



## 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~~They resigns from office; or

- 1.2.3.3 ~~They 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~~They are removed from office by resolution of the Council;

- 1.2.3.5 ~~He or she~~They are ~~is~~ no longer a councillor.

**Commented [C1]:** No such sanction any more under 2000 Act but could still be disqualified e.g. under s.80 LGA 1972



- 1.2.4 If ~~any of the circumstances~~ in 1.2.3.1 ~~or 1.2.3.4~~ apply, the Council shall appoint a new Leader at the same meeting of the Council. In all other cases, at the first meeting of the Council held after the circumstances arise.
- 1.2.5 Members who are appointed to the Executive by the Leader shall continue in their roles on the Executive until one of the following circumstances applies:
- 1.2.5.1 In the case of the Deputy Leader, the end of the term of office of the Leader;
  - 1.2.5.2 The Leader Makes changes to the roles of members of the Executive;
  - 1.2.5.3 They are removed from office by the Leader;
  - 1.2.5.4 They resign from office;
  - 1.2.5.5 They are ~~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 ~~note receive the Mayor's appointment of 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 ~~they are 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.

**Commented [C2]:** LGA 1972, Sch 2, Part 1 para 5 – clear that the Mayor appoints deputy and signifies to the Council. No appointment by Council

#### 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/their](#) 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 accordance with 1.5.1 above.
- 1.5.4 At the beginning of the relevant meeting to which the replacement applies, the [Chairman/Chair](#) shall advise of the details of any replacements. Details of replacements will be minuted.
- 1.5.5 The appointment of a replacement Councillor under this Procedure Rule shall be deemed to be an expression of the wishes of the relevant political group under the political balance rules and shall be deemed to be an appointment made by the Council, Committee or Cabinet (as appropriate).

## 2. Ordinary Meetings

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

## 3. Extraordinary Meetings

### 3.1 Calling Extraordinary Meetings

- 3.1.1 Those listed below may request the Monitoring Officer to call Council meetings in addition to ordinary meetings:
  - 3.1.1.1 the Council by resolution;
  - 3.1.1.2 the Mayor; or
  - 3.1.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor and [he/she/they have](#) ~~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

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Council for the purpose of considering that report within the period specified by the relevant statute.

### 3.2 Business

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

- 3.2.1.1 the election of a person to preside if ~~the both~~ Mayor is ~~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.

**Commented [JF3]:** Under schedule 12 part 1 paragraph 5 Local Government Act 1972 the Deputy Mayor does not automatically preside at the meeting they have to be chosen.

## 4. Order of Business at Ordinary Meetings

### 4.1 Arrangement of Items in the Summons

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

### 4.2 Order of business

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

- 4.2.1.1 choose a person to preside if ~~the both~~ Mayor is and ~~Deputy Mayor are~~ absent;
- 4.2.1.2 receive declarations of interest from Members and any dispensations granted by the Governance Audit Risk Management and Standards Committee (if any);
- 4.2.1.3 take as read and confirm the minutes of the last meeting;

- 4.2.1.4 receive petitions from Members and the public in accordance with the arrangements for the making of petitions (see Rule 10);
- 4.2.1.5 receive questions from, and provide answers to, the public in accordance with the rule for public questions (see Rule 11);
- 4.2.1.6 deal with any business from the last Council Meeting if necessary;
- 4.2.1.7 receive any announcements from the Leader and/or Portfolio Holders;
- 4.2.1.8 receive reports from the Executive and the Council's Committees and receive questions and provide answers on any of those reports;
- 4.2.1.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees or Scrutiny Sub-Committee, and reports of the Head of Paid Service as appropriate;
- 4.2.1.10 receive questions from, and provide answers to, Members of Council in accordance with the Rules for questions by Members (Rule 12);
- 4.2.1.11 consider motions;
- 4.2.1.12 receive reports and questions about joint arrangements and external organisations;
- 4.2.1.13 receive a statement from the Leader on his or her activities as Leader since the date of the previous Council meeting.

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

- 4.3.1 Announcements by the Leader and Portfolio Holders submitted in accordance with Rule 4.2 will be dealt with at ordinary meetings of the Council in the following way:



- 4.3.1.1 A Leader and Portfolio Holders' Announcements item will appear on the Council's order of business paper as a separate item and the Leader and / or Portfolio Holders may give a short summary statement updating the Council on matters of interest and relevant issues which have come to the fore since the previous meeting of the Council;
- 4.3.1.2 The Leader and Portfolio Holders' Announcements will last not more than twenty minutes. Up to 10 minutes will be allowed for the announcements and the remainder of the time will be allowed for questions from Members;
- 4.3.1.3 Members will be permitted to ask questions in relation to the announcements on a "first called, first answered" basis;
- 4.3.1.4 A Councillor asking a question under Rule 4.3.1.3 may ask one supplementary question at the Council meeting at which the Leader's answer is given. The supplementary question must arise directly out of the original question or the reply.
- 4.3.1.5 Leader's Announcements does not apply to Annual, Extraordinary, Council Tax or adjourned meetings of the Council.

#### 4.43 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 7.30 pm~~ or at the place and ~~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 ~~they~~ 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 Head of Paid Service and or the Monitoring Officer may cancel an ordinary meeting of the Council either before or after the summons for the meeting has been issued provided that reasons for the cancellation are given.

## 6. Notice Of and Summons To Meetings

6.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 4G of the Constitution. At least five clear working days before a meeting, the summons signed by the Monitoring Officer will be sent to every Member of the Council ~~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 [they do 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 the time set on the agenda and continue for 3 hours at 7.30 pm and close at 10.30 pm](#), except as determined under Rule 9.2 or where the Council is:

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

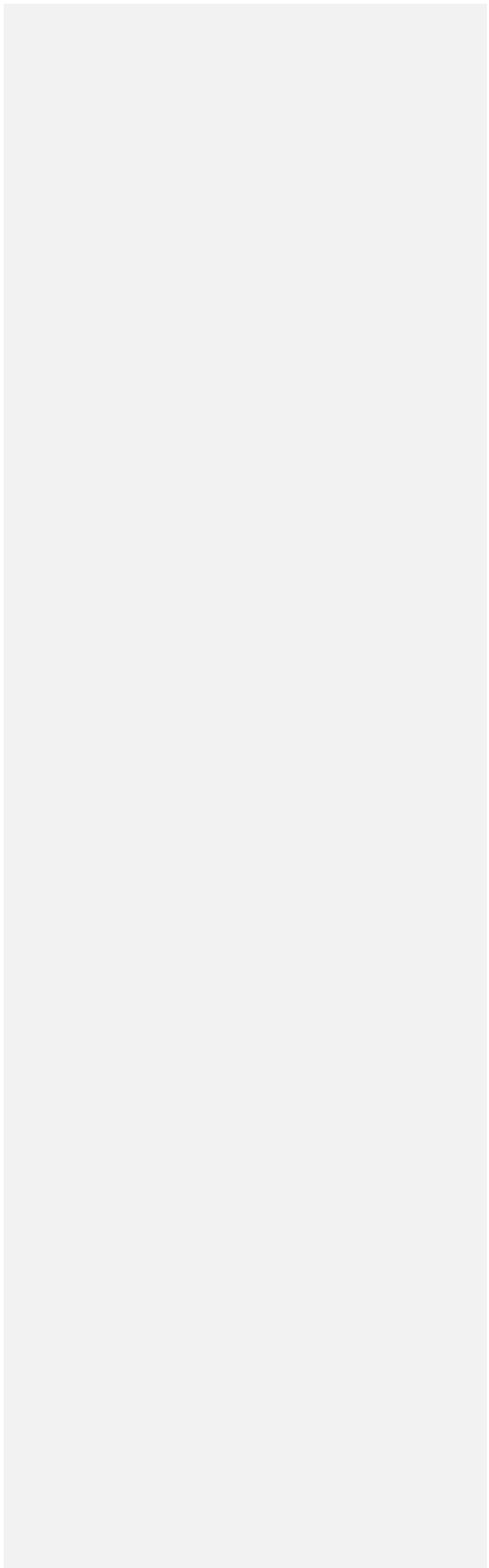
### 9.2 Varying the Closure Time

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

9.2.1.1 the business of the meeting has been completed before [3 hours have expired 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.

(c) [No meeting will continue past 10:30pm](#)

- 9.2.2 For the avoidance of doubt, a meeting may use the provisions within 9.2.1.2(b) above more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the meeting or before the end of the period by which the meeting has already been extended.
- 9.2.3 In considering whether (a) and (b) above are expedient, the Council will have regard to not prejudicing third party rights or interests affected by the remaining business on the summons.

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

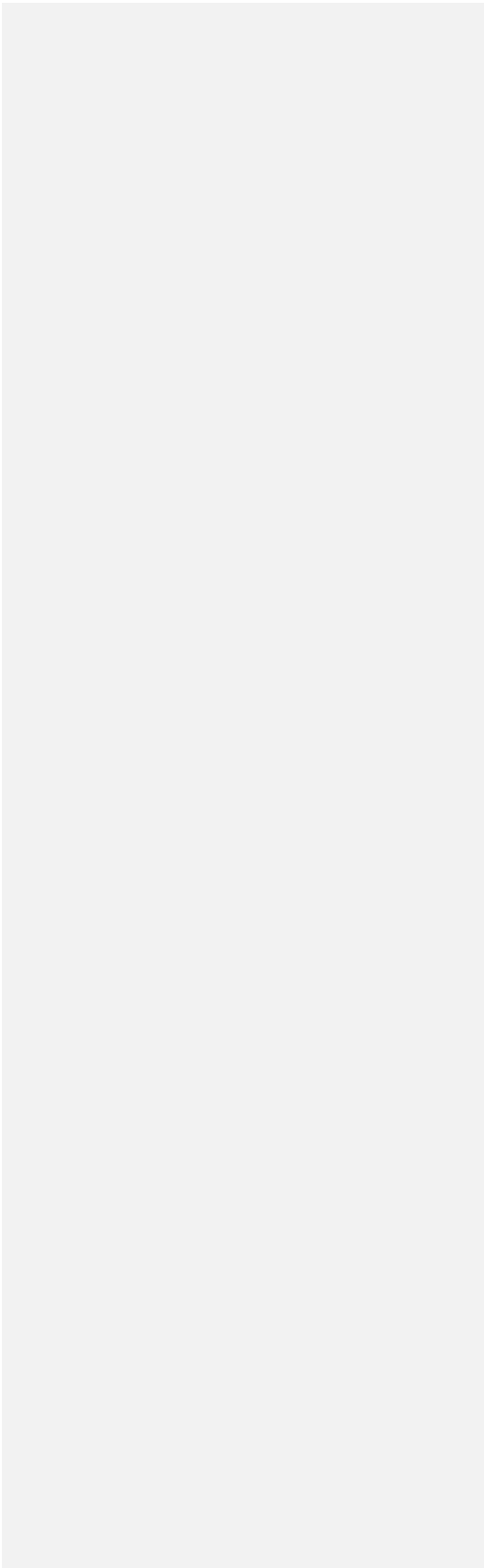
- 9.3.1 At the time of closure the Mayor will advise the Council that the procedure to terminate the meeting is to be applied;
- 9.3.2 Any speech commenced and then in progress, in accordance with Rule 16.4, shall be concluded;
- 9.3.3 The Mayor will put any motion or recommendation of a Committee then under consideration to the vote without further discussion;
- 9.3.4 All remaining business before the Council (inclusive of Committee recommendations, motions and amendments, of which written notice has been given to the Mayor prior to the meeting), shall be put to the vote without discussion or further amendment;
- 9.3.5 The right to ask an oral question on any matter before the Council at that meeting shall be lost but a subsequent written answer shall be given by the Leader or relevant Committee Chair or Portfolio Holder to any question to them already notified in writing.

## **10. Petitions**

### **10.1 Presentation of Petitions**

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





Consultative Forum of the Executive. If the petitioners request that the petition be presented at a meeting of Council this can be done in the following ways:

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

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

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

## **11. Public Questions**

### **11.1 General**

- 11.1.1 Members of the public may ask questions of Members of the Executive, Portfolio Holders and Chairs of Council Committees at ordinary meetings of the Council. Questioners will not be allowed to

address the Council generally on a matter, they may only ask questions.

## 11.2 Time Limit for Questions

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

## 11.3 Order and Notice of Questions

- 11.3.1 Questions will be asked in the order that notice of them was received, except that the Mayor may group together similar questions.
- 11.3.2 A question may only be asked if notice has been given in writing, 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.

11.34 The Member to whom any question is put may arrange for another Member to answer on his or her behalf.

~~11.35~~—The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address; or postal address ~~or fax number.~~

~~11.36~~11.35

#### 11.4 Number of Questions

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

#### 11.5 Scope of Questions

11.5.1 The Mayor on the advice of the Monitoring Officer may, on giving reasons, reject a written question if it:

11.5.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper

11.5.1.2 does not relate to a matter for which the Council has powers or duties; or

11.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or

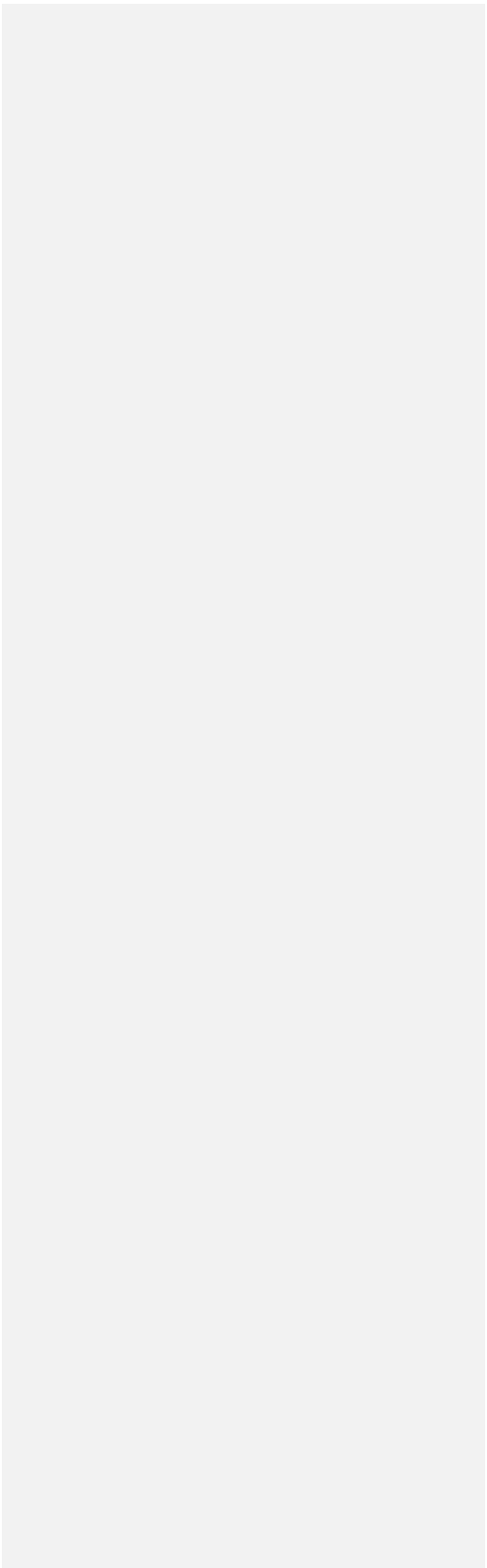
11.5.1.4 would require the disclosure of confidential or exempt information; or

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

11.5.2 No invalid questions will be circulated.

#### 11.6 Record of Public Questions

11.6.1 The Monitoring Officer will make the public questions available for the public inspection ~~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. Member 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 otherwise improper](#); or

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

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

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

12.8.2 No invalid questions will be circulated.

## **13. Recommendations From The Executive, Committees and Statutory Officers**

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

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

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

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

### **13.3 Order of Recommendations**

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

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

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

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

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

14.2 The officer who is the subject of the item and a person accompanying [them him or her](#) under the statutory right to be accompanied has the right to speak in relation to the item.

14.3 Rule 12 (Questions without notice) shall apply with a modification that questions may also be asked of the officer who is the subject of the item.

## 15. Motions

### 15.1 Notice

15.1.1 Except for motions that can be moved without notice under Rule 15, and urgent motions under Rule 15.2, written notice of every motion, signed by at least two Members, must be delivered to the Monitoring Officer not later than 5.00 pm six clear working days before the date of the meeting. All motions will be entered in a document open to public inspection.

Examples of this deadline

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

### 15.2 Urgent Motions

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

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

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

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

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

### 15.3 Motions Set Out in Summons

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

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

#### **15.4 Invalid Motions**

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

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

15.4.1.2 do not relate to a matter for which the Council (as local authority) has powers or do not affect the London Borough of Harrow; or

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

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

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

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

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

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

15.6.1 If the Mayor, in consultation with the Monitoring Officer, considers that any motion made under this Rule refers to matters within the powers of the Executive or a Committee of the Council, then it shall be indicated on the Council summons, supported by reasons, that the motion shall stand referred to the next meeting of the Executive or to a Committee. Any Member may move that any such referral should not apply to a motion, and if seconded, that motion shall be



put to the vote without any discussion. Provided that after disposal of any motions relating to business reserved to the Council the Leader of the Opposition may move one motion at a meeting of Council (excluding the Annual Meeting) relating to a matter within the powers of the Executive which shall not stand automatically referred to the next meeting of the Executive but shall be dealt with as if paragraph 15.7.1 below applied, such motion having been identified to the Director of Legal and Governance Services at the time of the deadline for submissions of motions.

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

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

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

#### **15.8 Motions Calling for a Report**

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

#### **16. Motions Without Notice**

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

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

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

- 16.1.1.2 in relation to the accuracy of the minutes;
- 16.1.1.3 to change the order of business on the agenda;
- 16.1.1.4 to refer a matter to an appropriate body or individual;
- 16.1.1.5 to appoint a Committee or Member arising from an item on the summons for the meeting;
- 16.1.1.6 to receive recommendations or reports from the Executive, a Portfolio Holder, Committee or an officer and any resolutions following from them;
- 16.1.1.7 to withdraw a motion;
- 16.1.1.8 to amend a motion;
- 16.1.1.9 to extend the time limit for speeches;
- 16.1.1.10 that the meeting continue beyond three hours in duration;
- 16.1.1.11 to suspend a particular Council Procedural Rule;
- 16.1.1.12 to exclude the press and public in accordance with Rule 142 of the Access to Information Procedure Rules;
- 16.1.1.13 to not hear further a Member named under Rule 223.3 or to exclude them from the meeting under Rule 232.4; and
- 16.1.1.14 to give the consent of the Council where its consent is required by this Constitution.

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

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

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

16.2.1.4 that the question be now put without further debate.

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

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

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

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

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

## **17. Rules of Debate**

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

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

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

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

### **17.3 Secunder's Speech**

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



## 17.4 Content and Length of Speeches

- 17.4.1 This Rule does not apply to motions moved under Rule 16, which must (except as stated in Rule 16) be moved and seconded without speeches.
- 17.4.2 Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- 17.4.3 Subject to sub-paragraph 17.4.4 the speech of a proposer of a motion or of an amendment shall not exceed five minutes and no other speech shall exceed three minutes.
- 17.4.4 The Mayor may allow speeches to continue for a longer period where [they](#) ~~he/she~~ considers that it is the wish of the Council that they should do so.
- 17.4.5 Rule 17.4.3 does not apply where the Council is:
- (a) considering whether to confirm the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, or
  - (b) considering whether to uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel.

## 17.5 When a Member May Speak Again

- 17.5.1 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 17.5.1.1 to speak once on an amendment moved by another Member;
  - 17.5.1.2 to move a further amendment if the motion has been amended since [they](#) ~~he/she~~ last spoke;
  - 17.5.1.3 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 [they](#) ~~he/she~~ first spoke was carried);
  - 17.5.1.4 in exercise of a right of reply;

17.5.1.5 on a point of order; and

17.5.1.6 by way of personal explanation.

## **17.6 Amendments to Motions**

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

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

17.6.1.2 to leave out words;

17.6.1.3 to leave out words and insert or add others;

17.6.1.4 to insert or add words;

as long as the effect of ~~16~~7.6.1.2 to ~~17~~6.6.1.4 is not to negate the motion or to introduce a new proposal.

17.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

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

17.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

17.6.5 Except when the provisions in **Rule 9.2.1.2(b) and 9.3** are being used, after an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

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

17.7.1 When first moving it, a Member may alter a motion of which [they have](#) ~~he/she has~~ given notice with the consent of the meeting and the seconder. The meeting's consent will be signified without discussion.

17.7.2 A Member may also alter a motion, which ~~they have~~ ~~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.

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

#### **17.8 Withdrawal of a Motion**

17.8.1 A Member may withdraw a motion, which ~~they have~~ ~~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.

17.8.2 If a motion set out in the summons is not moved by one of the two signatories to the notice of motion, or by some other Member on their behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

#### **17.9 Right of Reply**

17.9.1 The mover of a motion (including a substantive motion following an approved amendment) has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

17.9.2 The mover of the original motion may speak once on the amendment either during the debate on the amendment or as a right of reply at the close of the debate on the amendment.

17.9.3 The mover of an amendment has no right of reply to the debate on his or her amendment.

17.9.4 A Member exercising a right of reply shall not introduce new matters, and, after every right of reply to which this Rule refers, a decision shall be taken without further discussion.

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

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

- 17.10.1.1 to withdraw a motion;
- 17.10.1.2 to amend a motion;
- 17.10.1.3 to proceed to the next business;
- 17.10.1.4 that the question be now put;
- 17.10.1.5 to adjourn a debate;
- 17.10.1.6 to adjourn the meeting;
- 17.10.1.7 that the subject of debate be referred to or be referred back to the Executive, a Portfolio Holder or a Committee;
- 17.10.1.8 that the meeting continue beyond three hours in duration;
- 17.10.1.9 to exclude the press and public in accordance with Rule 1.3 of the Access to Information Procedure Rules; and
- 17.10.1.10 to not hear further a Member named under Rule 232.3 or to exclude them from the meeting under Rule 232.4.

#### 17.11 Point of Order

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

#### 17.12 Personal Explanation

- 17.12.1 A Member who has been named by another Member may seek to make a personal explanation if the named Member believes that an earlier speech by the named Member during the meeting has been misunderstood. A Member shall indicate 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.

**18. Previous Decisions and Motions**

**18.1 Motion to Rescind a Previous Decision**

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

**18.2 Motion Similar to One Previously Considered**

18.2.1 A motion or amendment in similar terms to one that has been considered at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one quarter of the Members of the Council.

**18.3 Not to Apply to Recommendations**

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

**19. Voting**

**19.1 Majority**

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

**19.2 Mayor's Casting Vote**

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

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

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



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

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

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

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

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

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

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

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

### **20. Minutes**

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

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

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

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

2021 Where in relation to any meeting, the next meeting for the purposes of signing the minutes is a meeting called under paragraph 3 of Schedule 12 of the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

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

2031 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<sup>2</sup>.

## **21. 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.

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

21.1 Members of the public and press may only be excluded either in accordance with **Rule 12** of the Access to Information Procedure Rules **in Part 4** of this Constitution or under **Rule 24** (Disturbance by the Public).

## **23. Members' Conduct**

### **23.1 Standing to Speak**

23.1.1 When a Member speaks at a meeting of Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of



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personal explanation. This rule will not apply to those with disabilities or who are otherwise unable to stand.

### **23.2 Mayor Standing**

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

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

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

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

23.4.1 If the Member continues to behave improperly after such a motion under ~~23.3.1-3~~ 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.

### **23.5 General Disturbance**

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

## **24. Confidential Business**

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

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

## 25. Disturbance by The Public

### 25.1 Removal of Member of the Public

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

### 25.2 Clearance of part of a Meeting Room

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

### 25.3 Adjournment

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

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

## 26. Suspension And Amendment of Council Procedure Rules

### 26.1 Suspension

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

**Commented [JF4]:** This will be amended to include the rules regarding the end of the meeting.

### 26.2 Amendment and Revocation

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

**27. Ruling of The Mayor On Interpretation Of These Rules**

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

Part 4 - Appendix A

**London Borough of Harrow**

**Petition Scheme**



## 1. Petitions

- 1.1 Harrow Council recognises that petitions can be a good way to highlight issues that people feel strongly about. A petition may be used by people who live, work or study in the borough to formally register a collective request or concern about the Council or its services. We will consider and respond to all petitions we receive.
- 1.2 We will treat as a petition anything that is identified as a petition or seems to us intended to be a petition.
- 1.3 Paper petitions can be sent to the address below for the attention of the relevant corporate director as follows:

Post	Functions and areas of responsibility
Corporate Director, People	Community Care, Mental Health, Health Partnerships, Adults and Elderly People, Housing and Libraries.  Safeguarding & Family Support, Young People's Services, Special Needs and Education Support, Schools and Colleges
Corporate Director, Community	Leisure & Cultural Services, Environment Services, Planning, Parking, Traffic, Parks and Open Spaces, Street Cleaning, Conservation, Licensing, Rubbish and Recycling, Housing and Libraries.
Corporate Director, Resources & Commercial	Finance, Access Harrow, Council Tax, Electoral Registration, Marriages and Civil Partnerships, Council and Democracy.

**Address:**  
Harrow Council  
Civic Centre  
Station Road  
Harrow HA1 2XY

- 1.4 Alternatively, petitions may be presented at a meeting of the Council, Executive or a committee. Please follow <http://www.harrow.gov.uk/www2/ieListMeetings.aspx?CId=1092&Info=1&bcr=1> to the Council's Constitution which contains Procedure Rules for the Council, the Executive and the committees. These rules explain the procedure for presenting petitions at meetings of the different bodies and what will happen to the petitions.

## 2. What must a petition include?

- 2.1 Petitions submitted to the Council **must** include
- a clear and concise statement covering the subject of the petition, including the action the petitioners wish to take; and
  - the names addresses and signatures of people who support the petition and who live, work or study in the Borough of Harrow. The address given must be a home, work or study address in the Borough.
- 2.2 Petitions should be accompanied by contact details, including an address and telephone number, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.
- 2.3 If a petition does not follow the guidelines set out above we may decide not to do anything further with it. In that case we will write to you to explain this.
- 2.4 In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss any revised timescale which will apply.

## 3. What will the Council do when it receives a petition?

- 3.1 The relevant department will send an acknowledgement to the petition organiser within 15 working days of receiving the petition. The acknowledgement will explain what will happen next and when they can expect to hear from the department again.
- 3.2 If the department think it is appropriate to take the action requested immediately, the acknowledgement will explain this, and the petition will be closed.
- 3.3 If another procedure is more suitable for dealing with the petition the petition organiser will be informed of this.
- 3.4 No action will be taken on a petition which the relevant Corporate Director considers is vexatious, abusive or otherwise inappropriate, and the reasons for this will be explained in their acknowledgement of the petition.
- 3.5 If the petition concerns a particular area of Council business, it will usually be referred to a committee or sub-committee or other body that deals with that area and may be considered at a meeting. Alternatively, the relevant Corporate Director or Portfolio Holder may respond to the petition. Committee meetings are usually held in public, so people who are interested in the petition will be able to observe any discussion that takes place. If the petition



has over 2000 signatures it will be presented at a meeting of full Council (see section 5 below).

#### **4. Petitions involving partners / other authorities**

- 4.1 If the petition is about an issue over which we have no direct control (for example the local hospital) we will consider referring the matter to the Executive to take up the matter on behalf of the community with the relevant body. We work with a large number of official partners and where possible will work with these partners to respond to your petition. If we are unable to do this then we will explain why.
- 4.2 If the petition is about something that is the responsibility of a different Council we will forward the petition to that Council, or take other appropriate action, and will notify the petition organiser about what we have done.

#### **5. Petitions with over 2000 signatures**

- 5.1 If a petition contains more than 2000 signatures of people who live, work or study in the Borough (the address in the Borough at which they live, work or study must be provided), it will be considered / debated at a meeting of full Council. The Council will try to consider the petition at its next meeting, although in some circumstances this may not be possible - for example, when the petition is submitted too close to the meeting date, in which case consideration will take place at the following meeting. The petition organiser will be invited to the meeting to read the terms of the petition to the meeting and the petition will then be discussed by Councillors. The presentation must last no longer than one minute and the discussion by councillors will last a maximum of 10 minutes.
- 5.2 Following consideration / discussion full Council may refer the petition to the Cabinet, a committee or a Corporate Director to determine the matter, taking into account the views expressed by full Council.
- 5.3 The petition organiser will receive written confirmation of this decision. This decision will also be published on our website as part of the minutes of full council.

#### **6. E-petitions**

- 6.1 We welcome e-petitions which are created and submitted through a website which offers this facility. E-petitions must follow the same guidelines as paper petitions set out above.
- 6.2 It is possible to have the same petition in paper form and e-petition form at the same time, although signatories should only sign one copy of the petition.

#### **7. Alternatives to a petition**

- 7.1 There are other ways in which you can let us know what you think about our actions and decisions that may be more appropriate than a petition. Follow [http://www.harrow.gov.uk/info/200025/compliments\\_and\\_complaints/85/general\\_complaints\\_and\\_compliments](http://www.harrow.gov.uk/info/200025/compliments_and_complaints/85/general_complaints_and_compliments) to see how else you can have your say.

## Committee Procedure Rules

### 1. Application of these Rules

1.1 These Rules are made up of the following sections:

1.1.1 Rules 1 to 27 apply to all committees, sub-committees and panels of the Council. These are currently:

1.1.1.1 Governance, Audit, Risk Management and Standards Committee

1.1.1.2 Licensing and General Purposes Committee and its panels: Chief Officers' Employment Panel, Licensing Panel, Personnel Appeals Panel and Social Services Appeals Panel

1.1.1.3 Planning Committee

1.1.1.4 Overview and Scrutiny Committee, its Performance and Finance, Health & Social Care and Call-In Sub-Committees

1.1.1.5 Pension Fund Committee

~~1.1.1.6~~ Pension Board

~~1.1.1.6~~~~1.1.7~~ Appeals Committee

~~1.1.1.7~~ Chief Officers' Disciplinary Panel

1.2 **Rules 28 to 29** set out additional rules which apply to the Planning Committee.

~~1.3~~ ~~Rules 30 to 49 and Appendix 1 set out additional rules that apply to the Overview and Scrutiny Committee and its sub-committees.~~

~~4.41.3~~ These Rules do not apply to the procedure of Council or the Executive, which have their own Procedure Rules.

### 2. Establishment of Committees

2.1 The Council at its Annual Meeting will:

1.1.2 decide which Committees to establish for the Municipal Year;

1.1.3 decide the size and terms of reference of these Committees;

1.1.4 decide the allocation of seats on these Committees to the political groups in

London Borough of Havering in accordance with the rules on political proportionality;  
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Note: These Rules do not apply to Advisory Panels of the Executive.

2.2 The number and names of Members, independent members and co-optees appointed to each Committee and the details of any sub-committees and panels established by Committees can be found in Part 3 of the Constitution (Allocation of Responsibilities).

### 3. **Appointment of Reserves to Committees and Sub-Committees and Panels**

#### 3.1 **Allocation**

The Council will allocate seats on Committees and sub-committees and panels for members and Reserves.

#### 3.2 **Number**

1.1.5 For each Committee, sub-committee or panel, 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 or sub-committee or panel. If a group has an entitlement of fewer than three Members they may appoint three reserve Members on the Committee or sub-committee or panel.

#### 3.3 **Powers and Duties**

1.1.6 Reserve Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are reserving.

#### 3.4 **Reserving**

[3.4.1](#) Reserve Members may attend meetings in that capacity only:

3.4.1.1 to take the place of an ordinary Member for whom they are a reserve;

3.4.1.2 where the ordinary Member will be absent for the whole of the meeting;

3.4.1.3 where the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve; and

3.4.1.4 if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

[3.4.2](#) For the purposes of section 3.4.1.2 only, a meeting adjourned to another day shall be treated as a new meeting. [If a reserve member attends the meeting and the meeting is adjourned, then the reserve member must attend both parts of the meeting, otherwise it should be treated as a new meeting.](#)

3.4.3 If a Reserve Member is in attendance at a meeting the ordinary member for whom they are substituting shall not be entitled to attend that meeting and take part as an ordinary member of that body.

#### 4. **Attendance of Members at Committees, Sub-Committees and Panels**

##### 4.1 **No right to speak**

4.1.1 Any Member of the Council may attend meetings of Committees, sub-committees and panels. Subject to [the paragraph 4-2 below on “motions referred to Committee, Sub-Committees or Panels”](#), Councillors who are not ordinary members and attending Reserve Members of the Committee, sub-committee or panel may not speak at meetings unless the Committee, sub-committee or panel agrees that the Member concerned may speak, or, the Member has been invited to the Committee, sub-committee or panel to speak.

##### 4.2 **Motions referred to Committee, Sub-Committees or Panels**

4.2.1 A Member of the Council who has proposed a motion which has been referred to a particular Committee or sub-committee, shall be given at least three clear working days notice of the meeting at which the motion will be considered, by the Monitoring Officer. If the Member attends the meeting but is not an ordinary Member or attending Reserve member of that Committee, sub-committee or panel, ~~he or she~~ they shall have an opportunity to explain the motion to the Committee, sub-committee or panel.

#### 5. **Appointment of Sub-Committees and Panels**

5.1 Committees of the Council may establish sub-committees and panels with such terms of reference and delegated powers, as they consider necessary for the proper discharge of the functions of the Committee.

5.2 Committees may appoint ordinary and reserve Members to sub-committees and panels in accordance with the rules on political proportionality, pursuant to section 15 of the Local Government and Housing Act 1989 and subordinate legislation. Committees may also appoint non-voting co-opted members to sub-committees and panels.

5.3 The Licensing Panel must ~~be made up of~~ [contain](#) 3 [ordinary](#) members of the Licensing and General Purposes Committee.

Minority groups shall nominate from amongst their Members on Committees and sub-committees, a Member to be consulted by Chief Officers in the exercise of delegated powers relating to the urgency procedure. (The Urgency Procedure is set out in Part 4 of the Constitution). Nominated members must be full Members of the Committee concerned.

## **7. Chairing Committees, Sub-Committees and Panels**

### **7.1 Election of a Chair of a Committee**

7.1.1 The Chairs of Committees of the Council will be appointed by the Council under Rule 1 of the Council Procedure Rules. If the Council fails to appoint a Chair for any Committee then that Committee shall appoint a Chair as the first item of business at its first meeting following the Annual Council.

### **7.2 Election of Chair of Sub-Committee or Panels**

7.2.1 Where any Committee establishes a sub committee or panel the Committee shall appoint the Chair of the sub-committee or panel. If a Committee fails to appoint a Chair to a sub-committee or panel then the sub-committee or panel shall appoint a Chair as the first item of business.

7.2.2 The Committee, sub-committee or panel shall appoint a Vice Chair at its first meeting following the Annual Council.

### **7.3 Absence of Chair at Meetings of Committees, Sub-Committees and Panels**

7.3.1 In the absence of the Chair, the Vice-Chair shall preside.

7.3.2 If after 15 minutes since the identified start time of the Committee, Sub-Committee or Panel neither the Chair nor Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business.

7.3.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned in 7.3.2 above, the first order of business shall be to elect a Chair for the meeting.

## **8. Business not on the Agenda**

### **8.1 Business not on the agenda may only be considered where:**

8.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with; or

8.1.2 a member of the Committee or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of

urgency and the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

## 8.2 **Late and Urgent Reports Marked “to follow on Agenda”**

8.2.1 If there is a request to ~~publish-add-an-agenda- a report item to on~~ an agenda after the statutory deadline for publication, that item may only be considered if the Chair ~~(after consulting the Nominated Member)~~ agrees ~~by virtue of the special circumstances set out either in the report or on the supplementary agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.~~ ~~subject to consultation with nominated members (if reasonably practicable) and the Committee agreeing to consider that item of business, 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.~~

~~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.~~

## 9. **Time and Place of Meetings**

9.1 Meetings of Committees, sub-committees and panels shall take place ~~at the place and time stated on the agenda at the Civic Centre or by virtual meeting at 7.30 pm, except for meetings of the Planning Committee (see Rule 28.2) and the Pension Fund Committee which shall commence at 6.30 pm or such time as stated on the agenda for the meeting.~~ Following consultation with the nominated Members and subject to compliance with the Access to Information Rules, the Chair shall have the power to alter the venue, day and time if ~~he/she/they~~ believes it to be appropriate for the conduct of the business of the Committee, sub-committee or panel.

9.2 For those sub-committees or panels not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair and nominated Members of the sub-committee or panel.

## 10. **Cancellation of Meetings**

10.1 ~~The Head of Paid Service and/ or the~~ The Monitoring Officer may cancel a meeting of any Committee, sub-committee either before or after the agenda for the meeting has been issued provided that reasons for the cancellation are given.

## 11. Calling of Special Meetings

### 11.1 Calling Special Meetings

11.1.1 Those listed below may request the Monitoring Officer to call Committee, sub-committee or panel meetings in addition to ordinary scheduled meetings:

11.1.1.1 the Committee, sub-committee or panel by resolution;

11.1.1.2 the Chair of the Committee, sub-committee or panel. In relation to the Overview and Scrutiny Committee or relevant Scrutiny sub-committee, the Chair must, before requesting the Monitoring Officer to call a special meeting, consult with the nominated members of each of the political groups represented on the Overview and Scrutiny Committee or Scrutiny sub-committee, ~~and, in the case of the Overview and Scrutiny Committee, with the four voting co-opted members mentioned in paragraph 34.2;~~

11.1.1.3 at least one-third of the members of the Committee, sub-committee or panel, if they have signed a requisition presented to the Chair of the Committee, sub-committee or panel and ~~they have~~ ~~he/she has~~ refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition;

~~11.1.1.4 in relation to the Standards Committee only, an independent member of that Committee.~~

### 11.2 Business

11.2.1 Business at special meetings of Committees, sub-committees and panels shall be restricted to: the items notified in the publish agenda.

~~11.2.1.1 the election of a person to preside if the Chair or Vice Chair is absent;~~

~~11.2.1.2 any item of business specified by the Committee, sub-committee or panel, Chair or Monitoring Officer when calling the meeting or specified in the requisition presented by at least one-third of the members of committee, sub-committee or panel;~~

~~11.2.1.3 any deputations relating to items of business on the agenda which the Chair agrees to hear.~~



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

12.1 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 Monitoring Officer will ~~publish send an agenda by post to every member of the Committee, sub-committee or panel or leave it at his or her usual place of residence.~~ The agenda will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by all relevant reports.

## 13. **Quorum**

13.1 The quorum of a meeting will be at least one quarter or three Members, whichever is the greater, of the whole number of members of the Committee, sub-committee or panel, with the exception of the Overview and Scrutiny Committee.

13.2 The quorum for the Overview and Scrutiny Committee, the Scrutiny sub-committee and the Call-In sub-committees will be one quarter or three members, whichever is the greater of the whole number of Members (including co-opted voting members) AND where there are appointed co-opted voting members, the quorum shall be calculated on the total number inclusive of such co-optees but the quorum shall refer to the elected councillors

13.3 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.

13.4 During any meeting, if the Chair 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 Chair. If ~~they do he/she does~~ not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee, sub-committee or panel.

## 14. **Closure Duration of Meetings**

### 14.1 **Commencement and Time of Closure**

14.2 Meetings of Committees, sub-committees and panels will ~~close 2.5 hours after the time of start the meeting as advertised on the agenda except as determined below. commence at 7.30 pm, except for meetings of the Planning Committee (see Rule 28.2) and the Pension Fund Committee which shall commence at 6.30 pm or such other time as stated on the agenda, and close at 10.00 pm, except as determined under Rule~~

### 14.3 — Varying the Closure Time

~~14.4.1.2~~ Meetings of Committees, sub-committees or panels shall terminate in the manner set out in Rule 14.3 unless:

~~14.4.1.1~~14.2.1.1 the business of the meeting has been completed within 2.5 hours of the start of the ~~before 10.00 pm; or~~

~~14.4.1.2~~14.2.1.2 by resolution passed before the closure time, the Committee, sub-committee or panel 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 agenda; 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. (no meeting of any committee will expect pass 10:30 pm except Planning Committee)
- (c) Neither (a) nor (b) above shall be utilised in respect of meetings of the Planning Committee so as to extend these beyond a final closure of 4.5 hours after the start of the meeting. ~~time of 11.00 pm.~~

For the avoidance of doubt, a meeting may use the provisions above within 14.2.1.2 (b) 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.

In considering whether (a) or (b) above are expedient, the Committee, sub-committee or panel must have regard to not prejudicing third party rights or interests affected by the remaining business on the agenda.

### ~~14.5~~14.3 Determining Business Upon Closure

~~14.5.1~~14.3.1 At the time of closure the Chair will advise the Committee, sub-committee or panel that the procedure to terminate the meeting is to be applied;

~~14.5.2~~14.3.2 Any speech commenced and then in progress shall be concluded;

~~14.5.3~~14.3.3 The Chair will put any motion or recommendation then under consideration to the vote without further discussion;

~~14.5.4~~14.3.4 All remaining business before the Committee, sub-committee or panel, including recommendations, and amendments that have already been moved, shall be put to the vote without discussion or further amendment.

## 15. **Petitions**

### 15.1 Presentation of Petitions

15.1.1 Petitions relating to a function of a Committee or sub-committee shall be dealt with in accordance with the Council's Petition Scheme (at Appendix A to the Council Procedure Rules) and will usually be presented to the appropriate meeting of the Committee or sub-committee. If the petitioners request that the petition be presented at a meeting of a Council Committee or sub-committee this can be done in the following ways:

15.1.1.1 a representative of the petitioners may attend, at the time stated for the start of the Committee or sub-committee meeting, and request to read the petition to the meeting;

15.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;

15.1.1.3 the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.

15.1.2 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 Chair determines that this time limit should be extended or reduced.

### 15.2 **Notice and Consideration of Petitions**

15.2.1 There is no need for any advance notice to be given of the wish to present a petition to a Committee or sub-committee.

## 16. **Deputations**

16.1 This Rule does not apply to the Planning Committee, when considering planning applications, ~~(See Rule 29)~~, nor to Licensing applications which have specific rules which are available at meetings of the Licensing Panel and to applicants, nor to the Overview and Scrutiny Committee.

- 16.2 Any committee, sub-committee or panel of the Council other than those excluded from the application of this Rule may receive a deputation on any matter appearing on the relevant agenda.
- 16.3 Requests for deputations must be in writing and supported by the signatures of at least 10 residents or representatives of local organisations or businesses in Harrow. The signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.
- 16.4 The request must be given to the Monitoring Officer at least two clear working days before the day of the meeting, although the Committee or sub-committee on the grounds of urgency can waive this requirement.
- 16.5 The deputation to the meeting must consist of not more than four people. Those persons nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputation must not exceed 10 minutes.
- 16.6 The time allowed for questioning of the deputation by Members will be 10 minutes.
- 16.7 The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 16.8 Committees shall receive no more than two deputations per meeting.
- 16.9 No deputation shall be received by a Committee or sub-committee within 6 months after a deputation has appeared before it on the same or a similar subject.
- 16.10 Members of the Council, co-optees and advisers (in that capacity) shall not be signatories to, lead or form part of any deputation.
- 16.11 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.

## 17. **Public Questions**

### 17.1 **General**

- 17.1.1 Members of the public may question Chairs of Council Committees or sub-committees at meetings. Questioners will not be allowed to address the Committee or sub-committee generally on a matter, they may only ask questions relating to matters within the terms of reference of the Committee or sub-committee. Questions relating to individual cases and/or matters relating to staffing and conditions of service and relating to individual planning applications at the Planning Committee meetings will not be permitted.

## 17.2 Time Limit for Questions

17.2.1 There will be a total 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 respondent can complete a reply. Unless the Chair permits otherwise, a reply to a question shall not exceed three minutes. If the Councillor answering believes that a longer response is necessary an oral summary will be given and a full reply shall be completed in writing.

## 17.3 Order and Notice of Questions

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

17.3.2 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 no later than 3.00 pm two clear working days before the day of the meeting. Each question must be submitted by the questioner, identifying their name, address, and where appropriate email address, and give the name of the Chair of the Committee or sub-committee to whom it is to be put.

17.3.3 ~~Without prejudicing 17.3.2 above, where~~Where a report is circulated after the normal Committee 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 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 Chair of the Committee or sub-committee to whom it is to be put.

17.3.4 The Chair of a Committee or sub-committee to whom any question is put may arrange for another Member of the Council to answer on his or her behalf.

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

## 17.4 Number of Questions

17.4.1 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 Chair may reject a supplemental question if it falls within any of the categories in paragraph

## 17.5 Scope of Questions

### 17.5.1 The Monitoring Officer may reject a written question if it:

- 17.5.1.1 would risk defamation of an individual or is frivolous or offensive ~~or otherwise improper~~; or
- 17.5.1.2 does not relate to a matter to which the Council has powers or duties; or
- 17.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or
- 17.5.1.4 would require the disclosure of confidential or exempt information; or
- 17.5.1.5 is substantially the same as a question which has been put at any meeting of the Committee in the last six months.
- 17.5.1.6 is within the invalid categories referred to at 17.1 above.

No invalid questions will be circulated.

## 17.6 Record of Public Questions

- 17.6.1 The Monitoring Officer will ~~publish~~ ~~enter~~ each written question ~~in a document open to public inspection~~ and will immediately send a copy of the written question to the Councillor to whom it is to be put. If a question is rejected, reasons for rejection will be given to the questioner by the Monitoring Officer.
- 17.6.2 Copies of all valid questions will be circulated to all Members of the committee, sub-committee or panel, and made available to the public at the meeting.

## 17.7 Asking the Question at the Meeting

- 17.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member has been nominated to answer on his or her behalf.
- 17.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf.
- 17.7.3 The Chair may either:
  - 17.7.3.1 ask the question on the questioner's behalf; or
  - 17.7.3.2 indicate that a written reply will be given; or

17.7.3.3 decide, in the absence of the questioner, that the question will not be dealt with.

## 17.8 **Written Answers**

17.8.1 Any written 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 Committee, sub-committee or panel.

## 17.9 **Reference of a Question to another Body**

17.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may propose that a matter raised by a question be referred to the Executive, Advisory Panel, Portfolio Holder or other appropriate Committee, sub-committee or panel. Such a proposal will be voted on without discussion.

## 18. **Confidential Business**

18.1 All reports, other documents, information, discussions and proceedings of a Committee, sub-committee or panel 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 Committee, sub-committee or panel. 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. Confidential and/or exempt items will be discussed in 'Part II' of the Committee, sub-committee or panel meeting following a resolution to exclude the press and public.

## 19. **Voting**

### 19.1 **Majority**

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

### 19.2 **Chair's Casting Vote**

19.2.1 If there is an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

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

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

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

### 19.4 **Recorded Vote by Roll Call**

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

### 19.5 **Voting on Appointments**

19.5.1 If there are more than two people nominated for any position to be filled by a Committee, sub-committee or panel and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

## 20. **Minutes**

### 20.1 **Signing the Minutes of Committees, Sub-Committees and Panels**

20.1.1 The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.



**20.2 Minutes of Decisions of Committees, Sub-Committees and Panels**

20.2.1 Minutes of Committees, sub-committees and panels shall be published on the Council's intranet and website.

**20.3 Production of Minutes**

20.3.1 Minutes of the meetings of Committees, sub-committees, and panels will normally be published within five clear working days of the date of the meeting.

**21. Record of Attendance**

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

**22. Exclusion of the Public**

22.1 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 4G of this Constitution or under Rule 24 (Disturbance by the Public).

**23. Members' Conduct**

**23.1 Precedence of Chair**

23.1.1 When the Chair speaks during a debate, any Member speaking at the time must stop speaking. The meeting must be silent.

## 23.2 **Member not to be heard further**

23.2.1 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

## 23.3 **Member to leave the Meeting**

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

## 23.4 **General Disturbance**

23.4.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as [they he/she](#) thinks necessary.

## 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 Chair will warn the person concerned. If they continue to interrupt, the Chair 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 Chair may call for that part to be cleared.

### 24.3 **Adjournment**

24.3.1 Following an order by the Chair for one or more members of the public to leave the meeting room, if [they he/she](#) deems it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as [they he/she](#) thinks necessary.

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

## 25. **Suspension and Amendment of Committee Procedure Rules**

### 25.1 **Suspension**

25.1.1 All of these Committee Procedure Rules ~~except the Rules on Reserving\_ (3.4), Individual Recorded Vote and Explanation for Vote\_ (19.3), Exclusion of the Public (22), Suspension and amendment of Committee Procedure Rules (25), reserve members for Overview and Scrutiny Sub-Committees (32.10),~~ may be suspended by motion on notice or without notice if at least one half of all members of the committee are present and where such a 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.

**Commented [JF5]:** This will include the rules regarding the end of the meeting.

## 25.2 **Amendment**

25.2.1 The Committee Procedure Rules may only be changed by the Council.

## 26. **Ruling of the Chair on Interpretation of these Rules**

26.1 The Chair's ruling on the interpretation or application of any of the Committee Procedure Rules is final.

## 27. **Membership of the Planning Committee and Licensing & General Purposes Committee**

27.1 The requirements set out in this Procedural Rule shall apply to Members and substitute or replacement Members serving on the Planning and/or Licensing & General Purposes Committee.

27.2 In nominating Members to serve on the Planning and/or Licensing & General Purposes Committee the political Groups will have regard to those Members of Council who have received the relevant training in the statutory roles of the Committee. A register of those Members who have completed ~~training the Training Course~~ shall be kept by the Monitoring Officer and updated periodically by ~~them~~ ~~him/her~~ as future Members are trained.

27.3 In a Borough Election Year Members who are not trained to serve on the Planning and/or Licensing & General Purposes Committee may be nominated to serve nonetheless for an initial period of up to six months from the date of the first appointments in that Municipal Year to allow them to receive the required training within that period. Training shall be provided by the Council within this period. Failure to undertake and complete satisfactorily the training within that six month periods will preclude the Member from membership of the Planning and/or Licensing & General Purposes Committee and require the political Group to nominate a replacement Member who has been trained. Members are required to renew this training at not more that 4 year intervals; failure to do so shall preclude the Member from membership of the Planning and/or Licensing & General Purposes Committee.

27.4 In respect of any serving Planning and/or Licensing & General Purposes Committee Member who has not completed the training satisfactorily within the six month period the relevant political Groups will be requested to nominate a replacement Member of Council who has so completed the training satisfactorily, failing which any such place on the Committee shall remain vacant pending the nomination of a trained Member.

**28. Additional Rules for the Planning Committee**

28.1 Rules 28 to 29 are rules specific to the Planning Committee. They apply to the Planning Committee (or any committee otherwise named to which has been delegated the exercise of the functions of the Council as a local planning authority under the relevant statutory provisions).

28.2 Meetings of the Planning Committee shall take place at ~~the time and place the Civic Centre at 6.30 pm or such time as~~ stated on the agenda for the meeting.

28.3 Meetings of the Planning Committee shall close 3.5 hours after they commence ~~at 10.00 pm~~ unless determined under Rule 14.2 ~~the closure of meetings~~ but ~~these rules Rule 14.2~~ may not be used to extend the ~~meeting beyond 4.5 hours. closure time of a meeting of the Planning Committee beyond 11.00 pm.~~

**29. Information on the rights of Applicants and Objectors to speak in relation to Applications at the Planning Committee**

29.1 This procedure applies only to the following applications, which are to be determined by the Planning Committee:

29.1.1 Applications for planning permission, which are being recommended for grant or approval by the Chief Planning Officer.

29.1.2 Applications for prior approval of the siting and appearance of telecommunications development where the Chief Planning Officer is recommending that prior approval be not required OR that prior approval be required and granted.

29.1.3 Applications for the modification or discharge of section 106 agreement obligations.

29.2 Where the recommendation of the Chief Planning Officer is to refuse an application Applicants and Objectors have no right to speak.

29.3 No later than 5.00 pm on the working day before the meeting, objectors should give notice to the Monitoring Officer of their wish to speak at the Planning Committee.

- 29.4 Subject to 29.5, only one objector will be permitted to address the Planning Committee in respect of each relevant application, and any group of objectors should therefore nominate a spokesperson.
- 29.5 In exceptional circumstances, the Planning Committee may by motion agree to allow a maximum of two objectors to address the Planning Committee.
- 29.6 The applicant may only make representations after any objector has addressed the Planning Committee (i.e. if there is no objector to an application the applicant will not be permitted to speak).
- 29.7 Objectors and applicants may speak for a maximum of three minutes each. Where the Planning Committee allows two objectors to address them under [the rule above Rule 29.5](#), each objector may speak for a maximum of three minutes. In exceptional circumstances concerning significant applications the Planning Committee may agree to increase the length of time for representations to a maximum of five minutes each.
- 29.8 Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application to attend the subsequent meeting and make representations.
- 29.9 ~~The deputation procedure referred to in [the Rule above 16](#) applies to all other businesses on the Planning Committee agenda.~~
30. Any major<sup>1</sup> planning application by or on behalf of the Council, or involving Council-owned land, where ~~any the~~ Portfolio Holder ~~who has for~~ Planning ~~and~~ Regeneration ~~in their portfolio~~ and ~~Employment~~ has been involved, must be considered at a special meeting. This meeting must not be chaired or attended by ~~the~~ Portfolio Holder.
31. **Additional Rules for Overview and Scrutiny**
- 31.1 ~~The Rules 320 to 49~~[below](#) are specific to the Overview and Scrutiny Committee.
32. **Membership of the Overview and Scrutiny Committee**
- 32.1 All Councillors except members of the Executive may be Members of the Overview and Scrutiny Committee and any Scrutiny sub-committees.

<sup>1</sup> Minor development is defined as one which does not fall within the category of 'major'. Major development is defined as development of 10 or more dwellings or residential development on sites of 0.5ha or more, or non-residential, floorspace of 1000m<sup>2</sup> or more, or with a site area of 1ha or more. Minor developments are dealt with by officers under the current planning delegations.

- 32.2 No member may be involved in scrutinising a decision in which ~~they have~~ ~~he/she has~~ been directly involved. In particular, Portfolio Holder Assistants shall not participate or vote on the scrutiny of matters within their identified remit, as approved by Cabinet.
- 32.3 The Overview and Scrutiny Committee will comprise such members as the Council shall determine, including the Chairs of the Scrutiny sub-committees and will also include two voting parent governor representatives and two voting “church” representatives.
- 32.4 Members of the Overview and Scrutiny Committee will be appointed by Council in accordance with the rules on political proportionality.
- 32.5 The Overview and Scrutiny Committee may appoint non-voting advisers, who will not be members of the Committee.
- 32.6 Subject to **Rule 324.7**, Members of the Overview and Scrutiny Committee and its sub-committee, who are not members of the Authority, are not entitled to vote.
- 32.7 Appointed representatives of the “church” and parent governors shall be voting members of the Overview and Scrutiny Committee. They are entitled to vote on any matter relating to an education function of the Authority. They are entitled to speak but not vote on any other matter.
- 32.8 “Church” and parent governor representatives are only eligible to Chair meetings of the Overview and Scrutiny Committee when education issues are being discussed, and, if chairing, may exercise a casting vote.
33. **Scrutiny Sub-Committees**
- 33.1 The Overview and Scrutiny Committee will appoint a Performance and Finance Sub-Committee and a Health and Social Care Scrutiny Sub-Committee as set out below, and two Call-In sub-committees as outlined in Rule 33. Subject to Council approval, the Overview and Scrutiny Committee may discontinue any of these sub-committees and/or appoint alternative sub-committees. The Overview and Scrutiny Committee may also amend the terms of reference of the sub-committees as appropriate, such changes to be reported to the next Council meeting for ratification.
- 33.2 Where the Overview and Scrutiny Committee seeks to discontinue or appoint sub-committees other than as set out in Rule 32.1, it should consult interested parties as appropriate.
- 33.3 Any change in sub-committees will be reported to the next Council meeting by the Chair of the Overview and Scrutiny Committee.

- 33.4 The ~~Scrutiny~~ Performance and Finance Sub-Committee and the Health and Social Care Scrutiny Sub-Committee will comprise such Councillors as the Overview and Scrutiny Committee shall determine.
- 33.5 The terms of reference of the sub-committees are set out in the Allocation of Responsibilities in Part 3 of the Constitution.
- 33.6 Membership of the sub-committees will be subject to the political proportionality rules.
- 33.7 The appointment of parent governor representatives to the Overview and Scrutiny Committee will be carried out in accordance with the requirements of the Parent Governor Representatives (England) Regulations 2001.
- 33.8 The appointment of “church” representatives to the Overview and Scrutiny Committee will be carried out in accordance with the requirements of Local Government Act 2000.
- 33.9 The sub-committees may appoint advisers to the sub-committees. Such advisers will not be members of the sub-committees and cannot vote.
- 33.10 The Overview and Scrutiny Committee may also appoint Reserve Members to these sub-committees on the following conditions:
- 33.10.1 Reserve Members cannot be Members of the Executive.
- 33.10.2 The reserves shall have the same powers and duties of any ordinary member of the Committee.
- 33.10.3 Co-opted voting members on the Overview and Scrutiny Committee may not have reserves.
- 33.10.4 Subject to paragraphs 33.10.1 to 33.10.3 above, the provisions of Rule 3.4 shall apply to Reserve Members of the Overview and Scrutiny Committee and any sub-committees appointed by it.

#### 34. **The Call-In Sub-Committees**

- 34.1 The Overview and Scrutiny Committee will appoint a Call-In Sub-Committee and a Call-In Sub-Committee (Education) to consider and comment on decisions of the Executive and to process matters “called-in”.
- 34.2 The Call-In Sub-Committee will comprise five Members of the Overview and Scrutiny Committee and the Call-In Sub-Committee (Education) will comprise nine Members including two voting parent governor representatives and two voting “church” representatives and will be subject to the rules on political proportionality.

34.3 The Overview and Scrutiny Committee may also appoint Reserve Members to these sub-committees. Reserve Members cannot be Members of the Executive. The reserves shall be subject to the Rules in 3.4 **and 323.10 above.**

34.4 At a meeting of the Call-In Sub-Committee (Education), the “church” and parent governor representatives will have attendance, speaking and voting rights.

34.5 The Rules for call-in are detailed [in Rule 47](#) below and Appendix 1.

### 35. **Meetings of the Overview and Scrutiny Committee and its Sub-Committees**

35.1 ~~There shall be eight scheduled meetings of the Overview and Scrutiny Committee, three scheduled meetings of Performance and Finance Sub-Committee, and three scheduled meetings of Health and Social Care Sub-Committee in each municipal year.~~  
The Call-In Sub-Committees shall be convened as and when required.

35.2 Following consultation with the nominated members of each of the political groups (and in the case of the Overview and Scrutiny Committee, with the four voting co-opted members) the relevant Chair shall have the power to alter the venue, day and time of the meeting or to cancel a meeting if ~~he or she~~ they believes it to be appropriate for the conduct of the business of the Committee or sub-committee. The Access to Information Procedure Rules must still be adhered to.

35.3 The dates of meetings of the Overview and Scrutiny Committee and Scrutiny sub-committees will be as determined in the annual calendar of meetings or determined by the Monitoring Officer and notified in the agenda of all meetings.

### 36. **Work Programme**

36.1 The Overview and Scrutiny Committee will consider its outline work programme, and that of the Scrutiny sub-committees, at its first meeting following the Annual Meeting of Council, except in years where there are whole borough elections, where the work programme will be considered at the first suitable meeting.

36.2 In setting the outline work programme, account will be taken of the need to scrutinise forthcoming policy, for example, the budget, whilst leaving flexibility to commence new scrutiny reviews during the year in response to new requests for scrutiny.

36.3 The Overview and Scrutiny Committee will report the agreed outline work programme to the first available ordinary meeting of the Council.

### 37. **Setting the agenda for meetings**

37.1 The Chair of the Overview and Scrutiny Committee or the relevant Scrutiny sub-committees will be responsible for approving the agenda for each meeting.



- 37.2 The Chair of the meeting will decide on all matters of order, relevance and interpretation of these procedures.
- 37.3 The Chair will have the power to vary the order of business to give precedence to any item of business.
- 36.4 Any voting member of the Overview and Scrutiny Committee or the relevant Scrutiny sub-committees is entitled by giving at least six clear working days notice before the meeting to the Monitoring Officer, that [they/he/she](#) wishes an item relevant to the functions of the Committee or sub-committees to be included on the agenda. The Monitoring Officer will ensure that the matter is included on the agenda.
- 36.5 The Overview and Scrutiny Committee shall consider whether it is appropriate to respond to requests from the Council and the Executive, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee or Scrutiny sub-committees will report their findings and recommendations back to the Executive or Council who must consider the report within 8 weeks of receiving it, or at the next meeting, whichever is the sooner.

### 38. **Policy Development and Review**

- 38.1 The role of the Overview and Scrutiny Committee and Scrutiny sub-committees in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in Part 4C of this Constitution.
- 38.2 In relation to the development of the Council's policy on matters which do not form part of the budget and policy framework, the Overview and Scrutiny Committee and/or Scrutiny sub-committees may make proposals to the Executive or the Council for developments in so far as they relate to matters within their terms of reference.
- 38.3 The Overview and Scrutiny Committee and Scrutiny sub-committees may hold reviews and investigate the available options for future direction in policy development.
- 38.4 The Overview and Scrutiny Committee and Scrutiny sub-committees may appoint advisors and assessors to assist them in this process. They may arrange site visits, conduct public surveys, hold public meetings, commission research and do all the other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend and discuss any matter under consideration by the Committee or sub-committees.

~~38.5 The Overview and Scrutiny Committee and Scrutiny sub-committees may pay advisors, assessors and witnesses a reasonable fee and expenses for attending meetings to provide evidence and/or advice.~~

39.1 Once it has formed proposals for policy development, the Overview and Scrutiny Committee or Scrutiny sub-committees will prepare a formal report and submit it:

39.1.1 **to the Executive, if the proposals are consistent with the existing budgetary and policy framework, or**

39.1.2 **to the Executive and to the Council, if the recommendations would require a departure from or change to the agreed budget and policy framework.**

39.2 If the Overview and Scrutiny Committee or Scrutiny sub-committees cannot agree on one single final report, then any two Members of the relevant committee may prepare a minority report to be submitted for consideration by the Executive or Council together with the majority report.

#### 40. **Consideration of Overview and Scrutiny reports by the Executive and/or the Council**

40.1 The Council or Executive (as appropriate) shall consider a report of the Overview and Scrutiny Committee or Scrutiny sub-committees within 8 weeks of it being published, or at its next meeting, whichever is the sooner.

40.2 Where reports are sent to the Executive from the Overview and Scrutiny Committee or Scrutiny sub-committees the Executive will have 8 weeks from the date of the reference for them to respond to the Overview and Scrutiny Committee or Scrutiny sub-committees, and (if the report was referred in accordance with paragraph 389.1.2 above to both Executive and Council) the Council shall **not** consider the report within that period. ~~The exception to this Rule is during summer recess, when the Executive may respond to such a report within 10 weeks.~~

40.3 When the Council meets to consider a matter referred from the Overview and Scrutiny Committee or Scrutiny sub-committees under Rule 398.1.2 above, it shall also consider any response of the Executive to the proposals of the Overview and Scrutiny Committee or Scrutiny sub-committees.

#### **Consideration of reports by individual Executive members**

40.4 Where the Overview and Scrutiny Committee or a Scrutiny sub-committee prepares a report for consideration by the Executive in relation to a matter where decision-making power has been delegated to an individual member of the Executive, the Overview and Scrutiny Committee or Scrutiny sub-committees will submit their report to the relevant Executive Portfolio Holder for consideration. At the same time, a copy of the report shall be given to the Monitoring Officer.

40.5 The Executive Portfolio Holder with delegated decision making power must consider a report submitted to ~~them~~ him/her under Rule ~~394~~ 3940.4 and, if accepting their report,

respond in writing to the Overview and Scrutiny Committee or Scrutiny sub-committees within 4 weeks of receiving it. A copy of his/her response shall be sent at the same time to the Monitoring Officer.

- 40.6 Where a report is submitted to an Executive Portfolio Holder under Rule 4039.4 above, the Portfolio Holder will also attend a future meeting of the Overview and Scrutiny Committee or Scrutiny sub-committees to discuss the report and his/her response.
- 40.7 In respect of reports dealt with under Rule 4039.4, if the Executive Portfolio Holder with delegated decision-making power does not accept any or all of the recommendations of the Overview and Scrutiny Committee, ~~they he/she~~ must refer the matter to the next available meeting of the Executive for decision.
- 40.8 Following a debate on a matter by the Executive under rule 3940.7, the Executive Portfolio Holder will respond to the report of the Overview and Scrutiny Committee or Scrutiny sub-committees in writing. This response must be with the Overview and Scrutiny Committee or Scrutiny sub-committees within eight weeks of receipt of the report submitted under Rule 3940.4.

#### 41. **Power to respond to Consultation**

The Overview and Scrutiny Committee or Scrutiny sub-committees will, in any event, have access to the Executive's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee or Scrutiny sub-committees, following consideration of possible service/policy developments, the Overview and Scrutiny Committee or Scrutiny sub-committees will be able to respond in the course of the Executive's consultation process in relation to any key decisions.

#### 42. **Rights of Overview and Scrutiny Committee Members to Documents**

- 42.1 Members of the Overview and Scrutiny Committee and Scrutiny sub-committees have additional rights to documents, and to notices of meetings as set out in Rule 22 of the Access to Information Procedure Rules in Part 4G of this Constitution.
- 42.2 In some circumstances it may be appropriate for more detailed information sharing to take place between the Overview and Scrutiny Committee or the Scrutiny sub-committees and the Executive. Nothing in this paragraph prevents ad hoc arrangements from being agreed by Members if appropriate.

#### 43. **Holding Members to Account**

- 43.1 Within their particular terms of reference, the Overview and Scrutiny Committee or Scrutiny sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function.

43.2 In fulfilling the scrutiny role, the Overview and Scrutiny Committee and Scrutiny sub-committees may require the Leader of the Council and any other member of the Executive to attend before the Committee to explain:

43.2.1 **any particular decisions or series of decisions;**

43.2.2 **the extent to which the actions taken implement Council policy; and/or**

43.2.3 **their performance.**

43.3 Where required to attend in compliance with Rule 432.2, it is the duty of that Member to do so.

43.4 Where any Member is required to attend the Overview and Scrutiny Committee or a Scrutiny sub-committee under Rule 432, the Chair of that Committee or sub-committee will inform the Monitoring Officer. The Monitoring Officer will inform the Member, giving at least 10 clear working days notice in writing of the meeting at which ~~they are he or she is~~ required to attend to give account, and whether papers are required for the Committee or sub-committee.

43.5 Where the account to be given to the Committee or sub-committee will require the production of a report, the Member concerned will be given sufficient notice to allow for the preparation of that documentation.

43.6 Where, in exceptional circumstances, the Member is unable to attend on the required date, the Monitoring Officer, in consultation with the Chair and the Member concerned, shall arrange an alternative date for attendance.

#### 44. **Holding Officers to Account**

44.1 The Overview and Scrutiny Committee or Scrutiny sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within their particular terms of reference.

44.2 In fulfilling that scrutiny role, the Overview and Scrutiny Committee and Scrutiny sub-committees may require a Chief Officer (see Rule 434.7) to attend before the Committee or sub-committee to explain:

44.2.1 **any particular decisions or series of decisions;**

44.2.2 **the extent to which the actions taken implement Council policy; and/or**

44.2.3 **their performance.**

44.3 Where required to attend in compliance with Rule 434.2, it is the duty of that officer to do so.

44.4 Where an officer (see Rule 443.7) is required to attend the Overview and Scrutiny Committee or a Scrutiny sub-committee under Rule 43, the Chair of that Committee or sub-committee will inform the Monitoring Officer. The Monitoring Officer will inform the officer, giving at least 10 clear working days notice in writing of the meeting at which ~~he or she is~~ they are required to attend to give account, and whether papers are required for the Committee or sub-committee.

44.5 Where the account to be given to the Committee or sub-committee will require the production of a report, the officer concerned will be given sufficient notice to allow for the preparation of that documentation.

44.6 Where, in exceptional circumstances, the officer is unable to attend on the required date, the Monitoring Officer, in consultation with the Chair and the officer concerned, shall arrange an alternative date for attendance.

44.7 Under normal circumstances, the Corporate Director or Director responsible for the area in question will attend the Committee or sub-committee to be held to account. It may sometimes be appropriate for another officer to attend to discuss the issue. The decision about who should attend and be held accountable is entirely one for the Corporate Directors or Director concerned, in consultation with his or her staff.

45. **Attendance at the Overview and Scrutiny Committee and Scrutiny Sub-Committees**

45.1 The Overview and Scrutiny Committee and Scrutiny sub-committees may invite any other person (not referred to in Rules 432 and 443) to address the Committee or sub-committees. It may, for example, wish to discuss issues of local concern with residents, partners, Members and officers from other public sector or private sector organisations.

45.2 The Overview and Scrutiny Committee or Scrutiny sub-committees may invite any person to attend, but attendance (except for Chief Executives of Health Authorities) is entirely optional.

~~45.3 People attending the Overview and Scrutiny Committee or Scrutiny sub-committees under this Rule will be entitled to receive travelling and other appropriate payments as may be determined by the Council from time to time.~~

46. **Call-in**

46.1 Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) or any Joint Committee (where it has taken a decision delegated to it by the Executive) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive reconsider the decision. For the avoidance of doubt, a decision may only be subject to the call-in procedure once.

## 46.2 The process for call-in

46.2.1 Six Members of the Council can call in a decision of the Executive, which has been taken but not implemented. In relation to Executive decisions on education matters only the number of Members required to call in a decision which has been made but not implemented shall be six Councillors or, in the alternative, six persons comprising ~~representatives of the~~ voting co-opted members and representatives of at least one political group on Overview and Scrutiny Committee. Only decisions relating to Executive functions, whether delegated or not, may be called in.

46.2.2 150 Members of the public (defined as anyone registered on the electoral roll of the Borough) can call in a decision of the Executive, which has been taken but not implemented.

46.3 Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in during this period. This Rule does not apply to urgent decisions (see Rule 48 below). The notice of the decision will state the date on which the decisions may be implemented if not called in.

46.4 Call-in must be by notification to the Monitoring Officer in writing ~~or by fax~~:

46.4.1 **signed by all six Members or, in the alternative, the voting co-optees requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members concerned.**

46.4.2 **signed by all 150 members of the public registered on the electoral roll, and stating their names and addresses.**

### Requirement to Give Reasons

46.5 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

46.5.1 **inadequate consultation with stakeholders prior to the decision;**

46.5.2 **the absence of adequate evidence on which to base a decision;**

46.5.3 **the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;**

46.5.4 **the action is not proportionate to the desired outcome;**

46.5.5 **a potential human rights challenge;**

46.5.6 **insufficient consideration of legal and financial advice.**

### Referral to the Call-In Sub-Committees

- 46.6 Subject to 476.1 below, once a notice invoking the call-in procedure has been received the decision may not be implemented until the designated members (as defined in Appendix 1) have considered the guidance outlined in Appendix 1 and if required, the Call-In Sub-Committee has considered the decision. The Monitoring Officer shall in consultation with the Chair arrange a meeting of the Call-In Sub-Committee to be held within seven clear working days of the receipt of the request for call-in.
- 46.6.1 **Where the Call-In Sub-Committee fails to meet within seven clear working days of the call-in request being received by the Monitoring Officer, the decision may be implemented on the day following twelve clear working days from the date the decision was published.**
- 46.6.2 **Where the Call-In Sub-Committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive, Portfolio Holder, officer (if a key decision) or Joint Committee, the decision may be implemented on the day following the Call-In Sub-Committee meeting.**
- 46.6.3 **No Member who has signed a call-in notice in accordance with Rule 465.4 may sit as a member of the Call-In Sub-Committee which considers that call-in notice.**

### Process for Consideration of Called-in Items at the Call-In Sub-Committee

- 46.7 The Call-In Sub-Committee will consider the decision and the reasons for call-in. The Sub-Committee may invite the Executive decision-taker and a representative of those calling in the decision to provide information at the meeting.
- 46.8 The Sub-Committee may come to one of the following conclusions:
- 46.8.1 **that the challenge to the decision should be taken no further and the decision may be implemented;**
- 46.8.2 **that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-In Sub-Committee must set out the nature of its concerns for Council; or**
- 46.8.3 **that the matter should be referred back to the decision taker (i.e. the Portfolio Holder, Executive or Joint Committee, whichever took the decision) for reconsideration. In such a case the Call-In Sub-Committee must set out the nature of its concerns for the decision taker/Executive.**

46.9 In the event of a referral-back under Rule 45.8.3, the Executive or Portfolio Holder must reconsider the decision within ten clear working days of that referral. The original decision may be then be confirmed or amended in the light of the comments of the Call-In Sub-Committee.

#### **Referral to Council under Rule ~~45~~6.8.2**

46.10 In the event that the Call-In Sub-Committee refers the matter to Council under Rule ~~45~~6.8.2 above, the decision shall be discussed at the next ordinary meeting of Council, provided that the next scheduled meeting is within 20 clear working days of the decision of the Call-In Sub-Committee, which referred the matter.

46.11 If the next scheduled meeting of the Council is more than 20 clear working days after the decision of the Sub-Committee, the Mayor will decide, in consultation with the Leaders of the political parties, whether an extraordinary meeting of the Council is expedient.

46.12 The Council when considering the matter may conclude:

46.12.1 **that the challenge to the decision should be taken no further and the decision may be implemented;**

46.12.2 **that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget and cannot therefore be implemented; or**

46.12.3 **that the matter should be referred back to the Executive, Portfolio Holder, officer or Joint Committee for reconsideration. In such a case the Council must set out its reasons for the referral; or**

46.12.4 **acknowledge that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget framework, but approve an amendment to the particular policy or budget to allow the decision to be implemented.**

#### **In the event of a referral back to the Executive decision-taker**

46.13 In the event of ~~45~~6.12.3 above, the Executive must reconsider the decision at its next meeting (consideration should be given to the holding of a special meeting if the issue is considered to now be sufficiently urgent); or as the case may be the Portfolio Holder or officer must reconsider the decision within five clear working days of the date of the Council meeting. The decision-taker can either:

46.13.1 **confirm the original decision and report back to the next meeting of the Overview and Scrutiny Committee;**



**46.13.2 amend or alter the decision in the light of the comments of the Call-In Sub-Committee and report back to the next meeting of the Overview and Scrutiny Committee.**

In the case of either 465.13.1 or 456.13.2, the decision may be implemented as soon as the original Executive decision is confirmed or amended by the decision taker.

**47. Call-in and Urgency**

- 47.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent decision. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- 47.2 The record of the decision, and notice by which it is made public, shall state that the matter is considered one of urgency, and will thus not be subject to call-in.
- 47.3 The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 47.4 In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Mayor is required.
- 47.5 In the absence of both the Chair of the Overview and Scrutiny Committee and the Mayor, the consent of the Deputy Mayor is required.
- 47.6 Decisions taken, as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.
- 47.7 The operation of the provisions for call-in and urgency shall be monitored annually and a report submitted by the Head of Paid Service to Council with proposals for review if necessary.

**48. Procedure at Overview and Scrutiny Committee and Scrutiny Sub-Committee Meetings**

48.1 The Overview and Scrutiny Committee shall consider the following business:

48.1.1 **Minutes of the last meeting;**

48.1.2 **Declarations of interest and any dispensations granted by the Standards Committee;**

48.1.3 **Petitions;**

48.1.4 **Deputations;**

48.1.5 **Public Questions;**

48.1.6 **Responses from the Executive and Council to reports from the Committee;**

48.1.7 **The business otherwise set out on the agenda for the meeting;**

48.1.8 **Check on progress from the Scrutiny sub-committees to ensure reviews are on track.**

48.2 The Scrutiny sub-committees (other than the Call-In Sub-Committees – see Rule [4850.3](#) below) shall consider the following business:

48.2.1 **Minutes of the last meeting;**

48.2.2 **Declarations of interest;**

48.2.3 **Petitions;**

48.2.4 **Deputations;**

48.2.5 **Public Questions;**

48.2.6 **Consideration of any matter referred to the sub-committee by the Overview and Scrutiny Committee;**

48.2.7 **Responses from the Executive and Council to reports from the sub-committee;**

48.2.8 **The business as otherwise set out on the agenda for the meeting.**

48.3 The Call-In Sub-Committees shall consider the following business:

48.3.1 **Minutes of the last meeting;**

48.3.2 **Declarations of interest;**

48.3.3 **The Call-In request(s) for which the meeting is convened.**

49. **The Conduct of Reviews**

49.1 In conducting reviews, the Overview and Scrutiny Committee and Scrutiny sub-committees may also ask people to attend to give evidence at their meetings as outlined in Rules 43-44 above.

49.2 Reviews will be carried out in accordance with the principles set out in the Protocol on Councillor/Officer Relations in Part 5 of the Constitution.

49.3 Following any review, the Committee or sub-committees shall prepare a report for submission to the Executive and/or Council as appropriate and shall also make its report and findings public subject to any confidentiality requirements (See Rule 18).

50. **Matters within the remit of Overview and Scrutiny Committee and the Scrutiny Sub-Committees**

Where a matter for consideration falls within the remit of the Overview and Scrutiny Committee and the Performance and Finance Sub-Committee, the Overview and Scrutiny Committee will decide which of them will lead the scrutiny process.

## Appendix 1

### Overview and Scrutiny Sub-Committees Call-In Procedure: Guidance

#### The Spirit of Co-operation

This Guidance is written for all members to consider when calling in a decision made by the Executive. The Guidance has been prepared to prevent abuse of the call-in process, and to promote the efficient use of the Council's resources.

The Overview and Scrutiny Committee shall delegate authority to the designated Members (see below) to consider requests for Call-In received in accordance with the Council's constitution, except where either or both of the designated Members have signed the call-in notice (see below).

In the event that the designated Members fail to reach agreement on whether a request should be called in, the request for a Call-In shall automatically pass to the Call-In Sub-Committee for consideration.

#### (1) Call in by Members of Council and by members of the public – Rule 456.2

The Guidance will be relied upon by the Chair and Vice Chair of the Overview and Scrutiny Committee. These Members will be the designated Members for the purpose of this Guidance<sup>2</sup> when considering a request for call in by Members of the Council or by members of the public. If either of the designated Members has signed a call-in notice in accordance with Rule 45.4 they will not take part in the consideration of the request for call-in and it will be considered by the other Member alone. If both designated Members have signed a call-in notice the request for a Call-in shall automatically pass to the Call-In Sub-Committee for consideration.

#### Reasons for refusal

The designated Member(s) must ensure that the requirement to give reasons under Rule 45.5 of the Committee Procedure Rules ("the Rules") as contained in the Council's

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<sup>2</sup> When the Chair and Vice-Chair of the Overview and Scrutiny Committee belong to the same political group, the designated members for the purposes of this Guidance only shall be the Chair or Vice-Chair of the Call-In Sub-Committee and the lead or nominated member on the Call in Sub Committee from the next largest political group.

Constitution is met. In the event that the requirements of Rule 45.5 are met, the following guidance shall be used when considering a request for call-in to the Call-In Sub-Committee:

1. Time limit - A decision may only be called-in during the period of 5 clear working days from the date of publication of the executive decision.
2. Financial implications - Only decisions involving expenditure or risk of a value over £50,000 may be called-in, where expenditure is the primary purpose of the decision. This factor in particular should be considered in light of the other factors in this guidance.
3. Political implications - Does the decision have an impact on 1 or more of the wards in Harrow? Or will the decision have an effect on the wider interests of the inhabitants of the area?
4. Duplication - The Call-In Sub Committee should not be used when another forum or route is available to deal with concerns about an Executive decision, such as Challenge Panels, Standards Committee or Regulatory Panels e.g. Traffic, Development Management etc.
5. Relevance - The Call-in request must be of direct relevance to the Decision being called-in.
6. Public Call-in - The Call-in request must make out a prima facie case.
7. Process -
  - (a) Have the requisite 6 Members requested the call-in? The Members who make the call-in should be Members of the Council or, as the case may be representatives of the voting co-opted members and one political group on Overview and Scrutiny Committee.
  - (b) Have the requisite 150 members of the public requested the call-in? The 150 members of the public must be registered on the electoral roll and have given their name and address.

8. Vexatious Requests – Can the request be reasonably construed as vexatious having regard to tone, content, language, persistence etc.

9. [A decision which can no longer be implemented](#) [should not be called in.](#)

The list above is not exhaustive and occasionally additional and different reasons may be relied upon to reject a request for a call in. If this is the case, a review of this Guidance will be carried out to ensure that it remains up to date and of assistance to members.

The designated Member(s) should consider each of the above factors fully when considering a request for call-in, and in the event of refusal, reasons shall be provided which refer to the above categories.







## Health and Wellbeing Board Procedure Rules

### 1. Accountability

The Health and Wellbeing Board is set up in accordance with section 102 of the Health and Social Care Act 2012. The Council can choose to delegate decision making powers to the Health and Wellbeing Board. Any recommendations are subject to the agreement of the Leader of the Council if they are not covered by the delegated authority.

Members of the Board will be required to abide by the Code of Conduct.

### 2. Purpose of the Board

2.1. The Government proposes that statutory health and wellbeing boards will have 3 main functions:

- to assess the needs of the local population and lead the statutory joint strategic needs assessment
- to promote integration and partnership across areas, including through promoting joined up commissioning plans across NHS, social care and public health
- to support joint commissioning and pooled arrangements, where all parties agree this makes sense

The Board will cover both adult and children's issues.

2.2. The purpose of the Board is to improve health and wellbeing for the residents of Harrow and reduce inequalities in outcomes. The Board will hold partner agencies to account for delivering improvements to the provision of health, adult and children's services social care and housing services.

### 3. Key Responsibilities

3.1. The key responsibilities of the Health and Wellbeing Board shall be:

- 3.1.1. To agree health and wellbeing priorities for Harrow
- 3.1.2. To develop the joint strategic needs assessment
- 3.1.3. To develop a joint health and wellbeing strategy
- 3.1.4. To promote joint commissioning

- 3.1.5. To ensure that Harrow Council and the CCG commissioning plans have had sufficient regard to the Joint Health and Wellbeing strategy
- 3.1.6. To have a role in agreeing the commissioning arrangements for local Healthwatch
- 3.1.7. To consider how to best use the totality of resources available for health and wellbeing.
- 3.1.8. To oversee the quality of commissioned health services
- 3.1.9. To provide a forum for public accountability of NHS, public health, social care and other health and wellbeing services
- 3.1.10. To monitor the outcomes of the public health framework, social care framework and NHS framework introduced from April 2013)
- 3.1.11. To authorise Harrow's Clinical Commissioning Group annual assessment
- 3.1.12. To produce a Pharmaceutical Needs Assessment and revise every three years
- 3.1.13. Undertake additional responsibilities as delegated by the local authority or the Clinical Commissioning Group e.g. considering wider health determinants such as housing, or be the vehicle for lead commissioning of learning disabilities services.

#### **4. Membership**

- 4.1. The Chair of the Board will be nominated by the Leader of Harrow Council.
- 4.2. The voting membership will be:
  - Members of the Council nominated by the Leader of the Council (5)
  - Chair of the Harrow Clinical Commissioning Group (vice chair)
  - GP representative of the Harrow Clinical Commissioning Group
  - A further representative of the Harrow Clinical Commissioning Group
  - CCG Accountable Officer or nominee
  - Representative of Healthwatch Harrow

4.3. The following Advisors will be non-voting members:

- Director of Public Health
- Chief Officer, Voluntary and Community Sector
- Senior Officer of Harrow Police
- Chief Operating Officer – CCG
- Corporate Director, People
- Director Adult Social Services

4.4. The voluntary and community sector representative shall be nominated by the Voluntary Community Sector Forum on an annual basis.

4.5. Members are appointed annually. Members of the Board shall each name a reserve who will have the authority to make decisions in the event that they are unable to attend a meeting.

4.6. Board members shall sign a register of attendance at each meeting and should not normally miss more than one meeting within a financial year.

4.7. The chair of the Clinical Commissioning Group will serve as the vice chair of the Health and Wellbeing Board.

4.8. Providers will be invited to attend meetings as required depending on the subject under discussion.

**4.9. Participation of the NHS England**

4.9.1. NHS England must appoint a representative to join Harrow's Health and Wellbeing Board for the purpose of participating in the Boards preparation of the JSNA and JHWS.

4.9.2. The Health and Wellbeing Board can request the participation of the NHS England representative when the Health and Wellbeing Board is considering a matter that relates to the exercise or proposed exercise of the commissioning functions of NHS England in relation to Harrow.

**4.10. Meeting Frequency**

4.10.1. The Board shall meet bi monthly subject to review

4.10.2. An extraordinary meeting will be called when the Chair considers this necessary and/or in the circumstances where the Chair receives a request in writing by 50% of the voting membership of the Board

#### **4.11. Health and Wellbeing Board Executive**

4.11.1. The purpose of the Health and Wellbeing Board Executive is to:

- Develop and deliver a programme of work based on the Joint Commissioning priorities and the Joint Health and Wellbeing Strategy
- Shape future years joint commissioning
- Shape the agenda for future HWB meetings
- Engage and understand the views of different organisations (including providers)
- Bring together a collective view of partners and providers to the bi-monthly Health and Wellbeing Board
- Share Commissioning Intentions and common priorities
- Govern and quality assure the Health and Wellbeing Board work programme
- Be aware and discuss emerging policy and strategy
- Problem Solving

4.11.2. The meetings of the Executive will be scheduled to meet before the Board.

4.11.3. Membership will consist of senior representatives from both the Council and Clinical Commissioning Group, including the Directors of Adults, Children's, and Public Health services, the Chair of Harrow Clinical Commissioning Group, Accountable Officer, Chief Operating Officer, GP Clinical Directors, and finance officers.

4.11.4. The chairing of the Executive will alternate between the council's Corporate Director of People Services and the Chief Operating Officer, Harrow CCG.

#### **4.12. Local Safeguarding Boards**

4.12.1. The Council's two Local Safeguarding Boards have a horizontal link to the Health and Wellbeing Board and include:

4.12.1.1. Local Safeguarding Adults Board

4.12.1.2. Harrow Local Children's Safeguarding Board

#### **4.13. Conduct of Meetings**

4.13.1. Meetings of the Board will be held in public except where the public are excluded from the meeting by resolution in accordance with Access to Information Act.

4.13.2. The quorum of the Board shall be 50% of the voting membership – however there must be attendance of at least one voting member from both the Council and the Clinical Commissioning Group. Should the quorum not be secured the meeting will not take place.

4.13.3. Decisions shall be made on the basis of a show of hands of a majority of voting members present. The [ChairmanChair](#) will have a second or casting vote.

4.13.4. Each meeting will have provision for the public to ask questions. There will be a total limit of 15 minutes for the asking and answering of public questions.

4.13.5. Harrow Council Democratic Services will service the meetings including the preparation and circulation of agenda and the production of minutes.

4.13.6. Minutes of the meetings will be available on the website of the council.

4.13.7. The [Chair](#) shall sign off the minutes as a true and accurate record of the meeting.

4.13.8. Agendas and supporting papers will be available on the website of the council at least five working days before the meeting.

## **C. Budget and Policy Framework Procedure Rules**

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# BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

## 1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in [the](#) Articles [4](#). Once the budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

## 2. The Process for the Development of the Budget

### Timetable and consultation

- (a) Before the publication of any draft budget proposals, the Executive shall agree a timetable for the consideration of the budget. The timetable shall accord with these Rules, [statutory requirements](#), and shall also detail the process for consultation on the budget with local stakeholders and others.
- (b) The Executive shall then arrange appropriate consultation on these draft budget proposals with local stakeholders and others. Details of the consultation process shall be included in the Forward Plan of the Authority [Council](#).

### Reference to the Overview and Scrutiny Committee

- (d) The draft budget proposals of the Executive shall also be referred to the Overview and Scrutiny Committee for advice and consideration. A copy of the proposals shall be sent as soon as available to all members of that Committee.
- (e) The Overview and Scrutiny Committee may conduct further consultation as it considers appropriate except that this should not duplicate any consultation already carried out or proposed to be carried out by the Executive [and should not delay the timetable set out by the Executive](#).
- (f) The Overview and Scrutiny Committee shall report to the Executive on the outcome of their consideration of the draft budget proposals and may make such recommendations, as it considers appropriate. The Executive must consider any report or recommendations made by the Overview and Scrutiny Committee before it submits its budget to the Council for approval. When making its report to the meeting of the Council on the budget the Executive must state how it has taken into account any recommendations from the Overview and Scrutiny Committee.



### Consideration of the budget by the Council

- (g) The Council may:
- adopt the budget proposals of the Executive;
  - ~~may~~ amend them;
  - refer them back to the Executive for further consideration.
- (h) A decision by Council to adopt the proposals comes into effect immediately.
- (i) A decision to amend or refer back the proposals shall come into effect ~~after~~ five clear working days from the day on which the Council meeting makes its decision unless the procedure in (j) below is invoked by the Leader.
- (j) In circumstances where the Executive budget proposals have been amended and before the expiry of the five clear working days period, the Leader of the Council may give notice to the Director of Legal & Governance Services that ~~they -he or she~~ objects to some or all of the amendments made by the Council. The decision of the Council shall not then come into effect until the completion of the procedure in sub-paragraph (k) below.
- (k) When the Leader of the Council gives notice to the Director of Legal & Governance Services under sub-paragraph (j) above or where the Council has decided to refer the budget back to the Executive the Director of Legal & Governance Services shall:
- (i) arrange for a meeting of the Executive to consider the proposals made by the Council. The Executive may:
- agree with the proposals of Council;
  - reject the proposals of Council;
  - ~~\_\_\_\_\_~~ make further amendments
  - agree some and reject some of the proposals of Council.
- (ii) following the meeting of the Executive, convene a further meeting of Council to give further consideration to the budget. The further meeting of the Council shall be called for the day that is not more than 14 calendar days nor less than 7 calendar days after the giving of notice by the Leader, and shall commence ~~at 7.30 pm~~ at the time set out on the agenda, unless agreement is reached by the Chair and the Leaders of all political groups on the Council to an alternative date or time.

- (l) The Council at its further meeting to consider the budget can agree the proposals of the Executive or can amend the proposals. Their decision is then effective immediately.

#### Budget variation

- (m) When approving the budget the Council shall also specify the extent of controls (if any) on the use of contingencies and reserves which may be undertaken by the Executive in accordance with paragraph 6 of these Rules. The Executive may not make any other changes to the budget determined by the Council.

#### After setting the budget

- (n) As soon as practicable after the determination of the budget the Executive shall publish and make available to the public information on the budget determined for the following Municipal Year.

### 3. The Process for the Development of the Policy Framework

#### Timetable and consultation

- ~~(a) The plans and strategies which comprise the policy framework are set out in xxx. In accordance with the Local Authority (Functions and Responsibilities) (England) Regulations 2000 any approval to the following Plans and Strategies is reserved to must be approved by the Council:~~

~~(b) —~~

~~— Annual Library Plan~~

~~(c) Children and Young People's Plan~~

~~(d) Crime and Disorder Reduction Strategy~~

~~(e) Gambling Policy~~

~~(f) Licensing Authority Policy Statement~~

~~(g) Licensing Policy~~

~~(h) Local Implementation Plan (formerly the Local Transport Plan)~~

~~(i) Plans and strategies which together comprise the Development Plan~~

~~(j) Sustainable Community Strategy~~

~~(k) Youth Justice Plan~~

~~(l) —~~

~~(m)(a) The Harrow Corporate Plan, Gambling Policy (statement of principles) and the Equalities Scheme are also reserved to the Council.~~

~~(m)(b) At the start of each Municipal Year the Executive will determine a timetable for the preparation and consideration of the ese pPlans and sStrategies referred to listed in (a) above that are required to be made in that year. The timetable will detail the meeting of the Executive which it is expected that the pPlan or sstrategy will be agreed for recommendation to Council, the meeting of the Overview and Scrutiny Committee to which the matter is to be referred (see (e) below) and the~~

Commented [ST6]: Taken out as it is in Article 3

date of the Council meeting at which the recommendation will be considered.

~~(e)(c)~~ The Executive shall arrange appropriate consultation on the proposed ~~P~~plans and ~~S~~strategies with local stakeholders and others as determined by the Executive. Details of the consultation process shall be included in the Forward Plan of the Authority.

~~(p)~~ ~~Three of the Plans and Strategies referred to listed in (a) above are known as Partnership Plans these are:~~

~~Crime and Disorder Reduction Strategy  
Sustainable Community Strategy  
Youth Justice Plan~~

~~These Plans and Strategies will be prepared with Harrow's Partners in the Partnership and will be referred to the relevant decision-making body in each of the agencies of the Steering Group of the Partnership.~~

**Commented [ST7]:** Deleted as it is out of date, plans and strategies are in article 3.

#### Reference to the Overview and Scrutiny Committee

~~(e)(d)~~ A copy of any proposed ~~p~~Plan or ~~s~~Strategy ~~which is part of the policy framework listed in Rule 3(a) above~~ shall also be referred to the Overview and Scrutiny Committee in sufficient time for the proposals to be included in the agenda for a scheduled meeting of the Committee, and for the Committee to make a report or recommendations to the meeting of the Council that is to consider the ~~P~~plan or ~~S~~strategy concerned. The Council shall not agree a ~~p~~Plan or ~~s~~Strategy until the Overview and Scrutiny Committee has had the opportunity to consider the proposals, subject to the need for statutory deadlines to be met.

#### Consideration by the Council

~~(f)(e)~~ The Council may:

- adopt the proposals of the Executive;
- amend them;
- refer them back to the Executive for further consideration; or
- substitute its own proposals in their place.

~~(s)(f)~~ A decision of the Council to adopt the proposals comes into effect immediately.

~~(t)(g)~~ A decision to amend, refer back or substitute the proposals shall come into effect after five clear working days from the day on which the Council meeting makes its decision, unless the procedure in (i) below is invoked by the Leader.

(u)(h) In circumstances where the pPlan or sStrategy has been amended or substituted and before the expiry of the five clear working days period, the Leader of the Council may give notice to the Director of Legal & Governance Services that ~~they~~ ~~he/she~~ objects to some or all of the amendments made by the Council. The decision of the Council shall not then come into effect until the completion of the procedure in sub-paragraph (j) below.

(v)(i) When the Leader of the Council gives notice under sub-paragraph (i) above to the Director of Legal & Governance Services or where the Council has decided to refer the matter back to the Executive for further consideration, the Director of Legal & Governance Services shall refer the matter to the next scheduled meeting of the Executive. The Executive may agree the proposals of the Council, reaffirm its original proposals, or make further amendments. The decision of the Executive shall then be referred back to the Council. The Council can agree the proposals of the Executive or amend the proposals. The decision reached by the Council then has immediate effect.

#### Variation

(w)(j) When approving any pPlan or Sstrategy the Council shall also specify the extent of variation within the pPlan or Sstrategy that may be undertaken by the Executive in accordance with paragraphs 7 of these Rules. The Executive may only make such other changes to a Pplan or sStrategy as have been agreed by the Council.

#### After Council determination

(x)(k) After the pPlan or sStrategy has been determined by the Council the Executive shall publish and make available to the public information on the contents of the pPlan or sStrategy. The Pplan or sStrategy shall also be made available for public inspection and included on the Council web-site, and copies made available at reasonable cost.

#### 4. Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 6 (Virement), the Executive, individual members of the Executive, and any officers or joint arrangements discharging executive functions, may only take decisions, which are in accordance with the budget or policy framework. If any of these bodies or persons wishes to take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may (subject to paragraph 5 below) only be taken by the Council.
- (b) Any member of the Council or a Committee or sub-committee of the Council wishing to raise a question as to whether any decision made

or likely to be made by the Executive is contrary to the policy framework or contrary to or not wholly in accordance with the budget, shall refer the question to the Monitoring Officer and/or the Chief Financial Officer as appropriate. If either of these officers considers that the decision made or likely to be made is contrary to the policy framework or contrary to or not wholly in accordance with the budget ~~he, she or~~ they shall immediately inform the Chair of the body making the decision or the individual making the decision. The decision may not then be implemented and must be referred to the Council for decision.

- (c) The Monitoring Officer or Chief Financial Officer may conclude that a decision made or likely to be made is contrary to the policy framework or contrary to or not wholly in accordance with the budget without it first being raised by a Councillor, a Committee or sub-committee. They must then inform the relevant Chair or individual decision-taker and the decision may not then be implemented and must be referred to the Council for decision.

This Rule shall not apply where a decision has been taken within the exception permitted by Rule 5.

## **5. Urgent Decisions Outside the Budget or Policy Framework**

- (a) The Executive, individual member of the Executive or officers or joint arrangements discharging Executive functions may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget, if the decision is a matter of urgency.
- (b) Such a decision on grounds of urgency may, however, only be taken:
  - (i) if it is not practical to convene a quorate meeting of the full Council; and
  - (ii) if the Chair of the Overview and Scrutiny Committee or in his/her absence the Mayor, or in the absence of both, the Deputy Mayor, agrees in writing that the decision is a matter of urgency.
- (c) The reasons why it is not practical to convene a quorate meeting of the Council and the consent of the Chair of the Overview and Scrutiny Committee or Mayor or Deputy Mayor must be noted on the record of the decision.
- (d) Following the decision, the body or person taking the decision will report to the next meeting of the Council, explaining the decision, the reasons for it, and why it was treated as a matter of urgency.

## 6. Virement

**The Virement Policy is contained within the Financial Regulations at Part 4K Section 3.**

## 7. In-year Changes to the Budget and Policy Framework

No changes may be made to the budget or policy framework by the Executive, individual members of the Executive, or officers, or joint arrangements discharging Executive functions except those:-

- (i) which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- (ii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- (iii) permitted under **B48** of the Financial Regulations (additions in year to the capital programme).

## 8. Call-In Decisions Outside the Budget or Policy Framework

- (a) Where the Overview and Scrutiny Committee is of the opinion that an Executive decision would be, or if made is, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- (b) In respect of functions, which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Financial Officer's report shall be sent to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the officer's report and prepare a report to Council in the event that the Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure from the Budget and Policy Framework, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure from the Budget and Policy Framework.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is, or would be contrary to, the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the

matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting the Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may:

- (i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, the Executive is required to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Financial Officer or both.

## Executive Procedure Rules

### 2. Application of these Rules

- 2.1 These Rules apply to the Executive and meetings of the Executive (being either a meeting of a number of Members of the Executive or the Leader when taking a Key Decision by way of a Portfolio Holder Meeting). Some Rules also apply to a Member meeting alone.
- 2.2 Rules 1 to 35 apply to the Executive. Rules 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 apply to the Advisory Panels and Consultative Forums of the Council and any Sub-Panels and Sub-Forums established by them as well as to the Executive. Rules 36 to 53 set out additional rules which apply only to the Advisory Panels and Consultative Forums of the Executive. These are currently:

#### 2.2.1 Advisory Panels

- 2.2.1.1 Corporate Parenting
- 2.2.1.2 Harrow Business Consultative
- 2.2.1.3 Traffic & Road Safety
- 2.2.1.4 Major Developments

#### 2.2.2 Consultative Forums

- 2.2.2.1 Employees' Consultative
- ~~2.2.2.2 Tenants', Leaseholders' and Residents' Consultative~~

### 3. Executive Decisions

- 3.1 Executive functions may be exercised by:
  - 3.1.1 the Executive as a whole;
  - 3.1.2 a Committee or sub-committee of the Executive;
  - 3.1.3 an individual Member of the Executive;
  - 3.1.4 an officer;
  - ~~3.1.5 an area committee;~~
  - ~~3.1.6~~ ~~3.1.5~~ an arrangement with another authority for the discharge of functions.
- 3.2 A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in



accordance with Rule 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of the Appendix to the Executive Procedure Rules.

### **3.3 Definition of Executive Meeting**

3.3.1 An Executive meeting shall include:

3.3.1.1 a meeting open to all Members of the Executive.

3.3.1.2 a committee or sub-committee of the Executive.

3.3.1.3 An individual Member of the Executive (Portfolio Holder) when making Key Decisions.

## **4. Delegation by the Executive**

4.1 The Leader or, in the absence of the Leader, the Deputy Leader will present to the Council a written record of delegations made by him/her at the Annual Meeting of the Council for inclusion in the Allocation of Responsibilities (set out in Part 3 of this Constitution).

4.2 The document presented by the Leader or, in the absence of the Leader, the Deputy Leader must contain the following information relating to Executive functions in the ensuing Municipal Year:

4.2.1 the name of the Executive Member who will serve as Deputy Leader;

4.2.2 the names and Wards of the Councillors appointed to the Executive;

4.2.3 the nature of the Portfolios to be held by each Executive Member;

4.2.4 the extent of any authority delegated to those Executive Members individually, including details of the limitation on their authority;

4.2.5 the nature and extent of any deputising arrangements within the Executive;

4.2.6 any changes to the terms of reference and constitution of the Executive Committees or Executive Sub-committees and the names of the Executive Members appointed to them;

4.2.7 any changes to the nature and extent of any delegation of Executive functions to any other authority or any arrangements with another authority for the discharge of functions and the names of those Executive Members appointed to any joint committee for the coming year;

4.2.8 any changes to the nature and extent of any delegation of Executive functions to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made;

4.3 In an election year the documents referred to in 3.2 above may be presented by the Leader or, in the absence of the Leader, the Deputy Leader to the first Council

meeting following the Annual Meeting. This may be a special meeting convened for the purpose.

5. **Sub-delegation of Executive Functions**

- 5.1 The Executive, or an individual Member of the Executive, may delegate functions for which they are responsible only to the extent permitted within the Allocation of Responsibilities in Part 3 of the Constitution.

6. **The Council's Allocation of Responsibilities and Executive Functions**

- 6.1 The Council will approve a Scheme of Delegations or Allocation of Responsibilities, and may amend it at any time by resolution, but will normally undertake any revision at its annual meeting. However, in years where whole Borough elections are held, notification of the Scheme of Delegation or Allocation of Responsibilities may be presented at the next Council meeting after the Annual Meeting.
- 6.2 The Executive, or individual Member of the Executive exercising functions by virtue of the Scheme of Delegation or Allocation of Responsibilities, may make proposals for changes to the Scheme of Delegation or Allocation of Executive responsibilities, but any such proposals must be agreed by the Leader and reported to the next available Council meeting.

6.3 The Leader may appoint up to two non-executive members of Cabinet in an advisory and consultative capacity. These appointees may speak but not vote on items before Cabinet in private and public meetings and have commensurate access to documents as full Cabinet Members except for draft Cabinet reports which will be restricted to Portfolio Holders.

7. **Conflicts of Interest**

7.1 If an individual Member of the Executive has a conflict of interest or if every Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5A of this Constitution.

7.2 If the exercise of an Executive function has been delegated to an individual Portfolio Holder and a conflict of interest arises, then the function may be exercised, by the Leader or Deputy Leader. In the case where an officer is unable to take a delegated decision due to a conflict of interest, and no scheme exists within the department which allows referral of that decision to another appropriate officer, that decision will be referred to the relevant Portfolio Holder, or the Leader or Deputy Leader.

7.3 If a conflict of interest arises for the Leader or Deputy Leader where the decision would have been referred to them, then that decision may be referred to Cabinet

8. **~~Business not on the Agenda~~ Urgent Business**

8.1 ~~Business not on the agenda~~ Urgent business may only be considered where:

8.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with; or

8.1.2 a Member of the Executive or any Statutory Officer has requested that an item is placed on the agenda for the meeting at any time before the start of the meeting and the Executive agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

## 9. Executive Meetings

### 9.1 Time, place and changes to meetings

- 9.1.1 The Executive will meet at ~~the time and the place published on the agenda. -6.30 pm on the days set in the Council calendar. The Executive will meet at the Council's Civic Centre, Station Road, Harrow HA1 2XQ, but it may meet elsewhere if appropriate, and provided notification is given on the agenda for the meeting.~~
- 9.1.2 The Leader or, in the absence of the Leader, the Deputy Leader may convene additional meetings of the Executive, provided that the requirements of the Access to Information Procedure Rules in Part 4G of this Constitution are complied with.
- 9.1.3 The date and time of a meeting of the Executive may be changed by the Leader or, in the absence of the Leader, the Deputy Leader upon giving five clear working days' notice.

### 9.2 Special Meetings

- 9.2.1 Those listed below may request the Monitoring Officer to call Executive meetings in addition to ordinary scheduled meetings:
- 9.2.1.1 the Executive by resolution;
  - 9.2.1.2 the Leader of the Council;
  - 9.2.1.3 the Monitoring Officer (where the proper officer is not also the Monitoring Officer); or Chief Financial Officer;
  - 9.2.1.4 at least one-third of the Members of the Executive, if they have signed a requisition presented to the Leader of the Council and he/she has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

~~If not otherwise already specified by resolution or by the Chairman, T~~the date, time and place of special meetings will be set by the Monitoring Officer Leader of the Council.

The Monitoring Officer must give public notice of the time and place of a public meeting by displaying it at the offices of the relevant local authority and publishing it on that authority's website, if it has one at least 5 clear days before the meeting or where the meeting is convened at shorter notice, at the time the meeting is convened.

Where a meeting is convened at short notice, no item of business shall be considered unless a copy of the agenda including the item of business has been available for inspection by the public from the time that the agenda for the meeting was sent to members.

### 9.3 Business

9.3.1 Business at special meetings of the Executive shall be restricted to any item of business specified by the Executive, Leader, Monitoring Officer or Chief Financial Officer when calling the meeting or specified in the requisition presented by at least one-third of the Members of the Executive.

9.3.2 Business at the same special meeting may be added to the agenda subject to the agreement of the Monitoring Officer following consultation with the Leader of the Council and the leader(s) of the Opposition Group(s), stating reasons for urgency.

**10. Meetings of the Executive to be held in Public**

10.1 All meetings of the Executive will be held in public. These meetings will be governed by the Access to Information Procedure Rules in Part 4G of this Constitution. Where the Executive is considering reports on matters which contain confidential or exempt information it may pass a resolution to exclude the press and public in accordance with the Access to Information Procedure Rules, having given 28 clear calendar days' notice of the intention to hold a private meeting (or part private).

**11. Quorum**

11.1 Subject to Rule 10.2, the quorum for a meeting of the Executive shall be a minimum of three.

11.2 In order for an Executive meeting to be quorate, the Leader or Deputy Leader must be present unless they are precluded from participating in the item of business by reason of a conflict of interest

12. **Procedure for Decision Making by the Executive**

- 12.1 Executive decisions taken by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution.
- 12.2 Where Executive Key Decisions are delegated to individual Executive Members in accordance with paragraph 3.2.4, those decisions shall be taken in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution.
- 12.3 Where Executive Key Decisions are delegated to officers of the Council, those decisions may be taken in private, but notice that the decision will be taken and notification of the decision made must be in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution.

**Conduct of Executive Meetings**

13. **Chair of the Executive**

- 12.1 At a meeting of the whole Executive the Leader shall preside if he or she is present. In the absence of the Leader, the Deputy Leader shall preside. If neither the Leader nor Deputy Leader are present, the meeting shall not proceed unless they are precluded from participating in the item of business by reason of a conflict of interest.

14. **Attendance at Executive Meetings**

- 14.1 Non-Executive Members of the Council, members of the public and press may attend all meetings of the Executive, subject to Rule 9 above.
- 14.2 The ~~4 Non-Executive~~ Non-Executive Members of the Cabinet may attend meetings of the Cabinet
- 14.3 The Head of Paid Service, Corporate Directors, Chief Finance Officer and the Monitoring Officer should normally be present at all meetings. Other officers of the Council may attend meetings as appropriate and as arranged by the Head of Paid Service and Corporate Directors.

~~15. **Principles of Executive Decision Making**~~

~~15.1 All decisions of the Executive will be made in accordance with the following principles;~~

- ~~15.1.1 proportionality (i.e. the action must be proportionate to the desired outcome);~~
- ~~15.1.2 due consultation and the taking of professional advice from officers;~~
- ~~15.1.3 a respect for human rights;~~
- ~~15.1.4 a presumption in favour of openness;~~
- ~~15.1.5 clarity of aims and desired outcomes;~~

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~~15.1.6—explaining the options that were considered and giving the reasons for the recommendation(s);~~

~~15.1.7—the Public Sector Equality Duty.~~

#### ~~16.15.~~ **Petitions**

~~16.1—Presentation of petitions~~

~~16.1.1—All petitions received relating to Executive functions shall be dealt with in accordance with the Council’s Petition Scheme (at Appendix A to the Council Procedure Rules) and will normally be referred to the Executive or appropriate Portfolio Holder, Advisory Panel or Consultative Forum. If the petitioners request that the petition be presented at a meeting of the Executive this can be done in the following ways:~~

~~16.1.2—a representative of the petitioners may attend at the time stated for the start of the Executive meeting, or prior to an individual Executive Member making a decision, and request to read the petition to the meeting; —~~

~~16.1.3—the petitioners may send the petition to the Monitoring Officer and request for the Leader, Deputy Leader or an Executive Member to read the petition.~~

~~16.2—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 Chair determines that this time limit should be extended or reduced.~~

~~15.1 The Council has a petition scheme and this will be followed. It can be found at [appendix A to Council procedure rules.](#)~~

#### ~~16.3~~15.2 **Notice and consideration of petitions**

15.3.1 There is no need for any advance notice to be given of the wish to present a petition to the Executive.

## **17.16. Public Questions**

### **17.16.1 General**

- 16.1.1 Members of the public may question the Executive and Portfolio Holders at meetings. Questioners will not be allowed to address the Executive generally on a matter, they may only ask questions relating to matters within the terms of reference of the Executive. Questions relating to individual cases and/or matters relating to staffing and conditions of service will not be permitted.

### **17.216.2 Time limit for questions**

- 16.2.1 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 Chair 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.

### **17.316.3 Order and notice of questions**

- 16.3.1 Questions will be asked in the order of which notice of them was received, except that the Chair may group together similar questions.
- 16.3.1 A question may only be asked if notice has been given in writing, ~~by fax or by electronic mail~~ to the Monitoring Officer at Democratic Services, Harrow Council, Civic Centre, PO Box 2, Harrow, HA1 2UH ~~or 020 8424 1557~~ or [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 submitted by the questioner, identifying their name, address, and where appropriate email address, and give the name of the Member of the Executive to whom it is to be put.
- 16.3.2 Without prejudicing **16.3.2** above, where a report is circulated after the normal Cabinet 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 of the Executive to whom it is to be put.
- 16.3.4 Where reports are published after 1 clear working day before the date of the meeting, a question may only be asked subject to the agreement of the Chair of the meeting.
- 16.3.5 The Member of the Executive to whom any question is put may arrange for another Member of the Executive to answer on his or her behalf.

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



#### ~~17.4~~16.4 **Number of questions**

16.4.1 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 Chair may reject a supplemental question if it falls within any of the categories in Rule 16.5 below.

#### ~~17.5~~16.5 **Scope of questions**

~~17.5.1~~16.5.1 The Monitoring Officer may reject a question if it:

~~17.5.1.1~~16.5.1.1 is not about a matter for which the Authority has a responsibility or which does not affect the Borough;

~~17.5.1.2~~16.5.1.2 is defamatory, frivolous, ~~or~~ offensive or otherwise improper ;

~~17.5.1.3~~16.5.1.3 is substantially the same as a question which has been put at any meeting of the Executive in the last six months; or

~~17.5.1.4~~16.5.1.4 requires the disclosure of confidential or exempt information.

#### ~~17.6~~16.6 **Record of public questions**

16.6.1 The Monitoring Officer will send a copy of the question to the Member to whom it is to be put.

16.6.2 Copies of all questions will be circulated to all Members of the Executive, will be made available to the public at the meeting and published on the Council's website after they have been accepted prior to the meeting.

#### ~~17.7~~16.7 **Asking the question at the meeting**

~~17.7.1~~16.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member has been nominated to answer on his or her behalf.

~~17.7.2~~16.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may either:

~~17.7.2.1~~16.7.2.1 ask the question on the questioner's behalf; or

~~17.7.2.2~~16.7.2.2 indicate that a written reply will be given; or

~~17.7.2.3~~16.7.2.3 decide, in the absence of the questioner, that the question will not be dealt with.

#### ~~17.8~~16.8 **Written answers**

16.8.1 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 include in the minutes.

#### ~~17.9~~16.9 Reference of a Question to another Body

16.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may propose that a matter raised by a question be referred to an Advisory Panel, Consultative Forum, Portfolio Holder, Committee or sub-committee. Such a proposal will be voted on without discussion.

#### ~~18.17.~~ Questions by Members

##### ~~18.1~~17.1 Questions with Notice

17.1.1 Subject to Rule 17.2, a Councillor may ask a Portfolio Holder (Member of the Executive) 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 Executive has powers or duties. For the avoidance of doubt, a Member is not limited to asking a single substantive question at any one Executive meeting.

17.1.2 A limit of 15 minutes shall be given to the asking and answering of written questions by Councillors under this Rule.

##### ~~18.2~~17.2 Notice of Questions

~~18.2.1~~17.2.1 17.2.1 A Councillor may only ask a question under **Rule 17.1** if either:

~~18.2.1.1~~17.2.1.1 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

~~18.2.1.2~~17.2.1.2 without prejudicing **17.1.1** above, where a report is circulated after the normal Cabinet 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 3.00 pm ONE clear working day before the date of the meeting; or,

~~18.2.1.3~~17.2.1.3 the question relates to urgent matters, and they have the consent of the Portfolio Holder to whom the question is to be put and the content of the question is given to the Monitoring Officer by 12 noon on the day of the meeting.

~~18.2.1.4~~17.2.1.4 Where reports are published after 1 clear working day before the date of the meeting, a question may only be asked subject to the agreement of the Chair of the meeting.

~~18.2.2~~17.2.2 Questions will be asked in the order ~~they are received agreed with the relevant Group Leader~~ by the deadline for submission of such to the Monitoring Officer.

### ~~18.3.1~~17.3 Response

~~18.3.1~~17.3.1 An answer may be given by the Portfolio Holder whom the question was asked or by another Portfolio Holder as is considered appropriate.

~~18.3.2~~17.3.2 An answer may take the form of:

~~18.3.2.1~~17.3.2.1 a direct oral answer;

~~18.3.2.2~~17.3.2.2 where the desired information is a publication of the Council or other published work, a reference to that publication; or

~~18.3.2.3~~17.3.2.3 where the reply cannot conveniently be given orally, a written answer supplied later to the questioner.

### ~~18.4~~17.4 Supplementary Question

17.4.1 A Councillor asking a question **under Rule 17.1** may ask one supplementary question without notice of the Portfolio Holder of whom the first question was asked. The supplemental question must arise directly out of the original question or reply.

### ~~18.5~~17.5 Limits to the Length of Questions and Responses

17.5.1 A questioner may only ask one direct question and one supplementary question, in the case of a question from a Councillor and may not seek to address the Executive meeting on any issues arising.

17.5.2 A Portfolio Holder giving an answer may speak for no longer than three minutes in replying to that question (two minutes in respect of a supplemental question/answer). If a Portfolio Holder believes that a longer answer is necessary an oral summary will be given and a full reply shall be completed in writing and sent to the questioner and included in the minutes of the meeting. Every question shall be put and answered without discussion.

### ~~18.6.1~~17.6 Invalid Questions

~~18.6.1~~17.6.1 The Chair may, in consultation with the Monitoring Officer, rule out of order questions which in his or her opinion:

~~18.6.1.1~~17.6.1.1 would risk defamation of an individual or is frivolous or offensive; or otherwise improper; or

~~18.6.1.2~~17.6.1.2 do not relate to a matter for which the Executive has powers or duties or which does not affect the London Borough of Harrow; or

~~18.6.1.3~~17.6.1.3 would require the disclosure of confidential or exempt information; or

~~18.6.1.4~~17.6.1.4 is substantially the same as a question which has been put at any meeting of the Executive in the last six months.

## **19.18. The Business of Meetings**

**19.18.1** At each meeting of the Executive, the following business will be conducted where appropriate:

### **apologies**

**19.1.18.1.1** ~~Approving the signing of~~ the minutes of the last meeting ~~by the Chair~~;

**19.1.218.1.2** declarations of interest and any dispensations granted by the Monitoring Officer following the direction given by the Standards Committee (if any); and any declarations of a 'conflict of interest'.

**19.1.318.1.3** petitions and public questions (if any);

**19.1.418.1.4** matters referred to the Executive (whether by the Overview and Scrutiny Call-in sub-committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.

**19.1.518.1.5** consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;

**19.1.618.1.6** consideration of proposals for the budget and policy framework, prior to making decisions on them;

**19.1.718.1.7** consideration of the Key Decision Schedule (KDS);

**19.1.818.1.8** other matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions in accordance with the Access to Information Procedure Rules set out in Part 4G of this Constitution.

### **Reports of statutory officers**

### **Matters referred to the Cabinet under Paragraph 22**

## **20.19. Decisions to be taken only on a report**

**20.19.1** The Executive, Executive Committee or an individual Executive decision-taker, may only take a decision upon consideration of a written report from the relevant officer of the Council.

**20.219.2** Reports from officers will follow a standard format including the following statutory requirements:

**20.2.119.2.1** Observations of the Chief Financial Officer

**20.2.219.2.2** Observations of the Monitoring Officer

**20.2.319.2.3** Details of background papers

~~20.2.4~~19.2.4 Reasons for Recommendation

~~20.2.5~~19.2.5 Options Considered and Rejected

~~20.2.6~~19.2.6 List of Background Papers which will be published on the website and made available to the public

## ~~21.~~ **Executive Meetings**

### ~~21.1~~19.3 **Who may speak at Executive Meetings**

20.1.1 The ~~4~~ Non Executive Members of Cabinet may speak on items before the Cabinet in Private or Public meetings.

20.1.2 A Member of the Council who is not an Executive Member ~~and not the leader of an~~ opposition may only speak if invited to do so by the Chair and with the agreement of the Executive.

### ~~21.2~~19.4 **Motions referred to the Executive or Portfolio Holder**

20.2.1 A Member of the Council, who has proposed a motion which has been referred to the Executive or to a Portfolio Holder, shall be given at least five clear working days notice of the meeting at which the motion will be considered by the Monitoring Officer. If the Member attends the meeting but is not a Member of the Executive, and if invited to do so by the Chair and with the agreement of the Executive he or she shall have an opportunity to explain the motion to the Executive or Portfolio Holder.

## ~~22.20.~~ **Consultation**

~~22.120.1~~19.1 All reports to the Executive on draft proposals relating to the budget or policy framework must contain details of consultation to be undertaken with stakeholders and relevant Overview and Scrutiny Committee or Scrutiny sub-committees. Final proposals must include details of the outcome of that consultation.

~~22.220.2~~19.2 Reports on other matters must set out the details and outcome of consultation as appropriate to the matter under consideration.

## ~~23.21.~~ **Executive Agenda**

~~23.121.1~~19.1 The Leader or any Member of the Executive may ~~request require that~~ the Monitoring Officer ~~to ensure that an item is placed~~ place an item on the agenda of the next available Executive meeting. ~~The Monitoring Officer must comply with such a request.~~

~~23.221.2~~19.2 The Monitoring Officer will ~~place the item ensure that an item is placed~~ on the agenda of the next available meeting of the Executive in accordance with the Access to Information Procedure Rules if the Call-In sub-committee or if the full Council has resolved that an item must be reconsidered by the Executive.

23.321.3 Any non-Executive Member of the Council may request the Leader to put an item on the agenda of an Executive meeting for consideration. If the Leader agrees, the item will be considered in accordance with the Access to Information Procedure Rules at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This Councillor will be invited to attend the meeting and may be invited to speak as set out in Rule 20 above.

23.421.4 The Monitoring Officer and Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and/or may call or be required to call a meeting in pursuance of their statutory duties. In other circumstances, where both the Chief Financial Officer and the Monitoring Officer are of the opinion that an Executive meeting needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive within an appropriate timescale to deal with the issue in question, then they may also require that a meeting be convened at which the matter will be considered.

#### 24.22. **Voting Procedure**

24.122.1 The Executive will decide all matters before it on a collective basis except where dissent is recorded by Members, by simple majority. The Chair will have a casting vote.

24.222.2 The ~~4~~ Non Executive Members of Cabinet may not vote on items before any meeting of the Cabinet.

### **24.322.3 Individual recorded vote and explanation for vote**

~~24.3.1~~~~22.3.1~~ 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.

~~24.3.2~~~~22.3.2~~ A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

### **24.422.4 Voting on Appointments**

23.3.1 If the Executive is required to make an appointment to a position and there are more than two people nominated for that position and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

### **25.23. Guillotine**

~~25.123.1~~ Meetings of the Executive will not last longer than 2.5 hours ~~commence at 6.30 pm and close at 10.00 pm,~~ except as determined under Rule ~~24.2~~ 24.2 below.

### **25.223.2 Varying the Closure Time**

~~25.323.3~~ 24.2.1 A meeting of the Executive shall terminate in the manner set out in Rule 24.3 below unless:

~~25.3.1.1~~~~23.3.1.1~~ the business of the meeting has been completed before the expiry of 2.5 hours ~~10:00 pm~~; or

~~25.3.1.2~~~~23.3.1.2~~ by resolution passed before the closure time, the Executive 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.

~~(b)~~(c) No meeting of the executive may continue past 10:30pm.

~~25.3.2~~~~23.3.2~~ 24.2.2 For the avoidance of doubt, a meeting may use the provisions within 24.2.1.2(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.

~~25.3.3~~~~23.3.3~~ 24.2.3 In considering whether (a) and (b) above are expedient, the Executive will have regard to not prejudicing third party rights or interests affected by the remaining business on the agenda.

#### **25.4.23.4 Determining Business Upon Closure**

~~25.4.1~~~~23.4.1~~ At the time of closure the Chair will advise the Executive that the procedure to terminate the meeting is to be applied;

~~25.4.2~~~~23.4.2~~ Any speech commenced and then in progress shall be concluded;

~~25.4.3~~~~23.4.3~~ The Chair will put any motion or recommendation then under consideration to the vote without further discussion;

~~25.4.4~~~~23.4.4~~ All remaining business before the Executive (inclusive of recommendations, motions and amendments already moved) shall be put to the vote without discussion or further amendment.

#### **26.24. Key Decisions taken by Portfolio Holders**

~~26.1~~~~24.1~~ A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in accordance with Rule 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of the Appendix to the Executive Procedure Rules.

~~26.2~~~~24.2~~ All Key Decisions to be taken by a Portfolio Holder will follow the Access to Information Procedure Rules in Part 4G of this Constitution.

~~26.3~~~~24.3~~ At each meeting, the following business will be conducted:

~~26.3.1~~~~24.3.1~~ declarations of any dispensations granted by the Monitoring Officer following the direction given by the Standards Committee and declarations of any conflicts of interest;

~~26.3.2~~~~24.3.2~~ petitions and public questions, if any;

~~26.3.3~~~~24.3.3~~ matters referred to the Executive Member (whether by the Call-in Subcommittee or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rule on the Call-In Procedure;

~~26.3.4~~~~24.3.4~~ consideration of reports from the Overview and Scrutiny Committee or Scrutiny sub-committees;

~~26.3.5~~~~24.3.5~~ consideration of items for decision as set out in the agenda for the meeting.

#### **26.424.4 Who may Speak**

25.4.1 Any Member of the Council may attend a meeting of a Portfolio Holder but may only speak if invited to do so by the Portfolio Holder.

#### **27.25. Implementation of Executive Decisions**



**27.425.1** In order to allow for Call-In, no Executive decision can be implemented until the expiry of five clear working days after the decision has been published, unless the decision-taker resolves as part of the decision that its implementation is urgent

when the provisions contained in the Overview and Scrutiny Procedure Rule on the Call-In Procedure apply.

#### **28.26. Confidential Business**

**28.426.1** All reports, other documents, information, discussions and proceedings of the Executive, or Portfolio Holder or an Advisory Panel or Consultative Forum of the Executive which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members. 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. Confidential and/or exempt items will be discussed in 'Part II' of the meeting following a resolution to exclude the press and public.

Executive Meetings and Key Decisions taken by the Leader (PHD Meeting) shall be subject to paragraph. 5 (Part 2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Access to Information Procedure Rules set out the requirements for advance notice of any private meeting.

#### **28.226.2 Minutes of the Executive, Advisory Panels, Consultative Forums, Sub Panels and Sub-Forums**

27.2.1 Minutes of the Executive, Advisory Panels and Consultative Forums, Sub Panels and Sub Forums shall be published on the Council's intranet and website.

#### **28.326.3 Production of Decision Notices and Minutes for Cabinet Meetings**

27.3.1 A Decision Notice will normally be published on the Council's website on the day immediately following the Cabinet Meeting thereby setting/invoking the Call-in period. Minutes of the Cabinet and other Executive Meetings will normally be published within five clear working days of the meeting.

27.3.2 Minutes of the Advisory Panels, Consultative Forums, Sub-Panels and Sub-Forums will normally be published within five clear working days of the meeting.

#### **29.27. Record of Attendance**

28.1 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.

#### **30.28. Exclusion of the Public**

- 29.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4G of this Constitution or under Rule 33 (Disturbance by the Public) below.

### ~~31.29.~~ **Members' Conduct**

#### ~~31.129.1~~ **Precedence of Chair**

When the Chair speaks during a debate, any Member of the Executive or Member of the Panel, Forum, Sub-Panel or Sub-Forum speaking at the time must stop speaking. The meeting must be silent.

#### ~~31.229.2~~ **Member not to be heard further**

- 30.2.1 If any Member present persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

#### ~~31.329.3~~ **Member to leave the meeting**

- 30.3.1 If the Member of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum continues to behave improperly after such a motion is carried, the Chair may move that either the Member of the Executive or Member of the Panel, Forum, Sub-panel or Sub-forum leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### ~~31.429.4~~ **General disturbance**

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

### ~~32.30.~~ **Disturbance by Public**

#### ~~32.130.1~~ **Removal of Member of the Public**

- 31.1.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room. (See also 31.1 above)

#### ~~32.230.2~~ **Clearance of Part of a Meeting Room**

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

#### ~~32.330.3~~ **Adjournment**

- ~~32.3.1~~~~30.3.1~~ Following an order by the Chair 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 Chair may adjourn the meeting for as long as he/she thinks necessary.

~~32.3.230.3.2~~ If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

### **33.31. Suspension and Amendment of Executive Procedure and Advisory Panel and Consultative Forum Procedure Rules**

#### **33.131.1 Suspension**

~~33.1.131.1.1~~ All of these Executive Rules of Procedure ~~except~~ Rules ~~on 28~~ (Confidential Business), ~~30~~ (Record of Attendance), ~~31~~ (Exclusion of the Public) ~~34~~ (Suspension and Amendment of Executive Procedure Rules) and (~~38.4~~ (Reserving) may be suspended by motion with or without notice if at least one half of all Members of the Executive, a Committee or Sub-committee (or the Advisory Panel or Consultative Forum or Sub-panel or Sub-forum 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.

**Commented [JF9]:** This will be amended to include the rules regarding the end of the meeting

#### **33.231.2 Amendment**

32.2.1 Executive Procedure Rules and Advisory Panel and Consultative Forum Procedure Rules may only be changed by the Council. [\(Please see Article 1 regarding amendments to the Constitution\)](#)

### **34.32. Ruling of the Chair on Interpretation of these Rules**

33.1 The Chair's ruling on the interpretation or application of any of the Executive Procedure Rules is final.

33.2 The Chair's ruling on the interpretation or application of any of the procedure rules relating to an Advisory Panel and Consultative Forum is final.

### **35.33. Additional Rules for the Advisory Panels and Consultative Forums of the Executive**

~~35.133.1~~ Rules 36 to 53 are specific rules applicable to the Advisory Panels and Consultative Forums established by the Executive. They apply to all Advisory Panels and Consultative Forums unless the Executive approves otherwise.

### **36.34. Establishment of Advisory Panels and Consultative Forums**

~~36.134.1~~ The Executive, at its first meeting after Annual Council will:

~~36.1.134.1.1~~ decide which Advisory Panels ('Panels') and Consultative Forums ('Forums') to establish for the Municipal Year;

~~36.1.234.1.2~~ decide the size and terms of reference of those Panels and Forums;

36.1.334.1.3 decide the allocation of seats (and reserves) to Councillors of each political group in accordance with the rules on political proportionality;

36.1.434.1.4 appoint a Chair for each Advisory Panel and Consultative Forum for the Municipal Year.

36.234.2 Advisory Panels and Consultative Forums may be appointed by the Executive to assist the Executive by making recommendations on any matters within their terms of reference.

36.334.3 Advisory Panels and Consultative Forums are not Executive meetings as defined in Rule 2.3 above and may not be given delegated powers in relation to any Executive function of the Authority.

36.434.4 The membership of an Advisory Panel or Consultative Forum may include both Executive and non-Executive Members. The Executive may also appoint non-voting co-opted members to the Advisory Panels and Consultative Forums and they may appoint advisers to assist the work of the Panel or Forum either generally or on specific matters. Advisers will be subject to the Protocol on Co-optees and Advisers and to any other rights or restrictions agreed by the Panel or Forum.

36.534.5 The allocation of seats between political groups on the Advisory Panels and Consultative Forums shall be determined according to the rules on political proportionality.

36.634.6 Advisory Panels shall conduct their business in accordance with these Rules unless the Executive approves otherwise.

### 37.35. **Appointment of Reserves to Advisory Panels and Consultative Forums**

#### 37.135.1 **Allocation**

36.1.1 The Executive will allocate Councillors to Panels and Forums and will allocate seats in the same manner for reserve Councillors.

36.1.2 Non-Councillor members and reserves for non-councillor members will be appointed by the Executive in the manner agreed by the Panel or Forum concerned

### 37.235.2 **Number**

36.2.1 For each Panel and Forum, the Executive will normally appoint the same number of reserves in respect of each political group as that group holds ordinary seats on that Panel or Forum. A group that has an entitlement to less than three Members may however appoint three reserve Members for the Panel or Forum.

### 37.335.3 **Powers and Duties**

36.3.1 Reserve Members will have all the powers and duties of any ordinary Member of the Panel or Forum but will not be able to exercise any special powers or duties exercisable by the person for whom they are reserving. The attendance of a Reserve Member shall preclude the attendance of the ordinary Member for whom they are substituting.

### 37.435.4 **Reserving**

~~37.4.1~~35.4.1 Reserve Members may attend meetings in that capacity only:

~~37.4.1.1~~35.4.1.1 to take the place of an ordinary Member for whom they are a reserve;

~~37.4.1.2~~35.4.1.2 where the ordinary Member will be absent for the whole of the meeting;

~~37.4.1.3~~35.4.1.3 where the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve; and

~~37.4.1.4~~35.4.1.4 if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

~~37.4.2~~ For the purposes of section ~~38.4.1.2~~ only, a meeting adjourned to another day shall be treated as a new meeting. If a reserve member attends the meeting and the meeting is adjourned, then the reserve member must attend both parts of the meeting, otherwise it should be treated as a new meeting.

### ~~38.36.~~ **Appointment of Sub-Panels and Forums**

~~38.136.1~~ Advisory Panels and Consultative Forums may establish Sub-Panels and Sub-Forums with such terms of reference and delegated powers, as they consider necessary for the proper discharge of the functions of the Panel or Forum.

~~38.236.2~~ Advisory Panels and Consultative Forums may appoint ordinary and reserve Members to Sub-Panels and Sub-Forums in accordance with the rules on political proportionality. Advisory Panels and Consultative Forums may also appoint non-voting co-opted members to Sub-Panels and Sub-Forums.

### ~~39.37.~~ **Attendance of Members at Advisory Panels and Consultative Forums -**

### **39.437.1 No right to speak**

38.1.1 Any Member of the Council may attend meetings of Panels, Forums, Sub-Panels or Sub-Forums. Subject to 40.2 below, Members who are not ordinary Members or attending reserve Members of the Panel, Forum, Sub-panel or Sub-forum may not speak at meetings unless the Panel, Forum, Sub-panel or Sub-forum agrees that they may speak, or, the Councillor has been invited to the Panel, Forum, Sub-panel or Sub-forum to speak.

### **39.237.2 Motions referred to Advisory Panels or Consultative Forums**

38.2.1 A Member of the Council, who has proposed a motion which has been referred to a Panel, Forum, Sub-panel or Sub-forum shall be given at least three clear working days notice by the Monitoring Officer of the meeting at which the motion will be. If the Member attends the meeting but is not a Member of the Panel, Forum, Sub-panel or Sub-forum and if invited to do so by the Chair and with the agreement of the Panel, Forum, Sub-panel or Sub-forum he or she shall have an opportunity to explain the motion to the Panel, Forum, Sub-panel or Sub-forum.

### **40.38. Chairing Advisory Panels and Consultative Forums**

#### **40.138.1 Election of a Chair**

39.1.1 -If the Executive fails to appoint a Chair for any Panel or Forum then that Panel or Forum shall appoint a Chair as the first item of business after the notification of Reserve Members at its first available meeting ~~following the first meeting of Executive after Annual Council.~~The Panel or Forum will appoint a Vice Chair.

#### **40-238.2 Election of Chair of Sub-Panels or Forums**

- 39.2.1 Where any Advisory Panel or Consultative Forum establishes a Sub-panel or Sub-forum the Panel or Forum shall appoint the Chair of the Sub-panel or Sub-forum. If a Panel or Forum fails to appoint a Chair to a Sub-panel or Sub-forum then the Sub-panel or Sub-forum shall appoint a Chair as the first item of business at their first meeting after the notification of Reserve Members.
- 39.2.2 The Panel, Forum, Sub-panel or Sub-forum shall appoint a Vice Chair at its first meeting following the Annual Council.

#### **40-338.3 Absence of Chair at Meetings**

- 39.3.1 In the absence of the Chair, the Vice-Chair shall preside.
- 39.3.2 If after 15 minutes from the identified start time of the Panel, Forum, Sub-panel or Sub-forum neither the Chair or Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business after the notification of Reserve Members.
- 39.3.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned in paragraph 41.3.2, the first order of business after the notification of Reserve Members shall be to elect a Chair for the meeting.

#### **41-39. Business not on the Agenda**

**41-139.1** Business not on the agenda may only be considered where:

- 41.1.139.1.1** the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with to permit the consideration of late items of business; or
- 41.1.239.1.2** a Member of the Panel, Forum Sub-panel or Sub-forum or any Statutory Officer has requested that an item is placed on the agenda for the meeting at any time before the start of the meeting and the Panel or Forum agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

#### **41.239.2 Late Reports**

~~41.2.139.2.1~~ If there is a request to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees, subject to consultation with nominated members (if reasonably practicable), 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 subject to the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

~~41.2.239.2.2~~ In the case of meetings of Advisory Panels/Consultative Forums, Sub-Panels and Sub-Forums it shall be the responsibility of the Panel/Forum or Sub-panel/forum to decide, at the start of the meeting, whether an item should be considered as a matter of urgency

#### **42.40. Time and Place of Meetings**

~~42.140.1~~ Meetings of Panels, Forums, Sub-Panels and Sub-Forums shall take place at [the time and place noted on the agenda](#) ~~the Civic Centre at 7.30 pm, or such time as stated on the agenda~~ for the meeting. Following consultation with the nominated Members of each of the political groups and any other individuals or groups which he or she considers appropriate and compliance with the Access to Information Procedure Rules in Part 4G of the Constitution, the Chair 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 Panel or Forum.

41.2 For those Sub-Panels or Sub-Forums not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair and nominated Member(s) of the Sub-Panel or Sub-forum.

#### **43.41. Cancellation of Meetings**

42.1 The ~~Head of Paid Service and or the~~ Monitoring Officer may cancel a meeting of any Panel, Forum Sub-panel or Sub-forum both before and after the agenda for the meeting has been issued subject to consultation with the Chair and Nominated Member(s)



#### **44.42. Calling of Special Meetings**

##### **44.142.1 Calling Special Meetings**

**44.1.142.1.1** Those listed below may request the Monitoring Officer to call Panel or Forum (sub-panel/sub-forum) meetings in addition to scheduled meetings:

**44.1.1.142.1.1.1** the Panel, Forum, Sub-panel or Sub-forum by resolution;

**44.1.1.242.1.1.2** the Chair of the Panel, Forum, Sub-panel or Sub-forum;

**44.1.1.342.1.1.3** at least one-third of the Members of the Panel, Forum, Sub-panel or Sub-forum, if they have signed a requisition presented to the Chair of the Panel, Forum, Sub-panel or Sub-forum and he/she has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition;

##### **44.242.2 Business**

**44.2.142.2.1** Business at special meetings of Panels, Forums, Sub-Panels and Sub-Forums shall be restricted to:

**44.2.1.142.2.1.1** the election of a person to preside if the Chair or Vice Chair is absent;

**44.2.1.242.2.1.2** any item of business specified by the Panel, Forum, Sub-panel or Sub-forum or Chair when calling the meeting;

**44.2.1.342.2.1.3** any deputations relating to items of business on the agenda which the Chair agrees to hear.

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

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 Monitoring Officer will ~~publish the agenda send an agenda by post to every Member of the Panel Forum, Sub-panel or Sub-forum or leave it at their usual place of residence.~~ The agenda will give the date, time and place of the meeting and specify the business to be transacted, and be accompanied by all relevant reports.

#### **46.44. Quorum**

**46.144.1** Subject to 47.2, 47.3, the quorum of a meeting will be at least one quarter or a minimum of three (whichever is the greater) of the whole number of Council Members of the Panel, Forum, Sub-panel or Sub-forum.

**46.244.2** The Employees' Consultative Forum includes non-Councillor members. For the meeting to be quorate, it must be attended by a minimum of three Council Members and two trade union representatives from different trade unions.

~~46.344.3~~ If, after 15 minutes from the advertised start time of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.

~~46.444.4~~ During any meeting, if the Chair 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 Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Panel, Forum, Sub-panel or Sub-forum.

#### ~~47.45.~~ **Duration of Meetings**

##### ~~47.145.1~~ **Commencement and Closure**

Meetings of Panels, Forums, Sub-Panels and Sub-Forums will commence at [the time specified on the agenda 7.30 pm, or such other time as stated on the agenda](#), and close [2.5 hours after the start of the meeting at 10.00 pm, except as determined under Rule 48.2.](#)

##### ~~47.245.2~~ **Varying the Closure Time**

~~47.2.145.2.1~~ Meetings of Panels, Forums, Sub-Panels and Sub-Forums shall terminate in the manner set out in Rule 48.3 unless:

~~47.2.1.145.2.1.1~~ the business of the meeting has been completed before [the expiry of 2.5 hours at 10.00 pm](#); or

~~47.2.1.245.2.1.2~~ by resolution passed before the closure time, the Panel, Forum, Sub-panel or Sub-forum 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 agenda; 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.

~~(b)(c)~~ [No meeting will continue past 10:30pm](#)

46.2.2 For the avoidance of doubt, a meeting may use the provisions within 48.2.1.2 (b) 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.

46.2.3 In considering whether (a) or (b) above are expedient, the Panel, Forum, Sub-panel or Sub-forum must have regard to not prejudicing third party rights or interests affected by the remaining business on the agenda.

### **47.345.3 Determining Business Upon Closure**

**47.3.145.3.1** At the time of closure the Chair will advise the Panel, Forum, Sub-panel or Sub-forum that the procedure to terminate the meeting is to be applied.

**47.3.245.3.2** Any speech commenced and then in progress shall be concluded.

**47.3.345.3.3** The Chair will put any motion or recommendation then under consideration to the vote without further discussion.

**47.3.445.3.4** All remaining business before the Panel, Forum, Sub-panel or Sub-forum, including recommendations, and amendments that have already been moved, shall be put to the vote without discussion or further amendment.

### **48.46. Petitions**

#### **48.146.1 Presentation of Petitions**

**48.1.146.1.1** Petitions relating to a function within the terms of reference of a Panel, Forum, Sub-Panel or Sub-forum shall be presented to the appropriate meeting of the Panel, Forum, Sub-Panel or Sub-forum. If the petitioners request that the petition be presented at a meeting this can be done in the following ways:

**48.1.1.146.1.1.1** a representative of the petitioners may attend, at the time stated for the start of the meeting, and request to read the petition to the meeting;

**48.1.1.246.1.1.2** the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;

**48.1.1.346.1.1.3** the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.

**48.1.246.1.2** 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 Chair determines that this time limit should be extended or reduced.

#### **48.246.2 Notice and Consideration of Petitions**

There is no need for any advance notice to be given of the wish to present a petition to a Panel, Forum, Sub-panel or Sub-forum.

### **49.47. Deputations**

**49.147.1** Any Panel, Forum, Sub-panel or Sub-forum may receive a deputation on any matter appearing on the relevant agenda.

**49.247.2** Requests to receive a deputation must be in writing and signed by at least 10 residents or representatives of local organisations or businesses in Harrow. The

signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.

49.347.3 The request must be given to the Monitoring Officer at least two clear working days before the day of the meeting, although this requirement can be waived by the Panel, Forum Sub-panel or Sub-forum on the grounds of urgency.

49.447.4 The deputation to the meeting must consist of not more than four people. The people nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputations must not exceed 10 minutes

49.547.5 The time allowed for questioning of the deputation by Members will be 10 minutes

49.647.6 The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.

49.747.7 Subject to 50.8 below, Panels, Forums, Sub-Panels or Sub-Forums shall receive no more than two deputations per meeting.

49.847.8 The Traffic Advisory Panel may hear more than two deputations provided they relate to agenda items on the relevant agenda.

49.947.9 No deputation shall be received by a Panel, Forum, Sub-panel or Sub-forum within 6 months after a deputation has appeared before it on the same or a similar subject.

49.1047.10 Members of the Council, co-optees and advisers shall not be signatories to, lead or form part of any deputation.

49.1147.11 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.

## 50.48. **Public Questions**

### 50.148.1 **General**

49.1.1 Members of the public may question Chairs of Panels, Forums, Sub-Panels and Sub-Forums at meetings. Questioners will not be allowed to address the Panel, Forum, Sub-panel or Sub-forum generally on a matter, they may only ask questions relating to matters within the terms of reference of the Panel, Forum, Sub-panel or Sub-forum. Questions relating to individual cases and/or matters relating to staffing and conditions of service will not be permitted.

### **50.248.2 Time Limit for Questions**

49.2.1 There will be a total 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 respondent can complete a reply. Unless the Chair permits otherwise, a reply to a question shall not exceed three minutes. If the Member of the Panel, Forum, Sub-panel or Sub-forum answering believes that a longer response is necessary, an oral summary will be given and a full reply shall be completed in writing.

### **50.348.3 Order and Notice of Questions**

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

49.3.2 A question may only be asked if notice has been given in writing, ~~by fax or by electronic mail~~ to the Monitoring Officer at Democratic Services, Harrow Council, Civic Centre, PO Box 2, Harrow, HA1 2UH or ~~020-8424-1557~~ or 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 from the questioner's email address, give the name and address of the questioner and name of the Member or Chair of the Panel, Forum, Sub-panel or Sub-forum to whom it is to be put.

49.3.3 The Member of the Panel, Forum, Sub-panel or Sub-forum to whom any question is put may arrange for another Member of the Panel, Forum, Sub-panel or Sub-forum to answer on his or her behalf.

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

### **Number of questions**

49.4.1 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 Chair may reject a supplemental question if it falls within any of the categories in **Rule 51.5 below**.

#### **50.4.48.4 Scope of Questions**

**50.4.148.4.1** The Monitoring Officer may reject a question if it:

**50.4.1.148.4.1.1** would risk defamation of an individual or is defamatory, frivolous or offensive or otherwise improper; or

**50.4.1.248.4.1.2** does not relate to a matter to which the Council has powers or duties; or

**50.4.1.348.4.1.3** does not relate to a matter which affects the London Borough of Harrow; or

**50.4.1.448.4.1.4** would require the disclosure of confidential or exempt information; or

**50.4.1.548.4.1.5** is substantially the same as a question which has been put at any meeting of the same Panel, Forum Sub-panel or Sub-forum in the last six months; or

**50.4.1.648.4.1.6** is within the invalid categories referred to at 51.1 above.

#### **50.548.5 Record of Public Questions**

49.6.1 The Monitoring Officer will publish send a copy of the written questions to the Member of the Panel, Forum, Sub-panel or Sub-forum to whom it is to be put. If a question is rejected, reasons for rejection will be given to the questioner by the Monitoring Officer.

49.6.2 Copies of all valid questions will be circulated to all Members of the Panel, Forum, Sub-panel or Sub-forum and made available to the public at the meeting.

#### **50.648.6 Asking the Question at the Meeting**

**50.6.148.6.1** The Chair will invite the questioner to put the question and will respond to the question unless another Member of the Panel, Forum, Sub-panel or Sub-forum has been nominated to answer on his or her behalf.

**50.6.248.6.2** If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf.

**50.6.348.6.3** The Chair may either:

**50.6.3.148.6.3.1** ask the question on the questioner's behalf; or

**50.6.3.248.6.3.2** indicate that a written reply will be given; or

**50.6.3.348.6.3.3** decide, in the absence of the questioner, that the question will not be dealt with.

#### **50.748.7 Written Answers**

49.8.1 Any written 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 relevant Panel, Forum, Sub-panel or Sub-forum.

#### **50.848.8 Reference of a Question to another Body**

49.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member of a Panel, Forum, Sub-panel or Sub-forum may propose that a matter raised by a question be referred to the Executive, Advisory Panel, Portfolio Holder or other appropriate Committee, sub-committee or panel. Such a proposal will be voted on without discussion.

#### **51.49. Voting**

##### **51.149.1 Majority**

50.1.1 Subject to Rule 52.2, 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.

##### **51.249.2 Special cases**

50.2.1 The ~~Education Strategy Consultative Forum, the~~ Employees' Consultative Forum ~~and~~ ~~Tenants', Leaseholders' and Residents' Consultative Forum all~~ includes non-councillors. Voting on any matter shall be by simple majority of those entitled to vote on the item on these Forums, except that no recommendation or reference may be made to the Executive or another Committee or a Portfolio Holder unless it is agreed by a majority of the elected Councillors on the Forum.

### **51.349.3 Chair's Casting Vote**

50.3.1 If there is an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

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

~~51.4.149.4.1~~ 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.

~~51.4.249.4.2~~ A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

### **51.549.5 Recorded Vote by Roll Call**

50.5.1 If immediately before an ordinary vote is taken three 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.

### **51.649.6 Voting on Appointments**

50.6.1 If there are more than two people nominated for any position to be filled by a Advisory Panel, Consultative Forum, Sub-panel or Sub-forum and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

### **52.50. Nominated Members**

51.1 Each group(s) shall nominate from amongst their Members on Advisory Panels and Consultative Forums, a Member to be consulted by Chief Officers in the exercise of delegated powers relating to the urgency procedure. (The Urgency Procedure is set out in Part 4 of the Constitution). Nominated members must be full Advisory Panel or Consultative Forum concerned.



## **Appendix to Executive Procedure Rules**

### **Delegated Powers of Portfolio Holders**

#### **1. Key decisions**

A Key Decision may not be taken by an individual Member of the Executive unless either it has been delegated to an individual Member of the Executive in accordance with Rule 11.2 or it is a Key Decision on an urgent matter and is taken in accordance with Rule 3 of this Appendix.

#### **2. Decision taking by individual Portfolio Holders**

Where a non-key decision is to be made, individual Portfolio Holders may take those decisions in the following circumstances:

**(i) Matters the subject of an agreed framework, set by the Executive**

Where the Executive has already set a clear framework for a set of decisions, the Portfolio Holder may take that framework forward into implementation.

**(ii) Matters the Subject of Recommendations**

Where matters have been fully considered by an Advisory Panel or by a Consultative Forum and the Panel or Forum have made recommendations to the Executive, the relevant Portfolio Holder may consider the recommendations and take the decision on behalf of the Authority.

This general power is subject to the following conditions:

- A Portfolio Holder shall not take a decision in respect of any matter that is stated in the terms of reference and delegated duties of the Executive (as set out in Part 3 of the Constitution) to be the responsibility of the Executive as a whole. All such decisions must be taken at a full meeting of the Executive.
- Full consideration being given by the Portfolio Holder to all reports made to the Advisory Panel or Forum and to the minutes, reasons given and options rejected.
- Consideration being given by the Portfolio Holder of the need for further consultation or information before taking the decision.
- The decision of the Portfolio Holder being taken and recorded in full compliance with the Procedural Rules of the Council and the minutes or records of all decisions being published within two clear working days of receipt from the PH

of the decision and published on the Council's website with electronic notification given and no hard copies circulated.

- Where a Portfolio Holder is considering taking a decision, which differs from the recommendation of the Advisory Panel or Consultative Forum, the matter must be referred to the Executive for decision.

**(iii) Other Matters**

Portfolio Holders may also take decisions, which have not been the subject of a recommendation from an Advisory Panel or Consultative Forum (i.e. on a report from an officer of the Council).

This power is subject to:

- The same conditions as in 2(ii) above; and
- Where the matter is controversial, or potentially controversial, the Portfolio Holder should refer the matter to the full Executive for decision.

NB The fact that a Portfolio Holder, having considered these rules and guidance, decides to take a decision does not render that decision invalid or improperly taken if the matter is later shown to be the subject of disagreement amongst the Members of the Executive.

**(iv) Urgent matters (non-key decisions)**

Portfolio Holders may take non-key urgent decisions within their terms of reference, provided the conditions in 2(ii) above are satisfied.

It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 16 of the Access to Information Rules has been followed, that decision will not be subject to the call-in procedure Rules provided the Chair of Overview and Scrutiny Committee agrees.

**3. Urgent Matters where the Portfolio Holder is not empowered to act (Key Decisions or matters that are outside the Portfolio Holder's terms of reference.)**

When an urgent decision needs to be taken in circumstances where to wait until the next scheduled meeting of the Executive would be prejudicial to the best interests of the Council, and where a Portfolio Holder is not empowered to act under paragraph (iv) above then:

- The Leader, (or in his/her absence, the Deputy Leader) may, after consultation with the relevant Portfolio Holder, take the decision.

- Before taking a Key Decision, the Leader (or Deputy Leader) must first consider whether the importance of the matter warrants the calling of a special meeting of the Executive.
- The decision must be taken in a way that fully complies with the Procedural Rules of the Council and in particular, if relevant, with the rules relating to “key decisions”.
- A copy of the minutes of the decision must be published within two clear working days of the decision and published on the Council’s website with electronic notification given and no hard copies circulated.

It should be noted that where a decision is deemed to be urgent, and where Procedure Rule 16 of the Access to Information Procedure Rules has been followed, that decision will not be subject to the call-in procedure provided the Chair of Overview and Scrutiny Committee agrees.

#### **4. Temporary Arrangements**

In the absence of the Leader, the Deputy Leader may undertake the responsibilities and exercise the delegated powers of the Leader, to the extent permitted by the Constitution.

In the absence of a Portfolio Holder the Leader may undertake the responsibilities and exercise the delegated powers of that Portfolio Holder.

If a Portfolio Holder is absent for a continuing period, the Leader may, on a temporary basis, allocate the responsibilities and delegated powers of that Portfolio Holder to one or more other Portfolio Holders. If the Leader makes such an allocation (s)he must at the time notify all Members of Council of the temporary transfer of responsibilities and power and of the likely period of such arrangements.

**None of the delegated powers in Paragraphs 1 to 4 above authorise the taking of a decision, which either by law or by the operation of the Procedural Rules of the Council is required to be taken at a full meeting of Council.**

