

# Council Meeting Procedure Rules

## 9.1 Introduction and Interpretation

- (1) These Standing Orders regulate meetings of the Council, the Cabinet, Committees and Sub-Committees and impose minimum financial and other requirements. The Standing Orders also refer to some obligations imposed by statute.
- (2) The person presiding at a meeting (Chairman) of the Council or of a Committee or Sub-Committee, shall be the final authority as to the interpretation of Standing Orders.
- (3) Unless the contrary intention appears, references to the masculine shall include the feminine and vice versa, and the singular shall include the plural and vice versa.
- (4) In the event of any conflict between these standing orders and any more specific requirement of the Executive Procedure Rules and / or the Policy and Scrutiny Procedure Rules, the latter shall prevail.

## STANDING ORDERS FOR COUNCIL MEETINGS

### 9.2 Annual Meeting

- (1) Subject to (2) (f) below, an annual meeting shall be held at 7pm on a day decided by the Council in March, April or May.
- (2) An Annual Meeting of the Council will:
  - (a) elect a person to preside if the chairman is not present
  - (b) elect a Lord Mayor to chair the Council
  - (c) be notified by the Lord Mayor of the appointment of any Deputy Lord Mayor
  - (d) approve as a correct record, for signature by the Chairman, the minutes of the last meeting of the Council.
  - (e) receive communications of the Lord Mayor
  - (f) in a year of ordinary elections of Councillors to the Council, to be held on the eighth day after the retirement of the outgoing councillors (or on such other day within the 21 days following the day of retirement as the Council may determine); to:

- (i) receive a report of the Chief Executive on the return of councillors elected;
  - (ii) receive notification of the memberships of political groups;
  - (iii) receive notification of the names of Group Leaders and their Deputies;
  - (iv) elect the Leader of the Council;
  - (v) receive notification from the Leader of:
    - (g) the appointment of the Cabinet, including the names of Cabinet Members, the wards they represent and their delegated authorities.
    - (h) the terms of reference of any cabinet committees.
    - (i) any delegation of executive functions to any area committees or in any joint arrangements and delegations of executive functions to officers:
      - (i) appoint at least one Overview and Scrutiny Committee and such other committees as the Council considers appropriate;
      - (ii) agree the delegations (terms of reference) to the Leader, the Cabinet as a body, and the Urgency Committee of the Cabinet.
    - (j) determine the allocation of places on committees to political groups in accordance with the proportionality rules.
    - (k) dispose of any other business specified in the summons .
- (3) The Chairman may vary the order of business aside from the elections of the Lord Mayor which must always be taken as the first item..
- (4) On the conclusion of the Annual Council Meeting in the year that the City Council is elected (and in other years as necessary), committees will meet to receive nominations of chairmen and memberships and to appoint their chairmen and sub-committees. At such meetings the Chief Executive will ask for all the recommendations before each of the Committees to be taken as adopted. Unless any Member dissents they will be deemed to have been agreed. In the case of dissent the Chief Executive will seek approval to the appointment of the Chairman for the relevant Committee who will then conduct the remainder of the Meeting. All other recommendations will be deemed to have been agreed.

### 9.3 Ordinary Meetings

- (1) Ordinary meetings of the Council shall be held at the Council House, Marylebone Road, NW1 at 7pm in accordance with a programme of meetings approved by the City Council.
- (2) An Ordinary meeting will:
  - i. Appoint a relief chairman to preside if the Lord Mayor is not present
  - ii. approve as a correct record the minutes of the last meeting of the Council for signature by the Chairman
  - iii. receive a report of the Chief Executive of any resignations and the results of elections of Councillors held since the last meeting
  - iv. with the approval of the Chairman of the meeting, receive from the Leader of the Council a statement on an urgent matter, provided that the Leader of the Opposition shall have an equivalent opportunity to reply to such statement.
  - v. deal with business expressly required by statute in an officer report, except where it is included in a report of the Cabinet or a Committee (See below).
  - vi. receive the Lord Mayor's communications.
  - vii. receive declarations of interests from Members and Officers of the Council
  - viii. receive petitions and deputations, including considering petitions as required by the Council's Petition Scheme.
  - ix. have a 45-minute period for questions in accordance with Standing Orders.
  - x. deal with Councillor issues in accordance with Standing Orders.
  - xi. dispose of business, if any, specified in the summons outstanding from a previous meeting.
  - xii. receive and consider the report and any recommendations of the Cabinet (which will incorporate any recommendations of the individual Cabinet Members).
  - xiii. receive and consider the reports and any recommendations of Committees.

- xiv. consider issues from the Future Policy Plan notified by the Chief Whips of the political parties in accordance with Standing Orders.
  - xv. consider motions of which written notice has been given in accordance with Standing Orders.
  - xvi. dispose of any other business specified in the summons.
- (3) The Chairman may vary the order of business.

#### **9.4 Extraordinary Meetings**

- (1) Extraordinary meetings may be called by:
- (a) a Council Resolution
  - (b) the Lord Mayor at any time and day
  - (c) any five Members if the Lord Mayor has not called an Extraordinary meeting within seven days of receiving a signed requisition presented to him by those Members, in which case the meeting will be held at 7.00pm on a day chosen by the five Members
  - (d) the Monitoring Officer
- (2) An Extraordinary Meeting will be held in November on a date decided by the Council to receive the Leader's Speech on the City Council's priorities and financial aims, to approve the budget and set the Council Tax.
- (3) There shall be no other business at an extraordinary meeting than that on the summons.

#### **9.5 Election of the Lord Mayor and Appointment of Deputy Lord Mayor**

- (1) One councillor shall be elected as Lord Mayor at the annual meeting of the Council.
- (2) If more than two candidates are proposed and seconded, the Chairman, unless he orders that a ballot be held, will put the names in order of nomination. Each member can only vote for one candidate. The Chairman will determine the result of the vote by judging the number of hands raised for a particular candidate. If there is not a majority of those present and voting in favour of one person, the name of the person having the least number of votes shall be struck out. The Chairman shall then put the names of the remaining candidates from time to time or require ballots to be held until the number is reduced to two. He/she shall then put the names of the two candidates to the

meeting and the candidate who receives most votes shall be declared elected.

- (3) The Lord Mayor shall, unless he resigns or becomes disqualified, hold office (whether or not he continues until that time to be a councillor) until a newly elected Lord Mayor becomes entitled to act as Lord Mayor.
- (4) The Lord Mayor may appoint a member of the Council to be Deputy Lord Mayor. The person appointed shall, unless he/she resigns or becomes disqualified, hold office (whether or not he continues until that time to be a councillor) until a newly elected Lord Mayor becomes entitled to act as Lord Mayor.
- (5) The appointment of a Deputy Lord Mayor shall be signified to the Council in writing and be recorded in the minutes of the Council.
- (6) The Deputy Lord Mayor may, if for any reason the Lord Mayor is unable to act or the office of Lord Mayor is vacant, discharge all functions which the Lord Mayor as such might discharge, except that he shall not take the Chair at a meeting of the Council unless specifically appointed by the meeting to do so.

## **9.6 Election of the Leader**

- (1) One Councillor shall be elected as Leader of the Council at the meeting of the Council following the office becoming vacant and at the annual meeting following Full Council elections.
- (2) The Chief Whip of the Majority Party (or nominee) will move to nominate the Leader of the Majority Party which will need to be seconded. If two or more candidates are proposed and seconded, the Chairman, unless he orders that a ballot be held, will put the names in order of nomination. Each member can only vote for one candidate. The Chairman will determine the result of the vote by judging the number of hands raised for a particular candidate. If there is not a majority of those present and voting in favour of one person, the name of the person having the least number of votes shall be struck out. The Chairman shall then put the names of the remaining candidates from time to time of require ballots to be held until the number is reduced to two. He shall then put the names of the two candidates to the meeting and the candidate who receives most votes shall be declared elected.

## **9.7 Deputations at Council Meetings**

- (1) The Council may agree to receive a deputation at any ordinary meeting if, in the opinion of the Chairman, it relates to an item of business on the agenda for that meeting and is urgent. The Chairman's decision is final and not open to challenge at the meeting.

- (2) A motion that a deputation be received shall be formally moved, seconded, and voted upon without debate. The deputation will be admitted once the motion is carried.
- (3) A deputation shall not be more than five people, of whom only one may speak for up to five minutes.
- (4) No discussion shall take place on any matter raised by a deputation, but any member of the Council may immediately move a motion, without notice, that the subject matter of the deputation be referred to the Cabinet, relevant Cabinet Member, or the appropriate Committee or Sub-Committee. Such a motion shall be formally moved and seconded and then be immediately voted upon without debate. This Standing Order shall not preclude consideration by the Council of any matter contained elsewhere on the agenda.

## **9.8 Petitions**

Petitions shall be submitted and considered by the Council in accordance with the Petition Scheme as set out in the Council's Constitution.

## **9.9 Questions**

### **(a) Oral Questions**

- (1) At each ordinary Council meeting following the full Council elections all Members of the Council (except the Lord Mayor, Cabinet Members and the Leader of the Opposition) shall be asked to indicate if they wish to ask a question. The Lord Mayor (Chairman) shall then call Members in turn and in doing so may have regard to the proportionality of the political groups on the Council.
- (2) The Leader of the Opposition is entitled to ask three questions during a question time.
- (3) A question shall be directed to a Cabinet Member or a Committee Chairman on any matter within their terms of reference. The questioner must identify the Member to whom the question is addressed before asking it.
- (4) Only one single question may be asked at a time and shall be put briefly.
- (5) The Chairman may disallow any question that in his opinion is not relevant to the functions or powers of the Council, or is wholly or in part frivolous or derogatory to the dignity of the Council, or is not put with reasonable brevity or comprises more than one part.

- (6) Where any question has, in the Chairman's opinion been incorrectly addressed to a particular Cabinet Member or Committee Chairman, he may redirect the question to the appropriate Member.
- (7) The reply shall be given orally by the Cabinet Member or the Committee Chairman (or his nominee). If a question affects more than one Member a combined reply, by agreement between the relevant Members, may be given by one of them or a nominee.
- (8) Question time shall be 45 minutes and then the Chairman will end question time and any member speaking at the time will sit down. The Chairman may allow an extension of time to permit a reply to be made to the last question called or put.
- (9) After a reply a maximum of one related single point supplementary question may be asked. The Member who asked the original question has the right to ask the supplementary question in preference to any other Member.
- (10) Questions may not be asked at Annual or Extraordinary meetings of the Council.
- (11) Questions and Replies shall be recorded by the Chief Executive and placed on the Council's website no later than 28 days following the date of the Council meeting.

(b) Urgent Questions

With the permission of the Chairman, any member may ask a Cabinet Member or a Committee Chairman a question relating to urgent business which may be answered by the respondent either orally or in writing. A copy of any such questions shall be delivered to the Chief Executive not later than four hours before the start of the meeting.

(c) Written Questions

- (1) Any member may between any two ordinary meetings of the Council submit not more than three questions for written answer by a Cabinet Member or Committee Chairman. Such question(s) shall be submitted to the Chief Executive who shall circulate fortnightly to all members of the Council a list of questions submitted under this paragraph, together with the replies. Every question shall, subject to (2) below, receive a reply within three weeks of the date of its receipt by the Chief Executive and such replies shall be published on the Council's website.
- (2) The Cabinet Member or the Committee Chairman (or his nominee) may decline to answer a question if assembling the necessary information would, in his opinion, involve excessive

cost.

- (3) Urgent and Written Questions may be edited by the Chief Executive if necessary, either to put them in proper form and/or to secure reasonable brevity. A question which in the opinion of the Chief Executive comprises of more than one part shall be referred back to the Member who submitted it for direction as to which part he requires to be answered. The Chief Executive may disallow or edit any such question which in his opinion is not relevant to the functions or powers of the Council, or is wholly or in part frivolous or derogatory to the dignity of the Council, or where any question has been incorrectly addressed to a particular member, redirect the question to the appropriate member.

### **9.10 Councillor Issues**

- (1) Three weeks prior to each ordinary council meeting the Chief Executive will conduct a draw of Members (except the Lord Mayor and Cabinet Members) and invite the first two Councillors selected in the draw to propose one issue each for inclusion on the council agenda that relates to a function of the City Council. The next two Councillors whose names are drawn will also be invited to nominate an issue each in the event of either or both the first two Councillors selected not wishing to nominate an issue or being unable to attend the meeting.
- (2) The Councillors selected in the draw will have to give notice to the Chief Executive of their chosen item by 12 noon two weeks prior to the Council meeting for inclusion on the agenda and the Chief Executive shall, on notice to the Councillor concerned, disallow any issue that is not relevant to the function of the City Council.
- (3) At the meeting the first two items will be taken in turn. The selected Councillor will speak first and then the Cabinet Member (or Committee Chairman, if appropriate) will reply.
- (4) Once a Councillor has been selected in the draw and spoken to their item at Council their name will be excluded from subsequent draws for this agenda item until all other Members qualified to select an issue under the standing order have done so, at which point the process will start again. A fresh draw will be made before the first ordinary council meeting following each council election. Members who become qualified to select an agenda issue (eg. because they cease to be a Cabinet Member) will be included in the next available draw.

### **9.11 Agenda Items for Debate and Decision**

- (1) All reports of the Cabinet, Committees or from Officers shall where practicable be sent to each member with the notice convening the meeting of the Council at which they will be considered. The Chief Executive will circulate to all councillors a Future Policy Plan to assist

members in selecting items for debate.

- (2) The Cabinet, Cabinet Committees, individual Cabinet Members and relevant Committees shall, if making a recommendation for a decision, submit a written report including such a recommendation to the Council.
- (3) A nominated representative of each of the two largest political groups on the Council shall, no later than 10am on the sixth day before the Council Meeting (usually the preceding Thursday) notify the Chief Executive of the Group's choice and preferred order of items for debate from amongst the Cabinet and Committee Reports, Future Policy Plan and any Notices of Motion set out under Standing Orders.
- (4) The Chief Executive shall draw up a list identifying the items selected by the groups and the order selected.
- (5) The Chief Executive shall circulate the list to all Councillors by no later than the fifth day prior to the Council Meeting (usually the preceding Friday) together with a Briefing Note on each item selected for debate from the Future Policy Plan prepared by the appropriate Chief Officer.
- (6) A Cabinet Member or a Committee Chairman (or nominee) may correct errors in any paragraph in any part of a report or recommendation, or with the consent of the Council withdraw any report or recommendation.
- (7) Up to the first one hour fifteen minutes shall be allocated to the agenda items selected for debate by the Majority Party and up to thirty-five minutes on items selected by the Minority Group. In the event that there is less than 1 hour 50 minutes available prior to 10pm the Chairman will reduce the debating time proportionately.
- (8) When reached in accordance with the preferred priority order of debate, each paragraph with a recommendation will be deemed to have been moved and seconded. The Cabinet Member or the Committee Chairman (or nominee) may speak first and may nominate another Member to exercise his right of reply to the debate.
- (9) Any item containing a recommendation may, subject to Standing Order 12(3) and (4), be the subject of comment or a motion to amend the recommendation or of a motion that the recommendation be referred back to the Cabinet or a Committee. No other motion affecting such an item shall be moved.
- (10) A member moving that a recommendation be referred back to the Cabinet or a Committee or moving an amendment to a recommendation shall not have the right of reply. Such right shall be available only to the member moving the reception of the report or his nominee and upon the exercise of that right the debate on the reference back or the amendment then under discussion shall be closed.

- (11) Any member may comment in respect of any issue selected for debate that does not include a recommendation, including any issue from the Future Policy Plan, but neither a motion nor an amendment to it shall be permitted.
- (12) Subject to (13) (14) and (15) below, after the first 1 hour 10 minutes of debate on Majority Party items have expired, the Chairman shall call the relevant Cabinet Member or Committee Chairman (or nominee) to respond to the debate on the paragraph then under debate. Debate will then continue on the Minority Group item(s). The same procedure shall be adopted after the next 30 minutes of debate on Minority Party items. The Chairman will terminate the meeting under Standing Order 19 on the conclusion of Minority Party business.
- (13) If the Majority Group and the Minority Group both select the same item for debate and the relevant Cabinet Member or Committee Chairman has been called to respond on that item during the time allocated to the Majority Group, then the debate on that item shall thereafter be regarded as concluded and the item will not be called again during the time allocated to the Minority Group. In the event that the last item being debated in the time allocated to the Majority Group is also the first item selected by the Minority Group then the debate will be allowed to continue into the time allocated to the Minority Group and the relevant Cabinet Member or Committee Chairman will be called to respond at the conclusion of the debate on that item or after 30 minutes of the Minority Group time as appropriate, rather than after 1 hour 10 minutes of Majority Group time.
- (14) If a Cabinet Member or a Committee Chairman or his nominee is making the first speech on an item selected for debate when 1 hour 10 minutes has elapsed then the Chairman may treat that speech as the last speech.
- (15) Any matter formally referred to the Council for debate by a Policy and Scrutiny Committee shall have priority for debate and the time spent shall be deducted in the relevant proportions from the time allocated to Majority/Minority Group business.
- (16) On the conclusion of other items on the agenda (if any) the Chairman shall then call, in the order appearing on the agenda the remaining paragraphs not yet debated in any report which include recommendations and when called the recommendations in any paragraph shall be deemed to have been moved and seconded.
- (17) The appropriate Executive Director is required to have regard to the views of Members expressed during debate when preparing reports for consideration by the Cabinet/Cabinet Members on topics listed in the future Policy Plan.

## 9.12 Procedural Motions

- (1) The following motions may be moved without notice; they shall only be formally moved and formally seconded and shall not be the subject of debate (subject to the provisos set out below under \*):
  - (a) relating to the accuracy of the minutes;
  - (b) that the report of the Cabinet or a Committee be received;
  - (c) to appoint a Committee or members thereof occasioned by an item mentioned in the summons to the meeting;
  - (d) to suspend Standing Orders in accordance with Standing Orders;
  - (e) to exclude the press and public;
  - (f) to give the consent or leave of the Council where this is required by these Standing Orders;
  - (g) that a Member be not further heard;
  - (h) \*that any item of business specified in the summons has precedence
  - (i) \*that the Council adjourns for a specified period;
  - (j) \*that the Council proceed to the next business;
  - (k) \*that the question be now put; the appropriate Cabinet Member or Committee Chairman (or his nominee) or, in respect of matters not specifically within the terms of reference of any other member, the Leader of the Council or his nominee shall have a right to reply;

\*The motions in (h) - (k) may only be moved by a member who has not spoken on the motion or amendment then before the Council. Whilst any of the motions referred to in (h) - (k) is under consideration no other motion shall be moved. A motion under

- (h) shall not be moved within a period of 30 minutes of the disposal of a previous motion under that Standing Order and the same limitation shall apply to motions moved under (i). Except in relation to motions under (k) the appropriate Cabinet Member or Committee Chairman or his nominee, as in respect of matters not specifically within the terms of reference of any other Committee, the Leader of the Council or his nominee shall have a right to reply.

- (l) that consideration of the question be postponed for a specified period or indefinitely;
  - (m) that the sitting of the Council be extended beyond the period specified in Standing Orders either to a fixed time or until the completion of all or certain business on the agenda;
  - (n) that leave be given to withdraw in whole or in part the report of proceedings of the Cabinet or a Committee;
- (2) The following motions may be moved without notice; they shall only be formally moved and formally seconded and shall not be the subject of debate. Whilst any of these motions is under consideration by the Council, no other motion shall be moved.
- (a) to appoint a Chairman of the meeting where necessary;
  - (b) that a deputation be received;
  - (c) that a matter raised by a deputation received under Standing Orders be referred to the appropriate Committee, Cabinet or Cabinet Member;
  - (d) to extend the time limit for speeches.
  - (e) any other procedural motion to secure the efficient conduct of business.
- (3) (a) When a motion has been moved and seconded that any item of business specified in the summons has precedence the Chairman shall call upon the appropriate Cabinet Member or Committee Chairman or his nominee or the mover of a motion under Standing Orders when such a motion is under consideration to reply to the motion that other business should have precedence and he shall then put the motion that other business should have precedence to the vote. If it is carried, the item of business specified shall be called and debated before consideration of any motion or amendment before the Council is resumed. If the motion is not carried, then debate on the motion or amendment before the Council shall continue or, if there is no motion or amendment before the Council, the next item of business on the agenda shall be called.
- (b) When there is a motion or an amendment before the Council and it is moved and seconded that the question be now put the Chairman shall immediately put the motion that the question be now put to the vote. If it is carried, the mover of the original motion/Cabinet Member or appropriate Committee Chairman or his nominee will then be allowed to exercise his right of reply

under Standing Orders for up to 5 minutes. The motion or amendment before the Council shall then be put to the vote. If the motion that the question be now put is not carried, the debate on the motion or amendment before the Council shall continue.

- (c) When there is a motion or an amendment before the Council and it is moved and seconded that consideration of the question be postponed for a specified period or indefinitely the Chairman shall call upon the appropriate Cabinet Member or Committee chairman or his nominee or the mover of a motion under Standing Orders when such a motion is under consideration to reply to the postponement motion and he shall then put the motion proposing postponement to the vote. If the motion for a postponement to another day or an indefinite postponement is carried, the next item of business shall be called. If a motion for postponement for a specified period at the same meeting is carried, then other business shall be dealt with until the period of postponement has expired and consideration of any business then before the Council has been concluded. If the postponement motion is not carried, then debate on the motion or amendment before the Council shall continue. Any motion agreed by the Council for postponement for a specified period at the same meeting shall not affect the termination provisions set out in Standing Orders
- (d) When any motion relating to the consideration of a report to Council or any motion under Standing Orders is under debate, no other motion shall be moved except an amendment of which notice has been given under Standing Orders or any of the motions referred to in paragraph (1) and (2) above.

### **9.13 Notice of Motions**

- (1) With the exception of those motions listed in Standing Orders and
- (2) No motion shall be moved unless it is submitted in writing (signed by the proposer) to the Chief Executive no later than 2 pm. on the fourteenth day before the meeting at which the motion is to be moved, and is included on the summons for that meeting. A motion shall be duly seconded at the meeting. This Paragraph does not apply to motions moved under Standing Orders to amend or refer back a recommendation of a Committee (see 13(3) below).
- (3) The Chief Executive may, in consultation with the proposer of any motion of which notice has been given edit the motion, either to put it into proper form and/or to secure brevity. The Chief Executive may disallow any motion that he considers to be frivolous or derogatory to the dignity of the Council.
- (4) No proposal either to amend a notice of motion under paragraph (1) of

this Standing Order (including any proposal by the member who gave such notice) or to amend or refer back any recommendation contained in a report of a Committee in accordance with Standing Orders (other than to correct errors) shall be moved at a meeting of the Council unless written notice thereof in the name of the proposer is delivered to the Chief Executive not less than 24 hours before start of the meeting, whereupon the Chief Executive shall inform the Cabinet Member or appropriate Committee Chairman or the mover of the motion and shall circulate a copy of the amendment to all members of the Council.

- (5) Any amendment must be relevant to the motion and shall be one of the following:
  - (a) to refer the subject for debate to the Cabinet, Cabinet Member or a Committee for consideration or reconsideration; or
  - (b) to leave out words; or
  - (c) to leave out words and/or insert or add other words; but such omission, insertion or addition of words shall not, in the opinion of the Chief Executive directly negate the original motion.
- (6) No motion or amendment shall be moved which has the same effect as any motion which has been negated within the preceding six months but, this shall not apply to a motion to adopt a recommendation of the Cabinet, Cabinet Member or a Committee. Neither shall this paragraph apply to any Procedural Motion under Standing Orders but the Chairman may disallow such a motion if it is in his opinion to the same or similar effect as a previous motion already disposed of on the same item.
- (7) Except when the Council is considering annual estimates, no motion or amendment which would have the effect of incurring expenditure (other than minor incidental expenditure) shall be moved at a meeting of the Council except in the form of an instruction to Cabinet, a Cabinet Member or a Committee for consideration and report.
- (8) A Member may at any time withdraw a motion or amendment or any part thereof of which he has given notice. If a motion is withdrawn any amendments to that motion automatically fall. If a motion is partially withdrawn, any amendments to those parts of the motion which have been withdrawn will automatically fall, save where an amendment consists of the addition of complete sentences which are free standing notwithstanding the withdrawal of parts of the motion and, therefore, in the view of the Chief Executive, should be allowed to stand unless withdrawn by the mover of the amendment.
- (9) When a motion referring a matter to the Cabinet or a Committee is carried, the member who moved the motion shall if he is not a member of the Cabinet or the appropriate Committee be invited to attend the

first meeting of the Cabinet or Committee at which the matter is to be considered and shall be entitled to be heard thereon, provided that if the Cabinet or a Committee at the first meeting at which the matter is considered calls for a further report the member concerned shall have the same rights in respect of any subsequent meeting at which such report is to be considered. Where the Motion is referred to a Cabinet Member, the Member shall be entitled to make representations orally to the Cabinet Member on question before a decision is made on the matter.

- (10) Notices of Motion may be selected for debate within both Majority and Minority party business as provided for under Standing Orders.

#### **9.14 Conduct of Debate**

- (1) Members shall stand in their places to indicate their wish to speak and, if two or more members rise, the Chairman may select one of them to speak in which case all other members shall be seated. Priority in calling members to speak on any item of business may be given by the Chairman to those members who, either directly or through their Party Whips, have notified the Chief Executive of their wish to do so by not later than noon on the second day prior to the meeting (i.e. the Monday preceding a meeting held on a Wednesday). Any such prior notification shall be notified by the Chief Executive who shall circulate at the meeting a list of those nominated to speak, but the list shall not confer any right to speak at the meeting and the Chairman may call others to speak, and may take into account the proportionality of groups in calling speakers. When any member has been called to speak by the Chairman, other members shall remain seated unless rising on a point of order or to make a personal explanation.
- (2) Whenever the Chairman rises from his Chair, every other member shall sit and be silent and he shall be heard without interruption.
- (3) All speeches shall be no longer than five minutes unless the Council specifically consents to an extension of time, or the Chairman extends the time because of interruption or intervention.
- (4) A member shall speak to the matter under discussion, or to a personal explanation or to a point of order. If a member does not comply with this paragraph or inappropriately engages in imputation of improper motives or other breaches of order the Chairman shall call that member to order and may tell him to stop speaking.
- (5) A member may speak only:-
  - (a) on motions or amendments, or
  - (b) to ask or answer questions under Standing Order 9; or
  - (c) to raise a point of order; or
  - (d) to make a personal explanation, or

- (e) to make an intervention for no more than one minute, with the consent of the person then speaking in the debate whose allocated time to speak will be unaffected by the length of the intervention and who may only give way to a maximum of two interventions in any one speech.

This shall not apply to the Chairman, nor where in other circumstances he gives permission to a member to speak.

- (6) No one may speak more than once on any motion (including a recommendation of the Cabinet or a Committee) except:
  - (a) the mover of a motion who may reply both to the debate on the unamended motion and to the debate on any proposal to amend the motion;
  - (b) the member who formally seconds a motion or a proposal to amend the motion provided that he reserves his right to speak at the time of seconding. This right does not exist in respect of procedural motions under Standing Orders;
  - (c) the member who successfully moves an amendment to a motion of which written notice has been given in accordance with Standing Orders who shall have the right of reply to the debate on the substantive motion following his amendment, and to any proposal to further amend (in place of the Mover of the original Motion);
  - (d) a member may speak on a proposal to amend a motion on which he has already spoken;
  - (e) a member who has spoken in support of an unsuccessful proposal to amend a motion may also speak on the unamended motion;
  - (f) a member may, in accordance with Standing Order 15, raise a point of order or make a personal explanation;
  - (g) to move any of the motions in 12 (1) (2) other than 12 (1) (h)-(k).
- (7) In the exercise of a right of reply, a member shall confine his speech to answering points made by previous speakers, and the exercise of that right shall close the debate on the particular motion or amendment then under discussion.
- (8) The right to make a reserved speech under (6)(b) of this Standing Order is lost if a closure motion or an adjournment motion is carried; but the right of reply of the mover of the original motion in either of those events is preserved.

- (9) Only one amendment may be moved and discussed at any time, and no further amendment shall be moved until the amendment under discussion has been disposed of, provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if he judges it to be in the best interests of facilitating the proper conduct of the Council's business, and where this occurs the amendments shall be voted on in the order in which they were moved. Similarly, the Chairman may, on the same basis, permit a motion and proposed amendment(s) to be discussed (but not voted on) together. Where this occurs amendment(s) shall be voted on first in the order in which they were moved before the original or amended substantive motion is put to the vote.
- (10) When an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

### **9.15 Points of Order and Personal Explanation**

- (1) A member may at any time raise a point of order but when so doing he shall specify the particular Standing Order or statutory provision which he alleges has been breached or on which he otherwise relies, specifying in the case of a Standing Order the number and the relevant paragraph and the way in which he considers it has been breached. Any member speaking at the time a point of order is raised, shall resume his seat.
- (2) Subject to (3) below a member making a personal explanation shall be entitled to be heard forthwith. Any member speaking at the time a personal explanation is to be made shall immediately resume his seat.

A personal explanation may only be made by a member who -

- (a) has spoken earlier in the debate then in progress who wishes to correct a misstatement he has made; or
  - (b) wishes to correct a statement made about him by the person then speaking; or
  - (c) wishes to correct a misquotation by the person then speaking of facts originally put by him earlier in the debate.
- (3) The ruling of the Chairman on a point of order or on the right to make a personal explanation shall be final, and shall not be open to debate.

### **9.16 Mode of Voting**

- (1) When the Chairman puts the question Members will vote by raising one hand for or against as appropriate. The Chairman will judge the result of the vote on the number of hands raised respectively for and against

and shall declare the result of the vote. That result shall be final unless the procedures set out in 3 or 4 below are invoked.

- (2) Where the Chairman considers that there should be a formal count of the vote, the Chief Executive shall conduct the count based on a show of hands. The Chairman shall then declare the result of the vote.
- (3) The Chairman may, if he considers it necessary for any reason, request the Chief Executive to call the name of each Member of the Council who shall then signify whether he is voting for or against the motion or is not voting. The Chairman shall then, following a count of the votes, declare the result. If following calling of the Members name the Member does not vote they shall be recorded, if present, as abstaining or absent if absent. If the Member arrives after the vote has commenced they will not be entitled to vote. Prior to the vote being taken the Lord Mayor shall advise that Members may only vote from their allocated seats.
- (4) In the event that immediately after a vote at least 10 Members stand in their places and demand a division, the Chairman shall request the Chief Executive to call the name of each Member of the Council who shall then conduct the vote in accordance with 3 above save that a Division Bell, if available, shall be rung for 30 seconds prior to the commencement of the vote or in the absence of a Division Bell the Lord Mayor shall announce that a vote is to be taken and wait for 30 seconds before commencement of the vote to allow Members to take their allocated seat. No Member shall be allowed to enter the meeting after the end of the 30 second period until after the vote has been concluded. The names of the Members voting for, against or abstaining shall be recorded in the minutes.
- (5) Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- (6) In Standing Order 16(5) —
  - (a) budget decision meeting” means a meeting of the Council at which it:
    - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
    - (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;

- (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.;
- (7) Immediately after a vote is taken any Member may require to have recorded in the minutes whether he cast his vote for or against the question, or abstained.
- (8) In the event of an equality of votes the Chairman shall have a second or casting vote.

### **9.17 Discussion of Matters Affecting Staff**

Before discussing any matter affecting individual Members of Staff, the Council shall consider whether to exclude the press, relevant officers and the public, and if so for what reason.

### **9.18 Disorder**

- (1) If at a meeting of the Council any member persistently disregards the ruling of the Chairman or by behaving improperly or offensively (whether to the Chairman or to any other member) or by willfully or recklessly obstructing the business of the Council or by acting in a frivolous manner which is, in the opinion of the Chairman, contrary to the dignity of the Council the Chairman may direct that he be not heard further.
- (2) If the member continues his misconduct, the Chairman may direct him to leave either for a fixed period or until the end of the meeting and if he refuses to leave the meeting, the Chairman shall direct that all necessary steps be taken to secure his removal, and shall adjourn the meeting of the Council until such removal is effected.
- (3) If the Chairman is satisfied that it is necessary for the purpose of restoring order he may adjourn the meeting of the Council. If the Chairman specifies no period for the adjournment the meeting shall be deemed to have been adjourned for 5 minutes.
- (4) Filming including the taking of photographs will generally be allowed of the Part 1 (public) part of the proceedings but the Chairman may, in the interests of the good conduct of the meeting, refuse permission. Such decisions shall not be open to challenge. Filming on behalf bona fide media organisations shall also generally be allowed with the permission of the Chairman on the recommendation of the Director of Policy, Performance and Communications.
- (5) The press and public shall be admitted unless, in accordance with Standing Order 26. The Chairman is empowered if it is necessary to prevent disorderly conduct or other misbehaviour by the public or any

member of the public:

- (a) to refuse admission to any person to any meeting of the Council;
  - (b) to take all steps necessary to secure the removal of any person previously admitted;
  - (c) to order the clearance of the public gallery and may adjourn the meeting whilst such removal or clearance takes place.
- (6) Without prejudice to the powers conferred on the Chairman by paragraph (5) of this Standing Order, the Chief Executive shall be authorised to appoint suitable persons to act as stewards at meetings of the Council. Any such steward, who shall carry proof of appointment and be clearly identifiable as such, shall be empowered to take all steps necessary to maintain order in the public gallery and in the event of disorderly conduct or other misbehaviour by any member of the public present shall be empowered without prior instruction from the Chairman to order that person to leave and to take all steps necessary to secure the removal of that person from the meeting.
- (7) If the powers in (5) and (6) are exercised, re-admission of the public or any member thereof shall be at the discretion of the Chairman.

#### **9.19 Reporting on Public Meetings**

- (a) Members of the public, including representatives of the media, shall be permitted to report on the Part 1 (public) part of the Council's formal meetings. Reporting may include filming, photographing or making an audio recording of proceedings at a meeting; using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present. The Chairman may only refuse permission if there is just reason for doing so, in exceptional circumstances, in the interests of good conduct and in accordance with Standing Orders 18 or 36 (Disorder). Such decisions shall not be open to challenge.

#### **9.20 Termination of Meeting**

- (1) When a meeting has sat for 3 hours (including any adjournments) or if earlier at the conclusion of the time allocated for debates in accordance with Standing Order 11 then unless it has resolved to continue the sitting, the Chairman shall draw the Council's attention to the time, whereupon:
  - (a) all Standing Orders except SO 18 (Disorder) and this one shall be deemed to have been suspended;
  - (b) all outstanding reports shall be deemed to be received;

- (c) any motion then under debate (including any amendment to such motion that has already been moved) shall be voted upon without further debate in the manner prescribed in (2) below;
  - (d) notices of motion submitted under Standing Order 12 which have been moved and seconded, including any amendments that have already been moved shall be voted upon without debate in the manner prescribed in (2) below.
- (2) The Chairman shall then call in agenda order the item numbers of each outstanding matter in any reports that include recommendations. After each item has been called members shall indicate their vote on a show of hands (Standing Order 16), but no debate or division shall be permitted. Immediately after a vote is taken any member may require to have recorded in the minutes his vote as for, against or abstain.

### **9.21 Annual Estimates and the Making of the Council Tax**

- (1) The Chief Executive and the City Treasurer shall prepare draft Annual Estimates in consultation with the respective Chief Officers in a form and to a timetable approved by the Leader. The draft estimates and the Chief Officers' reports thereon shall be submitted to a meeting of the Cabinet. The estimates of Cabinet Members and Committees shall be based upon limits of expenditure to be set by the Cabinet after considering the Chief Executive and the City Treasurer's forecasts of Cabinet Members and Committees' requirements.
- (2) The Cabinet shall submit to an Extraordinary Meeting of the Council in November of each year a report including recommendations in respect of the reception of a Speech by the Leader of the Council on Council priorities and financial aims; estimates of income and expenditure. Other business shall be included on the agenda if in the opinion of the Chief Executive a decision of the Council is required before the next ordinary meeting of the Council. A report shall also be submitted by the Cabinet to Council in March each year setting out for consideration by the Council the Cabinet's recommendation on the amount of the Council Tax charge.
- (3) At the November meeting of the Council at which the report and recommendations of the Cabinet as to the items in (2) above are being considered, Standing Order 11 (consideration of reports to Council), Standing Order 12(1)(m) (motion to extend sitting), Standing Order 14 (conduct of debate), and Standing Order 19 (termination of meeting) shall be varied so that:
- (a) the debate on recommendations in respect of the Leader's Speech, and the Budget Proposals be terminated at 9.45pm and the recommendations then immediately put to the vote.

- (b) the Leader of the Council (or his nominee) in introducing the report of the Cabinet on the Budget Proposals to make a Leader's Speech for up to 20 minutes and then the Leader of the Opposition (or his nominee), in responding to the Leader of the Council's Speech to speak for up to 20 minutes; the Cabinet Member for Finance will then speak for up to 10 minutes with a Member nominated by the Minority Party responding for up to 10 minutes.
- (c) there be one general debate on the Leader's Speech, and the Budget;
- (d) at 9.35pm the Leader of the Council to reply to the debate for up to 10 minutes.

## 9.22 Conduct of Business

Procedure in relation to Council objections to the Cabinet's proposals in respect of the Budget and Policy Framework (see also Budget and Policy Framework Rules).

- (1) Where the Cabinet has submitted a draft plan or strategy as defined by the Local Authorities (Standing Orders) (England) Regulations 2001 to the Council for its consideration and, following consideration of that draft or strategy, the Council has any objections to it, the Council must take the action set out in (2) below.
- (2) Before the Council –
  - (a) amends the draft plan or strategy:
  - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
  - (c) adopts (with or without modification) the plan or strategy,

it must inform the Leader of the Council of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- (3) Where the Council gives instructions in accordance with paragraph (2), it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader may –
  - (a) submit a revision of the draft plan or strategy as amended by the

Cabinet (the “revised draft plan or strategy”), with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or

- (b) inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.
- (4) When the period specified by the Council, referred to in paragraph (3), has expired, the Council must, when –
- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
  - (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) or which any part is required to be submitted; or
  - (c) adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet’s reasons for those amendments, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- (5) Subject to paragraph (9), where, before 8<sup>th</sup> February in any financial year, the Cabinet submits to Council for its consideration in relation to the following financial year –
- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
  - (b) estimates of other amounts to be used for the purposes of such a calculation;
  - (c) estimates of such a calculation; or
  - (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph (6).

- (6) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in

paragraph (5)(a), or issues a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, it must inform the Leader of the Council of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

- (7) Where the Council gives instructions in accordance with paragraph (6), it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader may –
- (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
  - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (8) When the period specified by the Council, referred to in paragraph (7), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (5)(a), or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account –
- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (b) the Cabinet's reasons for those amendments;
  - (c) any disagreement that the Cabinet has with any of the Council's objections; and
  - (d) the Cabinet's reasons for that disagreement,
- which the Leader of the Council submitted to the Council or informed the Council of, within the period specified.
- (9) Paragraph (5) to (8) shall not apply in relation to –
- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
  - (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with

section 52J or 52U of that Act.

### **9.23 Quorum for Meetings of the Council**

- (1) No business shall be transacted at a meeting of the Council unless one-quarter (15) of the members of the Council are present.
- (2) If by fifteen minutes after the time at which a meeting is convened a quorum is not present, the meeting shall not take place and the business shall, unless otherwise disposed of, be included on the agenda for the next ordinary meeting of the Council.
- (3) If the presence of a quorum is questioned during a meeting, the division bell shall be rung for thirty seconds and the Chairman shall then ascertain whether a quorum is present. If the Chairman declares that there isn't a quorum then the meeting will adjourn immediately to a date and time fixed by the Chairman or otherwise to the next ordinary meeting.

### **9.24 Minutes of Council Meetings**

- (1) At each meeting of the Council the minutes of the previous meeting shall be taken as read if a copy thereof has been sent to each member at least 48 hours prior to the meeting at which they are submitted for approval and signature. Where the next meeting of the Council is an extraordinary meeting the minutes of a meeting may be approved at the next ordinary meeting of the Council.
- (2) Any objection to the minutes shall be by way of motion that may be moved without notice and need not be seconded. Any such motion must be proposed before the minutes are signed.

### **9.25 Notice of Meetings**

- (1) At least five clear days before a meeting of the Council:-
  - (a) notice of the time and place of the meeting shall be published at the Council's offices, and where the meeting is called by members of the Council the notice shall be signed by those members and shall specify the business proposed to be transacted; and
  - (b) a summons to attend the meeting, specifying the business and accompanied by such reports as are available, and signed by the Chief Executive shall be left at, or sent by post to, the usual place of residence of every member of the Council (or by post to such other address as the member may request). Any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.
  - (c) Want of service of a summons on a member of the Council shall

not affect the validity of a meeting of the Council.

### **9.26 Chairman of Meetings**

- (1) At a Council Meeting the Lord Mayor shall preside if present.
- (2) If the Lord Mayor is absent another member of the Council chosen by the members of the Council present shall preside. The CE shall preside over such elections.
- (3) In the case of an equality of votes the Chairman at the meeting shall have a second or casting vote.

### **9.27 Admission of Public**

All meetings of the Council shall be open to the public, subject (a) to the power to exclude the public to avoid disclosure of confidential or exempt information under the Local Government Act 1972 or the Freedom of Information Act 2000; and (b) the power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at the meeting.

### **9.28 Attendance Book**

Every member of the Council attending a meeting of the Council shall sign his name in the attendance book.

### **9.29 Role and function of the Lord Mayor**

The Lord Mayor serves for one year and is elected generally every May by the City Council from among its members. The Lord Mayor is the civic and ceremonial head of the Council, and is the First Citizen of Westminster.

He/she is also the Deputy High Steward of Westminster by invitation of the High Steward, which accords him / her special status at Westminster Abbey.

- The Lord Mayor's role is summarised as follows:

As First Citizen, to represent and promote the interests and welfare of the City of Westminster, its residents and visitors, council services and activities.

- The Lord Mayor's principal duties are:
  - a. to attend and chair Council Meetings;
  - b. to represent the City and the Council on all State and Public occasions;
  - c. to act as the Council's 'goodwill and ceremonial' corporate host in entertaining Royalty, Heads of State and other overseas visitors,

members of both Houses of Parliament, members of the Diplomatic Corps and representatives of voluntary and other organisations and bodies with whom the Council works closely, as well as Mayors of other Cities;

- d. to attend functions given by diplomatic missions, national or regional organisations based in Westminster and Westminster's own local and voluntary bodies;
- e. to visit voluntary organisations and other local bodies within the City as the Council's Civic head and generally to liaise with all sections of the community in Westminster on behalf of the Council;
- f. to be the Returning Officer for the two Parliamentary Constituencies which include City of Westminster and Regents Park and Kensington.

A primary function of the Lord Mayor is to chair meetings of Council. If present at a meeting he/she must preside (Local Government Act 1972 Schedule 12 paragraph 5(1)). If he/she is not present at any meeting of the Council, then another Member may be chosen to preside (Local Government Act 1972 Schedule 12 paragraph 5(2)).

In the case of an equality of votes, as the Chairman at the meeting, the Lord Mayor has a second or casting vote.