

# **Council (Extraordinary)**

## **SUPPLEMENTAL SUMMONS**

**DATE: Thursday 24 October 2013**

**3. THE CONSTITUTION (Pages 1 - 94)**

Enclosed are the background documents for the discussion on Item 3 – The Constitution.

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# **ARTICLE 1**

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# Article 1

## The Constitution

### Introduction

**This Article sets out the fundamental provisions of the Constitution. It confirms that the Authority will act within the law and the provisions of this Constitution, and also that the Authority will monitor and review its Constitution.**

#### 1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

#### 1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Council of the London Borough of Harrow.

#### 1.03 Purpose of the Constitution

The Council's aim is:

***To deliver high quality, cost effective services through a partnership with all stakeholders and the community in general.***

***To govern within a framework of fairness, openness, integrity and accountability.***

The purpose and principles outlined in the Constitution seek to:

- enable the Council to provide clear leadership to the community;
- work in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision makers to public account;
- provide excellent standards of ethics and probity in decision making;

- ensure that those responsible for decision making are clearly identifiable to local people;
- explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

#### **1.04 Interpretation of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the above purposes.

#### **1.05 Review and Amendment of the Constitution**

The Council will monitor and evaluate the operation of the Constitution and will amend it as appropriate, as set out in Article 15.

# **ARTICLE 4**

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# Article 4

## The Full Council

### Introduction

This Article defines the functions that are reserved for decision by the full Council.

The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council also retains responsibility for (i) regulatory functions (which include planning, licensing and health and safety at work); (ii) certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws) and (iii) most of the local choice functions which the Council is free to decide whether they are the responsibility of full Council or the Executive. The Council also has a role in holding the Executive to account.

### 4.01 Meanings

#### (a) Policy Framework

The policy framework means the following plans and strategies:

- (i) Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended):
  - Children and Young People's Plan
  - Crime and Disorder Reduction Strategy
  - Gambling Policy
  - Licensing Authority Policy Statement
  - Licensing Policy
  - Local Area Agreement
  - Local Implementation Plan (formerly the Local Transport Plan)
  - Plans and strategies which together comprise the Development Plan
  - Sustainable Community Strategy
  - Youth Justice Plan

- (ii) Further Plans, which the Council considers, should be subject to Council approval:
  - Council's Corporate Plan
  - Equalities Schemes

**(b) Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax including decisions relating to the control of the Council's borrowing requirement, the determination and control of its capital expenditure and the setting of virement limits.

**(c) Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications to the Secretary of State for approval to a programme of disposal of 500 or more Council properties under the Leasehold Reform, Housing and Urban Development Act 1993, or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

**4.02 Functions of the full Council**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget (including setting the Council Tax);
- (c) approving the statement of accounts;
- (d) approving any application to the Secretary of State in respect of any Housing Land Transfer;
- (e) appointment of the Mayor;
- (f) appointing the Leader of the Executive;
- (g) approving annually the Allocation of Responsibilities in Part 3 of the Constitution;
- (h) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any Executive functions which are contrary to the

policy framework or contrary to or not wholly in accordance with the budget;

- (i) agreeing and/or amending the terms of reference for the Committees of the Council, deciding on their composition and making appointments to them;
- (j) adopting the Scheme of Members' Allowances set out in Part 6 of the Constitution;
- (k) appointing the independent members of the Standards Committee;
- (l) changing the name of the area, conferring the title of honorary alderman or freedom of the Borough;
- (m) confirming the appointment or the dismissal of the Head of Paid Service;
- (o) making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation or personal bills;
- (p) determining the meaning of "significant" in relation to "key" decisions (Article 13 refers);
- (q) deciding whether to accept a delegation of a non-Executive function or accept a delegation of a non-Executive function from another Authority;
- (r) to receive reports and consider recommendations from the Executive, Scrutiny, Standards and other Committees as appropriate;
- (s) making appointments of Members to outside bodies; and
- (t) all other matters which by law must be reserved to Council.

#### **4.03 Council Meetings**

There are three types of Council meetings:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings,

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### **4.04 Responsibility for functions**

The allocation of responsibilities to the Cabinet and various Council Committees is found in Part 3 of the Constitution.

The Council will maintain the Schedule in Part 3A-1 of this Constitution setting out the responsibilities for the Council's functions, which are not the responsibility of the Executive.

Part 3B lists the allocation of responsibilities to officers of the Council.

# **ARTICLE 5**

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# Article 5

## The Mayor

### Introduction

**This Article describes the appointment and role of the Mayor**

#### 5.01 Appointment of the Mayor and Deputy Mayor

The Mayor and Deputy Mayor will be appointed annually by the Council from amongst the Councillors.

Neither the Mayor nor Deputy Mayor can be a member of the Executive.

The Deputy Mayor may stand-in for the Mayor in respect of all the roles and functions in paragraphs 5.02 and 5.03 whenever the Mayor is unable to act (for example, due to an overlap of events). If the Deputy Mayor is also unavailable to perform a role or function in paragraph 5.02, it shall be open for the Mayor to request a former Mayor of the Borough, still serving as an elected Councillor, to act in his or her place for that particular occasion.

#### 5.02 Ceremonial

- (i) The Mayor shall be the First Citizen of the Borough;
- (ii) The Mayor will promote the Council as a whole and act as a focal point for the community;
- (iii) The Mayor will preside over civic functions;
- (iv) The Mayor will carry out ceremonial duties on behalf of the Authority. He/she will be a symbol of the Authority and of an open society and will perform his/her duties in a manner that develops and reinforces the social cohesion of the Borough;
- (v) The Mayor will promote local charitable and voluntary causes where they benefit the people of Harrow;
- (vi) The Mayor will also personally select a local charity or charities and raise funds specifically for it or them during his or her year of office;
- (vii) The Mayor will promote citizenship and participation;

- (viii) The Mayor will act as a non-partisan ambassador of the Council at notable events, for example, in meeting and greeting international delegations;
- (ix) The Mayor will put forward local people who are deemed to be deserving for national awards and honours (for example, local people who have made a unique or exceptional contribution to the Borough in a voluntary capacity);
- (x) The Mayor will lead the Council's support and activities for Remembrance Sunday and other similar locally marked national events.

### **5.03 Chairing meetings of the Council**

The Mayor will have the following responsibilities:

- (i) to uphold and promote the purposes of the Constitution, and to interpret it when necessary;
- (ii) to preside over meetings of the Council, so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive Members to account;
- (iv) to promote public involvement in the Council's activities;
- (v) such other duties that may fall to the Mayor to exercise by virtue of statute or this Constitution.

In the absence of the Mayor, the Deputy Mayor will chair meetings of the Council. In the absence of both the Mayor and the Deputy Mayor, the Council will, as a first item of business, appoint one of its Members to chair the meeting.



# **ARTICLE 15**

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# Article 15

## Review, Revision and Publication of the Constitution

### Introduction

**This Article provides for the review and method of changing the Constitution, and for its publication**

#### 15.01 Duty to monitor and review the Constitution

The Council will monitor and review the Constitution to ensure that the aims and principles of the Constitution are given full effect.

#### 15.02 Change from a Leader and Executive form of governance to alternative arrangements, or vice versa.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change in the form of governance and shall comply with any statutory requirements in relation to such changes.

#### 15.03 Changes to the Constitution

- (a) Subject to 15.04 and 15.05 below, changes to the Constitution will only be effective if approved by full Council.
- (b) The Chief Executive, having first consulted with the Leader of the political groups or their nominees may present a report direct to Council proposing changes to the Constitution. The Chief Executive will consult the Monitoring Officer and/or the Section 151 Officer as appropriate. A senior member of each political party will be nominated as a point of contact on constitutional issues.

#### 15.04 Codes and Protocols

Subject to any statutory requirements, the Codes and Protocols and other documents in Part 5 of the Constitution may be amended by the body that created them without Council approval except for the Code of Conduct for Members which is reserved to Council.

### **15.05 Minor and Administrative changes by the Monitoring Officer**

Minor and administrative changes to the Constitution may be made by the Monitoring Officer, following consultation with the Chief Executive, in order to ensure the aims and principles of the Constitution are given full effect. All such changes must be reported to the Council as soon as possible after the change is made.

### **15.06 Publication**

- (a) The Monitoring Officer will provide a printed copy of this Constitution to each Member of the Council upon delivery to him or her of that individual's declaration of acceptance of office, following election to office.
- (b) The Monitoring Officer will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the public and press on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and updated as necessary.
- (d) The Monitoring Officer will ensure that a record is kept of any changes to the Constitution. Amendments to the Constitution will be published as soon as practicable after any substantial changes have been made to it.

# **ARTICLE 16**

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# Article 16

## Interpretation and Suspension of the Constitution

### Introduction

**This Article ensures that the Articles of the Constitution cannot be suspended and aims to provide certainty and stability to the fundamental aspects of the Council's governance**

### 16.01 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### 16.02 Suspension of the Constitution

The Articles of this Constitution may not be suspended. Other Rules and Protocols may be suspended by the body to which they apply (or if no such body by the Council) to the extent permitted within those Rules, and Protocols and the law.

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# **COUNCIL PROCEDURE RULES**

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## **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 He or she resigns from office; or

1.2.3.3 He or she is suspended or disqualified from being a councillor under Part III of the Local Government Act 2000; or

1.2.3.4 He or she is removed from office by resolution of the Council

1.2.3.5 He or she is no longer a councillor.

- 1.2.4 If any of the circumstances in 1.2.3.1 or 1.2.3.4 applies, 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 suspended or disqualified from being councillors under Part III of the Local Government Act 2000;
  - 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 receive the Mayor's nomination for the Deputy Mayor of the Borough and appoint the person nominated by the Mayor as Deputy Mayor for the Borough of Harrow Council;
- 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 his/her Deputy Leader (in an election year)
- 1.3.1.6 receive notification from the Leader of the Council of the number of Members he/she is 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, a Standards 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 with the exception of the Standards Committee;
- 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 his/her nominated representative) of the replacement of one Councillor from

his/her Group for another Councillor from his/her 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 accord with 1.5.1 above.

1.5.4 At the beginning of the relevant meeting to which the replacement applies, the Chairman 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 he/she has refused to call a meeting or has 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 both Mayor and Deputy Mayor are 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 both Mayor and Deputy Mayor are absent;

4.2.1.2 receive declarations of interest from Members and any dispensations granted by the 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;
- 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 Chief Executive 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.

#### **4.3 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 Civic Centre at 7.30pm or at the time 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 he/she believes it to be appropriate for the conduct of the business of the Council.

### **5.2 Cancellation of Meetings**

5.2.1 The Chief Executive 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 or left at their usual place of residence. 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 14.2 (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 he/she does 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 7.30 pm and close at 10.30 pm, except as determined under Rule 9.2.

### 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 10.30 pm; 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.

- 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 but if 7 clear working days notice is given to the Monitoring Officer a note of the petition will appear on the summons for the meeting.
- 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, by fax 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, by fax 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 his or her behalf.

11.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address, postal address or fax number.

#### **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

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 enter each written question in a document open to 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. Questions Without Notice**

### **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 3.00pm, two clear working days before the day of the meeting in writing, by fax or e-mail, 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, by fax or by e-mail to the Monitoring Officer no later than 3.00pm 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

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 Chief Executive may make reports to Council as necessary. The Chief Executive, 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. **Motions**

### 14.1 **Notice**

14.1.1 Except for motions that can be moved without notice under Rule 15, and urgent motions under Rule 14.2, 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>

### 14.2 **Urgent Motions**

14.2.1 A motion, which would otherwise require notice under Rule 14.1 may be moved without prior notice providing:

- 14.2.1.1 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;
- 14.2.1.2 written reasons for urgency are given by the mover with the motion; and
- 14.2.1.3 the Council agrees, without debate, to accept the motion.

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

### 14.3 **Motions Set Out in Summons**

14.3.1 Motions for which notice has been given under Rule 14.1. will be listed on the summons in the order in which notice was received.

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

### 14.4 **Invalid Motions**

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

- 14.4.1.1 would risk defamation of an individual or are frivolous or offensive; or
- 14.4.1.2 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
- 14.4.1.3 would require the disclosure of confidential or exempt information; or
- 14.4.1.4 are substantially the same as a motion which has been put at any meeting of the Council in the last six months.

14.4.2 No invalid motions will appear on the Council agenda or be otherwise circulated.

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

14.5.1 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.

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

14.6.1 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 14.7.1 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.

#### **14.7 Motions Stand Referred to the Executive under Rule 14.6**

14.7.1 If a motion is marked on the Summons as to stand referred to the Executive under Rule 14.6, 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.

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

#### **14.8 Motions Calling for a Report**

14.8.1 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.

## 15. **Motions Without Notice**

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

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

15.1.1.1 in the absence of the Mayor and Deputy Mayor of the Council, to appoint a Member to preside at the meeting at which the motion is moved;

15.1.1.2 in relation to the accuracy of the minutes;

15.1.1.3 to change the order of business on the agenda;

15.1.1.4 to refer a matter to an appropriate body or individual;

15.1.1.5 to appoint a Committee or Member arising from an item on the summons for the meeting;

15.1.1.6 to receive recommendations or reports from the Executive, a Portfolio Holder, Committee or an officer and any resolutions following from them;

15.1.1.7 to withdraw a motion;

15.1.1.8 to amend a motion;

15.1.1.9 to extend the time limit for speeches;

15.1.1.10 that the meeting continue beyond three hours in duration;

15.1.1.11 to suspend a particular Council Procedural Rule;

15.1.1.12 to exclude the press and public in accordance with Rule 11 of the Access to Information Procedure Rules;

15.1.1.13 to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4; and



15.1.1.14 to give the consent of the Council where its consent is required by this Constitution.

## **15.2 Motions Relating to Closure of Debate, Adjournment and Next Business**

15.2.1 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:

15.2.1.1 that the Council meeting be adjourned with immediate effect;

15.2.1.2 that the debate be adjourned to the next meeting of the Council;

15.2.1.3 that the Council proceed to the next item of business on the agenda;

15.2.1.4 that the question be now put without further debate.

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

15.3.1 The Mayor shall have the power to refuse to accept a motion under 15.2 if, in his/her opinion, he/she considers it to be premature.

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

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

15.4.2 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.

## **16. Rules Of Debate**

### **16.1 No Speeches Until Motion Seconded**

16.1.1 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.

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

16.2.1 Unless written 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.

## 16.3 **Secunder's Speech**

16.3.1 When seconding a motion or amendment, a Member may reserve his/her speech until later in the debate.

## 16.4 **Content and Length of Speeches**

16.4.1 This Rule does not apply to motions moved under Rule 15, which must (except as stated in Rule 15) be moved and seconded without speeches.

16.4.2 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

16.4.3 Subject to sub-paragraph 16.4.4 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.

16.4.4 The Mayor may allow speeches to continue for a longer period where he/she considers that it is the wish of the Council that they should do so.

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

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

16.5.1.1 to speak once on an amendment moved by another Member;

16.5.1.2 to move a further amendment if the motion has been amended since he/she last spoke;

16.5.1.3 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 first spoke was carried);

- 16.5.1.4 in exercise of a right of reply;
- 16.5.1.5 on a point of order; and
- 16.5.1.6 by way of personal explanation.

## 16.6 Amendments to Motions

- 16.6.1 An amendment to a motion must be relevant to the motion and will either be:
  - 16.6.1.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - 16.6.1.2 to leave out words;
  - 16.6.1.3 to leave out words and insert or add others;
  - 16.6.1.4 to insert or add words;as long as the effect of 16.6.1.2 to 16.6.1.4 is not to negate the motion or to introduce a new proposal.
- 16.6.2 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.
- 16.6.3 If an amendment is not carried, other amendments to the original motion may be moved.
- 16.6.4 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.
- 16.6.5 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.

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

- 16.7.1 When first moving it, a Member may alter a motion of which he/she has given notice with the consent of the meeting and the seconder. The meeting's consent will be signified without discussion.
- 16.7.2 A Member may also alter a motion, which he/she has moved without notice, during the meeting, with the consent of the meeting and the seconder. The meeting's consent will be signified without discussion.
- 16.7.3 Only alterations, which could be made as an amendment may be made.

## 16.8 **Withdrawal of a Motion**

16.8.1 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 that permission has been refused.

16.8.2 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.

## 16.9 **Right of Reply**

- 16.9.1 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.
- 16.9.2 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.
- 16.9.3 The mover of an amendment has no right of reply to the debate on his or her amendment.

16.9.4 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.

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

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

16.10.1.1 to withdraw a motion;

16.10.1.2 to amend a motion;

16.10.1.3 to proceed to the next business;

16.10.1.4 that the question be now put;

16.10.1.5 to adjourn a debate;

16.10.1.6 to adjourn the meeting;

16.10.1.7 that the subject of debate be referred to or be referred back to the Executive, a Portfolio Holder or a Committee;

16.10.1.8 that the meeting continue beyond three hours in duration;

16.10.1.9 to exclude the press and public in accordance with Rule 11 of the Access to Information Procedure Rules; and

16.10.1.10 to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

## 16.11 **Point of Order**

16.11.1 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 he/she considers it to have been broken. The ruling of the Mayor on the matter will be final.

## **16.12 Personal Explanation**

16.12.1 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 his or her 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.

## **17. Previous Decisions And Motions**

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

17.1.1 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.

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

17.2.1 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.

### **17.3 Not to Apply to Recommendations**

17.3.1 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.

## **18. Voting**

### **18.1 Majority**

18.1.1 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.

## **18.2 Mayor's Casting Vote**

18.2.1 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.

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

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

18.3.2 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.

## **18.4 Recorded Vote by Roll Call**

18.4.1 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.

## **18.5 Voting on Appointments**

18.5.1 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.

18.5.2 The provisions of sub-paragraph 18.5.1 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.

## 19. Minutes

### 19.1 Signing the Minutes

19.1.1 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.

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

19.2.1 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.

### 19.3 Minutes of Decisions of the Council

19.3.1 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".

## 20. Record of Attendance

20.1 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.

## 21. Exclusion Of The Press & Public

21.1 Members of the public and press may only be excluded either in accordance with Rule 11 of the Access to Information Procedure Rules in Part 4 of this Constitution or under Rule 24 (Disturbance by the Public).

## 22. Members' Conduct

### 22.1 Standing to Speak

22.1.1 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.

## **22.2 Mayor Standing**

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

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

22.3.1 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.

## **22.4 Member to Leave the Meeting**

22.4.1 If the Member continues to behave improperly after such a motion under 22.3 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.

## **22.5 General Disturbance**

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

## **23. Confidential Business**

23.1 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.

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

## **24. Disturbance By The Public**

### **24.1 Removal of Member of the Public**

24.1.1 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.

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

24.2.1 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.

### **24.3 Adjournment**

24.3.1 Following an order by the Mayor for one or more members of the public to leave the meeting room, if he/she deems 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 he/she thinks necessary.

24.3.2 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.

## **25. Suspension And Amendment of Council Procedure Rules**

### **25.1 Suspension**

25.1.1 All of these Council Rules of Procedure except Rules (18.3, 19.2, 21, and 25) 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.

### **25.2 Amendment and Revocation**

25.2.1 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.

**26. Recording of Meetings**

- 26.1 Other than the Monitoring Officer or his/her nominated representative, no person may use any mechanical or electronic means of recording or photographing or broadcasting of any part of any meeting of the Council, unless the person presiding at the meeting, in consultation with the other Councillors present at the meeting, gives express permission.
- 26.2 This Rule shall not apply to a written record of the discussion or decisions made at any meeting.

**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.

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# **ACCESS TO INFORMATION PROCEDURE RULES**

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## **G. Access to Information Procedure Rules**

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# ACCESS TO INFORMATION PROCEDURE RULES

## 1. Scope

### *Derivation -*

*These Rules implement the requirements of Sections 100A to K and Schedule 12 of the Local Government Act 1972, Sections 9G and 9 GA of the Local Government Act 2000, and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012*

Rules 1 -12 apply to all meetings of:

The **Governance**, Audit and **Risk Management** Committee  
The Council  
The **Planning Committee**  
The Licensing and General Purposes Committee  
The Overview and Scrutiny Committee  
The Standards Committee

Any Consultative Committees established under section 102(4) of the Local Government Act 1972 & The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Any sub-committees or panels of the above Committees

Any Area-Based Forums or Committees

Meetings of the Executive including the Cabinet, Executive (Cabinet) Committees, Consultative Forums and any Cabinet Advisory Panels<sup>1</sup>

Other Statutory Committees

together referred to in these Rules as “meetings”.

Rules 13 - 21 apply only to meetings of the Executive, Executive Committees and executive decisions taken by individual Members of the Executive or by officers but do not apply to meetings of Consultative Forums or Advisory Panels.

## **2. Additional Rights to Information**

These Rules do not affect any more specific rights to information contained elsewhere in the Constitution or the law.

## **3. Rights to Attend Meetings**

Members of the public and representatives of the Press may attend all meetings subject only to the exceptions in these Rules. Members of the public and representatives of the Press may also attend when an individual Member of the Executive is determining a matter that is a Key Decision (see Rule 19.3).

## **4. Notice of Meetings**

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Civic Centre, Station Road, Harrow. A similar notice will be given of when an individual Member of the Executive is to take a Key Decision. Key Decision can only be taken by the Leader except where the Executive has delegated the decision to an individual Portfolio Holder.

At least 28 clear calendar days before a Key Decision is made, a Key Decision Schedule must be available for inspection by the public – at the offices of the Council and on the Council's website.

At least 28 clear calendar days before a private executive meeting, the Council must make available at the Council's Civic Centre, a notice of its intention to hold the meeting in private and published on the Council's website. This notice will be included in the Key Decision Schedule and will apply to both Key and Non-Key Decisions to be taken.

At least 5 clear days before a private meeting, the Council must make available at the Council's Civic Centre, a further notice of its intention to hold the meeting in private and publish the notice on the Council's website. This notice must include: a statement of the reasons for the meeting to be held in private; details of any representations received by the Council about why the meeting should be open to the public and a statement of its response to any such representations.

## **5. Access to Agenda and Reports Before the Meeting**

- 5.1 The Council will make copies of those agenda and reports which are open to the public available for inspection at the Civic Centre, and on the Council's website, at least five clear working days before the meeting.
- 5.2 Where the meeting is convened at shorter notice than set out in Rule 4, copies of the agenda and reports shall be open to inspection from the time the meeting is convened.
- 5.3 Where an item is added to an agenda, copies of which are open to inspection by the public, copies of any report for the meeting relating to the item shall be available from the time the item is added to the agenda. Nothing in this Rule requires copies of any agenda item or report to be open to inspection by the public until copies are available to Councillors. Copies of agendas must be made available at the meeting.

## **6. Late Reports**

If there is a requirement to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting. If the report involves a Key Decision please also see paragraph 16 of these Rules.

For meetings of Advisory Panels/Consultative Forums, the Panel/Forum rather than the Chair shall decide at the start of the meeting whether an item should be considered as a matter of urgency.

This Rule does not apply to the Meetings of the full Council where Council Procedure Rule 7 applies.

Where a report is prepared after the agenda has been sent out the Director of Legal & Governance Services shall make the report available to the public as soon as the report is completed and sent to Councillors.

## **7. Supply of Copies of Agenda and Reports**

The Council will supply copies of and make these available on the Council's website:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items on the agenda;
- (c) any other documents supplied to Councillors in connection with an item, if the Director of Legal & Governance Services considers it appropriate and practical to any person on payment of a charge for postage and any other costs;
- (d) in terms of the Executive and where a Key decision is to be taken by the Leader or an individual Members where this has been delegated to him/her by the Executive, when a copy of the report for a meeting is made available for inspection by members of the public, at the same time – a copy of a list compiled by the Proper Officer of the background papers to the report, must be included in the report and at least the title of each of the documents included in that list and a copy of the document to be made available on the Council's website.

## **8. Access to Minutes and Committee Documents after the Meeting**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of meetings (or the record of all decisions taken at a meeting, together with the reasons, for all meetings of the Executive), excluding any part of the minutes of proceedings when the meeting

was not open to the public and which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public when the minutes open to inspection do not provide a reasonably clear and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **9. Background Papers**

### **9.1. List of Background Papers**

The Chief Officer responsible for the drafting of a report (or in the case of joint reports, the first named Chief Officer) shall set out in the report a list of those documents (called the background papers) relating to the subject matter of the report which in his/her opinion:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report

but will not include in such list published works or those which disclose exempt or confidential information (as defined in Rule 11) and in respect of reports to a meeting of the Executive, any advice given by a political advisor.

### **9.2. Public Inspection of Background Papers**

The Council will make available for public inspection for at least four years after the date of the meeting a copy of each of the documents on the list of background papers. In the case of the Executive, the background papers will also be available on the Council's website.

## **10. Summary of the Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents is included in Article 3 of this Constitution.

## **11. Exclusion of Access by the Public and Press to Meetings**

### **11.1 Confidential Information – requirement to exclude the public from a meeting**

The public and press must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

### **11.2 Exempt Information – discretion to exclude the public and press from a meeting**

The public and press may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

When the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Extract from Article 6 'Right to a fair trial - in the determination of his or her civil rights and obligations.....everyone is entitled to a fair and public hearing within a reasonable time.'

### 11.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### 11.4 Meaning of Exempt Information

Exempt information means information falling within the following 7 categories (subject to the relevant condition)

Category	Condition
1. Information relating to any individual	Information falling within paragraph 1 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Information falling within paragraph 2 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption

<p>“Financial or business affairs” includes contemplated as well as past or current activities.</p>	<p>outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information if it is required to be registered under</p> <ol style="list-style-type: none"> <li>a. the Companies Act 1985</li> <li>b. the Friendly Societies Act 1974</li> <li>c. the Friendly Societies Act 1992</li> <li>d. the Industrial and Provident Societies Act 1965 to 1978</li> <li>e. the Building Societies Act 1986</li> <li>f. the Charities Act 1993</li> </ol>
<p>4. Information relation to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.</p>	<p>Information falling within paragraph 4 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.</p> <p>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act or any dispute about a matter within this paragraph).</p>
<p>5. Information in respect of which a claim to legal professional</p>	<p>Information falling within paragraph 5 is exempt information if and so</p>



<p>privilege could be maintained in legal proceedings</p>	<p>long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>6. Information which reveals that the authority proposes</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person</p> <p>or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information falling within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information falling within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

## **11.5 Procedures prior to Private Meetings of the Executive**

At least 28 clear days before a private meeting, the Council must—

- (a) make available at the Council's Civic Centre a notice of its intention to hold the meeting in private; and
- (b) publish that notice on the Council's website,.

The notice must include a statement of the reasons for the meeting to be held in private.

At least five clear days before a private meeting, the Council must—

- (a) make available at the Civic Centre a further notice of its intention to hold the meeting in private;
- (b) publish that notice on the Council's website.

This further notice must include:

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the Council about why the meeting should be open to the public;
- (c) a statement of its response to any such representations.

Where the date by which a meeting must be held makes compliance with this paragraph impracticable, the meeting may only be held in private where the Council has obtained agreement from:

- (a) the chairman of the relevant overview and scrutiny committee;
- (b) or if the chairman of the relevant overview and scrutiny committee is unable to act, the Mayor.
- (c) where there is no chairman of either the relevant Overview and Scrutiny Committee or the Mayor the Deputy Mayor .may give agreement.

As soon as reasonably practicable after the Council has obtained agreement to hold a private meeting, it must:

- (a) make available at the Civic Centre a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

## **12. Excluding Public Access to Reports**

The public may be denied access to reports if the Chief Officer responsible for drafting the report believes that the report relates to matters which, in accordance with Rule 11, will not be considered in a public meeting. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

### **13. Procedure before taking Key Decisions**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

- (a) a document (called here the "Key Decision Schedule") has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication at the Civic Centre and the Council's Website of the Key Decision Schedule,
- (c) where the decision is to be taken at a meeting of the Executive, a notice of the meeting has been given in accordance with Rule 4 (notice of meetings) and a written report providing all relevant and necessary information has been considered by the body taking the decision; and
- (d) where the decision is to be taken by an individual Member of the Executive at least five clear working days have elapsed following receipt of the report required under Rule 19.1 and notice of the consideration of a Key Decision has been given under Rule 4 (notice of meetings) and in accordance with (b) above.

## **14. The Key Decision Schedule (KDS)**

### **14.1 Period of the Key Decision Schedule**

The KDS will be prepared by the Director of Legal & Governance Services to cover a period of three months, and published 28 clear days prior to the decision being taken by that meeting.

The KDS must be published at least 28 clear days before the date of the meeting taking that Key Decision.

### **14.2 Contents of the Key Decision Schedule (KDS)**

The KDS will contain matters which the Monitoring Officer/Director of Legal and Governance Services believes will be the subject of a Key Decision to be taken by the Executive or under joint arrangements. Only items which relate to the discharge of an Executive function must be included, but other items may be included. It will describe the following particulars in so far as the information is available:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any, and where the decision taker is a body, its name and a list of its Members;
- (c) the date on which, or the period within which, the decision is to be made;
- (d) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the Key decision is to be made;
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (f) a list of the other documents relevant to those matters may be submitted to the decision maker.;
- (g) The procedure for requesting details of those documents (if any) as they become available.

## **15. General Exception**

If a matter which is likely to be a Key Decision has not been included in the Key Decision Schedule, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the Director of Legal & Governance Services has informed by written notice the Chair of the Overview and Scrutiny Committee, or if there is no such person, each Member of that Committee, by notice in writing of the matter to which the decision is to be made;
- (b) the Director of Legal & Governance Services has made available to the public at the Civic Centre and on the Council's website, a copy of that notice; and
- (c) at least five clear working days have elapsed following the day on which the Director of Legal & Governance Services complied with (b).

Any such decision taken by the Executive must be taken in public unless it relates to a matter which is confidential or exempt pursuant to paragraph 11 above.

## **16. Special Urgency**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee, or if that Chair is unable to act, then the agreement of the Mayor, or in his/her absence the agreement of the Deputy Mayor is required.

Any such decision taken by the Executive must be taken in public unless it relates to a matter, which is confidential or exempt pursuant to paragraph 11 above.

As soon as reasonably practicable after agreement has been obtained, the decision maker must make available at the Civic Centre a notice setting out the reasons for urgency and publish the notice on the Council's website.

## **17. Requirement for a Report to be made to Council**

### **17.1 Request from the Overview and Scrutiny Committee**

If the Overview and Scrutiny Committee thinks that a Key Decision has been taken which was not included in the Key Decision Schedule, they may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The report must include details of the decision and the reasons for it, the name of the decision maker and the Executive's reasons for its opinion that the decision was not key.

### **17.2 The timing of the report to Council**

The Executive will prepare a report for submission to the Council at such intervals as may be determined by the Council. The report to Council will set out particulars of each decision, and a summary of the matters in respect of which each decision was made. The Leader must submit at least one report on special urgency annually, unless otherwise determined by the Council.

### **17.3 Requirement for quarterly reports on special urgency decisions**

In any event the Leader of the Council will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **18. Record of Decisions**

After the meeting of the Executive or any of its Executive (Cabinet) Committees, Advisory Panels or Consultative Forums, the Director of Legal & Governance Services or a Chief Officer present, will produce as soon as practicable and make available for inspection by members of the public and on the Council's website:

- (a) a record of the decisions taken;
- (b) a statement of the reasons for each decision; and

- (c) any alternative options considered and rejected at that meeting
- (d) a record of any conflict of interest declared by any Executive Members and a note of any dispensation granted.

## **19. Key Decisions taken by Individual Members of the Executive or by Officers**

### **19.1 Reports**

A Key Decision shall not be taken by an individual Member of the Executive or by an officer until twenty eight clear days after the publication of the Key Decision Schedule and five clear working days have elapsed from receipt of a report which includes relevant and necessary information for the making of the decision.

### **19.2 Provision of copies of reports to the Overview and Scrutiny Committee**

On the giving of such a report to an individual decision maker, the person preparing the report will at the same time give a copy to the Chair of the Overview and Scrutiny Committee and make it publicly available.

### **19.3 Notice of the Decision**

Notice of the taking of a Key Decision by an individual Member or officer shall be given in the same way as a notice of a meeting of the Executive (Rule 4). Members of the public and representatives of the Press may attend the taking of a Key Decision by an individual Member.

## **20. Record of Individual Decisions**

As soon as reasonably practicable after any Executive decision has been taken by an individual Member or after a Key Decision has been taken by an officer he or she will instruct the Director of Legal & Governance Services or the relevant Executive Director or Director to prepare a record of the decision, a statement of the reasons for it, any alternative options considered

and rejected (see Rule 18), a record of any conflict of interest declared by any Executive Member and in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

## **21. Inspection of Documents and Background Papers**

The provisions of Rules 8 and 9 (access to documents after meetings and background papers) will also apply to the making of decisions by individual Members of the Executive and Key Decisions by officers. This does not require the disclosure of exempt or confidential information.

## **22. Overview and Scrutiny Committee – Access to Documents**

22.1 Members of Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive, Executive (Cabinet) Committee, a Portfolio Holder, Advisory Panel or Consultative Forum and which contains material relating to:

- (a) any business transacted at a meeting of the Executive, Executive (Cabinet) Committee, Advisory Panel or Consultative Forum; or
- (b) any decision taken by a individual Member of the Executive;
- (c) any decision that has been made by an officer of the authority in accordance with Executive Arrangements.

22.2 These documents should be provided by the Executive as soon as reasonably practicable and no later than 10 clear days from the Executive receiving the request.

22.3 No Member of the Overview and Scrutiny Committee is entitled to a copy of any such document as contains exempt or confidential information unless the information is relevant to:

- (a) An action or decision that the Member is reviewing or scrutinising.



- (b) Any review contained in any programme of work of the Overview and Scrutiny Committee.

No Member of the Overview and Scrutiny Committee is entitled to any such document as contains advice from a political adviser.

- 22.4 Where the Executive determines that a Member of the Overview and Scrutiny Committee is not entitled to a copy of a document (for reasons under Rule 22.3 a – c) it must provide a written statement of the decision to the Overview and Scrutiny Committee.

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**SECTION 100A**  
**LOCAL**  
**GOVERNMENT**  
**ACT 1972**

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# Local Government Act 1972

## 1972 CHAPTER 70

### [<sup>F1</sup>PART VA

#### ACCESS TO MEETINGS AND DOCUMENTS OF CERTAIN AUTHORITIES, COMMITTEES AND SUB-COMMITTEES.]

#### [<sup>F2</sup>100A Admission to meetings of principal councils. **E**

- (1) A meeting of a principal council shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under subsection (2) below or by resolution under subsection (4) below.
- (2) The public shall be excluded from a meeting of a principal council during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence; and nothing in this Part shall be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
- (3) For the purposes of subsection (2) above, “confidential information” means—
  - (a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
  - (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;and, in either case, the reference to the obligation of confidence is to be construed accordingly.
- (4) A principal council may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I below.
- (5) A resolution under subsection (4) above shall—

*Status:* There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E - England extent W - Wales extent

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) identify the proceedings, or the part of the proceedings, to which it applies, and
- (b) state the description, in terms of Schedule 12A to this Act, of the exempt information giving rise to the exclusion of the public,
- and where such a resolution is passed this section does not require the meeting to be open to the public during proceedings to which the resolution applies.
- (6) The following provisions shall apply in relation to a meeting of a principal council, that is to say—
- (a) public notice of the time and place of the meeting shall be given by posting it at the offices of the council [<sup>F3</sup>five clear days] at least before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened;
- (b) while the meeting is open to the public, the council shall not have power to exclude members of the public from the meeting; and
- (c) while the meeting is open to the public, duly accredited representatives of newspapers attending the meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the council or not on the telephone, for telephoning the report at their own expense.
- (7) Nothing in this section shall require a principal council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.
- (8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.]

#### Annotations:

#### Extent Information

- E1** This version of this provision extends to England only; a separate version has been created for Wales only

#### Amendments (Textual)

- F2** Pt. VA (ss. 100A–100K) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\), s. 1\(1\)](#)
- F3** Words in s. 110A(6)(a) substituted (E.) (1.10.2002) by [The Local Authorities \(Access to Meetings and Documents\) \(Period of Notice\) \(England\) Order 2002 \(S.I. 2002/715\), arts. 1\(2\), 2](#)

#### Modifications etc. (not altering text)

- C15** S. 100A applied in part (13.5.2007) [The Luton and South Bedfordshire Joint Committee Order 2007 \(S.I. 2007/1412\), art. 9, Sch. para. 7\(1\)\(a\)](#)
- C16** Ss. 100A–100D extended (with modifications) by [Health Services Joint Consultative Committees \(Access to Information\) Act 1986 \(c. 24, SIF 113:2\), s. 2\(1\)](#)
- C17** Ss. 100A–100D applied (with modifications) by [Community Health Councils \(Access to Information\) Act 1988 \(c. 24, SIF 113:2\), s. 1\(1\)\(2\)](#)  
S. 100A applied (with modifications) (W.) (28.7.2001) by [S.I. 2001/2283, regs. 26, 27](#)
- C18** Ss. 100A–100D applied (with modifications) (E.) (1.1.2003) by [The Commission for Patient and Public Involvement in Health \(Membership and Procedure\) Regulations 2002 \(S.I. 2002/3038\), reg. 11, Sch. 2 para. 1\(1\)\(2\)](#)

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- C19** S. 100A applied (with modifications) (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), art. 9, **Sch. para. 7(1)(a)**
- C20** S. 100A applied in part (with modifications) (12.10.2009) by The Central Lincolnshire Joint Strategic Planning Committee Order 2009 (S.I. 2009/2467), art. 9, **Sch. para. 7(a)**
- C21** Ss. 100A-100D applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)
- C22** S. 100A(4) modified (11.5.2001 for specified purposes, 1.1.2003 for E. and otherwise 1.3.2007) by 2001 c. 15, ss. 9, 70(2), Sch. 1 (with ss. 64(9), 65(4)); S.I. 2003/53, **art. 3(a)**; S.I. 2006/1407, art. 2, **Sch. 1 Pt. 2 para. 8**  
S. 100A(4) modified (1.3.2007) by National Health Service Act 2006 (c. 41), **ss. 246(2), 277(1)** (subject to s. 277(2)-(5))

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**SCHEDULE 12**  
**PART I LOCAL**  
**GOVERNMENT**  
**ACT 1972**

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## SCHEDULES

### SCHEDULE 12

Section 99.

#### MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

##### Annotations:

##### Modifications etc. (not altering text)

- C1** Sch. 12 modified (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), [art. 6](#)
- C2** Sch. 12 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 1, 86\(9\)](#)
- C3** Sch. 12 modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 2\(4\)](#)
- C4** Sch. 12 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 160\(2\)](#)  
Sch. 12: power conferred to make provisions about matters of the kind dealt with in this Schedule (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), [Sch. 4\(a\)\(ii\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)

### PART I

#### PRINCIPAL COUNCILS

##### Annotations:

##### Modifications etc. (not altering text)

- C5** Sch. 12 Pt.I applied (07.08.1991) by [S.I.1991/1773](#), [arts. 6, 8](#), [Sch. 1](#).  
Sch. 12 Pt.I: certain functions transferred (subject to modifications) (07.08.1991) by [S.I.1991/1773](#), [arts. 6, 8](#), [Sch.1](#).
- C6** Sch. 12 Pt.I applied (10.01.1992) by [S.I. 1991/2913](#), [arts. 6, 8](#), [Sch. 1](#).  
Sch. 12 Pt.I: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), [arts. 6, 8](#), [Sch. 1](#).

- 1 (1) A principal council shall in every year hold an annual meeting.
- (2) The annual meeting of a principal council <sup>F1</sup> . . . shall be held—
- (a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the council may fix;
- [<sup>F2</sup>(aa) in a year of an election for the return of an elected mayor to the council, which is not a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of an elected mayor or such other day within the twenty-one days immediately following the day of retirement as the council may fix;]
- (b) in any other year, on such day in the month of March, April or May as the council may fix.

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<sup>F3</sup>(3) . . . . .

- (4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.

**Annotations:**

**Amendments (Textual)**

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**  
**F2** [Sch. 12 para. 1\(2\)\(aa\)](#) inserted (E.) (6.5.2002) by [The Local Authorities \(Executive Arrangements\) \(Modification of Enactments\) \(England\) Order 2002 \(S.I. 2002/1057\)](#), **art. 6**  
**F3** [Sch. 12 para. 1\(3\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

**Modifications etc. (not altering text)**

- C7** [Sch. 12 para. 1](#) applied (with modifications) (1.5.2000 for specified purposes and otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28, para. 10\(1\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)  
**C8** [Sch. 12 para. 1\(2\)\(b\)](#) modified (10.4.2001 with effect for the year 2001) by [2001 c. 7, s. 1\(6\)](#)

- 2 (1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the council may determine.

**Annotations:**

**Modifications etc. (not altering text)**

- C9** [Sch. 12 paras. 2-5](#) applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

- 3 (1) An extraordinary meeting of a principal council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed <sup>F4</sup>. . . by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then . . . any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.

**Annotations:**

**Amendments (Textual)**

- F4** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

**Modifications etc. (not altering text)**

- C10** [Sch. 12 paras. 2-5](#) applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

- 4 (1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.

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- (2) Three clear days at least before a meeting of a principal council—
- (a) notice of the time and place of the intended meeting shall be published at the council's offices, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
  - (b) a summons to attend the meeting, specifying the business to be transacted thereat, and signed by the proper officer of the council, shall, subject to subparagraph (3) below, be left at or sent by post to the usual place of residence of every member of the council.
- (3) If a member of a principal council gives notice in writing to the proper officer of the council that he desires summonses to attend meetings of the council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.
- (4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of the council.
- (5) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

**Annotations:**

**Modifications etc. (not altering text)**

- C11** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 328, **Sch. 28 para. 10(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **arts. 3(a)(b), 4(a)(g)**
- C12** Sch. 12 para. 4(2) excluded by Local Government Act 1985 (c. 51, SIF 81:1), **s. 86(9)**
- C13** Sch. 12 para. 4(2) restricted by S.I. 1985/1884, **art. 11(3)**

- [<sup>F5</sup>4A (1) The Secretary of State may by order amend paragraph 4(2) above so as to substitute for the reference to three clear days such greater number of days as may be specified in the order.
- (2) Any statutory instrument containing an order under sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Annotations:**

**Amendments (Textual)**

- F5** Sch. 12 para. 4A inserted (1.10.2000 (E.) and 28.7.2001 (W.)) by 2000 c. 22, **ss. 98(1)(2), 108(4)**; S.I. 2000/2187, **art. 3**

- 5 (1) At a meeting of a principal council the chairman, if present, shall preside.
- (2) If the chairman is absent from a meeting of a principal council, then—
- (a) <sup>F6</sup> . . . , the vice-chairman of the council, if present, shall preside;
  - <sup>F7</sup>(b) . . . . .

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(c) in the case of a London borough council, the deputy mayor, if at that time he remains a councillor<sup>F8</sup> . . . and is chosen for that purpose by the members of the council then present, shall preside.

(3) If—

(a) in the case of a principal council<sup>F9</sup> . . . , both the chairman and vice-chairman of the council are absent from a meeting of the council;

<sup>F10</sup>(b) . . . . .

(c) in the case of a London borough council, the mayor and deputy mayor are so absent or the deputy mayor being present is not chosen;

another member of the council chosen by the members of the council present shall preside.

[<sup>F11</sup>(4) A member of an executive of a principal council may not be chosen to preside under sub-paragraph (3) above.

(5) Sub-paragraphs (2)(c) and (3)(c) above do not apply where a London borough council are operating executive arrangements which involve a mayor and cabinet executive<sup>F12</sup> . . . . ”]

**Annotations:**

**Amendments (Textual)**

- F6** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F7** [Sch. 12 para. 5\(2\)\(b\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F8** Words repealed by [S.I. 1977/1710](#), **art. 3(c)**
- F9** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F10** [Sch. 12 para. \(3\)\(b\)](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F11** [Sch. 12 para. 5\(4\)\(5\)](#) inserted (26.10.2000 (E.) and 28.7.2001 (W.)) by [2000 c. 22](#), ss. 46, 108(4), **Sch. 3 para. 14(1)(2)**; [S.I. 2000/2849](#), **art. 2(e)**
- F12** Words in [Sch. 12 para. 5\(5\)](#) omitted (30.12.2007) by virtue of [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 74, 245, **Sch. 3 para. 12(2)** and said words repealed (prosp.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 241, 245, **Sch. 18 Pt. 3**

**Modifications etc. (not altering text)**

- C14** [Sch. 12 paras. 2-5](#) applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29](#), s. 328, **Sch. 28 para. 10(2)** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), **arts. 3(a)(b)**, 4(a)(g)

6 Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

**Annotations:**

**Modifications etc. (not altering text)**

- C15** [Sch. 12 para. 6](#) applied (with modifications)(8.1.1996) by [1995 c. x](#), ss. 1(3), 44, **Sch. Pt. II**

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## [<sup>F13</sup>PART IA

### JOINT AUTHORITIES AND INNER LONDON EDUCATION AUTHORITY

#### Annotations:

#### Amendments (Textual)

**F13** Sch. 12 Pt. IA inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 35(2)**

[<sup>F14</sup>6A(1) Paragraph 1 above applies to a joint authority [<sup>F15</sup>, an economic prosperity board, a combined authority][<sup>F16</sup>or a police authority established under [<sup>F17</sup>section 3 of the Police Act 1996][<sup>F18</sup>or the Metropolitan Police Authority]... as it applies to a principal council, except that the annual meeting of the authority shall be held on such day between 1st March and 30th June (both inclusive) as the authority may fix.

<sup>F19</sup>(2) . . . . .]

#### Annotations:

#### Amendments (Textual)

**F14** Sch. 12 para. 6A substituted by Local Government Act 1986 (c. 10, SIF 81:1), s. 10(3)

**F15** Words in Sch. 12 para. 6A(1) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 39**; S.I. 2009/3318, **art. 2(c)**

**F16** Words in Sch. 12 para. 6A(1) inserted (1.4.1995) by 1994 c.29, s. 43, **Sch. 4 Pt. I para. 15(2)**; S.I. 1994/3262, art. 4(1), **Sch.**

**F17** Words in Sch. 12 para. 6A(1) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. I para. 1(2)(h)**

**F18** Words in Sch. 12 para. 6A(1) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 36(1)(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

**F19** Sch. 12 para. 6A(2) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

**C16** Sch. 12 para. 6A amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 1(p)**

**C17** Sch. 12 para. 6A modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**  
Sch. 12 para. 6A excluded (10.5.2000) by S.I. 2000/1095, **art. 5(2)**

**C18** Sch. 12 para. 6A(1) modified (25.5.2001 with effect for the year 2001) by S.I. 2001/1630, **art. 2**  
Sch. 12 para. 6A(1) modified (13.3.2004) by S.I. 2004/222, **art. 4(2)**

6B The other provisions of Part I of this Schedule shall apply to an authority mentioned in paragraph 6A above as they apply to a principal council except that

[<sup>F20</sup>(a)] the number of members mentioned in paragraph 3(2) shall be three [<sup>F21</sup>, and <sup>F22</sup> . . .]

(b) in the case of a police authority established under [<sup>F23</sup>section 3 of the Police Act 1996][<sup>F24</sup>and the Metropolitan Police Authority],<sup>F25</sup>... sub-paragraphs (2) and (3) of paragraph 5 shall not apply and if the chairman is absent from a meeting of such an authority [<sup>F26</sup>the following person shall preside—

(i) in a case in which only one vice-chairman is present at the meeting, that vice-chairman;

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- (ii) in a case in which more than one vice-chairman is present at the meeting, the vice-chairman chosen by the members present; and  
(iii) in any other case, the member chosen by the members present;]...  
(c) <sup>F27</sup>.....]

#### Annotations:

##### Amendments (Textual)

- F20** Word in Sch. 12 para. 6B inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 15(3)(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4(1)**, **Sch.**
- F21** Sch. 12 para. 6B(b) and preceding word substituted (1.10.1994 for specified purposes otherwise 1.4.1995) for words by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 15(3)(b)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, **art. 4(1)**, **Sch.**
- F22** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F23** Words in Sch. 12 para. 6B(b) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. I para. 1(2)(h)**
- F24** Words in Sch. 12 para. 6B inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 36(1)(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, **art. 2**, **Sch.**
- F25** Words in Sch. 12 para. 6B(b) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2)-(4), Sch. 6 para. 32(b)(i), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F26** Words in Sch. 12 para. 6B(b) and Sch. 12 para. 6B(b)(i)-(iii) substituted (19.6.2001) by 2001 c. 16, s. 104(9); S.I. 2001/2223, **art. 2(1)(b)**
- F27** Sch. 12 para. 6B(c) and preceding word repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, 138(2), Sch. 6 para. 32(b)(ii), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art.4)

##### Modifications etc. (not altering text)

- C19** Sch. 12 para. 6B modified by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 3(c)** and by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**