

# Council Procedure Rules

## 1. Annual Meeting of the Council

### 1.1 Date and Business for Annual Meeting of the Council

1.1.1 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, the Annual Meeting will take place in March, April or May.

### 1.2 Appointment of Leader after Whole Council Elections

1.2.1 In a year when there is an ordinary election of Councillors, the Council shall appoint a Leader at its Annual Meeting, which shall be the first meeting of the Council after its whole Council elections.

1.2.2 The Leader shall:

1.2.2.1 Appoint at least two but no more than nine Members as members of the Executive and allocate portfolio holder responsibilities to them.

1.2.2.2 Appoint one of the members of the Executive as Deputy Leader.

1.2.3 The Leader shall hold office as Leader until one of the following circumstances applies:

1.2.3.1 The Council holds its first meeting after the next whole Council elections following his or her election as Leader; or

1.2.3.2 They resign from office; or

1.2.3.3 They are disqualified from being a councillor; or

1.2.3.4 They are removed from office by resolution of the Council

1.2.3.5 They are no longer a councillor.

- 1.2.4 If the circumstances in 1.2.3.1 apply, the Council shall appoint a new Leader at the same meeting of the Council. In all other cases, at the first meeting of the Council held after the circumstances arise.
- 1.2.5 Members who are appointed to the Executive by the Leader shall continue in their roles on the Executive until one of the following circumstances applies:
- 1.2.5.1 In the case of the Deputy Leader, the end of the term of office of the Leader;
  - 1.2.5.2 The Leader makes changes to the roles of members of the Executive;
  - 1.2.5.3 They are removed from office by the Leader;
  - 1.2.5.4 They resign from office;
  - 1.2.5.5 They are disqualified from being councillors;
  - 1.2.5.6 They are no longer councillors.
- 1.2.6 Following a Borough Election and until the day of the Annual Meeting; if the Leader has not been re-elected as a councillor or, if re-elected, the political party of which they are a member does not have a majority on the council, then the powers of the Leader shall be exercised by the Head of Paid Services in consultation with all Group Leaders.

### **1.3 Other Business at the Annual Meeting of the Council**

- 1.3.1 In addition to the appointment of Leader which shall take place at the Annual Meeting in a year in which there is an ordinary election of Councillors, the Annual Meeting will:
- 1.3.1.1 elect a person to preside at the Annual Meeting if the Mayor is not present;
  - 1.3.1.2 elect the Mayor for the Borough of Harrow Council;
  - 1.3.1.3 note the Mayor's appointment of the Deputy Mayor of the Borough;

- 1.3.1.4 receive the results of the Borough Elections (in an election year);
- 1.3.1.5 receive notification from the Leader of the Council of the name of the Member appointed as their Deputy Leader (in an election year)
- 1.3.1.6 receive notification from the Leader of the Council of the number of Members they are appointing to the Executive, their names and their portfolios
- 1.3.1.7 take as read and approve the minutes of the last meeting;
- 1.3.1.8 receive any announcement from the Mayor or Leader;
- 1.3.1.9 receive any declarations of interests from Members;
- 1.3.1.10 establish at least one Overview and Scrutiny Committee and such other Committees 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);
- 1.3.1.11 receive annually the Allocation of Responsibilities (Scheme of Delegation) as set out in Part 3 of this Constitution;
- 1.3.1.12 approve a programme of ordinary meetings of the Council for the year; and
- 1.3.1.13 consider any other business set out in the notice convening the meeting.

#### **1.4 Selection of Councillors on Committees**

- 1.4.1 At the Annual Meeting, the Council will:
  - 1.4.1.1 decide which Committees to establish for the Municipal Year;
  - 1.4.1.2 decide the size and terms of reference of those Committees;

- 1.4.1.3 decide the allocation of seats (and reserves) to political groups in accordance with the rules on political proportionality;
  - 1.4.1.4 receive nominations and appoint Councillors to serve on each Committee;
  - 1.4.1.5 appoint a Chair for each Committee as may be appropriate for the Municipal Year;
  - 1.4.1.6 appoint independent members and co-optees to Committees as appropriate
  - 1.4.1.7 make appointments to any joint Committees with other authorities and to outside bodies.
- 1.4.2 As well as allocating Members' seats on Committees, the Council will allocate seats in the same manner for reserve Members. For each Committee, the Council will normally appoint the same number of reserves in respect of each political group as that group holds ordinary seats on that Committee. In every case groups shall be entitled to nominate a minimum of three reserves for appointment.

## **1.5 Replacement of Councillors on Committees, Sub-Committees, advisory bodies etc**

- 1.5.1 This Rule shall apply only to those committees or sub-committees or other internal bodies constituted in accordance with the political balance rules
- 1.5.2 Before a replacement of a Councillor appointed to a body may take effect, a minimum of five clear working days written notice shall be given to the Monitoring Officer by a Group Leader (or their nominated representative) of the replacement of one Councillor from their Group for another Councillor from their Group to serve on any committee, sub-committee, advisory panel etc.
- 1.5.3 A **replacement** shall continue in force until further notice as a permanent change unless a further written notice is received in accordance with 1.5.1 above.

- 1.5.4 At the beginning of the relevant meeting to which the replacement applies, the Chair shall advise of the details of any replacements. Details of replacements will be minuted.
- 1.5.5 The appointment of a replacement Councillor under this Procedure Rule shall be deemed to be an expression of the wishes of the relevant political group under the political balance rules and shall be deemed to be an appointment made by the Council, Committee or Cabinet (as appropriate).

## **2. Ordinary Meetings**

**2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council and listed in the Calendar of Meetings.**

## **3. Extraordinary Meetings**

### **3.1 Calling Extraordinary Meetings**

- 3.1.1 Those listed below may request the Monitoring Officer to call Council meetings in addition to ordinary meetings:
  - 3.1.1.1 the Council by resolution;
  - 3.1.1.2 the Mayor; or
  - 3.1.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor and they have refused to call a meeting or have failed to call a meeting within 5 clear working days of the presentation of the requisition.
- 3.1.2 If the Chief Finance Officer makes a report under section 114 of the Local Government Finance Act 1988 or the Monitoring Officer makes a report under section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall call a meeting of the Council for the purpose of considering that report within the period specified by the relevant statute.

## **3.2 Business**

3.2.1 Business at Extraordinary meetings of the Council shall be restricted to:

- 3.2.1.1 the election of a person to preside if the Mayor is absent;
- 3.2.1.2 any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;
- 3.2.1.3 any petitions relating to items of business on the agenda which the Mayor agrees to hear.

## **4. Order of Business at Ordinary Meetings**

### **4.1 Arrangement of Items in the Summons**

Items to be included in the Summons shall be in any order that is considered appropriate by the Monitoring Officer for the efficient dispatch of the business of that meeting.

### **4.2 Order of business**

4.2.1 Except as qualified by 4.1 and varied by Rule 4.4 the order of business at Ordinary Council meetings shall be to:

- 4.2.1.1 choose a person to preside if the Mayor is absent;
- 4.2.1.2 receive declarations of interest from Members and any dispensations granted by the Governance, Audit, Risk Management and Standards Committee (if any);
- 4.2.1.3 take as read and confirm the minutes of the last meeting;
- 4.2.1.4 receive petitions from Members and the public in accordance with the arrangements for the making of petitions (see Rule 10);

- 4.2.1.5 receive questions from, and provide answers to, the public in accordance with the rule for public questions (see Rule 11);
- 4.2.1.6 deal with any business from the last Council Meeting if necessary;
- 4.2.1.7 receive any announcements from the Leader and/or Portfolio Holders;
- 4.2.1.8 receive reports from the Executive and the Council's Committees and receive questions and provide answers on any of those reports;
- 4.2.1.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees or Scrutiny Sub-Committee, and reports of the Head of Paid Service as appropriate;
- 4.2.1.10 receive questions from, and provide answers to, Members of Council in accordance with the Rules for questions by Members (Rule 12);
- 4.2.1.11 consider motions;
- 4.2.1.12 receive reports and questions about joint arrangements and external organisations;
- 4.2.1.13 receive a statement from the Leader on his or her activities as Leader since the date of the previous Council meeting.

### **4.3 Leader and Portfolio Holders' Announcements**

- 4.3.1 Announcements by the Leader and Portfolio Holders submitted in accordance with Rule 4.2 will be dealt with at ordinary meetings of the Council in the following way:
  - 4.3.1.1 A Leader and Portfolio Holders' Announcements item will appear on the Council's order of business paper as

a separate item and the Leader and / or Portfolio Holders may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council;

- 4.3.1.2 The Leader and Portfolio Holders' Announcements will last not more than twenty minutes. Up to 10 minutes will be allowed for the announcements and the remainder of the time will be allowed for questions from Members;
- 4.3.1.3 Members will be permitted to ask questions in relation to the announcements on a "first called, first answered" basis;
- 4.3.1.4 A Councillor asking a question under Rule 4.3.1.3 may ask one supplementary question at the Council meeting at which the Leader's answer is given. The supplementary question must arise directly out of the original question or the reply.
- 4.3.1.5 Leader's Announcements does not apply to Annual, Extraordinary, Council Tax or adjourned meetings of the Council.

#### **4.4 Variation to the Order of Business**

- 4.4.1 With the exception of items referred to in 4.2.1.1 and 4.2.1.2 of Rule 4.2, the order of business may be varied on motion without debate so as to give precedence to any question of special importance. If the Mayor proposes the motion it may be put to the vote without being seconded.

### **5. Arrangements for Meetings**

#### **5.1 Time and Place of Meetings**

- 5.1.1 Meetings of the Council shall take place at the time and place stated on the summons. Following consultation with the Leaders of each of the political groups and subject to compliance with the Access to Information Rules, the Mayor shall have the power to



alter the venue, day and time if they believe it to be appropriate for the conduct of the business of the Council.

## **5.2 Cancellation of Meetings**

5.2.1 The Head of Paid Service and or the Monitoring Officer may cancel an ordinary meeting of the Council either before or after the summons for the meeting has been issued provided that reasons for the cancellation are given.

## **6. Notice of and Summons to Meetings**

6.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 4G of the Constitution. At least five clear working days before a meeting, the summons signed by the Monitoring Officer will be sent to every Member of the Council. The summons will give the date, time and place of the meeting and specify the business to be transacted. It will be accompanied by all relevant reports.

6.2 If there is a request to add an item to the Summons after the statutory deadline for publication, that item may only be considered if the Mayor (as Chair of the Council) agrees, by virtue of the special circumstances set out either in the report or on the supplemental Summons, that the item should be considered as a matter of urgency and then specified in the minutes of the meeting.

6.3 This provision does not apply to any item raised under Rule 15.2 (Urgent Motions) which the Council agrees to accept as an item of business.

## **7. Person to Preside**

7.1 The person presiding at the meeting may exercise any power or duty of the Mayor.

## **8. Quorum**

8.1 The quorum of a meeting of the Council will be one quarter of the whole number of Members.

8.2 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Mayor may decide, a quorum is not present,

the meeting will not take place. The Mayor may announce the date and time that the meeting will be convened.

- 8.3** During any meeting if the Mayor counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. Duration of Meetings**

### **9.1 Commencement and Closure**

Meetings of the Council will commence at the time set on the agenda and continue for 3 hours, except as determined under Rule 9.2 or where the Council is:

- (a) considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or
- (b) considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

### **9.2 Varying the Closure Time**

9.2.1 A meeting of the Council shall terminate in the manner set out in Rule 9.3 unless:

9.2.1.1 the business of the meeting has been completed before 3 hours have expired; or

9.2.1.2 by resolution passed before the closure time, the Council resolves to extend the meeting beyond that time, in one of the following ways, which must be specified by resolution:

- (a) to continue in the normal manner and complete the business remaining on the summons; or
- (b) to determine a later time by when the meeting must close and, if the business is not completed by that later

time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate;

(c) no meeting will continue past 10.30 pm.

9.2.2 For the avoidance of doubt, a meeting may use the provisions within 9.2.1.2(b) above more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.

9.2.3 In considering whether (a) and (b) above are expedient, the Council will have regard to not prejudicing third party rights or interests affected by the remaining business on the summons.

### **9.3 Determining Business Upon Closure**

9.3.1 At the time of closure the Mayor will advise the Council that the procedure to terminate the meeting is to be applied;

9.3.2 Any speech commenced and then in progress, in accordance with Rule 16.4, shall be concluded;

9.3.3 The Mayor will put any motion or recommendation of a Committee then under consideration to the vote without further discussion;

9.3.4 All remaining business before the Council (inclusive of Committee recommendations, motions and amendments, of which written notice has been given to the Mayor prior to the meeting), shall be put to the vote without discussion or further amendment;

9.3.5 The right to ask an oral question on any matter before the Council at that meeting shall be lost but a subsequent written answer shall be given by the Leader or relevant Committee Chair or Portfolio Holder to any question to them already notified in writing.

## **10. Petitions**

### **10.1 Presentation of Petitions**

10.1.1 All petitions received shall normally be dealt with in accordance with the Council's Petition Scheme (at Appendix A to these Rules) and will be referred to the appropriate Council Committee or sub-

committee, or to the Executive, Portfolio Holder, Advisory Panel or Consultative Forum of the Executive. If the petitioners request that the petition be presented at a meeting of Council this can be done in the following ways:

- 10.1.1.1 a representative of the petitioners may attend at the time stated for the start of the Council meeting and request to read the petition to the meeting;
  - 10.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;
  - 10.1.1.3 the petitioners may send the petition to the Monitoring Officer and request for the Mayor to read the petition.
- 10.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Mayor determines that this time limit should be extended or reduced.

## **10.2 Notice and Consideration of Petitions**

- 10.2.1 There is no need for any advance notice to be given of the wish to present a petition to Council.
- 10.2.2 After all petitions have been read they shall stand to be dealt with in accordance with the Petition Scheme and will usually be referred to the appropriate Council Committee, sub-committee or Executive, Advisory Panel, Consultative Forum or Portfolio Holder. Subject to 10.2.3 unless the Mayor decides otherwise, no discussion shall take place on any petition.
- 10.2.3 Petitions that meet the criteria set out in Section 6 of the Petition Scheme will be considered by the Council in accordance with the provisions of that Section.

## **11. Public Questions**

### **11.1 General**

- 11.1.1 Members of the public may ask questions of Members of the Executive, Portfolio Holders and Chairs of Council Committees at

ordinary meetings of the Council. Questioners will not be allowed to address the Council generally on a matter, they may only ask questions.

## **11.2 Time Limit for Questions**

11.2.1 There will be a time limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached no further questions can be asked but a questioner can complete a question or a supplemental question, and the Member can complete a reply. Unless the Mayor permits otherwise, a reply to a question shall not exceed three minutes. If the Member answering believes that a longer response is necessary, an oral summary will be given and a full reply shall be completed in writing. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council and be recorded in the Minutes of the meeting.

## **11.3 Order and Notice of Questions**

11.3.1 Questions will be asked in the order that notice of them was received, except that the Mayor may group together similar questions.

11.3.2 A question may only be asked if notice has been given in writing or by electronic mail to the Monitoring Officer at [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than 3.00 pm two clear working days before the day of the meeting. Each question must be emailed submitted by the questioner, identifying their name, address, and where appropriate e-mail address, and give the name of the Member to whom it is to be put.

11.3.3 Without prejudicing 11.3.2 above, where a report is circulated after the normal Council agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing or by electronic mail to the Monitoring Officer at [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than **3.00 pm ONE** clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Member to whom it is to be put.

- 11.3.4 The Member to whom any question is put may arrange for another Member to answer on their behalf.
- 11.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address or postal address.

#### **11.4 Number of Questions**

- 11.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Mayor may reject a supplemental question if it falls within any of the categories in paragraph 11.5 below.

#### **11.5 Scope of Questions**

- 11.5.1 The Mayor on the advice of the Monitoring Officer may, on giving reasons, reject a written question if it:
  - 11.5.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper
  - 11.5.1.2 does not relate to a matter for which the Council has powers or duties; or
  - 11.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or
  - 11.5.1.4 would require the disclosure of confidential or exempt information; or
  - 11.5.1.5 is substantially the same as a question which has been put at any meeting of the Council in the last six months.
- 11.5.2 No invalid questions will be circulated.

#### **11.6 Record of Public Questions**

- 11.6.1 The Monitoring Officer will make the public questions available for the public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

- 11.6.2 Copies of all valid questions will be circulated to all Members and will be made available to the public at the meeting.

## **11.7 Asking Questions at the Meeting**

- 11.7.1 The Mayor will invite the questioner to put the question to the Member named in the notice or other Member nominated to answer.
- 11.7.2 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 either:
- 11.7.2.1 ask the question on the questioner's behalf; or
  - 11.7.2.2 indicate that a written reply will be given; or
  - 11.7.2.3 decide that, in the absence of the questioner, that the question will not be dealt with.

## **11.8 Written Answers**

- 11.8.1 Any question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council.

## **11.9 Reference of a Question to the Executive, a Portfolio Holder, Committee, Advisory Panel or Consultative Forum**

- 11.9.1 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 Executive, Portfolio Holder, Advisory Panel or Consultative Forum of the Executive or appropriate Council Committee or sub-committee. Such a motion will be voted on without discussion.

## **12. Member Questions**

### **12.1 Questions Without Notice**

- 12.1.1 A Member of the Council may ask a Member of the Executive, or Chair of a Committee any question without notice upon an item in a

report of the Executive or a Committee when that item is initially proposed and prior to the commencement of formal debate by the Council.

- 12.1.2 Questions asked under this Rule shall be asked and answered at the time the matter relating to the question is under consideration.

## **12.2 Questions With Notice**

- 12.2.1 Subject to Rule 12.3, a Member of the Council may ask a Member of the Executive or the Chair of any Committee a question (which depending on its nature may be dealt with in either public or private session) on any matter in relation to which the Council has powers or duties or which affects the London Borough of Harrow.

- 12.2.2 A limit of 15 minutes shall be given to the asking of written questions by Members under this Rule.

## **12.3 Notice of Questions**

- 12.3.1 A Member may only ask a question under Rule 12.2 if either:
- 12.3.1.1 they have submitted such question by 3.00 pm, two clear working days before the day of the meeting in writing, of the question to the Monitoring Officer; or
  - 12.3.1.2 without prejudicing 12.3.1.1 above, where a report is circulated after the normal Council agenda despatch by supplemental agenda a question may be asked, if notice has been given in writing to the Monitoring Officer no later than **3.00 pm ONE** clear working day before the date of the meeting; or
  - 12.3.1.3 the question relates to urgent matters, and they have the consent of the Committee Chair or Executive Member to whom the question is to be put and the content of the question is given to the Monitoring Officer by 12.00 noon on the day of the meeting.
- 12.3.2 Questions will be answered strictly in accordance with the order in which they are received by the Monitoring Officer.



## **12.4 Response**

- 12.4.1 An answer may be given by the Member to whom the question was asked or by such other member as is considered appropriate.
- 12.4.2 An answer may take the form of:
- 12.4.2.1 a direct oral answer;
  - 12.4.2.2 where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - 12.4.2.3 where the reply cannot conveniently be given orally a written answer will be supplied. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council and be recorded in the Minutes of the meeting.

## **12.5 Supplementary Question**

- 12.5.1 A Member asking a question under Rule 12.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## **12.6 Limits to the Length of Questions and Responses**

- 12.6.1 A questioner may only ask a direct question and may not seek to address the meeting on any issues arising.
- 12.6.2 A Member giving an answer may speak for no longer than three minutes in replying to that question (two minutes in respect of a supplemental question). If a Member believes that a longer answer is necessary an oral summary will be given and a full reply shall be completed in writing. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Council and be recorded in the Minutes of the meeting.

## **12.7 Referral to the Executive, a Portfolio Holder or a Committee**

12.7.1 Every question shall be put and answered without discussion. Any Member can move that the matter raised by the question be referred to the Executive, Portfolio Holder or appropriate Committee or sub-committee. Once seconded such a motion shall be voted upon without discussion.

## **12.8 Invalid Questions**

12.8.1 The Mayor may, in consultation with the Monitoring Officer rule out of order questions which in his or her opinion:

12.8.1.1 would risk defamation of an individual or are frivolous or offensive or otherwise improper; or

12.8.1.2 do not relate to a matter for which the Council has powers or duties or do not affect the London Borough of Harrow; or

12.8.1.3 would require the disclosure of confidential or exempt information; or

12.8.1.4 are substantially the same as a question which has been put at any meeting of the Council in the last six months.

12.8.2 No invalid questions will be circulated.

## **13. Recommendations from the Executive, Committees and Statutory Officers**

### **13.1 Receipt of Recommendations from the Executive**

13.1.1 The Executive shall make recommendations to the Council on any matter that is within the Council's functions falling to the Council to determine or on which the Executive is required to consult with or obtain the approval of the Council. Such recommendations shall be moved by the Leader. A seconder to such a motion is not required.

## **13.2 Receipt of Recommendations from Committees**

13.2.1 The Council shall consider recommendations made to it by Committees on matters falling within the Council's terms of reference. The recommendation shall be moved by the Chair of that Committee. A seconder to such a motion is not required.

## **13.3 Order of Recommendations**

13.3.1 Recommendations to the Council from the Executive or a Committee shall be placed on the summons by the Monitoring Officer in such order as seems most convenient for the conduct of the business of the Council. They shall be considered in the order on the summons unless the Mayor proposes to vary the order of business under Rule 4.4.

## **13.4 Receipt of Recommendations from Statutory Officers**

13.4.1 The Head of Paid Service may make reports to Council as necessary. The Head of Paid Service, Monitoring Officer, Section 151 Officer, Director of Children's Services and Director of Adult Social Services may report to Council as required by statute in the exercise of their statutory responsibilities.

## **14. Items affecting the employment of officers**

14.1 This rule applies during consideration of an appeal from an officer arising out of a decision made by the Chief Officers' Employment Panel or a recommendation to dismiss made by the Independent Panel.

14.2 The officer who is the subject of the item and a person accompanying them under the statutory right to be accompanied has the right to speak in relation to the item.

14.3 Rule 12.1 (Questions without notice) shall apply with a modification that questions may also be asked of the officer who is the subject of the item.

## **15. Motions**

### **15.1 Notice**

15.1.1 Except for motions that can be moved without notice under Rule 15, and urgent motions under Rule 15.2, written notice of every motion,

signed by at least two Members, must be delivered to the Monitoring Officer not later than 5.00 pm six clear working days before the date of the meeting. All motions will be entered in a document open to public inspection.

Examples of this deadline

Day of meeting	Motion must be with Monitoring Officer by 5.00 pm
Monday 17 <sup>th</sup>	Thursday 6 <sup>th</sup>
Tuesday 18 <sup>th</sup>	Friday 7 <sup>th</sup>
Wednesday 19 <sup>th</sup>	Monday 10 <sup>th</sup>
Thursday 20 <sup>th</sup>	Tuesday 11 <sup>th</sup>
Friday 21 <sup>st</sup>	Wednesday 12 <sup>th</sup>

## 15.2 Urgent Motions

15.2.1 A motion, which would otherwise require notice under Rule 15.1 may be moved without prior notice providing:

15.2.1.1 a copy of the motion signed by at least two Members is delivered by 5.00 pm on the day of the meeting to the Monitoring Officer;

15.2.1.2 written reasons for urgency are given by the mover with the motion; and

15.2.1.3 the Council agrees, without debate, to accept the motion.

15.2.2 The Monitoring Officer will make copies available to every Member of Council at the start of the meeting or earlier if practicable.

## 15.3 Motions Set Out in Summons

15.3.1 Motions for which notice has been given under Rule 15.1 will be listed on the summons in the order in which notice was received.

15.3.2 Notices of motion on the summons shall state the names of the two Members proposing and seconding the motion.

## **15.4 Invalid Motions**

- 15.4.1 The Mayor may, in consultation with the Monitoring Officer rule out of order motions which in his or her opinion:
- 15.4.1.1 would risk defamation of an individual or are frivolous or offensive or otherwise improper
  - 15.4.1.2 do not relate to a matter for which the Council (as local authority) has powers or do not affect the London Borough of Harrow; or
  - 15.4.1.3 would require the disclosure of confidential or exempt information; or
  - 15.4.1.4 are substantially the same as a motion which has been put at any meeting of the Council in the last six months.
- 15.4.2 No invalid motions will appear on the Council agenda or be otherwise circulated.

## **15.5 Motions Relating to Reports and Recommendations on the agenda**

- 15.5.1 Where the Mayor considers it appropriate, any motion for which notice has been duly given and which relates to any recommendation of the Executive or a Committee or a statutory officer to be considered at the same meeting, may be treated as an amendment to such recommendation and shall be considered at the same time as the recommendation is considered.

## **15.6 Motions Relating to a Matter Delegated to the Executive or a Committee**

- 15.6.1 If the Mayor, in consultation with the Monitoring Officer, considers that any motion made under this Rule refers to matters within the powers of the Executive or a Committee of the Council, then it shall be indicated on the Council summons, supported by reasons, that the motion shall stand referred to the next meeting of the Executive or to a Committee. Any Member may move that any such referral should not apply to a motion, and if seconded, that motion shall be put to the vote without any discussion. Provided that after disposal of any motions relating to business reserved to the Council the Leader of the Opposition may move one motion at a meeting of

Council (excluding the Annual Meeting) relating to a matter within the powers of the Executive which shall not stand automatically referred to the next meeting of the Executive but shall be dealt with as if paragraph 15.7.1 below applied, such motion having been identified to the Director of Legal and Governance Services at the time of the deadline for submissions of motions.

## **15.7 Motions Stand referred to the Executive under Rule 15.6**

15.7.1 If a motion is marked on the Summons as to stand referred to the Executive under Rule 15.6, then where Council decides to disapply the referral and allow the matter to be debated, the Council can make no decision on the matter but may make a recommendation or pass comments to the Executive.

15.7.2 The Executive shall not be bound to accept any such recommendation or act on any such comments.

## **15.8 Motions calling for a Report**

15.8.1 A motion which calls for a report on a given matter and which has been signed by six Members of the Council shall be referred without discussion to the next meeting of the Executive or appropriate Committee, or to a Portfolio Holder. A report from the Executive, Portfolio Holder or Committee shall be submitted to the Council within a maximum of four months unless the Council agree a longer period.

## **16. Motions Without Notice**

### **16.1 Motions that may be moved by any Member without notice**

16.1.1 The following motions may be moved without notice by any Member:

16.1.1.1 in the absence of the Mayor of the Council, to appoint the Deputy Mayor or another Member to preside at the meeting at which the motion is moved;

16.1.1.2 in relation to the accuracy of the minutes;

16.1.1.3 to change the order of business on the agenda;

- 16.1.1.4 to refer a matter to an appropriate body or individual;
- 16.1.1.5 to appoint a Committee or Member arising from an item on the summons for the meeting;
- 16.1.1.6 to receive recommendations or reports from the Executive, a Portfolio Holder, Committee or an officer and any resolutions following from them;
- 16.1.1.7 to withdraw a motion;
- 16.1.1.8 to amend a motion;
- 16.1.1.9 to extend the time limit for speeches;
- 16.1.1.10 that the meeting continue beyond three hours in duration;
- 16.1.1.11 to suspend a particular Council Procedural Rule;
- 16.1.1.12 to exclude the press and public in accordance with Rule 11 of the Access to Information Procedure Rules;
- 16.1.1.13 to not hear further a Member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4; and
- 16.1.1.14 to give the consent of the Council where its consent is required by this Constitution.

## **16.2 Motions relating to Closure of Debate, Adjournment and Next Business**

- 16.2.1 The following motions may be moved without notice by any Member who has not spoken on the matter under debate at the close of any speech:
  - 16.2.1.1 that the Council meeting be adjourned with immediate effect;
  - 16.2.1.2 that the debate be adjourned to the next meeting of the Council;
  - 16.2.1.3 that the Council proceed to the next item of business on the agenda;

16.2.1.4 that the question be now put without further debate.

### **16.3 Limits to the Right to Move Motions Under 15.2**

16.3.1 The Mayor shall have the power to refuse to accept a motion under 15.2 if, in their opinion, they consider it to be premature.

### **16.4 Further Provisions Relating to Motions Under 15.2**

16.4.1 When a motion to adjourn is carried, the Mayor shall determine which Member shall have the right to open the debate when resumed.

16.4.2 When a motion that the question be now put is carried the mover of the motion previously under discussion shall have the right to reply before the vote is taken on that motion or on an amendment to that motion if they have not already spoken to the amendment.

## **17. Rules of Debate**

### **17.1 No Speeches Until Motion Seconded**

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

### **17.2 Right to Require Motion in Writing**

17.2.1 Unless written notice of the motion has already been given, the Mayor may require it to be written down and handed to them before it is discussed.

### **17.3 Seconded's Speech**

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

### **17.4 Content and Length of Speeches**

17.4.1 This Rule does not apply to motions moved under Rule 16, which must (except as stated in Rule 16) be moved and seconded without speeches.



- 17.4.2 Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- 17.4.3 Subject to sub-paragraph 17.4.4 the speech of a proposer of a motion or of an amendment shall not exceed five minutes and no other speech shall exceed three minutes.
- 17.4.4 The Mayor may allow speeches to continue for a longer period where they consider that it is the wish of the Council that they should do so.
- 17.4.5 Rule 17.4.3 does not apply where the Council is:
- (a) considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or
  - (b) considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

## **17.5 When a Member May Speak Again**

- 17.5.1 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 17.5.1.1 to speak once on an amendment moved by another Member;
  - 17.5.1.2 to move a further amendment if the motion has been amended since they last spoke;
  - 17.5.1.3 if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they first spoke was carried);
  - 17.5.1.4 in exercise of a right of reply;
  - 17.5.1.5 on a point of order; and
  - 17.5.1.6 by way of personal explanation.

## **17.6 Amendments to Motions**

17.6.1 An amendment to a motion must be relevant to the motion and will either be:

17.6.1.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;

17.6.1.2 to leave out words;

17.6.1.3 to leave out words and insert or add others;

17.6.1.4 to insert or add words;

as long as the effect of 17.6.1.2 to 17.6.1.4 is not to negate the motion or to introduce a new proposal.

17.6.2 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.

17.6.3 If an amendment is not carried, other amendments to the original motion may be moved.

17.6.4 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.

17.6.5 Except when the provisions in Rule 9.2.1.2(b) and 9.3 are being used, 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.

## **17.7 Alteration of a Motion by the Mover**

17.7.1 When first moving it, a Member may alter a motion of which they have given notice with the consent of the meeting and the seconder. The meeting's consent will be signified without discussion.

17.7.2 A Member may also alter a motion, which they have moved without notice, during the meeting, with the consent of the meeting and the

seconder. The meeting's consent will be signified without discussion.

- 17.7.3 Only alterations, which could be made as an amendment may be made.

## **17.8 Withdrawal of a Motion**

- 17.8.1 A Member may withdraw a motion, which they have 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 that permission has been refused.
- 17.8.2 If a motion set out in the summons is not moved by one of the two signatories to the notice of motion, or by some other Member on their behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

## **17.9 Right of Reply**

- 17.9.1 The mover of a motion (including a substantive motion following an approved amendment) has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- 17.9.2 The mover of the original motion may speak once on the amendment either during the debate on the amendment or as a right of reply at the close of the debate on the amendment.
- 17.9.3 The mover of an amendment has no right of reply to the debate on his or her amendment.
- 17.9.4 A Member exercising a right of reply shall not introduce new matters, and, after every right of reply to which this Rule refers, a decision shall be taken without further discussion.

## **17.10 Motions that may be Moved During Debate**

- 17.10.1 When a motion is under debate, no other motion may be moved except the following procedural motions:
- 17.10.1.1 to withdraw a motion;

- 17.10.1.2 to amend a motion;
- 17.10.1.3 to proceed to the next business;
- 17.10.1.4 that the question be now put;
- 17.10.1.5 to adjourn a debate;
- 17.10.1.6 to adjourn the meeting;
- 17.10.1.7 that the subject of debate be referred to or be referred back to the Executive, a Portfolio Holder or a Committee;
- 17.10.1.8 that the meeting continue beyond three hours in duration;
- 17.10.1.9 to exclude the press and public in accordance with Rule 12 of the Access to Information Procedure Rules; and
- 17.10.1.10 to not hear further a Member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4.

## **17.11 Point of Order**

- 17.11.1 A Member may raise a point of order at any time and shall indicate their wish to do so by addressing the Mayor. The Mayor will hear it immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or of the law. The Member must start by identifying the Rule or law and the way in which they consider it to have been broken. The ruling of the Mayor on the matter will be final.

## **17.12 Personal Explanation**

- 17.12.1 A Member who has been named by another Member may seek to make a personal explanation if the named Member believes that an earlier speech by the named Member during the meeting has been misunderstood. A Member shall indicate their wish to make a personal explanation by addressing the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

## **18. Previous Decisions and Motions**

### **18.1 Motion to Rescind a Previous Decision**

18.1.1 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 one quarter of the Members of the Council.

### **18.2 Motion Similar to One Previously Considered**

18.2.1 A motion or amendment in similar terms to one that has been considered 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 one quarter of the Members of the Council.

### **18.3 Not to Apply to Recommendations**

18.3.1 This Rule does not apply to motions in pursuance of a recommendation to Council made by the Executive, a Portfolio Holder or a Committee under Rules 13.1 and 13.2.

## **19. Voting**

### **19.1 Majority**

19.1.1 Unless required by Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and seated in the room at the time the question was put. Voting shall be by a show of hands.

### **19.2 Mayor's Casting Vote**

19.2.1 If there is an equal number 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.

### **19.3 Individual Recorded Vote and Explanation for Vote**

19.3.1 If immediately before the vote is taken any Member present at the meeting requests that their vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

19.3.2 A recording of a vote or abstention in the minutes shall be made without explanation save in cases where it is necessary for the avoidance of ambiguity, when a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

#### **19.4 Recorded Vote at Annual Council Tax Meeting**

19.4.1 At any meeting of the Council where a decision is taken on the setting of council tax or budget, then the vote of each member present for or against or not voting shall be so recorded in the minutes.

#### **19.5 Recorded Vote by Roll Call**

19.5.1 If immediately before an ordinary vote is taken 10 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### **19.6 Voting on Appointments**

19.6.1 If there are more than two people nominated for any position to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be disregarded and a fresh vote shall be taken. The process shall be repeated until a majority of votes is given to one person.

19.6.2 The provisions of sub-paragraph 19.6.1 shall apply to each appointment to an outside body. If the Council is required to appoint more than one person to a position on an outside body, the appointment to each position shall be treated as a separate appointment.

### **20. Minutes**

#### **20.1 Signing the Minutes**

20.1.1 The Mayor will sign the minutes of the proceedings at the next available meeting. The Mayor will move that the minutes of the

previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

## **20.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary meeting**

20.2.1 Where in relation to any meeting, the next meeting for the purposes of signing the minutes is a meeting called under paragraph 3 of Schedule 12 of 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.

## **20.3 Minutes of Decisions of the Council**

20.3.1 Minutes of the Council shall be published on the Council's intranet and website. Minutes shall be published within 5 clear working days of the date of the meeting.

## **21. Record of Attendance**

21.1 All Members present during the whole or part of a meeting must, before the conclusion of every meeting, sign their names in the attendance document provided.

## **22. Exclusion of The Press & Public**

22.1 Members of the public and press may only be excluded either in accordance with Rule 12 of the Access to Information Procedure Rules in Part 4 of this Constitution or under Rule 25 (Disturbance by the Public).

## **23. Members' Conduct**

### **23.1 Standing to Speak**

23.1.1 When a Member speaks at a meeting of Council they must stand and address the meeting through the Mayor. 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. This rule will not apply to those with disabilities or who are otherwise unable to stand.

## **23.2 Mayor Standing**

23.2.1 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

## **23.3 Member not to be Heard Further**

23.3.1 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further for the remainder of the item of business being considered. If seconded, the motion will be voted on without discussion.

## **23.4 Member to Leave the Meeting**

23.4.1 If the Member continues to behave improperly after such a motion under 23.3.1 is carried, the Mayor may move that either the Member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## **23.5 General Disturbance**

23.5.1 If there is a general disturbance making business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

## **24. Confidential Business**

**24.1** All reports, other documents, information, discussions and proceedings of the Council which are marked "Exempt" under Schedule 12A of the Local Government Act 1972, or "Confidential", must be treated as such by all Members of the Council. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document.

**24.2** Confidential and/or exempt items will be discussed in 'Part II' of the Council meeting following a resolution to exclude the press and public.



## **25. Disturbance by the Public**

### **25.1 Removal of Member of the Public**

25.1.1 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.

### **25.2 Clearance of part of a Meeting Room**

25.2.1 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.

### **25.3 Adjournment**

25.3.1 Following an order by the Mayor for one or more members of the public to leave the meeting room, if they deem it necessary in the interests of public safety and for the safety of Members and officers present, the Mayor may adjourn the meeting for as long as they think necessary.

25.3.2 If it is considered expedient so to do, the Mayor with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

## **26. Suspension and Amendment of Council Procedure Rules**

### **26.1 Suspension**

26.1.1 All of these Council Rules of Procedure except Rules 18.3, 19.2, 21, 25 and 27.1 may be suspended by motion on notice, or without notice if at least one half of all Members of the Council are present, and where such motion is carried by a majority of those present. Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

### **26.2 Amendment and Revocation**

26.2.1 Any motion, which has the effect of amending, or revoking any part of the Council's Procedural Rules shall, when proposed or seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**27. Ruling of the Mayor on Interpretation of these Rules**

- 27.1** The Mayor's ruling on the interpretation or application of any of the Council Procedure Rules is final.