

## **COUNCIL ASSEMBLY PROCEDURE RULES**

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The following will indicate when a certain rule may not be suspended:  
*“This rule cannot be suspended.”*

## **1. GENERAL PROCEDURES APPLYING TO COUNCIL ASSEMBLY MEETINGS**

### **1.1 NOTICE AND SUMMONS OF MEETINGS**

*This rule cannot be suspended.*

#### **Ordinary and extraordinary meetings**

1. The chief executive will give notice to the public of the time and place of any ordinary or extraordinary meeting in accordance with the access to information procedure rules. At least seven clear working days before a meeting, the chief executive will send a summons signed by him or her by electronic communication (where the member has presently consented to it being transmitted by this method), or by post to all members of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **Annual meeting**

2. The chief executive will give notice to the public of the time and place of the annual meeting of council assembly in accordance with the access to information rules. At least five clear working days before the meeting, the chief executive will send a summons signed by him or her by electronic communication (where the member has presently consented to it being transmitted by this method), or by post to all members of the council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **Electronic summons**

3. A member may consent to receiving a summons by electronic communication by informing the proper constitutional officer.
4. Members' requests to change their method of receipt must be submitted in writing to the proper constitutional officer. A minimum of five clear working days must elapse from the date of receipt of such a request before it becomes effective.

#### **Time and place**

5. Unless the council, or the Mayor in consultation with the chief executive, shall otherwise decide, all meetings of the council shall commence at 7.00pm.
6. All meetings of the council assembly shall be held in the borough.

#### **Meetings convened at short notice**

7. Meetings of the council assembly may only be convened at less than seven clear working days' notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

#### **Postponement/cancellation of meetings**

8. The Mayor/chair, in consultation with the monitoring officer, may in exceptional circumstances cancel a meeting, direct that an ordinary meeting of council assembly be not called or change the date, time or venue of a meeting.

### **1.2 CHAIR OF MEETING**

*This rule cannot be suspended.*

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

### **1.3 QUORUM**

*This rule cannot be suspended.*

1. No business shall be considered unless 16 councillors (or 25% of the membership) are present in the meeting room. If the chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the council, unless the chair fixes an alternative date.

#### **Quorum at start of meeting**

2. The meeting of the council assembly shall commence as soon as there is a quorum, following the time at which the meeting has been appointed to be held.

#### **Quorum if more than one-third of members are disqualified**

3. Where more than one-third of members of the council become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members in office of the council, the quorum of the council assembly shall be determined by reference to the number of members of the council remaining qualified instead of by reference to the whole number of members of the council. The quorum shall then be one-quarter of the members of the council who remain qualified.

### **1.4 COUNCIL ASSEMBLY BUSINESS PANEL**

The Mayor shall convene a council assembly business panel to act as an advisory panel to him or her on planning a programme of council assembly meetings, including setting the themed debates, ensuring a balanced business agenda and the need to make meetings more engaging. The panel shall meet as required.

### **1.5 POWERS OF THE CHAIR**

*This rule cannot be suspended.*

1. Having received the views of the council assembly business panel, the chair shall decide, having taken the advice of the monitoring officer, the council assembly agenda and the timings for relevant sections of the meeting.
2. The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy, interpretation of council assembly procedure rules relating to the conduct of the meeting and the appropriateness of council questions.

### **1.6 VARIATION IN ORDER OF BUSINESS**

Business falling under council assembly procedure rules 2.2(a), 2.2(c) and 4.2(b) will not be displaced but, otherwise, the order of business may be varied by:

- a) the Mayor at her or his discretion
- b) a resolution passed on a motion which shall be put without debate.

However, should no decision be made as to the election of the Mayor at the annual meeting, this shall be the first item of business to be considered at any other subsequent meetings.

## **1.7 CONDUCT**

*This rule cannot be suspended.*

### **Equality and diversity**

1. Council assembly shall conduct its business in a way that:
  - a) promotes equality of opportunity between individuals and treats all people with dignity and respect
  - b) avoids and eliminates discrimination of any kind
  - c) promotes good relations within the community between members of different groups, and encourages the active participation of all.

### **Conduct**

2. Everyone present at the council assembly meeting must:
  - a) treat other participants with courtesy and respect
  - b) be sensitive to the needs of those participants who are not used to speaking in public, or whose first language is not English
  - c) conduct themselves in a way that does not cause offence to others or limits in any way others' ability to participate in meetings
  - d) only speak when called on by the chair and speak through the chair.
3. Unacceptable conduct includes:
  - a) using abusive or unbecoming language or making comments of a personal nature about another person
  - b) discriminatory or other derogatory remarks or actions
  - c) behaviour that intimidates any person present at the meeting
  - d) preventing others from expressing their views by interrupting or talking while they are speaking
  - e) attributing improper motives to others
  - f) failure to comply with the procedure rules
  - g) treating council officers disrespectfully, either individually or as a group, when speaking to them, or about them
  - h) making comments that relate to an investigation by (whether complete or not), or ruling of, the standards committee or sub-committee insofar as those comments relate to the behaviour or conduct of an individual member or members.
  - i) ignoring or not accepting the authority of the chair.

### **Members' statements**

4. No member shall mislead the council assembly on a matter of fact. If a misleading statement is made, the member shall inform council assembly at the earliest opportunity and offer a correct statement.
5. A member who knowingly makes a misleading statement to council assembly may be regarded as bringing the council and its proceedings into disrepute. If this is the case then a breach of the members' code of conduct is likely to occur.

## **1.8 PREVENTION OF DISORDERLY CONDUCT**

*This rule cannot be suspended.*

### **Councillors**

1. A councillor may be directed to discontinue speaking if the chair considers the councillor is being repetitive, irrelevant, using unbecoming language, or is in some other way breaching the order of the meeting.

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair having warned the councillor shall move that the councillor called by name leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the councillor shall leave immediately.

### **Members of the public**

2. In the case of a member of the public disrupting the meeting or if there is a general disturbance, the chair may order the removal of a person or that the public areas be cleared. Readmission shall be at the discretion of the chair.
3. In the event of a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary for order to be restored.

## **1.9 BROADCASTING AND RECORDING**

1. The council allows and welcomes any recording, photographing or filming of the proceedings of a council meeting or use of social media by any member of the public, media or councillor. Reasonable provision for facilities to do so shall be provided. The chair will make an announcement at the beginning of the meeting where appropriate.
2. Members of the public or media are encouraged to contact the relevant officer (i.e. proper constitutional officer) in advance of the meeting should they have any specific requirements.
3. The Mayor has the discretion to terminate or suspend the recording or photograph or filming if, in the opinion of the Mayor, continuing to do so would prejudice the proceedings of the meeting.
4. The circumstances in which termination or suspension might occur could include:
  - a) Public disturbance or suspension of the meeting (including any oral reporting or oral commentary as the meeting takes place)
  - b) Exclusion of public and press being moved and supported
  - c) The Mayor, on advice of the monitoring officer, considering that continued recording/photograph/filming/webcasting might infringe the rights of any individual
  - d) The Mayor, on advice of the monitoring officer, considering that a defamatory statement has been made.

## **1.10 DECLARATION OF INTERESTS**

*This rule cannot be suspended.*

Councillors shall abide by the members' code of conduct. It is the responsibility of every councillor to declare an interest by the time the relevant item of business is reached.

## **1.11 PREVIOUS DECISIONS AND MOTIONS**

### **Motion to rescind a previous decision**

1. A motion or amendment to rescind a decision made at a meeting of council within the previous six months cannot be moved unless the notice of motion, delivered in accordance with rules 2.10(3) and (4), is signed by at least 16 members.

### **Motion similar to one previously rejected**

2. A motion or amendment in similar terms to one that has been rejected at a meeting of council in the previous six months cannot be moved unless the notice of motion or amendment, delivered in accordance with rules 2.10.3 and 2.10.4, is signed by at least 16 members.

### **Notice**

3. Notice of a motion to rescind or reject a previous motion shall be submitted to the proper constitutional officer four clear working days in advance of the meeting.

## **1.12 GUILLOTINE**

*This rule cannot be suspended.*

### **FOR ORDINARY, COUNCIL TAX SETTING AND EXTRAORDINARY MEETINGS**

#### **Concluding the meeting**

1. The guillotine shall take effect three hours after the start of the meeting.
2. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
3. The following outstanding business shall be considered:
  - any business required by statute
  - approval of minutes of council assembly
  - each individual report with a recommendation, be it from the cabinet, committee or officer
  - any other business accepted by the Mayor as late and urgent business.

#### **Process for dealing with any outstanding business (Fifteen minute debate rule)**

4. Each item of business specified in rule 1.12(3) shall be afforded up to a maximum of 15 minutes. If the matter is not concluded within that time the Mayor shall, if appropriate, call upon the mover of the substantive motion to exercise their right of reply and a vote shall be taken. In circumstances where the council is legally obliged to make a decision, but the motion or recommendation voted upon is lost, the Mayor will take motions from the floor, each allocated up to a maximum of 15 minutes, until a decision is reached.

### **Motions not dealt with**

5. If there are motions or other business still outstanding at the fall of the guillotine, then subject to council assembly procedure rule 1.12(6) all other motions or business not considered shall be put to the vote without debate.

### **Suspension of guillotine rule**

6. The guillotine rule can be suspended for up to a maximum of 30 minutes only.

## **FOR ANNUAL COUNCIL**

### **Concluding the meeting**

7. The guillotine shall take effect one and half hours after the start of the meeting.
8. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
9. The following outstanding business shall be considered:
  - any business required by statute
  - approval of minutes of council assembly
  - each individual report with a recommendation, be it from the cabinet, committee or officer
  - any other business accepted by the Mayor as late and urgent business.

### **Process for dealing with any outstanding business**

10. Each item of business specified in rule 1.12(3) and still outstanding at the fall of the guillotine, shall be put to the vote without debate.

## **1.13 PROCEDURAL MOTIONS WITHOUT NOTICE**

The following procedural motions may be moved without notice:

- a) to appoint a chair of the meeting at which the motion is moved
- b) in relation to the accuracy of the minutes
- c) to change the order of business in the agenda
- d) to refer something to an appropriate body or individual
- e) to appoint a committee or member arising from an item on the summons for the meeting
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them
- g) to withdraw a motion
- h) to amend a motion, by its mover, with the consent of the meeting
- i) to proceed to the next business
- j) that the question be now put
- k) to adjourn a debate
- l) to adjourn a meeting
- m) to suspend a particular council assembly procedure rule
- n) to exclude the public and press in accordance with the access to information rules
- o) to exclude a member from the meeting under council assembly procedure rule 1.8(1)
- p) to give the consent of the council where its consent is required by this constitution



- q) to extend the time limit of speeches
- r) to suspend council assembly procedure rules without notice under council assembly procedure rule 6.1
- s) to receive a deputation under council assembly procedure rule 2.6(12)(a)
- t) motions and amendments on matters upon which the council is legally obliged to make a decision, but for which a motion of which notice had been given has been lost
- u) to extend the guillotine by up to 30 minutes under rule 1.12(6)
- v) to approve the programme motion.

Procedural motions shall not be debated and will be immediately put to the vote by the chair.

## **1.14 RULES OF DEBATE**

### **Chair to call member to speak**

*This rule cannot be suspended.*

1. A councillor may indicate their desire to speak by raising their hand, but shall only speak when called by name by the chair. When speaking the councillor shall stand, unless unable to do so. All other councillors shall remain seated in their allotted place when another councillor is speaking, unless wishing to make a point of order or point of personal explanation. If more than one councillor stands, the chair will ask one to speak and the others must sit down.

### **Chair standing**

*This rule cannot be suspended.*

2. When the chair stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

### **Form of address**

*This rule cannot be suspended.*

3. Councillors shall address the chair when speaking, and refer to each other as Mayor, Deputy Mayor, leader, cabinet member, chair or councillor, as the case may be.

### **Order of debate**

4. The chair shall have the discretion to vary the order of debate on motions or amendments. Otherwise no debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time.

Where the chair or council assembly agree to hold a single debate on a theme or motion, the order of debate shall be varied as follows. All motions and amendments shall be moved and seconded, followed by a single debate. At the end of the debate the mover of the motion or theme shall have a right of reply. Each motion and amendment shall be voted upon separately.

### **Mover and seconder required for all motions and amendments**

5. Every motion or amendment must be moved and seconded. A councillor may not move more than one amendment or motion on the same subject.

### **No speeches until motion is seconded**

6. No speeches may be made until the mover has moved a proposal and explained the purpose of it. The motion shall be seconded if required.

### **Right to require motion in writing**

7. Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

### **Secunder's speech**

8. When seconding a motion or amendment, the seconder may reserve their speech until later in the debate.

### **Content and length of speeches**

9. Speeches must be restricted to the matter under discussion or to a personal explanation or point of order. No speech by the mover of a motion may exceed five minutes without the consent of the Mayor. All other speeches may not exceed three minutes without the consent of the Mayor.

An exception is when the relevant cabinet member presents the annual budget report at the council tax setting meeting. In this case, he or she will be allowed up to ten minutes in which to present the report and the shadow cabinet member shall have five minutes in which to reply.

### **When a member may speak again**

10. A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
  - a) to speak once on an amendment moved by another member
  - b) to move a further amendment if the motion has been amended since he/she last spoke
  - c) to speak on the main issue, if his/her first speech was on an amendment moved by another member (whether or not the amendment on which he/she spoke was carried)
  - d) in exercise of a right of reply
  - e) on a point of order
  - f) by way of personal explanation.

### **Form of amendments**

11. An amendment to a motion must be delivered in accordance with rules 2.10(4) or 2.11(3) be relevant to the motion and will either be:
  - a) to refer the matter to an appropriate body or individual for consideration or reconsideration
  - b) to leave out words
  - c) to leave out words and insert or add others
  - d) to insert or add words.
12. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.
13. If an amendment is not carried, other amendments to the original motion may be moved.
14. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further

amendments are moved. If there are no further amendments the substantive shall be put to the vote.

#### **Alteration of motions and amendments**

15. A member may alter a motion or amendment of which he/she has given notice, with the consent of the meeting. The meeting's consent will be signified without discussion.
16. A member may alter a motion or amendment which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
17. Only alterations which could be made as an amendment may be made.

#### **Withdrawal of a motion or amendment**

18. If the motion or amendment has been moved: A member may withdraw a motion or amendment which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused. No further debate shall take place on a motion or amendment once it has been withdrawn.
19. If it has not been moved: If a motion or amendment has not yet been moved, it may be withdrawn by the mover. The consent of the meeting is not required. No debate shall take place on a motion or amendment once it has been withdrawn.

#### **Right of reply**

20. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
21. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. If an amendment is carried, the mover of the amendment shall hold the right to reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.
22. The mover of the amendment has no right of reply to the debate on his or her amendment.

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

23. When a motion is under debate, no other motion may be moved except the following procedural motions:
  - a) to withdraw a motion
  - b) to amend a motion
  - c) to proceed to the next business
  - d) that the question be now put
  - e) to adjourn a debate
  - f) to adjourn a meeting
  - g) to exclude the public and press in accordance with the access to information rules
  - h) to not hear further a member named under rule 1.8(1) or to exclude them from the meeting under rule 1.8(1).

### **Closure motions**

24. The following closure motions may be moved during discussion of another motion ("the original motion"). They shall be moved, seconded and put without discussion. A second closure motion in relation to the same question shall not be moved within 30 minutes of the rejection of a previous motion.
25. If the motion is moved and seconded, then the person presiding shall proceed as follows:
  - a) "That the meeting proceed to the next business"
    - i) Moving the motion: Any member who has not already spoken on the question may, provided no other member is speaking, move (without speaking to the motion) that the meeting do now proceed to the next business and, if the motion is seconded, it shall be put to the vote without discussion.
    - ii) Effect on question under consideration: If the motion is carried, the question which was under consideration shall be dropped and deemed not approved.
  - b) "That the question be now put"
    - i) Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move (without speaking to the motion) that the question be now put. The motion, if seconded, shall be put to the vote without discussion.
    - ii) Right to reply: If the motion is carried, no further speeches shall be permitted except in pursuance of a right to reply.
    - iii) Vote: The vote shall then be taken immediately.
  - c) "That the debate be now adjourned"
    - i) Motion to adjourn: Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move that the debate is adjourned. That motion if seconded, shall be put to the vote without discussion.
    - ii) The adjourned debate: If a motion to adjourn the debate is carried, the discussion shall be resumed as adjourned business at the next ordinary meeting or such other day and hour as shall have been specified in the motion, and the meeting shall proceed to the next business on the agenda. Unless the adjourned business is taken at the next ordinary meeting, the only business which shall be transacted at an adjourned meeting shall be the uncompleted business set out in the summons for the meeting which was adjourned. On resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first.
    - iii) Procedure in dealing with an adjournment motion: The mover of a motion under paragraph (i) above may speak for not more than five minutes but the seconder shall not be permitted to speak beyond formally seconding the motion. Upon such a motion for adjournment being made, the mover (or presenter) of the matter then under

debate may (without prejudice to her or his ultimate right of reply if the adjournment motion is lost) speak on the adjournment for not more than five minutes after which the adjournment motion shall be put to the vote without further debate or reply by the mover.

d) "That the meeting do now adjourn"

- i) Motion to adjourn: Any member who has not already spoken upon the question before the meeting may, provided no other member is speaking, move that the meeting do now adjourn. The chair shall not be required to take a time and place adjournment until and after consultation with the political group whips, if he/she so deems necessary.
- ii) Uncompleted business: If a motion to adjourn the meeting, having been seconded. is carried, the council assembly shall stand adjourned to the next ordinary meeting or to such other day and hour as shall have been specified in the motion. Unless the adjourned business is taken at the next ordinary meeting, the only business which shall be transacted at an adjourned meeting shall be the uncompleted business set out in the summons for the meeting which was adjourned.
- iii) Uncontentious business: Before putting to the meeting a motion for adjournment of the meeting, it shall be open to the Mayor to ask whether it will first deal with uncontentious business.
- iv) Procedure in dealing with an adjournment motion: The mover of a motion under paragraph (i) above may speak for not more than five minutes but the seconder shall not be permitted to speak beyond formally seconding the motion. Upon such a motion for adjournment being made, the mover (or presenter) of the matter then under debate may (without prejudice to her or his ultimate right of reply if the adjournment motion is lost) speak on the adjournment for not more than five minutes, after which the adjournment motion shall forthwith be put to the vote without further debate or reply by the mover.

**Point of order**

*This rule cannot be suspended.*

26. A member may raise a point of order at any time during the meeting. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of the council assembly procedure rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

**Personal explanation**

*This rule cannot be suspended.*

27. A member may request to make a personal explanation at any time during the meeting. A personal explanation may only enable the member to refute or correct a statement attributed to him/her or any action he/she has taken.

The following procedure will apply.

- a) The member wishing to intervene to make a personal explanation must signify to the person presiding by standing up and stating "personal explanation".
- b) The person presiding will ask the member speaking at that time whether they are willing to allow the member wishing to intervene to make a personal explanation.
- c) The member speaking may either:
  - i) agree to receive the personal explanation immediately; or,
  - ii) delay the receipt of the personal explanation until later in her/his speech; or,
  - iii) not agree to receive it.
- d) If the request to receive the personal explanation is not agreed by the member currently speaking, the member requesting to make a personal explanation may not call for a further opportunity whilst that same member is speaking, but will however be entitled to a point of personal explanation once the member has ceased speaking if so desired.
- e) If and when a personal explanation is heard, it must not be excessively long.

## **1.15 VOTING**

### **Majority**

*This rule cannot be suspended.*

1. Unless this constitution provides otherwise or is required by statute, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put to the vote.

### **Mayor/chair's casting vote**

*This rule cannot be suspended.*

2. If there are equal numbers of votes for and against, the Mayor/chair will have a second or casting vote. There will be no restriction on how the Mayor/chair chooses to exercise a casting vote.

### **Show of hands**

*This rule cannot be suspended.*

3. Unless a recorded vote by roll call is demanded under rule 1.16, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **Recorded vote by roll call**

4. If 45% or more members present at the meeting request a division, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes in accordance with council assembly procedure rule 1.16(5).

### **Right to require individual vote to be recorded**

*This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.*

5. Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

#### **Voting on appointments**

*This rule cannot be suspended.*

6. If there are more than two people nominated for any position to be filled, the names will be put to the vote in alphabetical order and the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **1.16 RECORDED VOTE BY ROLL CALL**

#### **Requesting a recorded vote by roll call at council assembly meetings and number required**

1. Any member may request a recorded vote by roll call on a motion or amendment being voted upon by standing in her or his place and so requesting before the casting of votes has started.
2. The specified number of members to request a recorded vote is 45% of those members present who are entitled to vote on the item.
3. If a request receives sufficient support in accordance with (2) above, a division shall be taken in accordance with the following procedure.

#### **Procedure for recording the vote by roll call at council assembly meetings**

4. The Mayor shall cause the bell to be rung, after which the doors of the meeting room shall be closed and no members will be admitted until after the voting is completed. The Mayor shall put the question again. The proper constitutional officer shall call the names of all members in alphabetical order and each member present shall declare herself or himself 'for or against' the motion or amendment or that he/she abstains.
5. The votes, abstentions and absences from the meeting room shall be recorded in writing and entered in the minutes.
6. The Mayor shall declare the result of the recorded vote, stating the numbers for and against the motion or amendment and the number of members who abstained.
7. Once a recorded vote by roll call has been called, no adjournment may be moved until the vote has been taken.

#### **Motions where recorded votes by roll call are not permitted**

8. A recorded vote by roll call may not be held in voting on the following motions:
  - a) election of the Mayor (council assembly procedure rule 4.2(1)(b))
  - b) the appointment of chairs and vice chairs (council assembly procedure rule 4.2(1)(g))
  - c) to vary the order of business (council assembly procedure rule 1.6)

- d) motions relating to the accuracy of the minutes (council assembly procedure rule 2.2(d) and 4.2(1)(d))
- e) receipt of information reports of committees
- f) that all recommendations then outstanding be approved (council assembly procedure rule 1.12)
- g) to proceed to the next business (council assembly procedure rule 1.14(25)(a))
- h) that the question be now put (council assembly procedure rule 1.14(25)(b))
- i) that the debate be adjourned (council assembly procedure rule 1.14(25)(c))
- j) that the meeting be adjourned (council assembly procedure rule 1.14(25)(d))
- k) seeking the consent of the council where it is required under council assembly procedure rules.

## **1.17 FORMAL RECORDS TO BE MAINTAINED**

All meetings of the council assembly are to be clerked by a representative of the proper constitutional officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the proper constitutional officer.

## **2. ORDINARY MEETINGS OF THE COUNCIL ASSEMBLY**

### **2.1 DATES AND FREQUENCY OF MEETINGS**

Meetings shall take place on such dates as agreed by the annual meeting and occasionally as set out in rule 3.

### **2.2 ORDER OF BUSINESS AT ORDINARY COUNCIL MEETINGS**

#### **Formal meeting**

The business at an ordinary meeting shall be as follows, taken in the sequence indicated unless otherwise directed by the chair or agreed following a motion carried:

#### **Introduction and preliminary business**

- a) elect a person to preside if the Mayor is not present and the Deputy Mayor is not chosen to preside
- b) receive any announcements from the Mayor, members of the cabinet or the chief executive, including matters which the Mayor has decided to add to the agenda as urgent. Wherever possible, cabinet member statements should be in writing and circulated at the start of the meeting
- c) receive any declarations of interest from members
- d) approve the minutes of the last meeting
- e) announcement of the guillotine

#### **Time for residents to bring issues to assembly**

- f) receive petitions
- g) receive questions from, and provide answers to, the public in relation to matters, which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;

#### **Themed debates**



- h) consider themed debates centred on a cabinet member's portfolio or plans, policies and strategies
- i) debate the cabinet member's motion on the theme and amendments from political groups on the council
- j) receive any community evidence

#### **Deputations**

- k) deputations (that do not relate to the themed debate)

#### **Time for members to bring issues to assembly**

- l) late and urgent questions by group leaders
- m) questions from councillors to the leader, other cabinet members and chairs of committees
- n) consider motions

#### **Consideration of cabinet reports**

- o) receive cabinet proposals in relation to the council's budget and policy framework and any other reports for decision (if any)

#### **Consideration of scrutiny reports**

- p) receive occasional reports of the overview and scrutiny committee/sub-committee (if any)

#### **Formal constitutional business**

- q) receive reports from committees/officers of the council
- r) receive reports about and receive questions and answers on the business of joint arrangements and external organisations, including reports from members appointed to outside bodies
- s) deal with any business from the last council meeting
- t) consider open business which the chair has accepted as urgent
- u) consider any confidential business where the public are excluded from the meeting.

### **2.3 AGENDAS AND MINUTES**

1. The proper constitutional officer shall ensure that an agenda and summons for the meeting is despatched to each councillor and available to the public and press.
2. The proper constitutional officer shall ensure that a record is made of the decisions taken at every meeting of the council. The minutes shall also include a record of the councillors in attendance, those absent and any apologies received.
3. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the councillor remained present or withdrew from the meeting for the duration of the discussion.

#### **Signing the minutes**

*This rule cannot be suspended.*

4. The Mayor/chair will sign the minutes of the proceedings at the next suitable meeting. The Mayor/chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **No requirement to sign minutes of previous meeting at extraordinary meeting**

*This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.*

5. Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

## **2.4 PETITIONS TO COUNCIL ASSEMBLY**

*This rule cannot be suspended.*

### **Which meetings consider petitions?**

1. Members of the public or councillors will be entitled to present petitions with 1,500 or more signatures to the Mayor at each council assembly meeting except the annual meeting or the council tax setting meeting.

### **Deadline**

2. The petition must be submitted to the proper constitutional officer at least 10 clear working days before the date of the meeting. A petition can be submitted by any person of any age who lives, works or studies in Southwark.

### **Scope**

3. Petitions must relate to matters in which the council has powers or duties or which affects Southwark. Petitions shall not concern approval or otherwise of a planning or licensing application, or a statutory petition which is a petition allowed by other legislation. Petitions will also be disallowed where there is already an existing right of appeal or the petition is vexatious, abusive or otherwise inappropriate.

### **Procedure at meeting**

4. The Mayor will call on the spokesperson to present petitions in the order in which they were notified to the proper constitutional officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. Council assembly will debate the petition for a period of up to 15 minutes. Council assembly may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The proper constitutional officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.

6. The time during which petitions shall be considered shall not exceed 40 minutes.

7. The processes and procedures are set out in the council's petition scheme.

## **2.5 PUBLIC QUESTION TIME**

### **Which meetings consider public questions?**

1. Public questions shall be considered at ordinary meetings of the councils. Public questions cannot be considered at the annual meeting or the council tax setting meeting.

### **Who may ask a public question?**

2. The right to ask a public question only applies to persons resident in the borough or business ratepayers of the borough.

### **Scope of questions**

3. The Mayor in consultation with the monitoring officer may reject a question if it:
  - a) is a request from an individual who has alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
  - b) is not about a matter for which the council has powers or duties or which affects Southwark
  - c) is defamatory, frivolous or offensive
  - d) is substantially the same as a question which has been put at a meeting of the council in the past six months
  - e) requires the disclosure of confidential or exempt information
  - f) concerns a planning or licensing application
  - g) raises a grievance for which there are other established processes for resolution
  - h) relates to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the question relates to the behaviour or conduct of an individual member or members.

### **Form of questions**

4. A resident or business ratepayer of the borough may ask one written question (limited to 50 words) on any matter in relation to which the council has powers.
5. Each question must provide the name and address of the questioner and name the cabinet member/committee chair to whom the question should be put.

### **Deadlines**

6. An application for a question to be considered shall be submitted in writing to the proper constitutional officer no later than three clear working days in advance of the council assembly.
7. The date and time of receipt of such requests will be recorded and a copy of the question will immediately be sent to the member to whom it is to be put. Rejected questions will include reasons for rejection.
8. Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair if this is appropriate.

### **Agenda**

9. Questions shall be dealt with in the order in which they are received. Upon receipt a copy of each question shall be given to the Mayor and the appropriate cabinet member/committee chair. The content of any answers shall be within the discretion of the appropriate cabinet member/committee chair.

### **Length of public question time**

10. The time during which public questions shall be taken shall not exceed 15 minutes. It is not in order to move for an extension of this time limit. When the time limit has expired, any remaining written replies shall be taken as read.

### **Asking the question at the meeting**

11. Copies of all the questions to be dealt with at the meeting, together with written answers, shall be circulated in a suitable format at the meeting and copies shall be available for members of the public and the press.
12. The Mayor will invite the questioner to put the question to the member named in the notice. 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. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

### **Supplemental question**

13. A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in rule 2.5(3) above.

### **Written answers**

14. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

### **Reference of question to the cabinet or a committee**

15. Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

## **2.6 DEPUTATIONS TO COUNCIL ASSEMBLY**

### **Which meetings consider deputations?**

1. Deputation requests shall be considered at ordinary meetings of the council. Deputations shall not be taken at the annual meeting or the council tax setting meeting.

### **Who may request a deputation?**

2. Deputations can only be made by a group of people resident or working in the borough.

### **Composition of deputation**

3. The deputation shall consist of no more than six persons, including the spokesperson.

### **Scope of deputations**

4. The Mayor in consultation with the monitoring officer may reject a deputation if it:

- is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
- is not about a matter for which the council has powers or duties or which affects Southwark
- is defamatory, frivolous or offensive
- requires the disclosure of confidential or exempt information
- concerns a planning or licensing application
- raises a grievance for which there are other established processes for resolution
- relates to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the deputation relates to the behaviour or conduct of an individual member or members.

#### **Form of the deputation**

5. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.
6. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.

#### **Deadlines**

7. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the proper constitutional officer no later than three clear working days before the day of the council assembly meeting. The date and time of receipt of such requests will be recorded. Rejected deputations will include reasons for rejection.

#### **Agenda**

8. Deputations shall be dealt with in the order in which they are received.
9. Details of written deputations will be included on the agenda papers for the meeting of the council assembly.
10. If the matter is not dealt with by the meeting, the matter shall be referred without debate to the relevant cabinet member who shall, after consideration, respond with an open reply to the sender.

#### **Maximum number of deputations to be considered at council assembly**

11. No more than three deputations shall be considered at any one meeting. Deputations shall be considered in the order of date and time received.

#### **What happens at council assembly meetings?**

12. The meeting, without debate, shall decide whether the deputation will:
  - a) be received at this meeting or a future meeting
  - b) not be received
  - c) be referred to the most appropriate committee/sub-committee.

The proper constitutional officer shall arrange for the attendance of any deputation. In doing so he/she shall inform the applicants that the council assembly has discretion as to whether or not to receive the deputation.

#### **Speech and question on behalf of deputation**

13. Only one member of the deputation shall be allowed to address the council assembly, her or his speech being limited to five minutes. The deputation spokesperson or any member of the deputation nominated by her or him shall be invited to ask a question of the leader or relevant cabinet member.

**Questions to the deputation and time limit**

14. Members of the council may ask questions of the deputation, which shall be answered by their spokesperson or any member of the deputation nominated by her or him for up to five minutes at the conclusion of the spokesperson's address.

**No debate during deputation**

15. Members shall not debate any issues arising out of the deputation, or the item to which it relates, with any members of the deputation.

**Deputation to withdraw from the floor**

16. As soon as questions to the deputation have been concluded, the deputation shall withdraw from the floor of the meeting to the public area where they may remain, subject to any resolution excluding attendance of the public.

**Debate, motion and amendments**

17. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall then be open to debate by the council assembly.

**Debate on deputations concerning reports on the agenda**

18. Having received the deputation(s) on a matter subject to a report on the agenda, the Mayor will seek consent of the meeting for that item to be brought forward for immediate consideration. A vote is to be taken without debate. In the event of this vote being carried the report may then be considered. If the vote is lost, the subject matter will not be debated until the relevant item is reached in the order of business.

**Following up and feedback after council assembly**

19. The proper constitutional officer will arrange for a summary of the deputation and any decision which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member to follow up and feed back to the deputation.

**Deputations concerning licensing or planning applications**

20. Deputations or representations received concerning licensing or planning applications will not be considered by council assembly. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.

## **2.7 THEMED DEBATES**

**Theme**

1. The theme for each meeting will be set by the council assembly business panel including the budget and other themes focused on a cabinet member's portfolio.
2. One hour shall be allocated for the themed debate. The Mayor shall have the discretion to vary timings as appropriate.

### **Community evidence**

3. Submissions (written or oral) from experts, community groups or local representatives may be heard or tabled at the meeting. Submissions will be time limited and subject to the programme motion

### **Order of debate**

4. The order of business of the debate will be:
  - Community evidence
  - Cabinet member has seven minutes in which to present the theme, plan, strategy or policy
  - Shadow cabinet member has five minutes in which to reply (two minutes of which may be to present an amendment)
  - Debate will then open to any member who indicates to speak (all recognised groups on the council having had the opportunity to formally propose one amendment.)
  - At the conclusion of the debate (or time limit) the meeting will take a separate vote on the motion and amendment(s).

No seconding is required for motion or amendments.

### **Public involvement and participation**

5. The theme of the meeting shall be actively promoted and residents encouraged to participate.

### **Public evidence on themed debate**

6. The Mayor may reject any evidence if it is not relevant to the theme under discussion.

### **Scope**

7. The Mayor in consultation with the monitoring officer may reject evidence if it:
  - is a request from a group of people who have alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
  - is not about a matter for which the council has powers or duties or which affects Southwark
  - is defamatory, frivolous or offensive
  - requires the disclosure of confidential or exempt information
  - concerns a planning or licensing application
  - raises a grievance for which there are other established processes for resolution
  - relates to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the deputation relates to the behaviour or conduct of an individual member or members.

### **Form of request**

8. Each request must provide the name and address of the persons/group requesting to be heard and a brief summary of the subject matter of their request.
9. Any written representations shall provide the same information.

### **Deadlines**

10. An application to be considered shall be submitted by a representative of the group in writing to the proper constitutional officer no later than three clear working days before the day of the council assembly meeting. The date and time of receipt of each request will be recorded. Rejected requests will include reasons for rejection.

### **Agenda**

11. Details of relevant request will be included on the agenda papers for the meeting of the council assembly. If the matter is not dealt with by the meeting, the matter shall be referred without debate to the relevant cabinet member who shall, after consideration, respond with an open reply to the sender.
12. The cabinet member may invite relevant groups to actively participate before, during and after a themed meeting.

## **2.8 LATE AND URGENT QUESTIONS BY GROUP LEADERS**

### **Which meetings consider late and urgent questions?**

1. Late and urgent questions shall be taken at all ordinary council assembly meetings but not at the annual, extraordinary or council tax setting meetings.

### **Who can ask late and urgent questions?**

2. The leader of each group, or in his or her absence the deputy leader, may ask a late and urgent question of:
  - the Mayor
  - a member of the cabinet
  - the chair of any committee or sub-committee
3. Group leaders are limited to one late and urgent question at each meeting.

### **Scope**

4. A late and urgent question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.
5. A late and urgent question shall be a question that could not have been raised before the deadline for questions by members.
6. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the question relates to the behaviour or conduct of an individual member or members.
7. No question shall be asked on a matter concerning a planning or licensing application.

### **Deadline for submission of questions**

8. Late and urgent questions must be received by the proper constitutional officer no later than 10.00am one clear working day before an ordinary council assembly meeting. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 10.00am two working days prior to the meeting.



9. Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair, if this is appropriate.

#### **Circulation of written answers**

10. Copies of all questions and their written answers shall be circulated to all councillors at the beginning of the meeting. Copies shall also be made available to the press and public present at the meeting.

#### **Supplementary questions**

11. All group leaders asking a question may ask one supplementary question without notice to the member who was asked the first question. The supplemental questions must arise directly out of the original question or the reply.

## **2.9 QUESTIONS BY MEMBERS**

#### **Which meetings consider questions by members?**

1. Questions from members shall be considered at ordinary meetings of the council but not at the annual, extraordinary or the council tax setting meetings.

#### **Who can ask questions?**

2. A member of the council may ask one question of:
  - the Mayor
  - a member of the cabinet
  - the chair of any committee or sub-committee
3. Composite questions – where a member wishes to raise a number of points in relation to the same subject matter, they may do so in a multi-part question provided that up to three parts shall be deemed to be one.

#### **Scope**

4. A question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.
5. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the question relates to the behaviour or conduct of an individual member or members.
6. No question shall be asked on a matter concerning a planning or licensing application.

#### **Time period for question time**

*This rule cannot be suspended.*

7. The time during which councillor's questions may be taken shall be 30 minutes.
8. Questions to any individual cabinet member or chair shall not exceed 15 minutes. It shall not be in order to move an extension of these time limits. Questions shall be taken in the following order: the leader, followed by other cabinet members and chairs of committees and sub-committees. At the

expiry of members' question time, all questions not reached shall be deemed as noted.

#### **Deadline for submission of questions**

9. Questions must be received by the proper constitutional officer no later than midnight, twelve clear working days prior to the day of the council meeting. Questions to the leader and cabinet members will either be listed in the order received or, if notified, listed by whip prioritisation and rotation by the political groups/independent members (see council assembly procedure rules 2.9(12) and (13)). All other questions will be listed in the order of receipt.
10. Questions shall be addressed to the relevant cabinet member or committee chair who shall be responsible for the content of the answer. Cabinet members and committee chairs shall have discretion to refer a question to another cabinet member or committee chair if this is appropriate.

#### **Circulation of written answers**

11. Copies of all questions and their written answers shall be circulated to all councillors one hour prior to the commencement of the meeting. Copies shall also be made available to the press and public present at the commencement of the meeting.

#### **Supplementary questions**

12. A member asking a question may ask one supplementary question without notice to the member of whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

#### **Prioritisation and rotation by the political groups/independent members – questions to the leader and cabinet members**

13. Questions to the leader and cabinet members will either be listed in the order received or listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each chief whip may list questions from members of their respective groups in an order of priority to be taken at the meeting. All remaining questions will be taken in the order of receipt.

#### **Questions to the leader**

14. Questions to the leader will be rotated so that one is taken from each political group's list of priorities (and any independent councillors) for so long as there are questions remaining. For the first meeting following municipal elections or from the commencement of these arrangements, the Mayor will invite a representative of each political group (and any independent councillors) to draw lots to determine the order at the first meeting. At subsequent meetings, the order will be rotated.

Note: Questions will be rotated on a ratio of 1:1:1:1 for majority group, majority opposition group, minority opposition groups and independent members.

15. Questions to cabinet members: Questions may be asked of any cabinet member, and will be listed in order of receipt, subject to the group rotation.

Note: Questions will be rotated on a ratio of 3:2:1:1 for majority group, majority opposition group, minority opposition groups and independent members.

### **Written answers to questions naming an individual member**

16. In the event that a member of the council is named in a response to another member's question, the proper constitutional officer shall make the written response available to the individual member concerned prior to the day of the council assembly meeting. The individual member shall make any representations to the monitoring officer.

## **2.10 SUBMISSION OF MEMBERS' MOTIONS ON NOTICE**

### **Which meetings consider motions?**

1. Members' motions will not be taken at the annual meeting and the council tax setting meeting.

### **Scope**

2. Motions must be about matters for which the council has powers or duties or which affect Southwark. Motions or amendments to motions shall not relate to an investigation by (whether completed or not), or ruling of, the standards committee or sub-committee insofar as the motion, or amendment, relates to the behaviour or conduct of an individual member or members.

### **Number of motions**

3. The maximum number of motions submitted by each political group or independent member shall be directly proportionate to the number of members in the political group as follows:
  - up to 10 councillors: 1 motion
  - 11-20 councillors: 2 motions
  - 21+ councillors: 3 motions.

### **Notice**

4. Except for motions that can be moved without notice under rule 1.13, notice of every motion must be delivered to the proper constitutional officer not later than thirteen clear working days before the date of the meeting. All motions must be accompanied by a named mover and seconder by this deadline. A record of the date and time of receipt will be maintained. A member shall only move one such motion and second one such motion to a meeting. Any subsequent changes can only be agreed with the consent of the meeting.
5. Notice of every member's amendment to a motion shall be delivered before 12.00 midday on the second clear working day before the day of the meeting at which the motion is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third clear working day before the day of the meeting. Amendments shall be submitted to the proper constitutional officer. Each member is limited to proposing one and seconding one amendment per item of business. All amendments must be accompanied by a named mover and seconder by this deadline. Amendments shall be placed on the agenda in order of receipt. Any subsequent changes can only be agreed with the consent of the meeting. Amendments will be circulated by 2.00pm on the working day before the meeting.

### **Motion set out in agenda**

6. Once motions have been deemed to be in order they shall be circulated to all members, after the deadline for the receipt of motions. Motions for which notice has been given will be listed on the agenda unless the member giving notice states that they propose to move it to a later meeting or withdraw it.

### **Motions to be debated at council assembly**

7. Unless the member, when submitting the motion, requests that the motion is debated at the council assembly, the motion will stand referred to the cabinet or to a committee or sub-committee, as appropriate. Having considered the motion, the proper constitutional officer shall circulate the outcome of their deliberations to all members.

### **Prioritisation and rotation by the political groups/independent members**

8. Motions will be listed in the order of whip prioritisation and rotation by the political groups. Four working days before the meeting, each chief whip may list motions from members of their respective groups in an order of priority to be taken at the meeting. All remaining motions will be taken in the order of receipt.
9. Motions will be rotated so that one is taken from each political group's list of priorities (and any independent councillors) for so long as there are motions remaining. For the first meeting following municipal elections or from the commencement of these arrangements, the Mayor will invite a representative of each group (and any independent councillors) to draw lots to determine the order of groups at the first meeting. At subsequent meetings, the order will be rotated.

Note: Motions will be rotated on a ratio of 1:1:1:1 for Liberal Democrat, Labour, Conservative and independent members.

## **2.11 NOTICE FOR MOTIONS AND AMENDMENTS ON REPORTS FROM THE CABINET, COMMITTEES AND OFFICERS**

### **Reports from the cabinet and committees to be moved separately**

1. Each recommendation in the report from the cabinet member or committee shall be deemed as the motion and shall be moved separately by the member in whose name the report is submitted (or in his/her absence, by some other member who was present at the meeting). No seconder is required.

### **Reports submitted by officers to be moved by person presiding**

2. In the case of reports submitted direct to council assembly by officers, the recommendations shall be deemed to have been moved by the person presiding (with no seconder required) and will therefore be subject only to amendment, provided that notice has been given in accordance with the provisions of rule 2.11(3).

### **Notice required for amendments**

3. Notice of every member's amendment for a report from the cabinet, committee or officer shall be given in writing, signed by the member, and delivered before 12.00 midday on the second clear working day before the day of the meeting at which the report is to be moved. If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be no later than 12.00 midday on the third clear working day before the day of the meeting. Amendments shall be submitted to the proper constitutional officer. Each member is limited to proposing one and seconding one amendment per item of business. Amendments shall be placed on the agenda in order of receipt. Amendments will be circulated by 2.00pm on the working day before the meeting.

#### **Notice required for questions on reports**

4. Notice of all questions on reports shall be given in writing, signed by the member and delivered at least three clear working days before the day of the meeting at which the report is to be moved, to the proper constitutional officer (i.e. by midnight of the Thursday in the week before an ordinary Wednesday council assembly meeting). If a meeting is scheduled to commence before 7.00pm or is to be held at the weekend this deadline shall be delivered at least four clear working days before the day of the meeting. Each member is limited to one question per item of business.

#### **Circulation of questions and amendments**

5. The proper constitutional officer shall arrange for copies of all questions received in accordance with paragraph (4) above, to be circulated to members on the evening before the day of the meeting at which they are to be considered.

#### **Dealing with questions on reports**

6. The following rules shall also apply to questions on reports:
  - a) questions on reports shall be addressed to the member moving the report (see council assembly procedure rule 2.11(1))
  - b) who can ask questions – composite questions (see council assembly procedure rule 2.9(4))
  - c) scope (see council assembly procedure rule 2.9(5) to (7))
  - d) all questions will be listed in the order of receipt (see council assembly procedure rule 2.9(10))
  - e) cabinet members and committee chairs shall have the discretion to refer a question to another cabinet member or committee chair if this is appropriate (see council assembly procedure rule 2.9(11))
  - f) circulation of written answers (see council assembly procedure rule 2.9(12))
  - g) supplementary question (see council assembly procedure rule 2.9(13))
  - h) written answers to questions naming an individual member (see council assembly procedure rule 2.9(17)).

### **2.12 RECORDING OF RECEIPT OF MOTIONS, PETITIONS, DEPUTATIONS, AMENDMENTS AND QUESTIONS**

A record of the date of receipt of all motions, petitions, deputations, amendments and questions received under council assembly procedure rules 2.4(2), 2.5(6), 2.6(7), 2.7(8), 2.7(9), 2.8(8), 2.9(9), 2.10(3), 2.10(4), 2.11(3) and 2.11(4) be kept by the proper constitutional officer which shall be open to inspection by every member of the council.

### **3. EXTRAORDINARY MEETINGS**

*This rule cannot be suspended.*

#### **3.1 CALLING OF EXTRAORDINARY MEETINGS**

Those listed below may request the monitoring officer to call council meetings in addition to ordinary meetings:

- a) the council by resolution
- b) the Mayor
- c) the chief executive

- d) any five members of the council if they have presented a signed requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition.

### **3.2 AUTHORITY FOR CHIEF EXECUTIVE TO SUMMON COUNCIL ASSEMBLY**

The chief executive, as a matter of urgency, may call an extraordinary meeting of the council assembly at any time.

### **3.3 BUSINESS**

Extraordinary meetings of the council will consider only the specific business identified as the reason for the calling of the extraordinary meeting.

## **4. ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) OF THE COUNCIL ASSEMBLY**

### **4.1 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL)**

*This rule cannot be suspended.*

1. The council shall in every year hold an annual meeting.
2. In a year of ordinary elections of councillors to the council, the annual meeting shall be held on the eighth day after the day of retirement of councillors or such other day as the council may fix within the twenty-one days immediately following the day of retirement.
3. The annual meeting shall in all other years be held in the month of May, except when re-arranged (so long as it is held in March, April or May).

### **4.2 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) – BUSINESS**

1. The annual meeting will:
  - a) elect a person to preside if the outgoing Mayor is not present
  - b) elect a new Mayor (the Mayor thereafter, may appoint a Deputy Mayor)
  - c) receive any Mayor's announcements, including apologies for absence
  - d) approve as a correct record and sign the minutes of the last meeting of the council assembly in the previous municipal year
  - e) elect the leader
  - f) receive a report from the leader on the determination and allocation of executive functions to members of the cabinet
  - g) receive any report of the leader on the delegation of executive functions for 'matters reserved for member decision' and '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)
  - h) establish the council's committees including at least one overview and scrutiny committee and such other committees, the number and allocation of places on each committee, their terms of reference and the appointment of chairs and vice-chairs for the coming year as the council considers appropriate to deal with matters which are neither reserved to the council assembly nor are executive functions (as set out in part 3 of this constitution)

- i) establish the council's panels including the constitutional steering panel and pensions panel, the number and allocation of places on each panel, their terms of reference and the appointment of chairs and vice-chairs for the coming year as appropriate
- j) receive a report from the proper constitutional officer as to the appointment of the leader of the majority group, the leader of the opposition, leaders of other party groups (if any) and the chief and deputy whip of each party group
- k) receive a report from the proper constitutional officer on the appointment of representatives to outside bodies and joint committees
- l) consider other business specified in the agenda (if any)
- m) consider any matters of urgency not specified in the summons.

#### **4.3 ESTABLISHMENT AND SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES**

1. The annual constitutional meeting will:
  - a) decide which committees to establish for the municipal year
  - b) decide the size and terms of reference for those committees
  - c) decide the allocation of seats and reserve/substitute members to political groups in accordance with the political balance rules
  - d) receive nominations of councillors to serve on each committee and outside body
  - e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the council or is exercisable only by the cabinet.

#### **4.4 LEADER AND CABINET**

1. The leader shall be appointed at the first annual meeting of the council to be held after ordinary elections take place or, at an ordinary or extraordinary council meeting as necessary.
2. The leader shall appoint between two and nine other councillors at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as members of the cabinet.
3. The leader shall appoint one member of the cabinet at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as deputy leader. Where a vacancy occurs in the office of deputy leader, the leader must appoint another person in his place.
4. The leader shall have power to vary the allocation of portfolios within the cabinet on an interim basis. The leader shall also have power to designate a cabinet member as lead cabinet member in respect of any policy matter that is cross-cutting. In the event that a cabinet member ceases to be a member of the cabinet, the leader shall have the discretion as to whether or not to appoint a replacement.
5. Other political groups represented on the council may nominate a councillor to act as their leader. The leader of the largest opposition political group represented on the council shall be known as the leader of the opposition and

shall act as the spokesperson for the opposition on all matters of general policy and business.

#### **4.5 APPOINTMENT OF RESERVE/SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

##### **Allocation**

1. As well as allocating seats on non-cabinet committees and sub-committees, the council will allocate seats in the same manner for reserve/substitute members.

##### **Number**

2. For each committee or sub-committee, council assembly will appoint one fewer reserve seats(s) than a political group holds ordinary seats, subject to a minimum of one, unless otherwise agreed by council assembly.<sup>1</sup>

##### **Powers and duties**

3. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

##### **Substitution**

4. At the commencement of each meeting each political group shall announce whether any of the named voting members are to be substituted by a reserve or deputy. This substitution shall remain in effect for the whole of the meeting.

#### **4.6 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY**

1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper constitutional officer shall make the relevant changes and inform the appropriate committee or sub-committee at its next available meeting. The proper constitutional officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment in accordance with the wishes of a political group, the proper constitutional officer is to inform the individual concerned in writing within three days of notice being received.

##### **Notification of appointments, resignations and termination of appointments**

2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the proper constitutional officer. A minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.

#### **4.7 CONTINUING MEMBERSHIP OF THE MAYOR AND DEPUTY MAYOR IN FULL COUNCIL ELECTION YEAR**

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<sup>1</sup> Council assembly has agreed that the number of reserve seats for the planning committee be the same as the number of members of the planning committee. (See record of decision at council assembly on 18 May 2019.)



*This rule cannot be suspended.*

1. In a year when the term of office of the Mayor spans full council elections, the Mayor shall continue in office and remain as a member of the council notwithstanding that he/she does not seek or achieve re-election as a councillor.
2. In a year when the term of office of the Deputy Mayor spans full council elections, the Deputy Mayor shall continue in office but will not remain as a member of the council unless he/she achieves re-election as a councillor.
3. The term of office of the Mayor and Deputy Mayor in an election year shall continue until the annual meeting of the council assembly.

#### **4.8 VOTING RIGHTS OF MAYOR AT ANNUAL MEETINGS**

*This rule cannot be suspended.*

1. If the person presiding at the annual meeting would have ceased to be a member of the council he/she shall not be entitled to vote in the election of the new Mayor except in accordance with paragraph 2 below.

##### **Casting vote**

*This rule cannot be suspended.*

2. In the case of an equality of vote, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

#### **5. GRANTING OF THE FREEDOM OF THE BOROUGH AND CONFERRING THE TITLE OF HONORARY ALDERMAN**

##### **5.1 Freedom of the Borough**

The council assembly at a specially convened meeting shall consider the recommendation of the constitutional steering panel for nominations i.e. the conferment, for the purposes of honouring or granting the Freedom of the Borough, to any person, organisation or body that meet the criteria approved by the council and who have rendered eminent service to Southwark, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the Freedom of the Borough shall be presented to the agreed recipients.

##### **5.2 Honorary Alderman**

The council assembly at a specially convened meeting shall consider the recommendation of the constitutional steering panel for nominations i.e. the conferment, for the purposes of honouring or conferring the title of Honorary Alderman, to any person who meets the criteria approved by the council and who has rendered eminent service to Southwark as a past member of the council, and who is not then a councillor of the council, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the title of Honorary Alderman shall be presented to the agreed recipients.

#### **6. SUSPENSION AND AMENDMENT OF COUNCIL ASSEMBLY PROCEDURE RULES**

##### **Suspension**

1. Council assembly procedure rules 1.1, 1.2, 1.3, 1.5, 1.7, 1.8, 1.10, 1.12, 1.14(1), 1.14(2), 1.14(3), 1.14(26), 1.14(27), 1.15(1), 1.15(2), 1.15(3), 1.15(5),

1.15(6), 1.18, 2.3(4), 2.3(5), 2.4, 2.9(7), 2.9(8), 3, 4.1, 4.7, 4.8(1) and 4.8(2) may not be suspended. All the other rules may be suspended by motion on notice or without notice if at least one half of the all of the members of the council are present. Suspension can only be for the duration of the meeting.

**Amendment**

2. Any motion to add to, vary or revoke these council assembly procedure rules will, when proposed and seconded, stand adjourned without discussion to be considered by the constitutional steering panel for report to the next meeting of the council.

**Protocol governing the discussion in council assembly on investigations and rulings of the standards committee or sub-committee**

In addition to the provisions provided for in rules 1.7(3)(h), 2.5(3), 2.7(7), 2.6(4), 2.8(6), 2.9(5), and 2.10(2) of the council assembly procedure rules, members should note that:

A member or members of the council assembly as a whole should not comment on an investigation that is being undertaken or has been completed, or a ruling of the standards committee or sub-committee except by moving a motion that relates to a general corporate action.

A general corporate action would include:

- raising concerns about general behaviour or standards in the council that do not expressly refer to a particular member or members
- calling for the council to develop additional protocols governing members' conduct or actions
- calling for the council to review or amend existing protocols governing members' conduct or actions to ensure that they are providing members with clear and comprehensive guidance on conduct issues
- calling for the council to undertake member development training on the code of conduct, or any part of it, or protocol to increase awareness amongst members of the existence and contents of the council protocols and code of conduct.

Council assembly should delegate a request for a general corporate action to the appropriate committee or officer (for example a request to revise the member and officer protocol would need to be referred to the standards committee).

Calls for a particular member or members to take further action, including calling on a member or members to make a public apology, resign or any other action that could be taken to be a punitive action against that member or members, will be ruled out of order by the Mayor on advice from the monitoring officer.