

## Proposed changes to the Constitution – Meetings Procedure Rules

### Meetings Procedure Rules

#### **NOTE ON THE CONDUCT OF LICENSING HEARINGS**

Notwithstanding the following procedure rules for Council Committees and Sub-Committees, all hearings relating to the Authority's functions under the Licensing Act 2003, will be conducted within the framework and requirements of the Hearings Regulations made by the Secretary of State under that Act.

#### **PROCEDURE RULES FOR COUNCIL COMMITTEES AND SUB-COMMITTEES**

#### 1. Membership and Quorum

- 1.1 The following table outlines Committee and Sub-Committee Membership arrangements:

<b>Committee</b>	<b>Membership</b>	<b>Substitute Members</b>	<b>Quorum</b>
Planning Committee	11	6 (3 for each political group)	3
<b>Area Planning Committees:</b>			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3
<b>Area Committees</b>			
Finchley and Golders Green	7	7 (one per ward and one substitute for each ward)	3
Chipping Barnet	7	7 (one per ward and one substitute for each ward)	3
Hendon	7	7 (one per ward and one substitute for each ward)	3

<b>Committee</b>	<b>Membership</b>	<b>Substitute Members</b>	<b>Quorum</b>
Licensing Committee	11	Not applicable	3
Constitution, Ethics and Probity Committee	7	6 (3 for each political group)	3
Group Leaders Panel	5	4 (2 for each Political Group)	3
Urgency Committee	3	3 (1 for each Member)	2
Licensing Sub-Committee	3	All other members of the Licensing committee	All three Members must be present for the meeting to proceed
Audit Committee	7	6 (3 for each political group)	3
Chief Officer Appointment Panel	5	2 (1 for each political group)	3
Performance and Contract Management Committee	11	6 (3 for each political group)	3
Children, Education, Libraries and Safeguarding Committee	9		
Adults and Safeguarding Committee	9		
Environment Committee	11		
Assets, Regeneration	9		

and Growth Committee			
Housing Committee	9		
Community Leadership Committee	11		
Health Overview and Scrutiny Committee	9		
Policy and Resources	12	6 (3 for each political group)	3
General Functions Committee	7	6 (3 for each political group)	3
Pension Fund Committee	7	6 (3 for each political group)	3
Health and Well-Being Board	12	3 (1 for each Member)	3 This must include at least one elected Councillor

## 2. Substitute Members – Rules

- 2.1 A substitute Member may only attend, speak or vote at a meeting in place of a member from the same political group who is unable to attend the meeting. In the case of Area Committees and Area Planning Committees, substitutions are made on the basis of ward. If a meeting is adjourned, the substitution will carry forward into any subsequent adjourned meetings to consider the outstanding item(s).
- 2.2 Details of membership substitutions or apologies for absence will be detailed in the formal record of the meeting.

## 3. Quorum – Rules

- 3.1 If a Committee or Sub-Committee is inquorate, it cannot transact any business. 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 have elapsed,

the Head of Governance or their representative will count the number of Members present and if there is no quorum, s/he will advise the meeting that no business can be transacted and the meeting will be cancelled.

- 3.2 If the Chairman finds that a quorum of Members is not present at any time during the meeting, the Chairman must adjourn the meeting until such time as a quorum is returned.

#### **4. Chairman of Meetings**

- 4.1 If the Chairman is absent from a meeting the Vice-Chairman will take the Chair. If both are absent, the Head of Governance (or their representative) will open the meeting and he/she will seek nominations for the position of Chairman. A Chairman must be elected for the business of the meeting to be transacted. Where more than two persons are nominated for any position to be filled by the Committee or Sub-Committee 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 of votes is given in favour of one person.
- 4.2 In exceptional circumstances, the Chairman may change the date of any meeting, cancel or postpone any meeting or call any additional meeting by seeking and gaining the agreement of a majority of Members of the Committee.
- 4.3 Any procedural issues or challenges to the conduct of the meeting that arise during the course of a meeting shall be determined by the person presiding at the meeting.
- 4.4 The Chairman shall have the power to invite any persons or bodies with a particular expertise on a given agenda item to give evidence to the Committee and answer questions. This power is in addition to the Public Participation Rules elsewhere in the Constitution.

#### **5. Minutes**

- 5.1 Apologies for absence, declaration of interests and the confirmation of the minutes of previous meetings are the first items of business at the meeting, except when there is a need to elect a Chairman.
- 5.2 Minutes can only be amended to correct factual inaccuracy in the record, and not to make any retrospective amendment to the decisions made. Any questions upon their accuracy shall be raised by motion and voted on without discussion. The meeting will not proceed further until the minutes are approved, either

amended or unamended. Upon approval as a correct record, the Chairman shall sign the minutes.

## **Members' Rights**

### **6. Members' Items for the Agenda**

- 6.1 A Member (including Members appointed as substitutes by Council) will be permitted to have one matter only (with no sub-items) on the agenda for a meeting of a Committee or Sub-Committee on which s/he serves. This rule does not apply to the Licensing Committee and Licensing Sub-Committees. A referral from Full Council will not count as a Member's item for the purposes of this rule.
- 6.2 Members' Items must be relevant to the terms of reference of the body which will consider the item.
- 6.3 The Head of Governance must receive written notice of a Member's item, at least seven clear working days before the meeting. Any item received after 5pm will be recorded as received on the next working day. Items received after that time will only be dealt with at the meeting if the Chairman agrees they are urgent.

### **7. Urgent Business**

- 7.1 There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of a committee.
- 7.2 When an urgent matter has arisen after the publication and despatch of an appropriate agenda the following procedure applies:-

The Chairman has the authority to agree to take urgent items not on the agenda. By convention, the Chair will consult with the Vice-Chairman and Opposition Spokesperson for the committee. The Chairman (with advice from the Monitoring Officer as appropriate) needs to be satisfied as to the need for urgency under the following criteria:-

- i) the item has arisen between the compilation of the agenda and the date of the meeting.
  - ii) the item requires an urgent decision in the public interest which cannot be dealt with by other means
- 7.3 In all cases the reason for the urgency shall be clearly stated and recorded in the minutes of the meeting and the urgent item will be taken at the end of other items of business.

- 8. Councillors' rights to attend and speak at Committees or Sub-Committees when they are not a Member**
- 8.1 Councillors may attend any Council Committee or Sub-Committee, even when they are not appointed to them, but they cannot vote.
- 8.2 Where a Councillor is not a member of the Committee or Sub-Committee, s/he should sit in the public gallery so that it is clear to the public that the Member is not part of the body taking decisions. However if the Committee has excluded the press and public then councillors who are not members of the Committee may in most circumstances remain. There may be occasions when they will be asked to leave by the committee if the exempt item contains personal information which they do not need to know in order to fulfil their role as a councillor.
- 8.3 Except for the committees detailed in section 8.4 below, where a Councillor has a right to attend a Committee or Sub-Committee, s/he may speak at a meeting subject to giving notice to the Chairman of the meeting before the start of the meeting and the Chairman giving his or her consent. Any Councillor wishing to address the Committee or Sub-Committee shall have up to 3 minutes.
- 8.4 The following arrangements apply in the case of Licensing Committees:
- 8.4.1 Members may only attend and speak at Licensing Sub-Committees (or the Licensing Committee if it is conducting the hearing or review of determinations under the Licensing Act of 2003 or the Gambling Act of 2005) in accordance with the Members Licensing Code of Good Practice.
- 8.5 The following arrangements applies in the case of Planning Committees
- 8.5.1 Members may only address Area Planning Committees on applications which affect their ward. When a Ward Member wishes to address a Committee they should give notice to the Chairman of the meeting before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes.
- 8.5.2 One Ward Member who is not a member of the Planning Committee will have the right to address that Committee when it considers any planning application relating to the ward in question. Where the ward is represented by Members from more than one party group one Member from each party group may address the Committee. When a Ward Member wishes to address a Committee they should give notice to the Chairman of the meeting before the start of the meeting. Any Ward Member wishing to address the Committee shall have up to 3 minutes.
- 8.5 Where an Area Planning Committee has referred an item up to a relevant committee, the Chairman of the Committee will have a right to attend and speak at the meeting of the Committee where the referral is being considered.

## **9. Disorderly Conduct**

- 9.1 If the Chairman considers that a Member is behaving improperly or offensively they reserve the right to prevent the Member from speaking (but not voting) at the meeting. If the disorderly conduct continues the Chairman may require the Member be removed from the meeting. When a Member is removed, they must leave for the entire remaining part of the meeting.
- 9.2 If a member(s) of the public or press interrupts the proceedings at any meeting, the Mayor or Chairman may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chairman may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chairman may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.

## **Motions and Amendments**

### **10. Validity of Motions and Amendments**

- 10.1 Every motion, amendment or question shall be relevant to matters within the Committee, Sub-Committee or panel's terms of reference and to the agenda for the meeting. The Chairman of the meeting shall, if need be, give a ruling as to whether the motion is relevant.
- 10.2 An amendment must be relevant to the motion and shall be to either:-
  - 10.2.1 refer a subject of debate to another Committee for consideration or re-consideration; or
  - 10.2.2 change the words (including leaving out words or adding words);but such changes must not merely have the effect of negating the motion before the Committee.
- 10.3 No Member may personally move more than one amendment to a motion. However, amendments may be discussed together.
- 10.4 If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved. This is known as the substantive motion.
- 10.5 If the amendment is lost further amendments may be proposed on the original motion.

- 10.6 Once all amendments are dealt with in this way, the motion or the motion as amended is then put to the final vote.
- 10.7 All motions which are moved and voted on will be recorded in the decisions of the Committee or Sub-Committee.

## **11. Motions which may be moved during debate**

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

- 11.1 to amend the motion;
- 11.2 to adjourn the meeting;
- 11.3 to adjourn the debate;
- 11.4 that the question be now put;
- 11.5 by the Chairman
- that a Member be prevented from speaking;
  - that a Member must leave the meeting;
- 11.6 to exclude the press and public under Section 100A (4) of the Local Government Act 1972.

## **Decisions**

12. After each meeting decisions made under the Committee or Sub-Committee's delegated powers will be produced and published on the Council's website and will be made available in paper format on request.
- ## **13. Reports of Committees to Council or parent body**
- 13.1 There are a number of ways Committees and Sub-Committees may refer reports to their parent bodies, other Committees or Council which are set out in Paragraph 6 of the Responsibility for Functions section of the Constitution. Where a referral is made under that paragraph, the Officer's report to the Committee and any recommendations of the Committee or Sub-Committee will be submitted to the next meeting of the Council or the Committee concerned.



## **14. Reports of Sub-Committees and Panels**

- 14.1 A report of a Sub-Committee or panel will be submitted to the next meeting of the parent committee where:-
- 14.1.1 the Sub-Committee or panel has made recommendations on a matter within its terms of reference but outside its delegated powers; or
  - 14.1.2 any Sub-Committee or panel by agreement or majority vote has agreed to suspend a decision on a particular item until the parent Committee has considered the matter.
  - 14.1.3 a Chairman of an Area Committee has referred the decision up under paragraph 12.1(2), in which case the Sub-Committee's recommendation will be referred up to the parent committee.
  - 14.1.4 any Area Committee considering a proposal for discharging a function for a location that crosses their boundaries do not approve recommendations submitted to them.
- 14.2 Any report from a Sub-Committee or panel on its proceedings shall be submitted to the parent Committee and not direct to the Council.

## **15. Performance and Contract Management Committee / Sub-Committee – Call-in Procedure**

- 15.1 The following procedure applies after a decision has been made by the West London Economic Prosperity Board (a Joint Committee in accordance with section 102 of the Local Government Act 2000).
- 15.2 Paragraph 24.4 of the Function and Procedure rules of the West London Economic Prosperity Board read as follows
- “Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the Participating Borough concerned have been concluded.”
- 15.3 Where a decision is made by the decision shall be published. Once the decision is published then it may be implemented on the expiry of 7 working days after publication unless 10 members of the Council wish to call it in.
- 15.4 The notice seeking to invoke the call-in procedure must be communicated to the Head of Governance who will then notify the West London Economic Prosperity Board.
- 15.5 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

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- (a) Inadequate consultation with stakeholders prior to the decision;
- (b) The absence of adequate evidence on which to base the decision;
- (c) The action is not proportionate to the desired outcome;
- (d) A potential human rights challenge;
- (e) Insufficient consideration of legal and financial advice;
- (f) The decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework of the Council;

15.6 A meeting of the Performance and Contract Management Committee (or Sub-Committee of the Committee created for this purpose), will be convened within 7 clear working days of the request for call-in.

If such a meeting is called the decision of the West London Economic Prosperity Board may not be implemented until the decisions of the sub-committee meeting are known.

15.7 The Performance and Contract Management Committee or Sub-Committee may:

- (a) Take no action,
- (b) Refer the matter back to the West London Economic Prosperity Board for reconsideration

The Performance and Contract Management Committee or Sub-Committee may not refer the call-in to Council.

15.8 The call-in procedure set out above shall not apply where the decision being taken by the West London Economic Prosperity Board is urgent. For the purposes of this call-in procedure a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the West London Economic Prosperity Board and the interests of Barnet. Reports to the West London Economic Prosperity Board must state that the report is urgent and provide the reasons for urgency.

15.9 The Chairman of the Performance and Contract Management Committee must agree that the decision proposed should be treated as a matter of urgency

15.10 In the absence of the Chairman of the Performance and Contract Management Committee the consent of the Mayor is required.

15.11 The Performance and Contract Management Committee when considering a call-in shall consider the following business:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) The call-in request for which the meeting is convened.

15.12 Decisions taken as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Performance and Contract Management Committee, together with the reasons.

**16. Suspension of business at Committee and Sub-Committee meetings**

- 16.1 No business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void. At 10 pm and without further debate the Chairman shall immediately put to the vote any motion or amendment, which has been formally moved and seconded.
- 16.2 At any meeting of the Council, Planning Committee and Area Planning Committees, the Chairman at their sole discretion may extend the period for the transaction of business to 10.30pm. This will be recorded in the Committee's decisions.
- 16.3 Residents Forums will meet at 6.30pm and will conclude their business by 8.30pm at the latest, followed by the Area Committee on the same night and same venue at 7.00pm or on the conclusion of the Residents' Forum, whichever is later.
- 16.4 If any items remain on the agenda to be dealt with, the Committee or Sub-Committee may decide to call a special meeting or refer the remaining items to the next ordinary meeting.

**Voting and recording of votes**

**17. Voting at meetings**

- 17.1 The mode of voting at all meetings of the Council, its Committees, Sub-Committees or panels shall be determined by a show of hands except where otherwise provided by law or in these standing orders.
- 17.2 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.
- 17.3 The Chairman will always have the right to exercise a casting vote in the event of equality of voting on a motion or amendment, in accordance with the provisions of the Local Government Act 1972, provided s/he has voted when the motion or amendment was first put to the vote.

**18. Vote to be recorded**

- 18.1 A member of the body can request that his/her vote to be recorded in the minutes.

**19. Filming and Recording of Meetings**

- 19.1 Discreet, unlit, non-disruptive filming and recording of Council and Committee meetings by members of the public from the public gallery is allowed.