

# Part Four, Section A

## Council Procedure Rules

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### COUNCIL PROCEDURE RULES

Note

In these rules:

**“day”** means any calendar day including week-ends and public holidays.

**“working day”** means any day when the offices of the Council’s administrative offices are open for business excluding week-ends and public holidays.

**“clear day”** means any working day and it excludes both the day of any initial action, giving notice or dispatch of papers (as appropriate) and the day of any subsequent action or meeting (as appropriate).

Where any action is required to be taken on, or before the end of, a working day, then it must be completed by 5.00 p.m. on that day unless the relevant rule states otherwise.

**There is a Protocol outside this Constitution setting out how full Council meetings are to operate. This Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.**

#### 1. ANNUAL MEETING OF THE COUNCIL

##### 1.1 Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, unless specified otherwise by Order of Parliament, the Annual Meeting will take place in March, April or May.

The annual meeting will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Elect the Mayor for the ensuing year
- (iii) Receive apologies for absence
- (iv) Receive any late or urgent business

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

- (v) Receive any declarations of interest from members
- (vi) Approve the minutes of the last meeting
- (vii) Receive written notification of the appointment of Deputy Mayor
- (viii) Pass a vote of thanks to the retiring Mayor and Mayoress / Escort and Deputy Mayor and Deputy Mayoress / Escort
- (ix) Receive such communications as the Mayor may desire to lay before the Council
- (x) Elect the Leader of the Council (only applies to the first meeting after the Council election)
- (xi) Appoint a Scrutiny Committee, and such Committees and subordinate bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, of this Constitution). To confirm the size and terms of reference of these bodies and to appoint Chairs, Vice Chairs, Members and substitute or reserve Members and subordinate bodies in accordance with political balance rules (as set out in Part 3 of this Constitution)
- (xii) Make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or where the power of appointment is vested in the Cabinet
- (xiii) Receive any announcements from the Leader, and/or Head of Paid Service
- (xiv) Receive a programme of ordinary meetings of the Council for the year, in an election year and
- (xv) Consider any business set out in the notice convening the meeting

## **2. BUDGET SETTING MEETING**

The budget-setting meeting will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Receive apologies for absence
- (iii) Receive any late or urgent business
- (iv) Receive any declarations of interest from members

PART FOUR – RULES OF PROCEDURE  
Section A – Council Procedure Rules

- (v) Approve the minutes of the last meeting
- (vi) Hear deputations and receive petitions related to the budget, accepted under rules 11 & 12
- (vii) Hear any proposed amendments to the budget
- (viii) Approve the budget
- (ix) Consider any business set out in the notice convening the meeting

**3. ORDINARY MEETINGS**

3.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- (i) Elect a person to preside if the Mayor is not present
- (ii) Receive apologies for absence
- (iii) Receive any declarations of interest from members
- (iv) Deal with any business required by statute to be considered before any other business
- (v) Approve the minutes of the previous meeting and any outstanding from previous meetings;
- (vi) Receive any announcements from the Mayor, the Leader, members of the Cabinet, the Head of Paid Service or the Monitoring Officer;
- (vii) To make appointments to Council committees and outside bodies;
- (viii) Hear deputations and receive petitions accepted under rules 11 & 12;
- (ix) Receive questions from and provide answers to the public on matters notified under Rule 8;
- (x) Provide answers to written questions from Members. Receive oral questions from Members, and provide oral answers;

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

- (xi) Deal with any business held over from the previous Council meeting;
- (xii) Receive reports from the Cabinet and the Council's Committees when a decision or resolution of Council is required, and receive questions and answers at the meeting on any of those reports;
- (xiii) Receive an annual update from the relevant Cabinet Member on the progress toward reducing carbon emissions in the borough;
- (xiv) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xv) Consider motions; and
- (xvi) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee for debate.

3.2 The order of items (i), (ii), (iii), (iv) and (v) of paragraph 3.1 shall not be varied. The order of other business may be varied:

- (i) At the discretion of the Mayor, prior to the meeting following consultation with the Leader or at the meeting; or
- (ii) By a resolution passed at the meeting on a motion (which need not be in writing) duly moved and seconded and put without discussion.

## **4. EXTRAORDINARY MEETINGS**

### **4.1 Calling extraordinary meetings**

Those listed below may request the Democratic Services Manager to call Council meetings in addition to ordinary meetings:

- (i) The Council by resolution
- (ii) The Mayor
- (iii) The Monitoring Officer; and
- (iv) Any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within five working days of the receipt of the requisition.

PART FOUR – RULES OF PROCEDURE  
Section A – Council Procedure Rules

**4.2 Business**

The only business to be transacted at an extraordinary meeting shall be that stated in the summons.

**4.3 Questions**

Questions shall not be permitted at extraordinary meetings and rules 10.2 to 10.7 shall not apply. [This will mean that section 10.1 permitting questions on reports at extraordinary meetings shall be applicable]

**4.4 Deputations**

Rule 11 shall apply to extraordinary meetings, but deputations will only be received where its purpose is related to an item of business on the summons.

**5. NOTICE OF AND SUMMONS TO MEETINGS**

The Democratic Services Manager will determine and 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 Democratic Services Manager will send a Summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The Summons will state 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.

**6. CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee, Board and Scrutiny meetings, references to the Mayor also include the Chair of Committees and Boards.

**7. QUORUM**

The quorum of a Council meeting shall be one quarter of the whole number of Members. During any Council meeting if the Mayor counts the number of members present and declares there is not a quorum present, the division bell shall be rung for thirty seconds and the Mayor shall then ascertain whether a quorum is present. If a quorum is not present the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary Council meeting.

**8. DURATION OF MEETING**

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

#### 8.1

- (i) Council meetings shall end at 10 p.m. on the day of the meetings, provided that the Mayor has discretion to extend the time to allow for adjournments, deputations and to complete the item then under discussion;
- (ii) If a report, a motion or an amendment to a motion is still being discussed, the Member speaking at the time may continue speaking for the remainder of the time allowed for speeches under these rules;
- (iii) The relevant Councillor who moved the report or substantive motion shall have a right of reply before the motion or amendment is put to the vote. No other right of reply is allowed;
- (iv) Before the Mayor concludes the meeting, a motion shall be put detailing the outstanding reports of Committees not disposed of and asking that the Council adopt them, and recommendations contained within them, without debate; all other business remaining shall fall;
- (v) Any motions on the agenda that fall under (iv) (all other business) may be resubmitted for the next, or a subsequent, Council meeting in accordance with Rule 13.

## 9. QUESTIONS BY THE PUBLIC

### 9.1 General

Any resident, council tax payer or national non domestic rate payer of the Borough may ask questions of the Leader, members of the Cabinet, Committee Chairs or Councillor Representatives on external bodies at ordinary meetings of the Council. A total of 20 minutes will normally be allowed for public questions at each ordinary meeting of the Council. A question being answered at the time limit shall be completed. Where an open debate is planned, any public questions will be at the Mayor's discretion following advice from the Monitoring Officer.

### 9.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions. Only one question per meeting may be put by a single questioner and no more than two questions may be put on behalf of an organisation.

### 9.3 Notice of questions

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

A question may only be asked if notice has been received in writing or by electronic mail by the Democratic Services Manager no later than 10am so as to leave ten clear days in advance of the Council meeting, stating the Member of the Council to whom the question is to be addressed. The Democratic Services Manager will circulate a list of all valid questions. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection.

#### 9.4 **Scope of questions**

The Monitoring Officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the well-being of the Borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question, motion or deputation which has been put at a meeting of the Council in the past six months;
- Requires the disclosure of confidential or exempt information.

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

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. The questioner may ask one supplementary question for the purpose of elucidation provided that it falls within the scope under 9.4.

#### 9.6 **Written answers**

Any questions 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.

#### 9.7 **Reference of question to the Cabinet or a Committee**

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.

## **10 QUESTIONS BY MEMBERS**

### **10.1 On reports of the Cabinet or Committees**

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

### **10.2 Questions on notice at full Council**

Subject to Rule 10.3, a Member of the Council may ask:

- The Mayor;
- The Leader
- Any Member of the Cabinet; or
- The Chair of any Committee or Board
- The Council's representative(s) on any outside body;

a question on any matter in relation to which the Council has powers or duties or which affects Haringey.

### **10.3 Scope of questions**

The Monitoring Officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the well-being of the Borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question, motion or deputation which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information

### **10.4 Notice of questions**

- (a) A Councillor may ask one substantive question per meeting, in accordance with rule 10.5 (d), provided that they have been received in writing by the Democratic Services Manager no later than 10 am so as to leave ten clear days prior to the Council meeting, stating which Member of Council the question is to be



## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

addressed to. Should a question be rejected, the questioner will receive a written response advising of this, including the reasons for the rejection. Each question should be confined to one substantive topic.

- (b) There will be up to 9 questions from Councillors which will receive direct oral answers. Questions on notice for oral answer will be set out on the Summons to the Council meeting.
- (c) A Member of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.
- (d) Questions for written answer and the answers provided will be published on the Council's website as soon as practicable after the relevant meeting.

#### 10.5 Order of Questions

- (a) There will be 9 questions which will receive direct oral answers. All other questions will receive written answers. Questions from each group will be placed so as to alternate on the agenda is so far as is practicable with 5 from the majority group and 4 from the opposition. 3 minutes will be allocated to answer the main question and 2 minutes allocated to answer supplementary questions
- (b) A total of 45 minutes (allowing for any adjournments) shall be allowed on questions and answers under this rule; a question being answered at the time limit (and any supplementary questions to it) shall be completed.
- (c) All questions and answers must be made as questions/answers, addressing the subject matter, and must not be a speech or statement.
- (d) Any oral questions remaining unanswered after the time limit must be answered in writing and shall be circulated to all Members on or before the fourth working day after the Council meeting.
- (e) Each Member of the Council may ask one question for written answer in addition to those for oral answer. Each question and response should be confined to one substantive topic.

#### 10.6 Response

An answer may take the form of:

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner. Written answers will be supplied to members no later than the meeting

#### 10.7 Supplementary questions

The Councillor asking any question may ask the first supplementary question without notice of the Councillor to whom the first question was asked. The second supplementary question, relevant to the original question, may be asked by a Councillor of the other political party or groups unless they do not wish to use it in which case it reverts to the party asking the original question. In allocating the second supplementary questions, the Mayor will have regard to: the overall time period for Council questions, their constitutional role and function in chairing the Council meetings set out in Article 5, and the political party or group's proportional representation on the Council. (In principle this would usually be four questions to the first opposition group and one question to the second opposition group) Each supplementary question must arise directly out of the original question or the reply. No supplementary questions may be asked on written answers.

## 11. DEPUTATIONS

- 11.1 A deputation may only be received by the Council if a requisition signed by not less than ten residents of the Borough, stating the object of the deputation, is received by the Democratic Services Manager not later than 10am to leave change from 5 to three clear days prior to the Council meeting.
- 11.2 Requisitions for deputations shall not be accepted from, nor on behalf of, political parties, nor if submitted on paper bearing the name, insignia or other device of a political party.
- 11.3 Subject to the foregoing the Democratic Services Manager shall bring the requisition before the Mayor, who having consulted the Leader, or in his/her absence the Deputy Leader, shall decide whether notice shall be given of the deputation on the agenda paper for a meeting of the Council. The Leader must have regard to other business on the Council agenda in reaching such a decision; however a deputation will normally be accepted where there is an item on the Council agenda of the same subject matter. Where there is not an item on the Council agenda of the same subject, the Mayor may refer the Deputation to Cabinet, a Cabinet

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

member, a Committee of the Council or the Overview and Scrutiny Committee.

- 11.4 The Deputation leader must be notified in writing as soon as possible if the deputation is not to be taken at that Council meeting, advising of the reasons for the deputation not being taken at Full Council.

#### 11.5 Scope of deputations

The Monitoring Officer may reject a Deputation if it

- Is not about a matter for which the local authority has a responsibility or which affects the well-being of the Borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a deputation, question or motion which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information.

#### 11.6 Taking the Deputation at the meeting

- 11.7 A total of 30 minutes shall be allocated to Deputations on the Council agenda.

- 11.8 If the Mayor shall have decided that the notice of the deputation shall be given on the agenda paper, any Councillor shall be at liberty when the item is called by the chair to move a motion without notice that the deputation be not received or that it be referred to the Cabinet, a Cabinet member or a committee as the case may be and such motion on being seconded shall at once be put to the vote.

- 11.9 The Deputation Spokesperson will be given five minutes to introduce the Deputation, referring to the matters in their deputation requisition. Following which they may answer any questions from Members. The Mayor will allocate a maximum amount of time for each deputation, and will have regard to other items of business on the Council agenda when doing so.

- 11.10 The relevant Cabinet member shall be given the opportunity to respond to Council on the issues raised, and advise Council what actions will be taken as a result of the deputation. Should no response be given at the meeting to which the deputation is put, the Cabinet Member should provide a response at the next ordinary meeting of Council together with a written response provided to the deputation spokesperson.

## 12. PETITIONS

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

12.1 The Democratic Services Manager should be notified of any Petitions by 10 a.m. five clear days in advance of the Council meeting. The petition will be handed to the Mayor, and recorded as received by the Democratic Services Manager without any further debate. The relevant Cabinet member should report the Council's response to the petition at the next ordinary meeting of the Council.

12.1.1 Where a petition submitted to the Council, under the Petitions Scheme, and contains more than 2643 signatures it will trigger a debate by the full Council. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the next available meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant Committee. Where the issue is one on which the Cabinet are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website, in the minutes of the meeting.

## **13. MOTIONS ON NOTICE**

### 13.1 Notice

Except for motions which can be moved without notice under Rule 14, written notice of motions, together with the names of the proposer and seconder, must be delivered to the Democratic Services Manager not later than 10.00 a.m. so as to leave five clear working days before the date of the meeting. These will be available for inspection the day after the closing date for receipt.

### 13.2 Motion set out in agenda

Each political group will be able to give notice on one motion at each ordinary meeting. Motions for which notice has been given will be listed on the agenda, in a sequence alternated between groups from meeting to meeting, and as prescribed in the full Council protocol.

### 13.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the well-being of Haringey.

PART FOUR – RULES OF PROCEDURE  
Section A – Council Procedure Rules

13.4 Withdrawing a motion

If a motion set out in the summons is not moved either by the Member who gave notice or by some other Member on that Member's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice

13.5 Motions Out of Order

The Mayor may in consultation with the Chief Executive or Monitoring Officer, rule out of order motions which, in his/her opinion, would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of rule 9.4 or which breach other Council Procedure Rules.

Such motions shall not appear on the Council agenda or be otherwise circulated.

**14. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda; (in accordance with Rule 3.2 (ii) )
- (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 extend the time limit for speeches by 2 minutes;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 22.4 or to exclude them from the meeting under Rule 22.5;
- (q) to give the consent of the Council where its consent is required by this Constitution; and
- (r) to move an emergency motion where the Mayor has given consent.

#### **14A. EMERGENCY MOTIONS**

Any Member may ask the Mayor to consider the admission of an emergency motion as urgent business, provided that due notice could not reasonably have been given in accordance with Rule 13.1. All other Rules relating to motions on notice must be complied with, including the giving of written notice, together with the names of the proposer and seconder, to the Democratic Services Manager. This notice should be given, if at all possible, by 10.00 a.m. on the day of the Council meeting and, in any event, no later than 3.00 p.m. on that day.

#### **15. RULES OF DEBATE**

##### **15.1 Length of Debate**

Discussion on any one motion, including amendments shall not exceed 23 minutes. *The political group allocation of speeches shall be as prescribed in the Full Council Protocol.*

##### **15.2 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

##### **15.3 Substitution of movers and seconders**

Another member may speak on behalf of the mover or seconder who gave written notice of a motion

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

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

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.

#### 15.5 Seconders's speech

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

#### 15.6 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below no speech may exceed three minutes without the consent of the Mayor.
- (b) The following persons may be allowed to speak for up to 5 minutes:
  - (i) The Leader and a Member of the Cabinet or Chair of a Committee who is presenting a report to the Council or moving the adoption of minutes of that Committee
  - (ii) The mover of a motion.
  - (iii) A Member exercising his/her right of reply to a motion
- (c)
  - (i) At the Annual Council Meeting and at the Council meeting which determines the budget-the Leader shall be allowed 15 minutes to deliver his/her priorities speech.
  - (ii) The Leaders of the opposition groups shall be allowed 7 minutes to reply to (c) (i) above
  - (iii) The Leader or other person as they may nominate shall be allowed a further 3 minutes in total to respond to the speeches in (ii) above

#### 15.7 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) if the Member has formally seconded a motion or amendment and reserved the right to speak later
- (b) to speak once on an amendment moved by another member;

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

- (c) to move a further amendment if the motion has been amended since he/she last spoke;
- (d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (e) in exercise of a right of reply in accordance with rule 15.11;
- (f) on a point of order; and
- (g) by way of personal explanation.

#### 15.8 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion completely.
- (b) Any proposed amendment to a motion or recommendation at Council shall be submitted to the Democratic Services Manager by no later than 10.00 a.m. on the day of the meeting. A motion submitted by a political group may not be amended by that political group in advance of the meeting. The Democratic Services Manager will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting and in any event before 2.00pm on the day of the meeting.
- (c) 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 disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.



## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

- (e) 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.
- (f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 15.9 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion 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.
- (c) Only alterations which could be made as an amendment may be made.

#### 15.10 Withdrawal of motion

A member may withdraw a motion 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.

#### 15.11 Right of reply

- (a) 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.
- (b) The mover of a motion may nominate another member to exercise the Right of Reply in their place.
- (c) 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.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.

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

When a motion is under debate, no other motion may be moved except the following procedural motions:

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

- (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; and
- (h) to not hear further a member named under Rule 22.4 or to exclude them from the meeting under Rule 22.5.

#### 15.13 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 15.14 Point of order

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure 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.

#### 15.15 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

## **16. PREVIOUS DECISIONS AND MOTIONS**

#### 16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 20 members.

#### 16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### 16.3 Decision of Committee to rescind a previous decision

If a Committee decides that a decision of the Council or a Committee, made within the previous 6 months ought to be rescinded or substantially varied then that Committee, may recommend but may not resolve to the Council that the decision in question be rescinded or varied.

## **17. VOTING**

#### 17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put.

#### 17.2 Mayor's casting vote

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

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

#### 17.3 Show of hands

Unless a recorded vote is demanded under Rules 17.4 and 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### 17.4 Recorded vote

Save in relation to a Budget Setting Meeting of the Council where rule 17.6 applies, if 8 members present at the meeting demand it, by standing in their places, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. This rule does not apply to procedural motions and is subject to the right of the Mayor to reject any demand for a recorded vote that is considered frivolous or vexatious.

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

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

#### 17.6 Recorded votes at Budget Setting Meetings

Immediately after any vote is taken at a Budget Setting Meeting of the Council the names of the members voting for, against or abstaining from the decision will be recorded in the minutes of the meeting.

#### 17.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then 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.

### 18. MINUTES

#### 18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor 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, which shall be raised by motion. If no such

PART FOUR – RULES OF PROCEDURE  
Section A – Council Procedure Rules

question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.

18.2 No requirement to sign minutes of previous meeting at extraordinary meeting

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 which is not an extraordinary meeting will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

18.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

**19. SUBMISSION OF RECOMMENDATIONS AND REPORTS**

19.1 The Chief Executive shall submit a report listing any recommendations from Overview and Scrutiny Committee requiring policy change or Cabinet action. The Mayor shall itemise, in turn, each area of dispute between the Cabinet and the Scrutiny Committee and shall call for a debate on each item. At the conclusion of the debate on each item, the Mayor shall call for a vote to be taken on the item concerned.

19.2 Where the Cabinet or a Committee is making a recommendation to full Council requiring a decision or resolution of the Council a report shall be submitted on the matter. Where the Cabinet or a Committee consider that any matter coming before them merits being drawn to the notice of the full Council, then a report shall be submitted to the next practicable meeting of the Council.

(a) Proposed amendments to recommendations to Council reports must be received in writing by the Democratic Services and Scrutiny Manager, proposed and seconded by two members and received no later than 10:00am on the day of the meeting. The Democratic Services Manager will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting and in any event before 2.00pm on the day of the meeting with comments from officers if required.

(i) A proposed amendment to a recommendation must be relevant to the recommendation.

(ii) Amendments to recommendations will be moved after the substantive item has been introduced by the relevant member.

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

(iii) If the amendment is agreed, it will take the place of the recommendation and will then be put to the meeting. If the amendment is not agreed by Council, the original recommendation will then be put to Council.

19.3 In all other cases decisions of the Cabinet, Committees and other bodies may be implemented once the decision is made subject to the procedures on suspending definitive action the Call-In Procedure Rules in and any statutory action by the Monitoring Officer.

19.4 The Chair of the Overview and Scrutiny Committee and the Chair of the Standards Committee will submit a written reports on the proceedings of the Committees as often as the Committees consider necessary but at least once a year at the first meeting after the annual meeting of the Council.

## **20. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting.

## **21. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

## **22. MEMBERS' CONDUCT**

### **22.1 General conduct**

Members are required to comply with the Code of Conduct at all times. Where necessary and appropriate the Mayor will remind members of their responsibilities under the Code during the course of the meeting.

### **22.2 Standing to speak**

When a member speaks at full Council they must stand and address the meeting through the Mayor, except where the member or members may be physically unable to do so. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **22.3 Mayor standing**

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

When the Mayor indicates by standing or some other means during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

#### 22.4 Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor or any other member may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

#### 22.5 Member to leave the meeting

If the member continues to behave improperly after such a Motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period and to a specified place. If seconded, the motion will be voted on without discussion.

#### 22.6 General disturbance by individual member or groups of members

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long and to such place as he/she thinks necessary.

### **23. DISTURBANCE BY PUBLIC**

#### 23.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

#### 23.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

### **24. DECLARATIONS OF INTEREST OF MEMBERS**

- 24.1 If a member of the Council has a disclosable pecuniary interest or a prejudicial interest as referred to in the Members' Code of Conduct in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. The member may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and must withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

- 24.2 If a member of the Council has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

## **25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### 25.1 Suspension

All of these Council Rules of Procedure except Rules 20, 21 and 24 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### 25.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **26. ALTERATION OF DATE/TIME OF MEETING**

The Mayor or Deputy Mayor may in any case when he/she considers it necessary following consultation with the Leader, and provided due notice can be given, alter the date or time of the meeting of the Council.

## **27. INTEREST OF OFFICERS IN CONTRACTS**

The Monitoring Officer shall record particulars of any notice given by an officer of the council

## **28. ADVICE TO COUNCIL BY OFFICERS**

The Mayor may permit Officers to give advice to the Council as and when appropriate.

## **29. OPEN SESSIONS WITH PARTNERS**

- 29.1 The Leader, after consultation with the Mayor, may request the Democratic Services Manager to call an open session at which partner organisations via nominated spokespersons will be invited to attend and debate with elected members, matters of common interest and public policy. Such meetings may be held outside Council premises. The Democratic Services Manager, will by letter, invite partner organisations to attend the event. The Council rules of debate will be applicable to open sessions and these will be set out in the letter of invitation.



PART FOUR – RULES OF PROCEDURE  
Section A – Council Procedure Rules

**30. VOTES OF NO CONFIDENCE**

- 30.1 A vote of no confidence relating to any office holder may only be moved if notice of it clearly set out as such appears on the agenda of the relevant meeting of the Council
- 30.2 In accordance with Article 7.06 in Part 2 of this Constitution, the Leader shall cease to hold office if a vote of no confidence is carried at a meeting of the full council by a majority of the members of the whole council then present. In that event Articles 7.06 and 7.07 make provision for the discharge of the Leader's functions.
- 30.3 A Chair of a Committee, Sub-Committee or other body shall cease to hold office if a vote of no confidence is carried at a meeting of the full Council by a majority of the members of the whole Council then present. The Vice Chair will assume the role of Chair until such time as the appointment of a replacement as Chair, or the re-appointment of the member concerned, by full Council.
- 30.4 For the avoidance of doubt, Rule 30.3 applies to all other bodies exercising non-executive functions including the Alexandra Palace and Park Board. Rule 30.3 shall not apply to the Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny/Review Panel but Article 6.05 shall apply.

**31. ALEXANDRA PARK AND PALACE**

Before full Council considers any matter, acting in its capacity as the statutory trustee of Alexandra Park and Palace trust, the Chief Executive shall read out the following reminder to Members: "When discharging the trustee function the Council must have regard to its duties as the trustee to the exclusion of all other matters. These duties include the obligation to act in the best interests of the charity above all other considerations. Similarly, each Member is under a duty, to the extent that it lies within the Member's power, to secure that the Council fulfils its duties as the trustee and, conversely, that the Council does not commit any breach of trust."

**32. RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA AT MEETINGS**

- 32.1 Meetings may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public recording, filming or reporting on any meeting shall be asked not to include the public seating areas, however the Council cannot guarantee that members of the public attending any meeting will not be

## PART FOUR – RULES OF PROCEDURE

### Section A – Council Procedure Rules

filmed or recorded by others attending the meeting. Members of the public participating in any meeting (e.g. making deputations, asking questions, making oral protests) will be aware that they are likely to be filmed, recorded or reported on. Members of the public shall be aware that by entering the meeting room they are consenting to being filmed and to the possible use of those images and sound recordings.

32.2 The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

32.3 There is a protocol outside this Constitution offering guidance on recording, photography and use of social media at Council, Cabinet and other public meetings.

### **33. MAYOR'S PREROGATIVE ON THE INTERPRETATION OF PROCEDURE RULES**

The ruling of the Mayor, with the advice of the Chief Executive or the Monitoring Officer, on the interpretation or application of any of these Standing Orders, or on any procedures of the Council Meeting, shall not be challenged at the meeting.