written reply circulated two working days before the meeting but the Mayor may allow further comment from the Leader or appropriate Committee Chairman. In the absence of the appropriate Chairman further comment may be allowed from the relevant Vice-Chairman.
- 19.9 One supplementary question and answer will be allowed on the same subject from the same members.
- 19.10 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.

GENERAL RULES THAT APPLY TO PARTS 3 AND 4 OF THE MEETING

20. Rules of Debate

- 20.1 The rules of debate at the meeting are as follows:
- 20.2 Each Motion will be dealt with in turn in the order set out on the agenda. The Business Item 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 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.

- 20.3 For reports of Committees (including Overview and Scrutiny Committees), the Chairman of the relevant committee, or the Vice-Chairman in their absence, will move reception of the report and adoption of the recommendations. This report 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, 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.
- 20.4 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.
- 20.5 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 Business Item.
- 20.6 The Mayor will then put the item to the vote.

21. Time for Debate

- 21.1 Each of the first speakers from each Group under Rule 20.2 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.
- 21.2 For all other items of business (e.g. reports of Committees or from Officers), each of the first two speakers may speak for a maximum of three minutes and all other speakers a maximum of two minutes.
- 21.3 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.
- 21.4 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 has the right to respond or to accept the amendment.

22 Motions

- 22.1 Motions must consist of comments or requests addressed to the Council. They must address broad policy issues and relate to the Council's powers or duties or matters that affect the Borough or its residents.
- 22.2 Motions may not promote a policy initiative which has been rejected, or negate a policy

initiative that has been agreed by Council or its committees in the six months before the meeting.

23. Members Motions

- 23.1 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 Motion must be delivered by e-mail, and received by the Head of Governance by 10.30am at least six clear working days before the day of the meeting. Any Motion delivered after 10:30am will be recorded as received on the next working day.
- 23.2 The Head of Governance shall keep a record of the date the notice was received and any member of the Council may inspect the record.
- 23.3 The Head of Governance shall set out in the summons for the meeting all Motions in order of receipt.
- 23.4 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.
- 23.5 If the Member's Motion is not dealt with by the end of the meeting, it will be referred to the appropriate Council Committee or sub-Committee for consideration and any necessary action. (However, if the proposer has specifically asked in his or her notice for the Motion to be voted on at that Council meeting it will be voted on without discussion).
- 23.6 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 appropriate council committee. The member must sign the Motion Item and deliver it to the Head of Governance by hand, post, or e-mail.

RULES THAT APPLY TO PART 2 OF THE MEETING

24. Questions on Committee reports

A member may ask the 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 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.

25. Questions to Council representatives on Outside Bodies

- 25.1 At an ordinary meeting, a member, who has given 10 clear working days written notice to the Head of Governance, 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.
- 25.2 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.

25.3 An answer may take the form of:

- (a) an oral or written answer (officers will invariably give written answers); or
- (b) a reference to a Council publication; or
- (c) 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.

25.4 No discussion shall be permitted about any question or the reply to it.

25.5 Questions and answers will be recorded.

26. Procedure for Policy and Resources budget report

26.1 The Chairman of Policy and Resources, or in his/her absence the Vice-Chairman, must move a motion for the report to be received. The mover may speak for five minutes.

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

26.3 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.

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

26.5 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 Business Item must be seconded and voted on without further discussion.

27 Public Questions to the Leader of the Council

27.1 Members of the public are permitted to submit written questions to the Leader in accordance with the following provisions:

- Any question must be delivered by e-mail, to be received by the Head of Governance by 10.30am ten clear working days before the day of the meeting. Any questions submitted after that time will not be considered,
- The question should not relate to a matter previously considered by a committee and subject to the six month rule,
- The question should not relate to a matter that is within the remit of a committee, or be a matter best addressed by a committee. If this is the case, then the question should be directed to the appropriate committee.

- The question must not be in substance a question that has already been considered by the Leader in the preceding 6 months.

Every question will be answered in writing. The Leader may decline to answer a question in exceptional circumstances and should include the reason for not answering the question. Any questions not answered will be directed to the next relevant meeting of the themed committee.