

Draft Community Council Procedure Rules

Note on Draft Rules – The following rules are based on the current committee and community council procedure rules. All additions of new text are shown as underlined and all deletions are shown with a ~~striketrough~~.

~~COMMITTEES AND COMMUNITY COUNCILS~~ PROCEDURE RULES

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Information to members of the public:

Members of the public may attend any meeting of the council's committees, sub-committees and 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 committee and community councils procedure rule:

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

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 the council has delegated responsibility for decisions in the following key areas: local planning, the cleaner, greener, safer capital programme, traffic management, appointment of local education authority governors to local nursery and primary schools and agreeing schemes for the community project bank. Community councils also offer an important mechanism for formal consultation on council wide policies and strategies and as a focal point for discussion and consultation on matters that affects the area.

Comment [i1]:

This section is taken from the main introduction to the constitution. Together with the paragraph on application of other parts of the constitution, these sections have been added to make the rules more of a standalone document.

Community councils are divided by geographical areas as follows:

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

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. Councillors who are members of a community council have voting rights, with the exception of Livesey ward members who serve on Peckham community council as voting members and on Rotherhithe community council as voting members for planning functions and non-voting members for all other matters.

Comment [i2]:

Additional clause recommended by the constitutional steering panel.

The community councils meet about every six weeks, with a separate planning meeting about every four weeks. Community councils meet in local venues.

Comment [i3]:

The addition of the word "about" is to provide clarification.

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 Protocol sets out the roles of and relationships between members and officers for the effective operation of community councils and their associated meetings.

~~1. GENERAL PROCEDURES APPLYING TO ALL COMMITTEES AND COMMUNITY COUNCIL MEETINGS~~

1. NOTICE AND SUMMONS OF MEETINGS

This rule cannot be suspended.

1. The monitoring 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 ~~member of the committee~~ 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.

Comment [i4]:

Additional clause recommended by the constitutional steering panel.

Time and place

2. Unless the meeting, or the chair, shall otherwise decide, all meetings shall commence at 7.00pm.
3. ~~The ordinary place of meeting for committees shall be Town Hall, Peckham Road, London SE5 unless otherwise specified in the summons. 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 ~~council committees, sub-committees~~ and community councils shall meet for the municipal year.
6. The chair of a ~~committee, sub-committee~~ or community council, in consultation with the monitoring officer, may direct the chief executive to call a special meeting of the ~~committee, sub-committee~~ or community council at any time or in exceptional circumstances change the date and venue of a meeting.

Comment [i5]:

This additional wording is to provide clarification. Occasionally a meeting date or venue needs to be changed in exceptional circumstances, which is line with current practice for meetings. A similar change will be made to the committee procedure rules.

Cancellation of meetings

7. The chair, in consultation with the monitoring officer may cancel a meeting or direct that an ordinary meeting of the ~~relevant committee, sub-committee~~ or community council be not called.

2 QUORUM

This rule cannot be suspended.

4. No business shall be considered unless 25% of the voting councillor membership are present in the meeting room but no fewer than two, ~~except for the following meetings for which the quorum is:~~
 - a) ~~Disciplinary appeals committee = three~~
 - b) ~~Licensing sub-committees = three¹~~
 - e) ~~Standards committee = three including one independent member².~~

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 committee, unless the chair fixes an alternative date.

Quorum at start of meeting

¹ ~~The procedures governing the proceedings of the licensing sub-committees are set by the licensing committee. The licensing committee agreed on May 17 2005 that the quorum of sub-committees shall be three members.~~

² ~~See committee and community council procedure rule 7(9) Standards committee quorum. Committee and e-Community council procedure rules~~ (Draft) Published: March 2010

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 officer's representative. The meeting shall not take any decisions.

3. CONDUCT

Equality and diversity

- 3.1 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

- 3.2 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.

Unacceptable conduct includes:

- i) Using abusive or unbecoming language or making comments of a personal nature about another person
- ii) Discriminatory or other derogatory remarks or actions
- iii) Behaviour that intimidates any person present at the meeting
- iv) Preventing others from expressing their views by interrupting or talking while they are speaking
- v) Attributing improper motives to others
- vi) Failure to comply with the procedure rules.
- vii) Treating council officers disrespectfully, either individually or as a group, when speaking to them, or about them
- viii) Ignoring or not accepting the authority of the chair.

4. BREACHES AND THE PREVENTION OF DISORDERLY CONDUCT

This rule cannot be suspended.

- 1.1 The chair, having taken the advice of the monitoring 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

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.

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. Re-admission 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.

5. POWERS OF THE CHAIR/VICE-CHAIR

This rule cannot be suspended.

1. The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy and interpretation of ~~committee~~ ~~and~~ community councils procedure rules relating to the conduct of the meeting.
2. The chair may:
 - i) Decide the order of speakers
 - ii) Limit the time that someone may speak
 - iii) Limit the time spent on a particular issue
 - iv) Alter the order of the agenda
 - v) Require that a motion be proposed and seconded before an issue is debated
 - vi) Permit discussion on an issue or report without first requiring a motion
 - vii) 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.

6. PUBLIC ENGAGEMENT AT MEETINGS

6.1 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 ~~all~~ meetings of ~~committees, sub-committees and~~ community councils. Attendance is subject to:
 - rule 1.4 (Prevention of disorderly conduct)
 - the access to information rules in part 4 of the constitution, which require ~~relates to~~ confidential issues to be considered in closed session, where the public and press will have to leave the room.

6.2 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 ~~name~~ 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. All 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)
 - As a spokesperson for a deputation submitted on a local issue (see rule 8)
 - Participating in workshops and discussions (see rule 6.2(8) below)
8. Participating in workshops and discussions. The chair has discretion to run public workshops, discussions etc in whatever way they consider appropriate, but preserving the formal voting rights for councillors only.

Comment [i6]:
New section. See below.

Comment [i7]:
New section. Brief descriptive clause to cover this area

7. PUBLIC QUESTIONS

Public question time

1. The chair, in consultation with the monitoring 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 business ratepayer~~ person working in of 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.

Comment [i8]:
The use of the phrase "business ratepayer" has been replaced with "person working in the borough...". This is consistent with the wording used in other clauses on Admission of the Public and Deputations.

The chair shall decide the most appropriate individual to respond or means to secure a response.

3. ~~Each question must provide the name and address of the questioner.~~
4. ~~Questions shall be dealt with in the order in which they are received. A copy of each question shall be given to the chair. 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.~~

Comment [i9]:
Deleted. Different practices currently operate in community councils.

Comment [i10]:
Deleted. Different practices currently operate in community councils.

Scope of questions

5. The chair in consultation with the monitoring officer may reject a question if it:
 - a) is not about a matter for which the council has powers or duties or which affects Southwark
 - b) is defamatory, frivolous or offensive
 - c) is substantially the same as a question which has been put at a meeting in the past six months
 - d) requires the disclosure of confidential or exempt information
 - e) concerns a planning or licensing application
 - f) raises a grievance for which there are other established processes for resolution
 - g) relates to an investigation by (whether completed or not), or ruling of, the ~~Standards Board for England, Southwark's the standards committee~~ or the Adjudication panel, insofar as those comments relate to the behaviour or conduct of an individual member or members.

Comment [i11]:
Updated to reflect new name of Standards for England and role of the council's standards committee.

8. 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 ~~borough~~.

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

Comment [i12]:
This proposed clause, which is not in the current rules, was supported at the chairs and vice chairs meeting in February 2010.

h) relates to an investigation by (whether completed or not), or ruling of, the Standards ~~Board~~ of England, the Southwark's standards committee or the Adjudication panel, insofar as those comments relate 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 monitoring officer. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation ~~and certainly no later than three clear working days before the day of the meeting.~~

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.

Agenda

- ~~7. Deputations shall be dealt with in the order in which they are received.~~
- ~~8. Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting.~~

What happens at the meeting?

9. Deputations shall be dealt with in the order in which they are received, unless the chair varies the order.
10. The monitoring officer shall report the request for the deputation to the meeting. The councillors present 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 council body committee/sub-committee/community council.

The monitoring 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

11. 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

Comment [i13]:

This additional wording provides clarification on the deadline which should assist in managing each agenda. At the same time chairs wanted flexibility to accept late and urgent deputations, which is provided with the addition of a new proposed rule on late or urgent deputations. This change was supported at the community councils chairs and vice chairs meeting in February 2010.

Comment [i14]:

This proposed clause is not in the current rules, but would provide chairs with flexibility. A similar clause can be found in executive procedure rules. It provides the option for the chair to accept late or urgent deputations if he or she wishes. This change was supported at the community council chairs and vice chairs meeting in February 2010.

12. ~~Councillors Members of the meeting~~ 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~~

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

Comment [i15]:
Deletion to simplify rules.

~~Deputation to withdraw from the floor~~

14. ~~As soon as the questions to the deputation have been concluded, the deputation shall withdraw from the floor and return to the public area where they may remain (subject to any resolution excluding the attendance of the public).~~

Comment [i16]:
Deletion to simplify rules.

~~Debate on deputations, motion and amendments~~

15. ~~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. At the conclusion of the deputation(s) the subject of the deputation shall be then open to debate by the meeting. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice. The community council shall not take any formal decision(s) on the subject raised unless a report is on the agenda.~~

Comment [i17]:
This rule is a composite of rules 15-17.

~~Debate on deputations concerning reports on the agenda~~

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

Comment [i18]:
Deleted to simplify the rules. The chair can use his or her powers or take a procedural motion to vary the order of business to do this.

~~Subject of deputation not on agenda~~

17. ~~If the subject of the deputation does not relate to a report on the agenda, members may move motions and amendments without prior notice.~~

~~Formal communication of the meeting's decision~~

18. ~~The monitoring 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~~

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

9 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 ~~name~~ by the chair.
2. ~~Councillors shall address the chair when speaking, and:~~
 - a) ~~refer to each other as Mayor, Deputy Mayor, leader, executive member, chair or councillor, as the case may be~~
 - b) ~~refrain from using unbecoming language~~
 - c) ~~refrain from comments of a personal nature about another councillor;~~
 - d) ~~not attribute improper motives to another councillor~~
 - e) ~~speeches must be directed to the matter under discussion or to a personal explanation or point of order.~~
3. ~~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. A motion or amendment, once moved and seconded, may be withdrawn only by the mover and seconder with the consent of the meeting. No further debate shall take place on a motion or amendment once it has been withdrawn.~~

Comment [i19]:
Included in new section on Conduct.

Application of rules of debate

2. The chair shall use his or her powers, in consultation with the monitoring officer's representative, 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. 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.~~
10. 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

11. 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 1.4(1) or to exclude them from the meeting under rule 1.4(1).

The procedures governing closure motions (see 11 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.

12. A councillor ~~member~~ 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 committee and community councils procedure rules or the law. The councillor ~~member~~ 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.

13. A councillor ~~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 procedures governing personal explanations contained in council assembly procedure rule 1.12(28) shall be followed.

10. 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 ~~members~~ 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 ~~councillors~~ ~~members~~ 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, if required. The process will continue until there is a majority of votes for one person.

Comment [i20]:

This rule applies to contested appointments such as the position of chair or vice-chair (if not made by council assembly), to appoint a chair to preside at a meeting and school governor places. This list is not exhaustive.

Other appointments

6. Informal appointments can be made by an affirmation of those councillors present. The chair shall, in consultation with the monitoring officer, apply this clause as appropriate.

Comment [i21]:

The community council chairs/vice chairs discussed the issue of community appointments, which are handled more informally. An example given was the agreement of volunteers who would normally taken be from the floor. Officers have drafted a clause intended to deal with any informal community appointments, for example, the appointment of volunteers to serve on a local working group.

11. FORMAL RECORDS TO BE MAINTAINED

All meetings of the ~~council committees, sub-committees and~~ community councils are to be clerked by a representative of the monitoring officer, with minutes to be produced including details of each councillor ~~member~~ attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the monitoring officer.

12 BROADCASTING AND RECORDING

This rule cannot be suspended.

Electronic recording, photographing or filming of the proceedings of a committee, sub-committee or 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 monitoring officer. The chair, following consultation with the monitoring officer shall decide to:

- 1 Reject the request; or
- 2 Put the request to the meeting for approval.

øf. The chair will make an announcement at the beginning of the meeting on the request and any proposed arrangements agreed and then seek the consent of a majority of the 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 any meeting will be recorded, photographed or filmed after councillors have passed any resolution excluding the press and public.

13. 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.

~~2. APPOINTMENT OF MEMBERS TO COMMITTEES~~

~~2.1 APPOINTMENT OF RESERVE/SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES~~

~~Powers and duties~~

- ~~1. 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~~

- ~~2. 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.~~

~~2.2 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~~

Comment [i22]: The constitutional steering panel asked officers to redraft this clause to include the following: the consent of councillors is to be sought at the meeting prior to any recording, photographing or filming; everyone present is informed; and that individual rights not to be recorded, photographed or filmed are respected. This was considered important because of public involvement at community councils. This rule cannot now be suspended.

Comment [i23]: Additional wording on consultation with the monitoring officer has been included to provide consistency with other similar clauses.

Comment [i24]: Deleted as this section is not relevant to community councils. It can be found in the new committee procedure rules.

~~appointment falls to be terminated in accordance with such wishes, then the proper officer shall make or terminate the appointment accordingly and inform the appropriate committee or sub-committee at its next available meeting. The proper 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 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 monitoring 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.~~

~~**Independent and co-opted members' attendance at meetings**~~

- ~~3. In the event that an independent member of the standards committee or co-opted member does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a member of the authority.~~

14 AGENDA AND MINUTES

14.1 ORDER OF BUSINESS AT COMMITTEE, SUB-COMMITTEE AND COMMUNITY COUNCIL MEETINGS

1. The order of business at every meeting shall be:
- to choose a person to preside if the chair and vice-chair are absent
 - apologies for absence
 - declarations of interest
 - to approve the minutes of the previous meeting, which shall then be signed by the person presiding
 - to receive reports of the officers
 - any other business specified in the summons.

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

~~**Order of business Designation of executive or non-executive functions**~~

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

Comment [i25]:
This rule was previously included in additional rules for community councils. It has been renamed for clarification.

3.2 VARIATION IN ORDER OF BUSINESS

~~Business falling under paragraph 3.1a) and c) shall not be moved but, subject thereto, the order of business or the timing of the business may be varied:~~

- ~~b) by the chair in consultation with the monitoring officer~~
- ~~e) by a resolution passed on a motion which shall be put without debate.~~

Comment [i26]:
Clause deleted. Provision included in expanded rule on the powers of the chair and in 14.1 (2) above.

14.2 MINUTES

Minutes

1. The monitoring 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.

3.3 ADMISSION OF PRESS AND PUBLIC

- ~~1. Members of the public and press shall be admitted to all meetings of committees, sub-committees and community councils subject to the access to information rules in part 4 of the constitution or rule 1.4 (Prevention of disorderly conduct).~~

Public speaking at committee

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

- ~~2. Members of the public shall only address a meeting of a committee or sub-committee or community council as part of a deputation or at the discretion of the chair.~~

Comment [i27]:
This section has been incorporated into a new section on public engagement at meetings.

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.

4. DEPUTATIONS

Comment [i28]:
Moved into section on public engagement.

Who may request a deputation?

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

Composition of deputation

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

Scope of deputations

5. ~~The chair in consultation with the monitoring officer may reject a deputation if it:~~
- ~~i) 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~~
 - ~~j) is not about a matter for which the council has powers or duties or which affects Southwark~~
 - ~~k) is defamatory, frivolous or offensive~~
 - ~~l) requires the disclosure of confidential or exempt information~~
 - ~~m) concerns a planning or licensing application~~
 - ~~n) raises a grievance for which there are other established processes for resolution~~
 - ~~o) relates to an investigation by (whether completed or not), or ruling of, the Standards Board of England, the standards committee or the Adjudication panel, insofar as those comments relate to the behaviour or conduct of an individual member or members.~~

Form of the deputation

20. ~~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.~~
21. ~~An application for a deputation to be heard shall be submitted by a representative of the deputation in writing to the monitoring officer. Any written representations associated with a deputation should be submitted at the same time as the request for a deputation and certainly no later than three clear working days before the day of the meeting.~~

Agenda

22. ~~Deputations shall be dealt with in the order in which they are received.~~
23. ~~Subject to complying with the regulations herein, details of written deputations will be included on the agenda papers for the meeting.~~

What happens at the meeting?

~~24. The monitoring officer shall report the request for the deputation to the meeting. The meeting, without debate, shall decide whether the deputation will:~~

- ~~d) be received at this meeting or a future meeting~~
- ~~e) not be received~~
- ~~f) be referred to the most appropriate committee/sub-committee/community council.~~

~~The monitoring 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

~~25. 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

~~26. Members of the meeting 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

~~27. 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

~~28. As soon as the questions to the deputation have been concluded, the deputation shall withdraw from the floor and return to the public area where they may remain (subject to any resolution excluding the attendance of the public).~~

Debate, motion and amendments

~~29. 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 be then open to debate by the meeting. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.~~

Debate on deputations concerning reports on the agenda

~~30. Having received the deputation(s) on a matter subject to a report on the agenda, the chair will seek the consent of the meeting for that item to be brought forward for immediate consideration. A vote on this matter is to be taken without debate. In the event of this motion being carried the report may then be considered. If the motion is lost, the subject matter will not be debated until the relevant item is reached on the order of business.~~

Subject of deputation not on agenda

~~31. If the subject of the deputation does not relate to a report on the agenda, members may move motions and amendments without prior notice.~~

Formal communication of the meeting's decision

- ~~32. The monitoring 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

- ~~33. Deputations or representations received concerning licensing or planning applications will not be considered by committees of the council. Any such representations received should be forwarded to the appropriate proper officer(s) for consideration as part of the formal consultation on such applications.~~

~~5. ADDITIONAL RULES APPLYING TO AUDIT AND GOVERNANCE COMMITTEE~~

Composition

- ~~1. The committee will consist of at least three councillors, and up to five councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 and Regulation 8 of Local Government (Committees and Political Groups) Regulations 1990.~~
- ~~2. No more than one member of the executive may be a member of the committee, and no executive member may chair the committee.~~
- ~~3. No more than one member of the overview and scrutiny committee may be a member of the committee, and no overview and scrutiny committee member may chair the committee.~~
- ~~4. The leader of the council may not be a member of the committee.~~

Comment [i29]:

Deleted as this section is not relevant to community councils. It can be found in the new committee procedure rules.

~~6. ADDITIONAL RULES APPLYING TO COMMUNITY COUNCILS~~

Order of business

- ~~4. Agendas and notices for community councils meetings, which deal with both functions of the executive and functions that are not the responsibility of the executive, will state clearly whether an item relates to an executive or non executive function.~~

Comment [i30]:

This rule has been included in the new rule on order of businesses for community councils.

Public question time

- ~~5. The chair, in consultation with the monitoring 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.~~
- ~~6. A resident or business ratepayer of the borough may ask one question on any matter in relation to which the council has powers or duties.~~
- ~~7. Each question must provide the name and address of the questioner.~~
- ~~8. Questions shall be dealt with in the order in which they are received. A copy of each question shall be given to the chair. The content of any answers shall be within the discretion of the appropriate chair.~~

Comment [i31]:

Moved into section on public engagement.

Scope of questions

9. The chair in consultation with the monitoring officer may reject a question if it:
- h) is not about a matter for which the council has powers or duties or which affects Southwark
 - i) is defamatory, frivolous or offensive
 - j) is substantially the same as a question which has been put at a meeting in the past six months
 - k) requires the disclosure of confidential or exempt information
 - l) concerns a planning or licensing application
 - m) raises a grievance for which there are other established processes for resolution
 - n) relates to an investigation by (whether completed or not), or ruling of, the Standards Board for England, the standards committee or the Adjudication panel, insofar as those comments relate to the behaviour or conduct of an individual member or members.

Comment [i32]:
Moved into section on public engagement.

7. ADDITIONAL RULES APPLYING TO STANDARDS COMMITTEE

Composition

1. The committee will consist of:
- a) at least four and up to seven councillors, including at least one member of each political group as defined by the Local Government and Housing Act 1989 and Regulation 8 Local Government (Committees and Political Groups) Regulations 1990
 - b) up to six independent members, appointed in accordance with the Relevant Authorities (Standards Committee) Regulations 2001
 - c) reserve members for the councillor members of standards committee equal to the number of places each political group has on the committee.
2. The political balance rules in section 15 of the Local Government and Housing Act 1989 do not apply to the standards committee.
3. Independent members must make up at least 25% of the committee's total membership.
4. No more than one member of the executive may be a member of the committee, and no executive member may chair the committee.
5. The leader may not be a member of the standards committee.

Comment [i33]:
Deleted as this section is not relevant to community councils. It can be found in the new committee procedure rules.

Independent members – Voting

6. Independent members may vote.

Independent members – Term of office

7. With six independent members, the terms of office of each member will be for four years with each member retiring at the end of their term. Members shall serve a maximum of two terms³.

³ See also committee and community council procedure rule 2.2(3) – Attendance at meetings.
Committee and e-Community council procedure rules (Draft) Published: March 2010

Chair

- ~~8. The chair of the standards committee will be elected from among the independent members at the first meeting of the committee in each municipal year.~~

Quorum

- ~~9. The quorum for the meeting of standards committee or its sub-committees is three members, including at least one independent member.~~

Sub-committees

- ~~10. The committee is empowered to establish sub-committees to filter and review decisions, and hear complaints of misconduct against councillors (including co-opted and independent members). The membership for each sub-committee will be drawn from the pool of independent members and councillors on the committee, including reserve members.~~
- ~~11. Sub-committees shall be composed of three members including at least one independent member. Rules 7.2, 7.4, 7.5, 7.6, 7.8 and 7.9 shall apply to sub-committee meetings.~~

~~8. ADDITIONAL RULES APPLYING TO URGENCY COMMITTEE~~

~~Interim decision-making arrangements for the period between a municipal election and the council assembly (annual meeting)~~

- ~~1. During a year in which full council elections are held, in the period between the elections and the council assembly (annual meeting) following the elections, the leaders (or in their absence the deputy leaders or nominees) of the two largest political groups are empowered to act as an urgency committee in respect of any urgent decisions which are not reserved by law to council assembly for decision. It will be possible for one member of the urgency committee to refer any decision as a recommendation to a meeting of the council assembly.~~
- ~~2. Urgency sub-committees shall be established by the council as set out in part 3N of the constitution.~~

Comment [i34]:

Deleted as this section is not relevant to community councils. It can be found in the new committee procedure rules.

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 a recommendation from the constitutional steering panel.
2. Any proposed amendments should be sent to the monitoring officer who will report it to the appropriate body.

Comment [i35]:

New proposed rule. For clarification.