

COMMITTEE PROCEDURE RULES

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Information to members of the public:

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

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

1. GENERAL PROCEDURES APPLYING TO ALL COMMITTEE MEETINGS

1.1 NOTICE AND SUMMONS OF MEETINGS

This rule cannot be suspended.

1. The proper constitutional officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules. At least five clear working days before a meeting, the chief executive will send a summons signed by him or her by post to every member of the committee or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Time and place

2. Unless the meeting, or the chair, shall otherwise decide, all meetings shall commence at 7.00pm.
3. The ordinary place of meeting for committees shall be Council Offices, 160 Tooley Street, London SE1 2QH unless otherwise specified in the summons.
4. Meetings may only be convened at less than five clear working days notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

Dates and frequency of meetings

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

Cancellation of meetings

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

1.2 QUORUM

This rule cannot be suspended.

1. No business shall be considered unless 25% of the voting membership are present in the meeting room but no fewer than two, except for the following meetings for which the quorum is:
 - a) Licensing sub-committees = three¹
 - b) Standards committee or sub-committees = three

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

- c) Health and wellbeing board = 25% including at least one councillor who is a cabinet member and one representative from the clinical commissioning group.

If the chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the committee, unless the chair fixes an alternative date.

Quorum at start of meeting

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

1.3 POWERS OF THE CHAIR/VICE-CHAIR

This rule cannot be suspended.

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

1.4 PREVENTION OF DISORDERLY CONDUCT

This rule cannot be suspended.

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.

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

1.5 BROADCASTING AND RECORDING

Electronic recording, photographing or filming of the proceedings of a committee or sub-committee 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.

1.6 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.

1.7 RULES OF DEBATE

1. A councillor may indicate their desire to speak by raising their hand, but shall only speak when called by name by the chair.
2. Councillors shall address the chair when speaking, and:
 - a) refer to each other as Mayor, Deputy Mayor, leader, 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) speeches must be directed to the matter under discussion or to a personal explanation or point of order.
3. No debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time. A motion or amendment, once moved and seconded, may be withdrawn only by the mover and seconder with the consent of the meeting. No further debate shall take place on a motion or amendment once it has been withdrawn.
4. Every motion or amendment must be moved and seconded. A councillor may not move more than one amendment or motion on the same subject.

Seconder's speech

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

Amendments to motions

6. An amendment to a motion must be in writing, be relevant to the motion and will either be:
 - a) to refer the matter to an appropriate body or individual for consideration or reconsideration
 - b) to leave out words
 - c) to leave out words and insert or add others
 - d) to insert or add words.
7. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been completely dealt with.

Right of reply

8. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

9. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. If an amendment is carried, the mover of the amendment shall hold the right to reply to any subsequent amendments and, if no further amendments are carried, at the conclusion of the debate on the substantive motion.
10. The mover of the amendment has no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

11. When a motion is under debate, no other motion may be moved except the following procedural motions:
 - a) to withdraw a motion
 - b) to amend a motion
 - c) to proceed to the next business
 - d) that the question be now put
 - e) to adjourn a debate
 - f) to adjourn a meeting
 - g) to exclude the public and press in accordance with the access to information rules
 - h) to not hear further a member named under rule 1.4(1) or to exclude them from the meeting under rule 1.4(1).

The procedures governing closure motions (see 11 c), d), e) and f) above), which are contained in the council assembly procedure rules shall be followed.

Point of order

This rule cannot be suspended.

12. A member may raise a point of order at any time during the meeting. The chair will hear them immediately. A point of order may only relate to an alleged breach of the committee 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 chair on the matter will be final.

Personal explanation

This rule cannot be suspended.

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

1.8 VOTING

Majority

This rule cannot be suspended.

1. Unless this constitution provides otherwise or it 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.

Chair's casting vote

This rule cannot be suspended.

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

Show of hands

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

Right to require individual vote to be recorded

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

4. Where any 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.

5. 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.

1.9 FORMAL RECORDS TO BE MAINTAINED

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

2. APPOINTMENT OF MEMBERS TO COMMITTEES

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

Powers and duties

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

Substitution

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

2.2 PROPER CONSTITUTIONAL OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY

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

Notification of appointments, resignations and termination of appointments

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

Co-opted members' attendance at meetings

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

3. AGENDA AND MINUTES

3.1 ORDER OF BUSINESS AT COMMITTEE AND SUB-COMMITTEE MEETINGS

The order of business at every meeting shall be:

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

3.2 VARIATION IN ORDER OF BUSINESS

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

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

3.3 MINUTES

Minutes

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

Signing the minutes

This rule cannot be suspended.

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

No requirement to sign minutes of previous meeting at extraordinary meeting

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

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

3.4 ADMISSION OF PRESS AND PUBLIC

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

Public speaking at committee

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

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

3.5 RECORD OF ATTENDANCE

This rule cannot be suspended.

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

4. DEPUTATIONS

Who may request a deputation?

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

Composition of deputation

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

Scope of deputations

3. The chair in consultation with the monitoring officer may reject a deputation if it:

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

Form of the deputation

4. Each deputation request must provide the name and address of the persons/group requesting the deputation and a brief summary of the subject matter of their request.

Deadline

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

Agenda

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

What happens at the meeting?

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

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

Speech on behalf of deputation

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

Questions to the deputation and time limit

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

No debate during deputation

11. 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

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

Debate, motion and amendments

13. If more than one deputation is to be heard in respect of one subject there shall be no debate until each deputation has been presented. At the conclusion of the deputation(s) the subject of the deputation shall be then open to debate by the meeting. If the subject does not relate to a report on the agenda, members may move motions and amendments without prior notice.

Debate on deputations concerning reports on the agenda

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

Subject of deputation not on agenda

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

Formal communication of the meeting's decision

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

Deputations concerning licensing or planning applications

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

5. PETITIONS TO COMMITTEES

This rule cannot be suspended.

Which meetings consider petitions?

1. Members of the public will be entitled to present petitions with 500 or more signatures to the chair at each committee meeting.

Deadline

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

Scope

3. Petitions must relate to matters in which the committee 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 chair will call on the spokesperson to present petitions in the order in which they were notified to the proper constitutional officer.
5. The spokesperson presenting the petition may speak for up to five minutes on the subject matter and number of signatories contained within the petition. The committee will debate the petition for a period of up to 15 minutes. The committee may decide how to respond to the petition at this meeting. Receipt of the petition will be recorded in the minutes. The proper constitutional officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the council to be referred to the relevant cabinet member or chief officer.
6. The time during which petitions shall be considered shall not exceed 40 minutes.
7. The processes and procedures are set out in the council's petition scheme.

6. ADDITIONAL RULES APPLYING TO AUDIT AND GOVERNANCE COMMITTEE

Composition

1. No more than one member of the cabinet or deputy may be a member of the committee, and no cabinet member may chair the committee.
2. No more than one member of the overview and scrutiny committee may be a member of the committee, and no overview and scrutiny committee member may chair the committee.
3. The leader of the council may not be a member of the committee.

7. ADDITIONAL RULES APPLYING TO STANDARDS COMMITTEE

Composition

1. The committee will consist of councillors and reserve members equal to the number of places each political group has on the committee.
2. No more than one member of the cabinet or deputy may be a member of the committee, and no cabinet member may chair the committee.
3. The leader may not be a member of the standards committee.

Independent person – Attendance at meetings

4. The independent person(s) shall be entitled to attend meetings of the committee or its sub-committees. The independent person(s) may speak at the invitation of the chair.

Sub-committees

5. The committee is empowered to establish sub-committees to consider complaints of misconduct against councillors (including co-opted members). The membership for each sub-committee will be drawn from the pool of councillors on the committee, including reserve members.
6. Sub-committees shall be composed of three members. Rules 7.2, 7.3 and 7.4 shall apply to sub-committee meetings.

8. ADDITIONAL RULES APPLYING TO PLANNING COMMITTEE AND LICENSING COMMITTEE OR SUB-COMMITTEES

1. At any meeting of the planning committee or licensing committee if the committee is determining any application for an approval, consent, licence, permit or permission members should not access the internet, send or receive emails, texts, messages or tweets concerning the business of the committee when present as a voting member.
2. At any meeting of the planning sub-committee or licensing sub-committee if the sub-committee is determining any application for an approval, consent, licence, permit or permission members should not access the internet, send or receive emails, texts, messages or tweets concerning the business of the sub-committee when present as a voting member.
3. For the purposes of this rule “meeting” includes any adjournments so in relation to the purpose of the meeting members should not access the internet, send or receive emails, texts, messages or tweets during any adjournment concerning the business of the committee.

4. At any meeting of the planning committee or licensing committee, if the committee is determining any application for an approval, consent, licence, permit or permission and any member has a disclosable pecuniary interest in any matter being considered at that meeting then the member must withdraw from the room or chamber where a meeting considering the business is being held.
5. At any meeting of the planning sub-committee or licensing sub-committee, if the sub-committee is determining any application for an approval, consent, licence, permit or permission and any member has a disclosable pecuniary interest in any matter being considered at that meeting then the member must withdraw from the room or chamber where a meeting considering the business is being held.

9. **ADDITIONAL RULES APPLYING TO HEALTH AND WELLBEING BOARD**

Application of committee procedure rules

1. The regulations² relating to health and wellbeing boards makes provision for the disapplication and modification of certain enactments relating to local authority committees appointed under section 102 of the Local Government Act 1972, insofar as they are applicable to a health and wellbeing board established under section 194 of the Health and Social Care Act 2012.
2. The following committee procedure rules shall apply to the board:
 - Rule 1 – General procedures applying to all committee meetings – Subject to following exceptions
 - Rule 1.2 –Quorum – see Rule 9.4
 - Rule 1.7 – Rules of debate – see Rule 9.5
 - Rule 1.8 – Voting – see Rules 9.6 and 9.7
 - Rule 2.2. – Proper officer shall make or terminate appointments if necessary –Rule 2.1 on Reserves / Substitutes does not apply – See Rules 9.7, 9.8, 9.9 and 9.10
 - Rule 3 – Agenda and minutes
 - Rule 4 – Deputations
 - Rule 5 - Petitions

Notice and summons of meetings of meetings

3. Notice and summons of board meetings shall be given in accordance with committee procedure rule 1.

Quorum

4. The quorum shall be 25% of the voting membership, including at least one councillor who is a cabinet member and at least one representative from the local clinical commissioning group.

² The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 No. 218

Application of rules of debate

5. The chair shall use his or her powers, in consultation with the proper constitutional officer, in applying the rules of debate. The ruling of the chair will be final.

Voting

6. The board shall try to reach decisions by consensus, wherever possible.
7. In the event that the board wishes to take a vote, non-elected voting members of the board may vote alongside nominated elected representatives on the board.
8. If a vote is taken the provisions of committee procedure rule 1.8 will apply. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

Membership

9. The health and wellbeing board shall be comprised of statutory members as set out in the Health and Social Care Act 2012 and such other members (who may voting or non-voting) as agreed by the local authority and/or the board.
10. Local authority requirements for political proportionality on committees do not apply to the health and wellbeing board. This is a matter for local determination.

Reserves / Substitutes

11. Health and wellbeing board members shall not nominate reserves / substitutes. Therefore committee procedure rule 2.1 shall not apply.

Notification of appointments, resignations and terminations of membership

12. Notice of the any appointments, resignations and terminations of membership shall be given in accordance with committee procedure rule 2.2.2.

Chair

13. The board will be chaired by the leader of the council, unless he or she nominates another member to chair the board or is unable to attend or take part in the meeting.
14. In the absence of the chair, those voting members present shall elect a voting member from amongst their number to preside at the meeting.

Register of interests

15. All members of the board are required to complete and submit the local authority's register of interests form. For non-councillor members of the board, the register not be published on-line but will be available for inspection on written application to the proper constitutional officer.
16. Members shall be entitled to request dispensations from the council's monitoring officer.

Observers at meetings of the board

17. Health and wellbeing board members unable to attend or take part in the meeting may send an observer to the meeting. Observers present may be invited to speak at the discretion of the chair.