

APPENDIX 3

COUNCIL ASSEMBLY PROCEDURE RULES

PROPOSED AMENDMENTS AND COMMENTS

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APPENDIX:

Protocol governing the discussion in council assembly on investigations and rulings of Standards for England, standards committee and the first tier tribunal (Local Government Standards for England)

Information to members of the public:

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

Suspension of council assembly rule

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.

Comment [i1]:
Statutory requirement.

1. a. The chief executive will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least seven clear working days before a meeting, the chief executive will send a summons signed by him or her 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.

~~b. In the event that the parliamentary and local elections are held on the same day, the chief executive 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 the meeting, the chief executive will send a summons signed by him or her 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.~~

Comment [i2]:
For 2010 only. Recommend deletion.

Time and place

2. 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.

Comment [i3]:
Statutory requirement.

3. ~~Unless the council, or the Mayor in consultation with the chief executive, shall otherwise decide, all meetings of the council assembly shall be held in the borough at the Town Hall, Peckham Road, SE5.~~

Comment [i4]:
This rules allows the Mayor to set a time other than 7.00pm, so the recommendations of the commission in 12.1 and 12.2 on the need for flexibility on meeting times is provided for already. This could happen in the event of an earlier or daytime meeting or a budget meeting taking place on a Saturday afternoon.

Meetings convened at short notice

4. 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.

Comment [i5]:
Recommendation 12.3 states that meetings should be alternated between suitable venues in Southwark. The clause has been amended to reflect this point.

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.

Comment [i6]:
Statutory requirement.

1. No business shall be considered unless 16 councillors (or 25% of the membership) are present in the chamber or 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.x 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 twice a year.

Comment [i7]:
The commission recommended the establishment of a panel to advise the Mayor. Although the role and function is set out in full in Part 3 of the constitution it is recommended that the role as an advisory panel to the Mayor is noted here.

1.4 POWERS OF THE CHAIR

This rule cannot be suspended.

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.

The chair shall decide, having taken the advice of the monitoring officer, all matters of order, competence, relevancy, interpretation of council procedure rules relating to the conduct of the meeting and the appropriateness of council questions.

Comment [i8]:
This rule is included to provide clarity on the role of the chair. Other rules have been amended to allow the Mayor greater discretion in debates (see rule 1.12(4) and new rule on themed debates). Rule 1.4 may need a consequential change to reflect these proposed additions. The commission recommended extra discretion to allow debates to flow.

1.5 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.

Comment [LJ9]:
The commission recommended that the agenda be the "ultimate responsibility" of the Mayor (recommendation 10.2). Appendix 1 of the report refers to the need to adjust timings where appropriate.

1.x CONDUCT

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.

Comment [i10]:
Recommended new rule - This rule is included to reflect greater focus on engagement and public involvement. It is similar to the rule on the same subject in the community council procedure rules. It also includes current rules on conduct that already existed in the council assembly procedure rules.

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, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), 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.

Comment [i11]:
This provision is currently set out in rule 1.12 (3).

Comment [i12]:
This provision is currently set out in rule 1.12 (3).

Comment [i13]:
This provision is currently set out in rule 1.12 (3).

Members' statements

1. 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.
2. 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.

Comment [i14]:
This provision is currently set out in rule 6.

1.6 PREVENTION OF DISORDERLY CONDUCT

This rule cannot be suspended.

Comment [i15]:
This is necessary. The rule now follows a new rule under the heading of conduct at meetings (see above).

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.

1.7 BROADCASTING AND RECORDING

Audio recording of the proceedings of a council meeting by any member of the public, media or councillor shall be allowed. Electronic recording, Pphotographing or filming of the proceedings of a council meeting by any member of the public, media or councillor shall only take place with the prior agreement of the chair. The chair will make an announcement at the beginning of the meeting on any arrangement agreed.

Comment [i16]:
The commission recommended a relaxation of audio recording rules so all audio recording is allowed (see recommendation 13.3).

The issue of broadcasting and recording is considered in the covering report.

1.8 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.

1.9 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 2.9(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 2.9(3 and 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 monitoring officer four clear working days in advance of the meeting.

1.10 GUILLOTINE

This rule cannot be suspended.

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 1.10(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 1.10(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.

1.11 PROCEDURAL MOTIONS WITHOUT NOTICE

The following procedural motions may be moved and seconded 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 1.6(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 7.1
- s) to receive a deputation under council assembly procedure rule 2.6(13)(a)

- t) motions and amendments on matters that have been addressed by a deputation received at council assembly and concerning which there is no report for recommendation on the agenda (council assembly procedure rule 2.6(20))
- u) 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
- v) to extend the guillotine by up to 30 minutes under rule 1.10(6).

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

Comment [i17]:
Clarification.

1.12 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:
 - a) refer to each other as Mayor, Deputy Mayor, leader, cabinet 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) ~~refrain from comments that relate to an investigation by (whether complete or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate to the behaviour or conduct of an individual member or members.~~

Comment [i18]:
These are conduct related issues and have been included in the revised rule on conduct (see new clause above).

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.

Comment [i19]:
This change is to provide the chair with flexibility to vary the order of debate to ensure an engaging and accessible debate.

Where the Mayor or council assembly agrees to hold a single debate on a theme or motion. 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. ~~and the motion shall be~~ has been seconded, if required.

Comment [i20]:
Clarification.

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.

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
 - g) by way of an interjection.

Form of amendments to motions

11. An amendment to a motion must be delivered in accordance with rules 2.9(4) or 2.10(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.

Comment [i21]:
Clarification.

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.
15. ~~After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.~~

Comment [i22]:
Recommend deletion to simplify rules – Amendments now circulated in writing.

Alteration of motions and amendments

16. 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.
17. 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.
18. Only alterations, which could be made as an amendment, may be made.

Withdrawal of a motion or amendment

19. 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.
20. 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

21. 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.
22. 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.
23. 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

24. 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 1.6(1) or to exclude them from the meeting under rule 1.6(1).

Closure motions

25. 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.
26. 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.

27. 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.

28. 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.

1.13 VOTING

Comment [i23]:
Statutory requirement.

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 1.14, 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 1.14(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.

1.14 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 ~~for one minute~~, after which the doors of the meeting room ~~council chamber~~ shall be closed and no members will be admitted until after the voting is completed. The Mayor shall put the question again. The monitoring 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 ~~council chamber~~ 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 1.5)
 - 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 1.10)
 - g) to proceed to the next business (council assembly procedure rule 1.12(26)(a))
 - h) that the question be now put (council assembly procedure rule 1.12(26)(b))
 - i) that the debate be adjourned (council assembly procedure rule 1.12(26)(c))
 - j) that the meeting be adjourned (council assembly procedure rule 1.12(26)(d))
 - k) seeking the consent of the council where it is required under council assembly procedure rules.

1.15 FORMAL RECORDS TO BE MAINTAINED

All meetings of the council assembly are to be clerked by a representative of the monitoring 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 monitoring officer.

1.16 RECORD OF ATTENDANCE

This rule cannot be suspended.

All members present 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 every meeting to assist with the record of attendance.

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

Comment [LJ24]:
 The existing order of business has been changed to reflect the recommendations of the commission in particular the indicative meeting format set out in Appendix 1 of the commission's report. This includes
 1. Starting with an informal session.
 2. Themed debates.
 3. That scrutiny can bring reports and recommendations for endorsement
 4.3. That community councils are to do an annual report.

Informal session

Prior to the meeting, an informal session will be held lasting for 30-60 minutes. The sessions are an opportunity for members of the public to be provided with information on the business of the meeting. It is not obligatory for councillors to attend.

Comment [i25]:
New clause – See recommendations 9.1 and 9.2 and appendix 1. The issue of the informal session is considered in the covering report.

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 topical and pertinent 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;
- h) deputations

Themed debates

- i) consider themed debates centred on a cabinet member's portfolio or plans, policies and strategies, including the annual state of the borough and budget meetings
- j) public pre-submitted questions on the theme of the meeting
- k) members' motions and questions on the theme

Time for members to bring topical and pertinent issues to assembly

- l) urgent questions by group leaders
- m) questions from councillors to the leader, other cabinet members and chairs of committees/community councils
- n) consider topical motions
- ~~e) deal with any business from the last council meeting~~

Comment [i26]:
Moved see (v) below.

Consideration of cabinet reports

- p) 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

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

Consideration of annual community council report

- r) receive the annual report of the community councils

Formal constitutional business

- s) receive reports from committees/officers of the council
- t) 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. ~~Once a year, council assembly shall receive a report from the leader of the council on the work carried out by Southwark Alliance. Council will then also receive questions to the leader from members, relating to this report. Questions shall be treated~~

~~as 'questions on reports'. This shall take place at a council assembly meeting following the publication of the Southwark Alliance annual report. Where possible this should be the first scheduled meeting after the publication of the report~~

- ~~u) consider motions~~
- v) deal with any business from the last council meeting
- w) consider open business which the chair has accepted as urgent
- x) consider any confidential business where the public are excluded from the meeting.

Comment [i27]:
Delete. Simplification.

Comment [i28]:
Moved see (n) above.

2.3 AGENDAS AND MINUTES

1. The monitoring 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 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.
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 2,500 or more signatures to the Mayor at each council assembly meeting except the annual meeting or the council tax setting meeting.

Comment [LJ29]: A report on revisions to the petitions scheme is considered elsewhere on the agenda for this meeting. The report covers the issue of the threshold for council assembly.

Deadline

2. The petition must be submitted to the monitoring 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 monitoring 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 monitoring 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:
 - 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
 - is not about a matter for which the council has powers or duties or which affects Southwark
 - is defamatory, frivolous or offensive
 - is substantially the same as a question which has been put at a meeting of the council in the past six months
 - requires the disclosure of confidential or exempt information

Comment [i30]:
The Democracy Commission recommended that the existing rules continue to apply (see recommendation 6.1).

- 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, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as those comments relate 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 monitoring officer no later than ~~nine~~ **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.

Agenda

8. 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

9. 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

10. Copies of all the questions to be dealt with at the meeting, together with draft 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.
11. 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

12. 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

Comment [i31]:
 The Democracy Commission recommended increasing involvement and participation of local people and for more topical issues to be considered by the meeting (see recommendations 2.3 and 6.2).

 The constitutional steering panel considered this issue and agreed to recommend to council assembly that the deadline for questions to three clear working days be reduced. See covering report.

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

13. 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

14. 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. ~~A deputation may only come to council assembly when it is not possible or appropriate for it to go to the relevant decision making body.~~

Comment [i32]:
Recommend deletion in line
with recommendation 2.3.

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 for England, the standards committee or first tier tribunal (Local Government Standards for England), insofar as those comments relate 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 monitoring officer no later than **nine 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. ~~Subject to complying with the regulations herein,~~ 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. The maximum number of deputations in respect of an individual item shall not exceed two and not more than three deputations shall be considered at any one meeting of the council assembly. In the event that more than two requests for a deputation are received in respect of an individual item, those deputations to be reported will be determined on the basis of the order of the date and time received.~~

~~12. If there are more than three items upon which deputations have been requested the deputations will be allocated on the basis of one deputation per item and in the order of the date and time received, until the maximum number of three is reached. No more than three deputations shall be considered at any one meeting. Deputations shall be considered in the order of the date and time received.~~

What happens at council assembly meetings?

~~13. The monitoring officer shall report the request for the deputation to the council assembly. 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/community council.

The monitoring 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

Comment [i33]:
The Democracy Commission recommended increasing involvement and participation of local people and for more topical issues to be considered by the meeting (see recommendations 2.3 and 6.2).

The constitutional steering panel considered this issue and agreed to recommend to council assembly that the deadline for deputations to three clear working days be reduced. See covering report.

Comment [i34]:
Delete. Simplification.

Comment [i35]:
Recommend deletion of rule 11 – The Democracy Commission recommended that deputations be received on a first come first serve basis (see recommendation 5.2). The Democracy Commission recommended no more than three deputations shall be considered at any one meeting.

Rule 11 allocated deputations in circumstances where there were a number on the same topic. Removal of this rule simplifies the rules in line with recommendation 11.2.

Comment [i36]:
Recommendation 5.2 proposed a revised format for contributions by the deputations to include a speech and question. In doing so the commission reduced the speaking time for the spokesperson from five to three minutes.

The constitutional steering panel considered this issue and agreed to recommend to council assembly that the current time limit of five minutes be maintained. It felt that this was in the spirit of the commission's wish to widen engagement. See also covering report.

14. 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

15. 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

16. 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

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

Debate, motion and amendments

- ~~18.~~ 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. ~~If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.~~

Comment [i37]:
Clarification – this is recommended for deletion as it conflicts with rules on notice of motions and agenda items. These rules can be suspended under procedure rules.

Debate on deputations concerning reports on the agenda

19. 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 ~~in accordance with council assembly procedure rule 1.5~~. If the vote is lost, the subject matter will not be debated until the relevant item is reached in the order of business.

Comment [i38]:
Clarification – Unnecessary cross reference.

~~Subject of deputation not on agenda~~

- ~~20.~~ ~~If the subject of the deputation does not relate to a report on the agenda, members may move motions and amendments without prior notice. Debate on such motions and amendments shall be limited to 15 minutes. The mover of any such motion or amendment shall speak for a maximum of three minutes and the seconder and other speakers shall be allowed a maximum of two minutes.~~

Comment [i39]:
Recommend deletion to simplify rules. Currently if a deputation relates to a subject that is not on an agenda then a late motion can be moved as long as the relevant procedure rules are suspended.

Follow-up and feedback after Formal communication of council assembly's decision

- ~~21.~~ ~~The monitoring officer shall formally communicate the decision of the council assembly in writing to the person who submitted the request for the deputation to be received.~~

Comment [LJ40]:
Amended rule to reflect the responsibility of cabinet members for any follow-up and feedback on deputations after the meeting (see recommendation 5.2).

The monitoring 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 feedback to the deputation.

Deputations concerning licensing or planning applications

22. 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.

x.x THEMED DEBATES

The theme for each meeting will be set by the council assembly business panel including the annual state of the borough, budget and other themes focused on a cabinet member's portfolio. Themes will have been subject to community engagement activities in such forums as community councils or scrutiny committee.

No debate shall be allowed at a themed meeting unless it is linked to a council plan, strategy or policy. The plan, strategy or policy should have been clearly signposted to residents and members prior to the meeting so they are able to connect the debate to plans and monitor its implementation.

Order of debate

The order of business of the debate will be:

- Cabinet member has 10 minutes in which to present the theme, plan or strategy
- Public pre-submitted questions on the theme of the meeting (maximum of 15 minutes)
- Member's motions and questions on the cabinet theme using present principles to allow sufficient political balance and political parties to hold cabinet to account (maximum 30 minutes).

One hour shall be allocated for the themed debate. The Mayor shall have the discretion to vary timings as appropriate.

Public involvement and participation

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

The cabinet member may invite relevant groups to actively participate before, during and after a themed meeting.

Public questions on themed debate

The Mayor may reject a question if it is not relevant to the theme, plan, strategy or policy under discussion.

The time during which public questions shall be taken at a themed meeting shall not exceed 15 minutes and shall be conducted under the existing rules for public questions. Normal deadlines shall apply for the submission of questions from the public.

Members' motions and questions

Comment [i41]:
New rule on themed meetings
(see recommendations 6.3, 6.4,
8.1, 8.2 and Appendix 1).

All motions shall be relevant to the topic under discussion and shall be conducted under the existing rules for members' motions and questions. Normal deadlines shall apply for the submission of members' questions and motions.

The order of motions, questions and timing shall be determined by the Mayor.

2.7 URGENT QUESTIONS BY GROUP LEADERS

Which meetings consider urgent questions?

2. 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 urgent questions?

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

Scope

5. An urgent question may be asked on any matter in relation to which the council has powers or duties or which affects Southwark.
6. An urgent question is one that deals with a matter that has arisen since the deadline for members' questions has elapsed and which cannot wait until the next council assembly.
7. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the question relates to the behaviour or conduct of an individual member or members.
8. No question shall be asked on a matter concerning a planning or licensing application.

Deadline for submission of questions

9. Urgent questions must be received by the monitoring officer no later than 10.00am on the morning of 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 on the working day prior to the meeting.
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

Comment [i42]:
The Democracy Commission made no specific recommendation on urgent questions. However there are two consequential issues in rules 2.7 (9) and 2.7 (11).

Comment [i43]:
If a meeting is held in the daytime or on a Saturday this deadline would be impractical. A consequential change was suggested in such circumstances so the deadline would be at 10.00am on the working day prior to the meeting.

The constitutional steering panel considered this issue and recommended to council assembly a deadline one day earlier in these limited circumstances. A change is included to reflect this recommendation. See also covering report.

11. 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 question

12. The leader of the opposition will be allowed two supplemental questions. ~~Other~~ A group leader asking a question may ask one supplementary question without notice to the member who was asked the first question. The supplemental question must arise directly out of the original question or the reply.

Comment [i44]:

On members' questions the Democracy Commission made recommendations about the number of supplemental questions the leader of the opposition and minority opposition group leaders should be allowed. It recommended that the former should have two supplemental questions and the latter one. The commission did not specify if this applied to urgent questions.

The constitutional steering panel considered this issue and recommended to council assembly that this change would only apply to urgent questions by group leaders. See also covering report.

2.8 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 ~~a question~~ of:

- the Mayor
- a member of the cabinet
- the chair of any committee or sub-committee or community council.

One councillor from each community council will be able to submit a question on behalf of their community council.

Comment [i45]:

Democracy Commission recommendation 6.2. Rules 2.8 (2) and (3) have been amended accordingly.

3. ~~Members are limited to one question at each meeting.~~ Composite questions – where a member wishes to raise a number of points in relation to the same subject matter, he/she 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, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), 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 questions from community council councillors, followed by other cabinet members (the order to be rotated by the monitoring officer at every meeting) and chairs of committees, sub-committees and community councils. At the expiry of members' question time, all questions not reached shall be deemed as noted.

Comment [i46]:
Democracy Commission recommendation 6.2 proposed that questions be allowed from a councillor on each community council.

The constitutional steering panel considered this issue and recommended to council assembly that the order of questions be varied so that these questions would follow members' questions to the leader. See also covering report.

Deadline for submission of questions

9. Questions must be received by the monitoring officer no later than midnight, nine clear working days prior to the day of the council meeting. Questions to the leader 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 rule 2.8(12) and (13)). All other questions will be listed in the order of receipt.

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 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 question

11. A member asking a question may ask one supplementary question. Supplementary questions can be asked 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

13. Questions to the leader 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.
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 Liberal Democrat, Labour, Conservative and independent members.

Written answers to questions naming an individual member

15. In the event that a member of the council is named in a response to another member's question, the monitoring 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.

2.9 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, Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England), insofar as the motion, or amendment, relates to the behaviour or conduct of an individual member or members.

Notice

3. Except for motions that can be moved without notice under rule 1.11, notice of every motion must be delivered to the monitoring 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.

4. Notice of every member's amendment to a motion shall be delivered before 12.00 midday on the second 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 working day before the day of the meeting. Amendments shall be submitted to the office of the monitoring 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.

Comment [i47]:

If a meeting is held in the daytime or on a Saturday this deadline might be impractical as the Mayor Briefing may be held earlier to allow issues to be resolved in advance of the start of the meeting. One possibility is to have an earlier deadline for these circumstances only.

The constitutional steering panel considered this issue and recommended to council assembly a deadline one day earlier in these limited circumstances. A change is included to reflect this recommendation. See also covering report.

Motion set out in agenda

5. 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

6. 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 cabinet, committee or sub-committee, shall report on the outcome of their deliberations to the next meeting of the council assembly.

Prioritisation and rotation by the political groups/independent members

7. 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.

8. 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.

2.10 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 2.10(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 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 working day before the day of the meeting. Amendments shall be submitted to the office of the monitoring 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 one clear working day before the day of the meeting at which the motion is to be moved, at the office of the monitoring officer (i.e. by midnight of the Monday in the week of 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 two working days before the day of the meeting. Each member is limited to one question per item of business.

Comment [i48]:

If a meeting is held in the daytime or on a Saturday this deadline might be impractical as the Mayor's Briefing may be held earlier to allow issues to be resolved in advance of the start of the meeting. One possibility is to have an earlier deadline for these circumstances only.

The constitutional steering panel considered this issue and recommended to council assembly a deadline one day earlier in these limited circumstances. A change is included to reflect this recommendation. See also covering report.

Comment [i49]:

If a meeting is held in the daytime or on a Saturday this deadline may be impractical as there would be insufficient time to prepare a response. A consequential change is suggested in such circumstances so the deadline one working day earlier.

The constitutional steering panel considered this issue and recommended to council assembly a deadline one day earlier in these limited circumstances. A change is included to reflect this recommendation. See also covering report.

Circulation of questions and amendments

5. The monitoring 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 2.10(1))
 - b) who can ask questions – composite questions (see council assembly procedure rule 2.8(3))
 - c) scope (see council assembly procedure rule 2.8(4) to 2.8(6))
 - d) all questions will be listed in the order of receipt (see council assembly procedure rule 2.8(9))
 - 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 2.8(9))
 - f) circulation of written answers (see council assembly procedure rule 2.8(10))
 - g) supplementary question (see council assembly procedure rule 2.8(11))
 - h) written answers to questions naming an individual member (see council assembly procedure rule 2.8(14)).

2.11 RECORDING OF RECEIPT OF MOTIONS, PETITIONS, AMENDMENTS AND QUESTIONS

A record of the date of receipt of all motions, petitions, amendments and questions received under council assembly procedure rules 2.4(2), 2.5(7), 2.7(8), 2.8(9), 2.9(3), 2.10(3) and 2.10(4) be kept by the monitoring 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. This will normally be the third or fourth Wednesday in the month of May.
3. The annual meeting shall in all other years be held on the third Wednesday 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 for the ensuing year
 - f) receive a report from the leader on the determination and allocation of executive functions to members of the cabinet
 - g) establish at least one overview and scrutiny committee, a standards 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)
 - h) receive any report of the leader on the '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)
 - i) receive a report from the monitoring 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
 - j) consider a report from the monitoring officer on constitutional matters for the municipal year including:
 - the draft calendar of meetings for the coming year
 - establishment of the voluntary bodies appointments panel as set out in Part 3

- establishment of the constitutional steering panel as set out in Part 3
 - the appointment of representatives to outside bodies and joint committees
- k) receiving a report on the review of the constitution
 - l) consider the members' allowances scheme for the forthcoming municipal year
 - m) consider other business specified in the agenda (if any)
 - n) 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.
2. ~~The monitoring officer shall prepare and provide lists of appointments to be made by the council to the secretary of each political group represented on the council prior to the annual general meeting of each political group, taking account of the statutory rules of proportionality where these apply. The secretary of each political group shall submit a list of the members of the group together with nominations for all appointments, as listed, to the monitoring officer not less than eight clear working days prior to the day of the annual council meeting.~~
3. ~~At the termination of business, annual meetings of committees shall occur for the purposes of establishing sub-committees and making appointments to any outside bodies within the delegations to each committee.~~

Comment [i50]:
Recommend deletion. Due to timing of group meetings and the annual meeting this no longer occurs.

Comment [i51]:
Recommend deletion. Committees and sub-committees no longer occur after the annual meeting.

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.

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 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.

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

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.~~ MEMBERS' CONDUCT

Comment [152]:
Included in new rule on
conduct.

Members' statements

- ~~1. 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.~~
- ~~2. 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.~~

7. SUSPENSION AND AMENDMENT OF COUNCIL ASSEMBLY PROCEDURE RULES

Suspension

1. Council assembly procedure rules 1.1, 1.2, 1.3, 1.4, 1.6, 1.8, 1.10, 1.12(1), 1.12(2), 1.12(3), 1.12(27), 1.12(28), 1.13(1), 1.13(2), 1.13(3), 1.13(5), 1.13(6), 1.16, 2.3(4), 2.3(5), 2.4, 2.8(7), 2.8(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 rules of procedure 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.

APPENDIX

Protocol governing the discussion in council assembly on investigations and rulings of Standards for England, standards committee and the first tier tribunal (Local Government Standards for England)

In addition to the provisions provided for in rules 1.12(3)(e), 2.5(3), 2.6(4), 2.7(6), 2.8(5), and 2.9(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 Standards for England, the standards committee or the first tier tribunal (Local Government Standards for England) 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.