

## Part 3A

### Council Procedure Rules

#### 1. Annual Meeting of the Council

##### 1.1 Date and Business for Annual Meeting of the Council

1.1.1 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 Appointment of Leader after Whole Council Elections

1.2.1 In a year when there is an ordinary election of Councillors, the Council shall appoint a Leader at its Annual Meeting, which shall be the first meeting of the Council after its whole Council elections.

1.2.2 The Leader shall:

1.2.2.1 Appoint at least two but no more than nine Members as members of the Executive and allocate cabinet member responsibilities to them.

1.2.2.2 Appoint one of the members of the Executive as Deputy Leader.

1.2.3 The Leader shall hold office as Leader until one of the following circumstances applies:

1.2.3.1 The Council holds its first meeting after the next whole Council elections following his or her election as Leader; or

1.2.3.2 They resign from office; or

1.2.3.3 They are disqualified from being a councillor; or

1.2.3.4 They are removed from office by resolution of the Council

1.2.3.5 They are no longer a councillor.

1.2.4 If the circumstances in 1.2.3.1 apply, the Council shall appoint a new Leader at the same meeting of the Council. In all other cases, at the first meeting of the Council held after the circumstances arise.

1.2.5 Members who are appointed to the Executive by the Leader shall continue in their roles on the Executive until one of the following circumstances applies:

1.2.5.1 In the case of the Deputy Leader, the end of the term of office of the Leader;

1.2.5.2 The Leader makes changes to the roles of members of the Executive;

1.2.5.3 They are removed from office by the Leader;

1.2.5.4 They resign from office;

1.2.5.5 They are disqualified from being councillors;

1.2.5.6 They are no longer councillors.

1.2.6 Following a Borough Election and until the day of the Annual Meeting; if the Leader has not been re-elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the council, then the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all Group Leaders.

##### 1.3 Other Business at the Annual Meeting of the Council

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- 1.3.1 In addition to the appointment of Leader which shall take place at the Annual Meeting in a year in which there is an ordinary election of Councillors, the Annual Meeting will:
- 1.3.1.1 elect a person to preside at the Annual Meeting if the Mayor is not present;
  - 1.3.1.2 elect the Mayor for the Borough of Barnet Council;
  - 1.3.1.3 note the Mayor's appointment of the Deputy Mayor of the Borough;
  - 1.3.1.4 receive the results of the Borough Elections (in an election year);
  - 1.3.1.5 receive notification from the Leader of the Council of the name of the Member appointed as their Deputy Leader (in an election year)
  - 1.3.1.6 receive notification from the Leader of the Council of the number of Members they are appointing to the Executive, their names and their portfolios
  - 1.3.1.7 approve the minutes of the last meeting;
  - 1.3.1.8 receive any announcement from the Mayor;
  - 1.3.1.9 receive any declarations of interests from Members;
  - 1.3.1.10 receive any apologies for absence
  - 1.3.1.11 establish at least one Overview and Scrutiny 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 2 of this Constitution);
  - 1.3.1.12 receive annually the Allocation of Responsibilities (Scheme of Delegation) as set out in Part 2 of this Constitution;
  - 1.3.1.13 appointing the Chair, Vice chair, members of committee making other appointments to committees and boards and approving or report their respective Terms of Reference.
  - 1.3.1.14 appointing and nominating representatives of outside bodies unless the appointment has been delegated by Council
  - 1.3.1.15 reports from other committees and officers as required.
  - 1.3.1.16 approve a programme of ordinary meetings of the Council for the year; and
  - 1.3.1.17 consider any other business set out in the notice convening the meeting.
- 1.4 **Selection of Councillors on Committees**
- 1.4.1 At the Annual Meeting, the Council will:
- 1.4.1.1 decide which Committees to establish for the Municipal Year;
  - 1.4.1.2 decide the size and terms of reference of those Committees and sub-committees;
  - 1.4.1.3 decide the allocation of seats (and substitutes) to political groups in accordance with the wishes of the group leaders
  - 1.4.1.4 receive nominations and appoint Councillors to serve on each Committee and sub-committee;
  - 1.4.1.5 appoint a Chair and Vice Chair for each Committee as may be appropriate for the Municipal Year;

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1.4.1.6 appoint independent members and co-optees to Committees as appropriate

1.4.1.7 make appointments to any joint Committees with other authorities and to outside bodies.

### **1.5 Replacement of Councillors on Committees and Sub-Committees**

1.5.1 This Rule shall apply only to those committees or sub-committees or other internal bodies constituted in accordance with the political balance rules

1.5.2 Before a replacement of a Councillor appointed to a body may take effect, a minimum of five clear working days written notice shall be given to the Monitoring Officer by a Group Leader (or their nominated representative) of the replacement of one Councillor from their Group for another Councillor from their Group to serve on any committee, sub-committee, advisory panel etc.

1.5.3 A replacement shall continue in force until further notice as a permanent change unless a further written notice is received in accordance with 1.5.2 above.

1.5.4 At the beginning of the relevant meeting to which the replacement applies, the Chair shall advise of the details of any replacements. Details of replacements will be minuted. The new appointment will be reported to the next meeting of Council.

## **2. Ordinary Meetings**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council and listed in the Calendar of Meetings.

## **3. Extraordinary Meetings**

### **3.1 Calling Extraordinary Meetings**

3.1.1 Those listed below may request the Monitoring Officer or Head of Governance to call Council meetings in addition to ordinary meetings:

3.1.1.1 the Council by resolution;

3.1.1.2 the Mayor; or

3.1.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor and they have refused to call a meeting or have failed to call a meeting within 5 clear working days of the presentation of the requisition.

3.1.2 If the Chief Finance Officer makes a report under section 114 of the Local Government Finance Act 1988 or the Monitoring Officer makes a report under section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall call a meeting of the Council for the purpose of considering that report within the period specified by the relevant statute.

### **3.2 Business**

3.2.1 Business at Extraordinary meetings of the Council shall be restricted to:

3.2.1.1 the election of a person to preside if the Mayor is absent;

3.2.1.2 any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;

3.2.1.3 any petitions relating to items of business on the agenda which the Mayor agrees to hear.

#### **4. Order of Business at Ordinary Meetings**

##### **4.1 Arrangement of Items in the Summons**

Items to be included in the Summons shall be in any order that is considered appropriate by the Monitoring Officer for the efficient dispatch of the business of that meeting.

##### **4.2 Order of business**

4.2.1 Except as qualified by 4.1 and varied by Rule 4.4 the order of business at Ordinary Council meetings shall be to:

4.2.1.1 choose a person to preside if the Mayor is absent;

4.2.1.2 receive any apologies for absence.

4.2.1.3 prayer and other observances

4.2.1.4 receive declarations of interest from Members and any dispensations granted by the Monitoring Officer.

4.2.1.5 confirm the minutes of the last meeting;

4.2.1.6 receive petitions from Members and the public in accordance with the arrangements for the making of petitions (see Part 3F of this Constitution);

4.2.1.7 receive any announcements from the Leader and/or Cabinet members;

4.2.1.8 receive reports from the Executive and the Council's Committees;

4.2.1.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees or Scrutiny Sub-Committee, and reports of the Head of Paid Service as appropriate;

4.2.1.10 receive questions and deputations from, and provide answers to, Members of Council and citizens in accordance with the Rules below.

4.2.1.11 consider motions;

4.2.1.12 receive reports and questions about joint arrangements and external organisations;

4.2.1.13 agree the council calendar meetings include the ordinary meetings of the Council

##### **4.3 Leader and Cabinet members' Announcements**

4.3.1 Announcements by the Leader and Cabinet members submitted in accordance with Rule 4.2 will be dealt with at ordinary meetings of the Council in the following way:

4.3.1.1 A Leader and Cabinet members' Announcements item will appear on the Council's order of business paper as a separate item and the Leader and / or Cabinet members may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council;

4.3.1.2 The Leader and Cabinet members' Announcements will last not more than 10 minutes.

##### **4.4 Variation to the Order of Business**

4.4.1 With the exception of items referred to in 4.2.1.1 and 4.2.1.2 of Rule 4.2, the order of business may be varied on motion without debate so as to give

precedence to any question of special importance. If the Mayor proposes the motion it may be put to the vote without being seconded.

## **5. Arrangements for Meetings**

### **5.1 Time and Place of Meetings**

5.1.1 Meetings of the Council shall take place at the time and place stated on the summons. Following consultation with the Leaders of each of the political groups and subject to compliance with the Access to Information Rules (Part 3E of the Constitution), the Mayor shall have the power to alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Council.

### **5.2 Cancellation of Meetings**

5.2.1 In exceptional circumstances after consulting the Mayor, the Head of Governance and or the Monitoring Officer may cancel an ordinary meeting of the Council either before or after the summons for the meeting has been issued provided that reasons for the cancellation are given.

## **6. Notice of and Summons to Meetings**

6.1 The Monitoring Officer/Head of Governance will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 3E of the Constitution. At least five clear working days before a meeting, the summons signed by the Monitoring Officer/Head of Governance will be sent to every Member of the Council. The summons will give the date, time and place of the meeting and specify the business to be transacted. It will be accompanied by all relevant reports.

6.2 If there is a request to add an item to the Summons after the statutory deadline for publication, that item may only be considered if the Mayor (as Chair of the Council) agrees, by virtue of the special circumstances set out either in the report or on the supplemental Summons, that the item should be considered as a matter of urgency and then specified in the minutes of the meeting.

## **7. Person to Preside**

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

## **8. Quorum**

8.1 The quorum of a meeting of the Council will be one quarter of the whole number of Members.

8.2 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Mayor may decide, a quorum is not present, the meeting will not take place. The Mayor may announce the date and time that the meeting will be reconvened.

8.3 During any meeting if the Mayor counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. Duration of Meetings**

9.1 Commencement and Closure

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- 9.1.1 Meetings of the Council will commence at the time set on the agenda and continue for 3 hours, except as determined under Rule 9.2 or where the Council is:
- 9.1.1.1 considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or
  - 9.1.1.2 considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.
- 9.2 **Varying the Closure Time**
- 9.2.1 A meeting of the Council shall terminate in the manner set out in Rule 9.1.1 unless:
- 9.2.1.1 the business of the meeting has been completed before 3 hours have expired; or
  - 9.2.1.2 by resolution passed before the closure time, the Council resolves to extend the meeting for a further 30 minutes.
- 9.2.2 For the avoidance of doubt, a meeting may use the provisions within 9.2.1.2 above more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.
- 9.2.3 In considering whether 9.2.1.1 and 9.2.1.2 above are expedient, the Council will have regard to not prejudicing third party rights or interests affected by the remaining business on the summons.
- 10. Validity of motions, amendments, deputations, and questions**
- 10.1 Every motion, amendment, deputation, 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. If the Monitoring Officer has any doubts about any motion, amendment, deputation, or question for the agenda for reasons of propriety, he or she may refer it to the Mayor. If the Mayor considers the motion, amendment, deputation, or question to be vexatious, irrelevant, or otherwise improper, the Monitoring Officer will return it to the Member or citizen who submitted it. The Monitoring Officer will explain to the Member or citizen in writing why it will not be included on the agenda circulated for the meeting.
- 11. Public Questions**
- 11.1 **General**
- 11.1.1 Members of the public may ask questions of Members of the Executive (Cabinet members) and Chairs of Council Committees at ordinary meetings of the Council. Questioners will not be allowed to address the Council generally on a matter, they may only ask questions.
- 11.2 **Time Limit for Questions**
- 11.2.1 There will be a time limit of 20 minutes for the asking and answering of public questions. Once this time limit has been reached no further questions can be asked but a questioner can complete a question or a supplemental question, and the Member can complete a reply.
- 11.3 **Order and Notice of Questions**

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- 11.3.1 Questions will be asked in the order that notice of them was received, except that the Mayor may group together similar questions.
- 11.3.2 A question may only be asked if notice has been given in writing or by electronic mail to the Head of Governance ([governanceservice@barnet.gov.uk](mailto:governanceservice@barnet.gov.uk)) no later than 10.00am two clear working days before the day of the meeting. Each question must be emailed submitted by the questioner, identifying their name, address, and where appropriate e-mail address, and give the name of the Member to whom it is to be put.
- 11.3.3 Without prejudicing 11.3.2 above, where a report is circulated after the normal Council agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing or by electronic mail to the Head of Governance ([governanceservice@barnet.gov.uk](mailto:governanceservice@barnet.gov.uk)) no later than **3pm ONE** clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Member to whom it is to be put.
- 11.3.4 The Member to whom any question is put may arrange for another Member to answer on their behalf.
- 11.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address or postal address.
- 11.4 **Number of Questions**
- 11.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Mayor may reject a supplemental question if it falls within any of the categories in paragraph 11.5 below.
- 11.5 **Scope of Questions**
- 11.5.1 The Mayor on the advice of the Monitoring Officer may, on giving reasons, reject a written question if it:
- 11.5.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper
  - 11.5.1.2 does not relate to a matter for which the Council has powers or duties; or
  - 11.5.1.3 does not relate to a matter which affects the London Borough of Barnet; or
  - 11.5.1.4 would require the disclosure of confidential or exempt information; or
  - 11.5.1.5 is substantially the same as a question which has been put at any meeting of the Council in the last six months.
- 11.5.2 No invalid questions will be circulated.
- 11.6 **Record of Public Questions**
- 11.6.1 The Head of Governance will make the public questions available for the public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.
- 11.6.2 Copies of all valid questions will be circulated to all Members and will be made available to the public at the meeting.
- 11.7 **Asking Questions at the Meeting**

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- 11.7.1 The Mayor will invite the questioner to put the question to the Member named in the notice or other Member nominated to answer.
- 11.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Mayor to put the question on their behalf unless they have a substitute. The Mayor may either:
- 11.7.2.1 ask the question on the questioner's behalf; or
  - 11.7.2.2 indicate that a written reply will be given; or
  - 11.7.2.3 decide that, in the absence of the questioner, that the question will not be dealt with.
- 11.8 **Written Answers**
- 11.8.1 Any question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council.
- 12. Member Questions**
- 12.1 **Member Questions**
- 12.1.1 Subject to Rule 11.5, a Member (excluding members of the Executive) of the Council may ask a Member of the Executive or the Chair of any Committee a question (which depending on its nature may be dealt with in either public or private session) on any matter in relation to which the Council has powers or duties or which affects the London Borough of Barnet.
- 12.1.2 A limit of 30 minutes shall be given to the asking of written questions by Members. The equivalent of no more than one question per Member from each political group (excluding Cabinet members and Scrutiny Chairs) will be allowed. Non-aligned Members will be permitted one question per Member.
- 12.1.3 Questions will be answered giving the first 4 questions to the opposition party and then rotating the questions between groups in accordance with the order in which they are received by the Head of Governance.
- 12.2 **Notice of Questions**
- 12.2.1 Member may only ask a question if they have submitted such question by 10am, 14 clear working days before the day of the meeting in writing, of the question to the Head of Governance.
- 12.3 **Response**
- 12.3.1 An answer may be given by the Member to whom the question was asked or by such other member as is considered appropriate in writing in advance of the meeting.
- 12.4 **Supplementary Question**
- 12.4.1 A Member asking a question under Rule 12.1 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.
- 12.5 **Invalid Questions**
- 12.5.1 The Mayor may, in consultation with the Monitoring Officer rule out of order questions which in his or her opinion:

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12.5.1.1 would risk defamation of an individual or are frivolous or offensive or otherwise improper; or

12.5.1.2 do not relate to a matter for which the Council has powers or duties or do not affect the London Borough of Barnet; or

12.5.1.3 would require the disclosure of confidential or exempt information; or

12.5.1.4 are substantially the same as a question which has been put at any meeting of the Council in the last six months.

12.5.2 No invalid questions will be circulated.

### **13. Deputations**

13.1 Requests for deputations must be in writing and supported by the signatures of at least five and no more than 24 citizens (deputations with more than 24 signatures will be treated under the Petition Scheme) or representatives of local organisations or businesses in Barnet. The signatories must clearly state their names and post code/qualifying education/business address. The request must explain why a deputation is required.

13.2 The request must be given to the Monitoring Officer/Head of Governance at least two clear working days before the day of the meeting, although the Committee or sub-committee on the grounds of urgency can waive this requirement.

13.3 Those persons nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputation must not exceed three minutes.

13.4 The time allowed for questioning of the deputation by Members will be seven- minutes. The remaining time will be used for debate and decision making.

13.5 Deputations shall be heard at the beginning of the meeting. The Mayor has complete discretion to move any items that are subject to a deputation on the agenda.

13.6 The total time for deputations at the meeting will be no more than 20 minutes.

13.7 The timings above will be subject to amendment by the Mayor in the event that more than one deputation is submitted at any Council meeting.

#### **13.8 Deputations are not permitted:**

13.9 The Mayor on the advice of the Monitoring Officer may, on giving reasons, reject a deputation on the following basis:

13.9.1 If they are defamatory, abusive, offensive or otherwise improper.

13.9.2 If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the Licencing and General Purposes Committee.

13.9.3 If they would result in the release of confidential information, or which may prejudice enforcement.

13.9.4 If they relate to a matter where there is a right of appeal against any decision of the Council.

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- 13.9.5 If they have been submitted by someone who has been deemed to be subject to the Management of Unreasonable Complainant Behaviour Policy and they relate to the particular subject matter for which the policy was imposed;
- 13.9.6 If they are received from people who are not Barnet citizens;
- 13.9.6.1 Members of the Council, co-optees and advisers (in that capacity) shall not be signatories to, lead or form part of any deputation.
- 13.9.6.2 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment (either terms of reference or work area) with the Council.
- 13.10 Responses to Deputations**
- 13.10.1 Council may respond to deputations in the following ways:
- 13.10.1.1 To note the deputation and take no action.
- 13.10.1.2 Ask officers to prepare a report for the next meeting (of either Council or relevant committee) on the deputation.
- 13.10.2 Ask officers to provide a written response to the deputation.
- 13.11 6 Month Rule**
- 13.11.1 No deputation or public question shall be accepted by the Council within 6 months after a deputation or public question has appeared before it on the same or a similar subject.
- 14. Recommendations from the Executive, Committees and Statutory Officers**
- 14.1 Receipt of Recommendations from the Executive**
- 14.1.1 The Executive shall make recommendations to the Council on any matter that is within the Council's functions falling to the Council to determine or on which the Executive is required to consult with or obtain the approval of the Council. Such recommendations shall be moved by the Leader. A seconder to such a motion is not required.
- 14.2 Receipt of Recommendations from Committees**
- 14.2.1 The Council shall consider recommendations made to it by Committees on matters falling within the Council's terms of reference. The recommendation shall be moved by the Chair of that Committee. A seconder to such a motion is not required.
- 14.3 Order of Recommendations**
- 14.3.1 Recommendations to the Council from the Executive or a Committee shall be placed on the summons by the Monitoring Officer in such order as seems most convenient for the conduct of the business of the Council. They shall be considered in the order on the summons unless the Mayor proposes to vary the order of business under Rule 4.4.
- 14.4 Receipt of Recommendations from Statutory Officers**
- 14.4.1 The Head of Paid Service may make reports to Council as necessary. The Head of Paid Service, Monitoring Officer, Section 151 Officer, Director of Children's Services and Director of Adult Social Services may report to Council as required by statute in the exercise of their statutory responsibilities.
- 14.5 Items affecting the employment of officers**

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- 14.5.1 This rule applies during consideration of an appeal from an officer arising out of a decision made by the Employment Sub-Committee or a recommendation to dismiss made by the Independent Panel.
- 14.5.2 The officer who is the subject of the item and a person accompanying them under the statutory right to be accompanied has the right to speak in relation to the item.
- 14.5.3 Rule 12.1 shall apply with a modification that questions may also be asked of the officer who is the subject of the item.

## **15. Motions**

### **15.1 Notice**

- 15.1.1 Except for motions that can be moved without notice under Rule 16 written notice of every motion, must be delivered to the Head of Governance not later than 10am 8 clear working days before the date of the meeting. All motions will be entered in a document open to public inspection.

### **15.2 Motions Set Out in Summons**

- 15.2.1 Motions for which notice has been given will be listed on the summons in the order in which notice was received.
- 15.2.2 Notices of motion on the summons shall state the name of the Member proposing the motion.

### **15.3 Invalid Motions**

- 15.3.1 The Mayor may, in consultation with the Monitoring Officer rule out of order motions which in his or her opinion:
  - 15.3.1.1 would risk defamation of an individual or are frivolous or offensive or otherwise improper
  - 15.3.1.2 do not relate to a matter for which the Council (as local authority) has powers or do not affect the London Borough of Barnet; or
  - 15.3.1.3 would require the disclosure of confidential or exempt information; or
  - 15.3.1.4 are substantially the same as a motion which has been put at any meeting of the Council in the last six months.
- 15.3.2 No invalid motions will appear on the Council agenda or be otherwise circulated.

### **15.4 Motions Relating to Reports and Recommendations on the agenda**

- 15.4.1 Where the Mayor considers it appropriate, any motion for which notice has been duly given and which relates to any recommendation of the Executive or a Committee or a statutory officer to be considered at the same meeting, may be treated as an amendment to such recommendation and shall be considered at the same time as the recommendation is considered.

### **15.5 Motions Relating to a Matter Delegated to the Executive or a Committee**

- 15.5.1 If the Mayor, in consultation with the Monitoring Officer, considers that any motion made under this Rule refers to matters within the powers of the Executive or a Committee of the Council, then it shall be indicated on the Council summons, supported by reasons, that the motion shall stand referred to the next meeting of the Executive or to a Committee. Any Member may move that any such referral should not apply to a motion

but shall be dealt with as if paragraph 15.6.1 below applied, such motion having been identified to the Monitoring Officer at the time of the deadline for submissions of motions.

**15.6 Motions Stand referred to the Executive under Rule 15.5**

15.6.1 If a motion is marked on the Summons as to stand referred to the Executive under Rule 15.5, then where Council decides to disapply the referral and allow the matter to be debated, the Council can make no decision on the matter but may make a recommendation or pass comments to the Executive.

15.6.2 The Executive shall not be bound to accept any such recommendation or act on any such comments.

**15.7 Motions calling for a Report**

15.7.1 A motion which calls for a report on a given matter and which has been signed by six Members of the Council shall be referred without discussion to the next meeting of the Executive or appropriate Committee, or to a Cabinet member. A report from the Executive, Cabinet member or Committee shall be submitted to the Council within a maximum of four months unless the Council agree a longer period.

**16. Motions Without Notice**

**16.1 Motions that may be moved by any Member without notice**

16.1.1 The following motions may be moved without notice by any Member:

16.1.1.1 in the absence of the Mayor of the Council, to appoint the Deputy Mayor or another Member to preside at the meeting at which the motion is moved;

16.1.1.2 in relation to the accuracy of the minutes;

16.1.1.3 to change the order of business on the agenda;

16.1.1.4 to refer a matter to an appropriate body or individual;

16.1.1.5 to receive recommendations or reports from the Executive, a Cabinet member, Committee or an officer and any resolutions following from them;

16.1.1.6 to withdraw a motion;

16.1.1.7 that the meeting continue beyond three hours in duration;

16.1.1.8 to exclude the press and public in accordance with Part E (Rule 12) of the Access to Information Procedure Rules;

16.1.1.9 to not hear further a Member named under Rule 22.1 or to exclude them from the meeting under Rule 23.1; and

**16.2 Motions relating to Closure of Debate, Adjournment and Next Business**

16.2.1 The following motions may be moved without notice by any Member who has not spoken on the matter under debate at the close of any speech:

16.2.1.1 that the Council meeting be adjourned with immediate effect;

16.2.1.2 that the debate be adjourned to the next meeting of the Council;

16.2.1.3 that the Council proceed to the next item of business on the agenda;

16.2.1.4 that the question be now put without further debate.

**16.3 Limits to the Right to Move Motions Under 16.2**

16.3.1 The Mayor shall have the power to refuse to accept a motion under 16.2 if, in their opinion, they consider it to be premature.

**16.4 Further Provisions Relating to Motions Under 16.2**

16.4.1 When a motion to adjourn is carried, the Mayor shall determine which Member shall have the right to open the debate when resumed.

16.4.2 When a motion that the question be now put is carried the mover of the motion previously under discussion shall have the right to reply before the vote is taken on that motion or on an amendment to that motion if they have not already spoken to the amendment.

16.4.3 The Mayor may allow speeches to continue for a longer period where they consider that it is the wish of the Council that they should do so.

16.4.4 Rule 16.2 does not apply where the Council is:

16.4.4.1 considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

16.4.4.2 considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

**16.5 Amendments to Motions**

16.5.1 An amendment to a motion must be relevant to the motion and will either be:

16.5.1.1 to leave out words;

16.5.1.2 to leave out words and insert or add others;

16.5.1.3 to insert or add words;

as long as the effect of 16.5.1.1 to 16.5.1.3 is not to negate the motion or to introduce a new proposal.

16.5.2 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion.

**16.6 Point of Order**

16.6.1 A Member may raise a point of order at any time and shall indicate their wish to do so by addressing the Mayor. The Mayor will hear it immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or of the law. The Member must start by identifying the Rule or law and the way in which they consider it to have been broken. The ruling of the Mayor on the matter will be final.

**16.7 Personal Explanation**

16.7.1 A Member who has been named by another Member may seek to make a personal explanation if the named Member believes that an earlier speech by the named Member during the meeting has been misunderstood. A Member shall indicate their wish to make a personal explanation by addressing the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

**17. Previous Decisions and Motions**

**17.1 Motion to Rescind a Previous Decision**

## **London Borough of Barnet - Constitution**

17.1.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved.

### **17.2 Motion Similar to one Previously Considered**

17.2.1 A motion or amendment in similar terms to one that has been considered at a meeting of Council in the past six months cannot be moved.

## **18. Voting**

### **18.1 Majority**

### **18.2 Mayor's Casting Vote**

18.2.1 If there is an equal number of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### **18.3 Individual Recorded Vote and Explanation for Vote**

18.3.1 If immediately before the vote is taken any Member present at the meeting requests that their vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

18.3.2 A recording of a vote or abstention in the minutes shall be made without explanation save in cases where it is necessary for the avoidance of ambiguity, when a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

### **18.4 Recorded Vote at Annual Council Tax Meeting**

18.4.1 At any meeting of the Council where a decision is taken on the setting of council tax or budget, then the vote of each member present for or against or not voting shall be so recorded in the minutes.

### **18.5 Recorded Vote by Division**

18.5.1 If immediately before an ordinary vote is taken 10 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

## **19. Minutes**

### **19.1 Signing the Minutes**

19.1.1 The Mayor will sign the minutes of the proceedings at the next available meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

### **19.2 Minutes of Decisions of the Council**

19.2.1 Minutes of the Council shall be published on the Council's intranet and website. Minutes shall be published within 5 clear working days of the date of the meeting.

## **20. Exclusion of the Press & Public**

20.1 Members of the public and press may only be excluded either in accordance with Rule 12 of the Access to Information Procedure Rules in Part 3E of this Constitution or under Rule 24 (General Disturbance).

## **21. Mayor Standing**

## **London Borough of Barnet - Constitution**

21.1 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### **22. Member not to be Heard Further**

22.1 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further for the remainder of the item of business being considered. If seconded, the motion will be voted on without discussion.

### **23. Member to Leave the Meeting**

23.1 If the Member continues to behave improperly after such a motion under 22.1 is carried, the Mayor may move that either the Member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **24. General Disturbance**

24.1 If there is a general disturbance making business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

### **25. Confidential Business**

25.1 All reports, other documents, information, discussions and proceedings of the Council which are marked "Exempt" under Schedule 12A of the Local Government Act 1972, or "Confidential", must be treated as such by all Members of the Council. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document.

25.2 Confidential and/or exempt items will be discussed in 'Part II' of the Council meeting following a resolution to exclude the press and public.

### **26. Disturbance by the Public**

#### **26.1 Removal of Member of the Public**

26.1.1 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

#### **26.2 Clearance of part of a Meeting Room**

26.2.1 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

#### **26.3 Adjournment**

26.3.1 Following an order by the Mayor for one or more members of the public to leave the meeting room, if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Mayor may adjourn the meeting for as long as they think necessary.

26.3.2 If it is considered expedient so to do, the Mayor with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

#### **26.4 Ruling of the Mayor on Interpretation of these Rules**

**London Borough of Barnet - Constitution**

26.4.1 The Mayor's ruling on the interpretation or application of any of the Council Procedure Rules is final.