

# **COMMUNITY COUNCIL PROCEDURE RULES**

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**Information to members of the public:**

Members of the public may attend any meeting of the community councils subject to the business being considered at the meeting not being confidential or exempt under the provisions set out in the access to information rules.

**Suspension of community council procedure rule:**

The following will indicate when a certain rule may not be suspended:

*“This rule cannot be suspended.”*

## 1. INTRODUCTION

The role of community councils is to promote the involvement of local people and to bring decision making closer to local people. Community councils take decisions about local matters and at present have some responsibility for decisions in the following key areas: the cleaner, greener, safer capital and revenue programmes, traffic management, community council fund and agreeing schemes for the community project bank. Community councils also offer an important mechanism for formal consultation on council wide policies and strategies.

Community councils are divided by geographical areas as follows:

- Bermondsey and Rotherhithe
- Camberwell
- Peckham and Nunhead
- Borough, Bankside and Walworth
- Dulwich

The membership of community councils includes those councillors who are members for the electoral wards wholly or partly contained within the area of each community council. Each community council meets five times a year. Community councils meet in local venues around the borough.

### **Application of other parts of the constitution**

The constitutional framework is set out in Article 8 (composition etc), Part 3H (roles and functions) and Part 4 (procedure rules). Other parts of the constitution apply in generic terms i.e. access to information and the application of the code of conduct. A Community Councils Scheme sets out the roles of and relationships between members and officers for the effective operation of community councils and their associated meetings.

## 2. NOTICE AND SUMMONS OF MEETINGS

*This rule cannot be suspended.*

1. The proper constitutional officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before a meeting, the chief executive will send a summons signed by him or her by post to every councillor who is a member of the relevant community 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.

### **Time and place**

2. Unless the meeting, or the chair, shall otherwise decide, all meetings shall commence at 7.00pm.
3. Community councils shall meet at local venues.
4. Meetings may only be convened at less than five 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.

### **Dates and frequency of meetings**

5. Council assembly at its annual meeting shall fix the dates that all community councils shall meet for the municipal year.
6. The chair of a community council, in consultation with the monitoring officer, may direct the chief executive to call a special meeting of the community council at any time or in exceptional circumstances change the date and venue of a meeting.

### **Cancellation of meetings**

7. The chair, in consultation with the proper constitutional officer may cancel a meeting or direct that an ordinary meeting of the community council be not called.

## **3. QUORUM**

*This rule cannot be suspended.*

1. No business shall be considered unless 25% of the voting councillor membership are present in the meeting room but no fewer than two.

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 community council, unless the chair fixes an alternative date.

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

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

### **Meeting becoming inquorate**

3. During the course of the meeting if there is no longer a quorum of voting councillors, the meeting may continue for the purposes of consultation/discussion only, at the chair's discretion subject to advice from the monitoring or proper constitutional officer. The meeting shall not take any decisions.

## **4. CONDUCT**

### **Equality and diversity**

1. Community council 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 community council 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) ignoring or not accepting the authority of the chair.

## 5. BREACHES AND PREVENTION OF DISORDERLY CONDUCT

*This rule cannot be suspended.*

1. The chair, having taken the advice of the proper constitutional officer, will decide whether a person or persons have breached the rules on conduct. If there has been a breach, then the chair will point out to that person that their behaviour is not acceptable. If necessary the chair will consider taking the following action.

### **Councillors**

2. 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.

### **Public**

3. 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. Re-admission shall be at the discretion of the chair.
4. 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.

## 6. POWERS OF THE CHAIR

*This rule cannot be suspended.*

1. The chair shall decide, having taken the advice of the proper constitutional officer, all matters of order, competence, relevancy and interpretation of community council procedure rules relating to the conduct of the meeting.

2. The chair may:
  - a) decide the order of speakers
  - b) limit the time that someone may speak
  - c) limit the time spent on a particular issue
  - d) alter the order of the agenda
  - e) require that a motion be proposed and seconded before an issue is debated
  - f) permit discussion on an issue or report without first requiring a motion
  - g) adjourn the meeting for a short period.

In the absence of the chair and vice-chair those councillors present shall elect a councillor to preside from amongst their number.

## **7. PUBLIC ENGAGEMENT AT MEETINGS**

### **7.1 Admission of press and public**

1. Members of the public who live or work in the community council area, and press shall be admitted to meetings of community councils. Attendance is subject to:

- Rule 5 (Prevention of disorderly conduct)
- the access to information rules in part 4 of the constitution, which require confidential issues to be considered in closed session, where the public and press will have to leave the room.

### **7.2 Public speaking at community councils**

*This rule does not apply to planning applications where separate procedures exist.*

1. A member of the public may indicate their desire to speak by raising their hand, but shall only speak when called by the chair.
2. Only one person may speak at a time.
3. All remarks and discussion must be made through and with the permission of the chair.
4. Remarks should not be repetitive or irrelevant, or use unbecoming language.
5. Speakers may only speak on the agenda item under discussion.
6. Remarks shall not exceed three minutes, subject to the chair extending or limiting the time that someone may speak.
7. The public may also address a meeting in one of following ways:
  - asking a public question (see rule 7.3)
  - as a spokesperson for a deputation submitted on a local issue (see rule 7.4)
  - submitting a petition (see rule 7.5)

- participating in workshops and discussions (see rule 7.6).

### **7.3. Public questions**

#### **Public question time**

1. The chair, in consultation with the proper constitutional officer, shall have discretion to include a public question time on the order of business and to determine the time allocation for public question time.
2. A resident or person working in the borough may ask one question on any matter in relation to which the council has powers or duties. All questions shall be formally addressed to the chair. The chair shall decide the most appropriate individual to respond or means to secure a response.
3. The content of any answers shall be within the discretion of the appropriate chair. The chair shall intervene to prevent aggressive, repeated or vexatious questioning.

#### **4. Scope of questions**

The chair 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 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, Southwark's audit, governance and standards committee or sub-committees insofar as the question relates to the behaviour or conduct of an individual member or members.

### **7.4 Deputations**

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

1. Deputations can only be made by a group of people resident or working in the community council area.

#### **Composition of deputation**

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

#### **Scope of deputations**

3. The chair in consultation with the monitoring officer may reject a deputation if it:
  - a) 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, trade unions representing staff employed by the authority etc
- 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 an issue which has been put at a meeting 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, Southwark's audit, governance and 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**

- 4. 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.

#### **Deadline**

- 5. An application for a deputation to be heard shall be submitted by a representative of the deputation in writing seven clear working days before the meeting to the proper constitutional officer. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation.

#### **Late or urgent deputations**

- 6. To preserve the ability for deputations to take place in connection with late or urgent items added to the agenda after the normal deadline for deputations, the chair or in his/her absence the vice-chair shall at the meeting have the discretion to decide whether or not to accept a late and urgent deputation.

#### **What happens at the meeting?**

- 7. Deputations shall be dealt with in the order they are received, unless the chair varies the order.
- 8. The proper constitutional officer shall report the request for the deputation to the meeting. The councillors present, 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 council body.

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

#### **Speech on behalf of deputation**

- 10. Only one member of the deputation shall be allowed to address the meeting, her or his speech being limited to five minutes.

### **Questions to the deputation and time limit**

11. Councillors 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.

### **Debate on deputations**

12. 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 chair will seek the consent of councillors to debate the subject. Councillors may move motions and amendments without prior notice if the subject does not relate to a report on the agenda. The meeting can decide to note the deputation or provide support if requested to do so. The community council shall not take any formal decision(s) on the subject raised unless a report is on the agenda.

### **Formal communication of the meeting's decision**

13. The proper constitutional officer shall, in writing, formally communicate the decision of the meeting to the person who submitted the request for the deputation to be received.

### **Deputations concerning licensing or planning applications**

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

## **7.5 Petitions**

*This rule cannot be suspended.*

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

1. Members of the public will be entitled to present petitions with 250 or more signatures to the chair at community council meetings.

### **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 a person of any age who lives, works or studies in Southwark.

### **Scope**

3. Petitions must relate to matters in which the community council has powers or duties or which affects the area of the community council. 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 chair 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. The community council will debate the petition for a period of up to

15 minutes. The community council 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.

#### **7.6 Participating in workshops and discussions**

1. The chair has discretion to run public workshops, discussions etc. in whatever way he or she considers appropriate, but preserving the formal voting rights for councillors only.

#### **8. RULES OF DEBATE**

1. A councillor or member of the public or officer may indicate their desire to speak by raising their hand, but shall only speak when called by the chair.

##### **Application of rules of debate**

2. The chair shall use his or her powers, in consultation with the proper constitutional officer, in applying the following rules of debate. The ruling of the chair will be final.
3. Points of order and points of personal explanation can be made at anytime by councillors.

##### **Motion or amendment must be moved and seconded**

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

##### **Secunder's speech**

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

##### **Amendments to motions**

6. An amendment to a motion must be in writing, 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.
7. 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.

### **Right of reply**

8. 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.
9. 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**

10. 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 councillor named under rule 5.2 or to exclude them from the meeting under rule 5.2.

The procedures governing closure motions (see 10 c), d), e) and f) above), which are contained in the council assembly procedure rules shall be followed.

### **Point of order**

*This rule cannot be suspended.*

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

### **Personal explanation**

*This rule cannot be suspended.*

12. A councillor 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 procedures governing personal explanations which are contained in council assembly procedure rules shall be followed.

## **9. VOTING**

### **Majority**

*This rule cannot be suspended.*

1. Only councillors are entitled to vote on formal decisions to be taken by the community council. Unless this constitution provides otherwise or it is required by statute, any matter will be decided by a simple majority of those

councillors voting and present in the room at the time the question was put to the vote.

**Chair's casting vote**

*This rule cannot be suspended.*

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

**Show of hands**

3. The chair will take the vote by show of hands, or if there is no dissent, by the affirmation of those councillors present at the meeting.

**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.*

4. Where any councillor 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 formal appointments**

*This rule cannot be suspended.*

5. If there are more than two people nominated for any formal position to be filled, the names will be put to the vote by councillors 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.

**Other appointments**

6. Informal appointments can be made by an affirmation of those councillors present.

**10. FORMAL RECORDS TO BE MAINTAINED**

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

**11. BROADCASTING AND RECORDING**

*This rule cannot be suspended.*

Electronic recording, photographing or filming of the proceedings of a community council meeting by any member of the public, media or councillor shall only take place with the agreement of the meeting.

Any request shall be submitted to the proper constitutional officer. The chair shall decide to:

- a) reject the request
- b) put the request to the meeting for approval.

The chair will make an announcement at the beginning of the meeting on the request and any proposed arrangements and then seek the consent of a majority of councillors present to any electronic recording, photographing or filming.

Any request to record, photograph or film a meeting shall ensure that appropriate arrangements are in place to respect the right of anyone present at the meeting not to be recorded, photographed or filmed.

No part of the meeting will be recorded, photographed or filmed after councillors have passed any resolution excluding the press and public,

## **12. 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.

## **13. AGENDA AND MINUTES**

### **13.1 Order of business at community council**

The order of business at every meeting shall be:

- a) to choose a person to preside if the chair and vice-chair are absent
- b) apologies for absence
- c) declarations of interest
- d) to approve the minutes of the previous meeting, which shall then be signed by the person presiding
- e) to receive reports of the officers
- f) any other business specified in the summons.

The chair, in consultation with the proper constitutional officer, may vary the order or timings of business.

### **Designation of executive or non-executive functions**

2. Agendas and notices for community councils meetings, which deal with both functions of the cabinet and functions that are not the responsibility of the cabinet, will state clearly whether an item relates to an executive or non-executive function.

## **14. MINUTES**

### **Minutes**

1. 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. 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.*

2. The chair will sign the minutes of the proceedings at the next suitable meeting. The 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.*

3. 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.

**15. RECORD OF ATTENDANCE**

*This rule cannot be suspended.*

All members during the whole or part of a meeting must sign their names on the attendance sheets and their time of departure, if before the meeting ends, before the conclusion of any meeting to assist with the record of attendance.

**16. AMENDMENT OF THE COMMUNITY COUNCIL PROCEDURE RULES**

1. Proposals for amendments to these procedure rules require a change to the council's constitution. This can only be agreed by council assembly, following prior consideration by the constitutional steering panel.
2. Any proposed amendments should be sent to the proper constitutional officer who will report it to the appropriate body.