

# Current Constitution Version

## CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

### Part 4.A - Council Procedure Rules

#### 1 GENERAL PROCEDURES APPLYING TO ALL FULL COUNCIL MEETINGS

##### Quorum

- 1.1 No business shall be considered unless 18 Members are present in the Chamber or meeting room. If the Chair considers the meeting to be inquorate at any point during the meeting, the meeting shall stand deferred for 15 minutes. If after 15 minutes deferment there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the Council, unless an alternative date is fixed by the Chair.

##### Powers of the Chair

- 1.2 The Chair shall decide all matters of order, competence, relevancy, and/or interpretation of these Council Procedure Rules relating to the meeting. The Chair shall have the power to vary the order of business so as to give precedence to any Report, Motion or other matter. The decision of the Chair shall be final.
- 1.3 A Member may be directed to discontinue speaking if the Chair considers the Member is being repetitive, tedious or irrelevant, uses unbecoming language, or is in some other way breaching the order of the meeting. When necessary, the Chair, having warned the Member shall move that the Member called by name, leaves the meeting. The motion, if seconded, shall be put immediately to the vote without further debate and if carried the Member shall leave immediately. In the event of a general disturbance within the Chamber by Members the Chair may order an adjournment for up to 15 minutes.
- 1.4 In the case of a member of the public disrupting the meeting, the Chair may order the removal of a person or that the public areas be cleared. Re- admission shall be at the discretion of the Chair.
- 1.5 Council Members, officers and members of the public are reminded that the use of mobile electronic devices during the meeting is permitted for the use of wifi services. You are asked to leave the meeting should you wish to make or receive a telephone call.
- 1.6 The recording/reporting of meetings using any type of audio or visual equipment is permitted subject to the proviso that any such reporting/filming/photography does not

become distracting, disruptive or contrary to the good order or conduct of the meeting. Should any such reporting/filming/photography become distracting, disruptive or contrary to the good order or conduct of a meeting, the person/s responsible may be asked by the Chair to terminate this, regardless of the format in which the reporting/filming/photography is taking place.

## **Disclosure of Interests**

- 1.7 Members shall abide by the Members' Code of Conduct. It is the responsibility of every Member to declare any disclosable pecuniary interest or other registrable interest not already recorded on their register of interests or subject to a pending notification and any non-registrable interests as appropriate at the beginning of the meeting or as soon as the relevant item of business is reached. These disclosures and disclosures of non-registrable interests shall be minuted.

## **Rules of Debate**

- 1.8 A Member may indicate their desire to speak by standing or by raising their hand, but shall only speak when called by name by the Chair. When speaking the Member shall stand, unless unable to do so.

- 1.9 Members shall when speaking address the Chair and:

- 1 refer to each other as Chair, Deputy Chair, Mayor, Cabinet Member, or Councillor, as the case may be;
- 2 refrain from using unbecoming language;
- 3 refrain from comments of a personal nature about another Member;
- 4 not attribute improper motives to another Member.

### **1.10 Chief Executive**

No debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion or amendment may be considered at a time. A motion or amendment once moved and seconded may be withdrawn only by the mover and with the consent of the meeting. No further debate shall take place on a motion or amendment once it has been withdrawn.

- 1.11 Every motion or amendment must be moved and seconded and if the Chair requires, be put in writing for the Chief Executive to read out before it is debated and put to the meeting. A Member may not move more than one amendment or motion on the same subject.

- 1.12 The following procedural motions may be moved without prior notice at the discretion of the Chair to:

- 1 appoint the Deputy Chair or another Member to chair the meeting if the Chair is absent;

- 2 amend the minutes of the previous meeting when these are submitted for approval, for reasons of accuracy;
- 3 change the order of business from that printed in the Agenda, other than where this has already been determined by the Chair;
- 4 receive reports and decide recommendations presented as part of the agenda;
- 5 refer an item of business to the Mayor (and/or Cabinet as appropriate) or a Committee;
- 6 permit the withdrawal of a motion or a question;
- 7 suspend specific Procedure Rules for the purpose stated in the Motion provided that at least one half of the whole Council are present;
- 8 proceed to the next item of business or put to a vote the matter under debate;
- 9 adjourn the debate or the meeting;
- 10 exclude the public from the meeting under statutory provisions for that purpose;
- 11 exclude a Member from further participation in the debate or from the meeting.

1.13 An amendment to a motion may be proposed, provided it is seconded and:

- 1 is not moved whilst another amendment is under discussion;
- 2 does not have the same intent as one already defeated at the meeting;
- 3 refers to the subject matter under discussion and does not introduce a new subject;
- 4 does not render ineffective the motion under consideration.

1.14 Only in respect of a planning application referred to the Council for decision may an amendment specify that the application be refused and must in that event include the proposed grounds for refusal in the amendment.

1.15 A Member may not move a motion to rescind or amend a resolution passed within the previous six months, nor may a Member move a motion or amendment to the same effect as one rejected within the previous six months. An exception shall be allowed in either case where not less than fifteen Members sign a notice in support of such a motion in which case an item shall be placed on the Agenda.

1.16 A Member may raise a point of order by declaring "point of order", in which case the Chair shall ask the Member speaking to give way. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

1.17 A Member may seek to make a personal explanation at any time during the course of another Member's speech if they have been referred to by name or position, by declaring "point of personal explanation", in which case the Chair shall ask the Member speaking to give way. A personal explanation may only relate to the statement made by the other Member in their speech. The ruling of the Chair on the admissibility of a personal explanation and the time allowed for any personal explanation will be final.

- 1.18 A Member may seek leave from the Chair to clarify a point made in an earlier speech by that Member if it appears from comments made in a subsequent speech that the earlier speech by the Member had been misunderstood. The ruling of the Chair on the admissibility of, and the time allowed for, any clarification will be final.

### Voting

- 1.19 Unless required otherwise by law, all matters shall be decided by a simple majority. Voting shall in the first instance be by voices saying "Yes" or "No" as appropriate. The Chair shall declare that either the Yes vote or the No vote is successful, as the case may be. In the event that the Council introduces electronic voting, voting may take place electronically.
- 1.20 Where immediately after a vote is taken at a meeting of the Council, if any Member so requires there shall be recorded in the minutes of the proceedings of that meeting whether the person cast their vote for or against the question or whether they abstained from voting.
- 1.21 If the result is unchallenged, the Chair shall declare the result. If the result is challenged, the Chair shall ask Members to indicate their vote. The method of voting shall be determined by the Chair.
- 1.22 One Member may rise and ask that a Poll vote be taken and if ten Members rise in their places in support of the request the Chair shall instruct the Chief Executive to call each Member by name and record their vote where this voting takes place orally, or to confirm their vote where this takes place electronically, with the Chair being called upon to vote last. These provisions are subject to paragraph 3.37 of this Part 4A.
- 1.23 In the event of an equality of votes on either side, the Chair (including where this is the Mayor) shall have a second or casting vote and may use their casting vote even where they have not used their first vote.

## **2 THE ANNUAL MEETING**

- 2.1 In a year when there is an ordinary election of Members, the Annual Meeting shall take place within 21 days of the retirement of the outgoing Members. In any other year, the Council has determined that the Annual Meeting shall take place in May unless it decides otherwise.
- 2.2 The Monitoring Officer shall prepare and provide lists of appointments to be made by the Council to the Secretary of each Political Group represented on the Council prior to the Annual General Meeting of each Political Group, taking account of the statutory rules of proportionality, where these apply. The Secretary of each Political Group shall submit a list of the members of the Group together with nominations for all appointments, as listed, to the Monitoring Officer not less than eight working days prior to the day of the Annual Council meeting.
- 2.3 The Annual Meeting of the Council shall be reserved for the election of the Civic Mayor, Deputy Civic Mayor who shall be the Vice Chair of the Council meeting, other Members holding an Office of Special Responsibility; receipt of the Mayor's scheme of delegation; appointments to Committees and outside bodies, receiving the Annual Reports from Committees, including Overview and Scrutiny, which are required to be presented to full Council and approval of the minutes of the last meeting. The meeting will also receive a statement from the Mayor reflecting on the previous year and outlining their priorities for the year ahead; the Leader of the Opposition will be invited to respond. No other business shall be transacted at the Annual Meeting unless in the opinion of the Chair or the Monitoring Officer there is business that the Council is required urgently to consider before the next Ordinary Meeting.

2.4 The Chair shall determine the order of business for the meeting.

### **Annual 'State of Borough' Debate**

The Chair of the Council may call a State of the Borough debate annually on a date and in a form to be agreed with the Mayor. The Chair will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the Borough debate. Council Procedure Rules may be suspended by the Chair on the advice of the Monitoring Officer to ensure maximum flexibility. The debate will be chaired by the Chair. The results of the debate will be:

- i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- ii) considered by the Mayor in proposing the budget and policy framework to the Council for the coming year.

### **Appointment of Substitute Members of Committees and Sub-Committees**

2.5 As well as allocating seats on Committees and Sub-Committees, the Annual Meeting of the Council will allocate seats for substitute Members.

2.6 For all non-Executive Committees, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee.

2.7 Those substitute Members will be required to undertake any mandatory training required of ordinary Members of those Committees prior to participating in any meeting of those Committees.

2.8 Substitute 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 they are substituting.

2.9 Substitute Members may attend meetings in that capacity only

- i) to take the place of the ordinary Member for whom they are the designated substitute for that meeting;
- ii) where the ordinary Member will be absent for the whole of the meeting.

2.10 A substitute is appointed after notification has been received by the relevant Democratic Services Officer by the start of the meeting.

### **Mayor, Cabinet and Shadow Cabinet**

2.11 The Mayor and up to nine other members of the Cabinet shall comprise the Executive Members of the Council.

2.12 Other Political Groups represented on the Council may nominate a Member to act as their Leader. The Leader of the largest Political Group represented on the Council of which the Mayor is not a Member ('the 'Opposition') shall be known as the Leader of the Opposition and shall act as the spokesperson for the Opposition on all matters of general policy and business.

2.13 In addition to the Leader of the Opposition, up to nine other Members of the

largest Political Group having no Executive Members shall be appointed by that Group and their appointment shall be noted at the Annual Meeting of the Council or at an Ordinary or Extraordinary Council Meeting as necessary, to serve as members of the Shadow Cabinet.

- 2.14 One or more members of the Shadow Cabinet may be appointed Opposition Deputy Leader(s) by that Group. Each Shadow Cabinet Member, except the Opposition Leader, shall be nominated by their Political Group to act as Opposition Spokesperson for a portfolio.

### **3 COUNCIL MEETINGS**

#### **Dates, Time and Frequency of Meetings**

- 3.1 Seven meetings of the Council, including the Annual and Council Tax Meetings, shall be scheduled to be held at the Town Hall, Croydon, on such dates as the General Purposes Committee may agree on behalf of the Council and occasionally as the Chair shall direct during each Council Year.
- 3.2 Unless the Chair or the Council determines otherwise Ordinary Council Meetings and the Council Tax Meeting shall begin at 6.30 p.m. The Annual Meeting shall begin at 6.30 p.m. or such other time determined by the Chair or the General Purposes Committee. Ordinary Council Meetings shall conclude by 9.30 p.m. The Council Tax Meeting shall conclude by 9.35 p.m.
- 3.3 In the event that the meeting has lasted for three hours the Chair shall interrupt the meeting and call for a vote of Members present on whether the meeting shall continue for a further 30 minutes.
- 3.4 If Members decide that the meeting shall not continue, or if there is remaining business after the additional period of 30 minutes, the Chair will decide if any of the remaining business is of sufficient importance to warrant an adjournment of the meeting and, if so, will declare the meeting adjourned to such date and time (prior to the next ordinary meeting of the Council) as they may direct at the time or afterwards.
- 3.5 With the exception of business so specified the Chair shall put to the vote without further debate all outstanding Executive and Committee reports and motions on the agenda. The Chair shall then close the meeting.
- 3.6 The date and time of any Special or Extraordinary Council Meeting may be determined by the Chair or the General Purposes Committee. On occasions when a Special or Extraordinary Meeting is on the same date as an Ordinary Meeting, the Chair or General Purposes Committee may determine the arrangements for a shortened Ordinary Council Meeting.

#### **Order of Business at Ordinary Council Meetings**

- 3.7 The business at an Ordinary Meeting shall be as follows, taken in the sequence indicated unless otherwise directed by the Chair or agreed following a motion carried:
1. Apologies for absence;
  2. Minutes of the previous meeting;
  3. Disclosures of interests;
  4. Urgent business (if any);
  5. Announcements by the Chair, the Mayor, Head of Paid Service and/or

Returning Officer;

6. Croydon Question Time: Public Questions from the public gallery
7. The Croydon Debate:
  - a) Borough Petition Debate;
  - b) Local Petition Debate.
8. Recommendations of the Executive or Committees referred to the Council for decision (if any);
9. Recommendations deferred for Debate;
10. Mayor and Cabinet Questions
11. Maiden Speeches (Only taken as an item at Ordinary Council meetings following the/an election and permits newly elected Members to speak for up to three minutes each. No more than 5 maiden speeches shall be taken at any Ordinary Council meeting and Members who have previously been elected or have been re- elected shall be ineligible to make a Maiden Speech.)
12. Council Debate Motions;
13. Any other relevant business specified in the Agenda, included at the discretion of the Chair or required by law;
14. Any exempt or confidential business where the Public are excluded from the meeting.

### **Agendas and Minutes**

- 3.8 The Monitoring Officer shall ensure that an Agenda and Summons for the meeting is dispatched to Members and available to the public and press in advance of the meeting.
- 3.9 The Monitoring Officer shall ensure that a record is made of the decisions taken at every meeting of the Council. The minutes shall also include a record of the Members in attendance, those absent and any apologies received.
- 3.10 The disclosure of any disclosable pecuniary interest, other registrable interest and/or non-registrable interest shall be recorded in the minutes of the meeting.
- 3.11 Minutes shall be considered for approval at the next meeting and shall be only open to question as to their accuracy before being signed. Minutes of an Extraordinary Meeting shall be signed at the next convenient Ordinary Meeting following the Extraordinary Meeting.

### **Announcements**

- 3.12 Up to 5 minutes shall be available at each Ordinary Council Meeting for announcements by the Chair or other Member chairing the meeting; the Mayor; the Head of Paid Service; and/or the Returning Officer, and Monitoring Officer, which shall be limited to civic and statutory matters. The number and order of any such announcements shall be at the discretion of the Chair.

### **The Croydon Debate**

- 3.13 The Croydon Debate item shall not be taken at Annual Council or the Council Tax Meeting. The Croydon Debate item shall, where relevant, comprise the following matters: Borough Petitions Debate and Local Petitions Debate.

### 3.14 Petitions: General requirements for all Petitions and Croydon Debate items

3.14.1 Three types of petitions may be presented to full Council under the Croydon Debate item: Borough Petitions; Local Petitions; and Member Petitions each of which are governed by these Rules and, where relevant, the provisions of the Council's Petition Protocol.

3.14.2 Petitions presented to full Council under the Croydon Debate item shall not include any petitions in respect of which there is a statutory petitions process, for example Statutory Petitions with regard to changes to Governance Arrangements for the Council. Statutory Petitions shall be governed in accordance with their respective statutory processes and are not set out in these Rules. Nor may they include Petitions presented in response to a statutory process or associated consultations being undertaken by the Council.

3.14.3 Petitions shall not be received or debated by the Council at the Annual or Council Tax Meeting.

3.14.4 Petitions shall not be received or debated by the Council under the Croydon Debate Item where they relate to a current planning or licensing matter or any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment. In addition, the Council shall not receive or debate items under the Croydon Debate item which pertain to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related disputes. Petitions may address other issues within the direct responsibility of the Council or where the Council could be reasonably expected to lobby on behalf of citizens of the Borough.

3.14.5 Petitions may only be submitted for the Croydon Debate item by "Local People" who appear on the electoral register within the Borough, are a person who lives and/or works in the area or a child or young person who lives in, or attends a school or college in, the Borough.

3.14.6 In order to be valid:

- a) Petitions must be materially accurate in respect of the facts upon which the Petition is based. Petitions which are defamatory, discriminatory or which incite civil unrest shall not be received or debated by the Council.
- b) A full Copy of any Petition to be submitted to the Council, including the full Petition wording and any supporting petitioners' details and signatures, including the date upon which they have appended their signature to the Petition, must be delivered to the Monitoring Officer or his/her nominee by noon fifteen (15) clear working days before the Council meeting to which it seeks to be presented. Any Petition submitted less than fifteen (15) clear working days before the Council meeting shall, if successfully verified, be presented to the following Council meeting.

3.14.7 The Council shall be responsible for verifying that the qualifying numbers of Local People have signed the Petition in question based on the information provided by the petitioners. If the qualifying number of Local People have signed the petition, and provided the above requirements for a valid petition are met, the Petition will be presented to the next available Ordinary Council meeting.

3.14.8 The subject matter of a Petition which has been debated at Full Council shall not be the subject of a further Petition to the Council within a period of twelve months and where a similar or substantially similar matter has been debated by the Council in the previous six months or is due to be debated within the next six months the Petition shall not be deemed to be valid.

### **3.15 Petitions by Members of the Public**

3.15.1 Other than Statutory Petitions, which are not dealt with in these Rules, members of the public may submit two different types of Petition to the Council: Borough Petitions and Local Petitions.

3.15.2 Only one Borough and one Local Petition debate shall be considered at each Ordinary Council Meeting. Where two or more Borough or two or more Local Petitions are received in accordance with these Rules, subject to validation of the necessary number of signatures, the first Local and the first Borough petition submitted shall be the petitions that go forward to be received and debated at the next Ordinary Council Meeting.

3.15.3 Where two or more Borough or Local petitions are received, or where a Borough or Local Petition is received in accordance with these Rules and the next meeting of Council is the Council Tax Meeting or Annual Meeting, receipt and debate of any additional Petitions will be dealt with at the next Ordinary Council Meeting in the order they have been submitted and in accordance with 3.13.2.

3.15.4 At the conclusion of a Borough or Local Petition debate the relevant Cabinet Member will announce what steps the Council will take in response. These steps will take into account whether the matter debated relates to an executive or non-executive function or responsibility of the Council and whether a decision has or has not yet been taken.

#### **3.15.5 Borough Petitions:**

3.15.5 (a) The number of signatures required in order to trigger a Borough Petition Debate at a Full Council meeting shall be 2000 signatures of Local People.

3.15.5(b) The rules of debate for a Borough Petition will be as follows:

- i. The Lead Petitioner or their representative may address the Council on the Petition for up to three minutes from the public gallery;
- ii. A member from the Majority group may address the Council for up to three minutes;
- iii. A member of the Opposition group may address the Council for up to three minutes;
- iv. A second member from the Majority group may address the Council for up to three minutes;
- v. A second member of the Opposition group may address the Council for up to three minutes;
- vi. The Lead Petitioner or their representative may address the Council for a further three minutes;
- vii. A member from the Majority group may address the Council for a final response for up to one minute and summarise the next steps to be taken in the matter.
- viii. No further debate shall take place on the Borough Petition thereafter.

#### **3.15.6 Local Petitions**

3.15.6(a) The number of signatures required in order to trigger a Local Petition Debate at a Full Council meeting shall be 1000 signatures of Local People living, working or studying in the Ward where the matter which is the subject of the Local Petition arises.

3.15.6(b) The rules of debate for a Local Petition will be as follows:

- i. The Lead Petitioner or their representative may address the Council on the Petition for up to 3 minutes from the public gallery;
- ii. A Member of the Majority Group may then speak for up to three minutes
- iii. A Member of the Opposition Group may then speak for up to three minutes;
- iv. A Member of the Majority Group may then make a final response for up to one minute and summarise the next steps to be taken in the matter;
- v. No further debate shall take place on the Local Petition thereafter.

### **Croydon Question Time**

3.16 The Croydon Question Time item shall not be taken at the Annual Council Meeting or at the Council Tax Meeting.

3.17 The Croydon Question Time item shall comprise Mayor and Cabinet Questions and Public Questions at meetings.

### **Public Questions:**

3.18 Public questions can be asked of the Mayor or Cabinet Members on issues of policy at the Meeting as set out within these Rules. Any questions of a purely factual or of a detailed nature shall be noted and shall receive a written response within 3 weeks following the meeting. The responses shall be published on the Council's website.

3.19 Public Questions shall only be taken at Ordinary Council meetings and shall be allocated a total time of 30 minutes. This time frame shall include both the response by the relevant Cabinet Member or the Mayor and any supplementary questions permitted under Paragraph 3.24.

3.20 A question may only be asked if notice has been given by delivering it in writing or electronic mail to the Chief Executive no later than midday of the 7<sup>th</sup> working day before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

3.21 At any one meeting no person may submit more than 1 question and no more than 1 question may be asked on behalf of one organisation.

3.22 Questions should be limited to a maximum of 100 words. The Chair, in consultation with the Monitoring Officer, may reject a question if it:

- is not a matter for which the Council has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past 6 months; or
- requires the disclosure of confidential or exempt information;
- is submitted by a questioner who does not live, work or own property in the Borough, or;
- relates to a current planning or licensing application or any individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- relates to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes;
- does not comply with the Code of Recommended Practice on Local Authority Publicity (2011);

- relates to a named member of staff.

If necessary, the Monitoring Officer shall provide guidance for members of the public and staff on the above.

- 3.23 Copies of all questions to be asked will be circulated to all Members and will be made available to the public attending the meeting.
- 3.24 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions. The questioner will read out the question as it appears upon the agenda. A copy of the intended response from the Mayor, Member of the Executive or relevant Chair of a Regulatory Committee to whom the question is put shall be provided to the questioner at the start of the meeting, to enable them to prepare a supplementary question to ask, if they so wish, with the Chair's permission. If a questioner who has submitted a written question is unable to attend the meeting, a copy of the answer given will be provided to them following the meeting.
- 3.25 The Chair, in consultation with the Monitoring Officer, may reject a supplementary question on any of the grounds in 3.21 above or if the question takes the form of a speech. All questions shall be put and answered without discussion.
- 3.26 Any question asked by a Member of the public together with the answer given shall be recorded in the minutes of the meeting.

#### **Mayor and Cabinet Questions:**

- 3.27 This item is to enable Members to ask questions of the Mayor and Cabinet on issues of policy. Any questions of a purely factual or of a detailed nature may be noted at the discretion of the Chair and, if so, shall receive a written response within 3 weeks following the meeting. The responses shall be published on the Council's website.
- 3.28 The Chair, in consultation with the Monitoring Officer, may reject a question if it:
- is not a matter for which the Council has a responsibility or which affects the Borough;
  - is defamatory, frivolous or offensive;
  - is substantially the same as a question which has been put at a meeting of the Council in the past 6 months; or
  - requires the disclosure of confidential or exempt information;
  - relates to a current planning or licensing application or any individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
  - relates to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes;
  - relates to a named member of staff.
- If necessary, the Monitoring Officer shall provide guidance for members and staff on the above.
- 3.29 The Mayor shall be the first to respond to questions under this item and the total time allocated to questions by Members to, and responses from the Mayor, shall be 15 minutes. The first two minutes of the Mayor's 15 minute slot may be used by the Mayor to make any announcements.
- 3.30 Cabinet Members, divided up into three 'pools' of three Members each, shall thereafter respond to questions by other Members of the Council. The total time allocated to each 'pool' of Cabinet Members shall be 30 minutes. The three Cabinet Members shall each be permitted to use two minutes of this 30 minute slot to make announcements.
- 3.31 Representatives of political groups may give advance notice to the Monitoring Officer by 12

noon on the Friday preceding an ordinary Council Meeting, the names of the first two Members of their respective political group that they wish the Chair to call to ask a question of each Member of the Cabinet, including the Mayor. After those Members have been called, the Chair will call Members that indicate they have a question, with a presumption of inviting questions from as many different Members as possible. Each Member asking a question will also be allowed to ask a supplementary question.

- 3.32 The Mayor and Cabinet Members may submit bulletins to be included in the Council agenda papers for this item. Bulletins may summarise the business undertaken by a Cabinet Member since the last ordinary meeting of the Council.

#### Petitions Presented by Members

- 3.33 Subject to the provisions set out in Rule 3.12, any Member may formally present a Member Petition in accordance with the Rules 3.34 – 3.38 below
- 3.34 In order to be valid, a Member Petition shall contain the signatures of at least 100 Local People or 50% of the Local People affected by the subject of the Petition.
- 3.35 No Member Petitions shall be received at Annual Council or the Council Tax meeting.
- 3.36 Where more than three Member Petitions are received in accordance with these Rules, subject to validation of the necessary number of signatures, the first three Valid Member Petitions submitted shall be the petitions which go forward to be received at the next Ordinary Council Meeting. The remaining Petitions shall not automatically be received at the following Ordinary Council meeting but may be resubmitted by the Member subject to Paragraph 3.14.
- 3.37 The full Petition wording of each of the three Member Petitions to be received will be included in the Council agenda. The Member Petitions will be received but shall not be the subject of a debate or questions at that or a subsequent Council meeting. Where possible, the Cabinet Member shall provide a response at the Council meeting at which the Member's Petition is received. Where a response is not provided at the meeting, a written response shall be provided within three weeks of the meeting.
- 3.38 A copy of the wording of any Petition to be submitted to the Council must be delivered to the Monitoring Officer, or his/her nominee by noon, seven clear working days before the Council meeting by the Member who is to formally present it to the Council meeting.

#### **The Council Debate Motions;**

- 3.39 The Mayor and the Leader of the Opposition may each put forward a single motion for debate at an Ordinary Council meeting on a matter which they respectively consider as being of importance to the Borough, which pertains to a matter that is within the direct responsibility of the Council, or where the Council could reasonably be expected to lobby on behalf of citizens of the Borough. Despite the provisions of paragraph 1.10 and 1.11 above, no amendments may be made or proposed to the Council Debate Motion submitted by either the Mayor or the Leader of the Opposition under this item.
- 3.40 The wording of the motion shall be contained on the notice submitted to the Monitoring Officer. Such notices shall be received by the Monitoring Officer no later than noon of the seventh clear working day prior to the day of the Council meeting. The names of the Councillors proposing the motion and seconding the motion are to be submitted by 12 noon on the Friday prior to the Council meeting and a composite list will be circulated to political group leaders.
- 3.41 The Monitoring Officer shall be entitled to clarify the wording of motions or amendments prior to committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with

the proposer prior to the meeting to clarify, correct or make sense of the particular wording. Such clarification will always be required if a motion:

- is not a matter for which the Council has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past 6 months; or
- requires the disclosure of confidential or exempt information;
- relates to a current planning or licensing application or any individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- relates to anticipated or ongoing litigation, conciliation or mediation or any employment or personnel related issues or disputes;
- relates to a named member of staff.

3.42 The Monitoring Officer shall consult the Chair if agreement on such clarification or amendment cannot be reached and the Chair may direct that the motion or amendment shall not be included in the summons.

3.43 The time available for Council Debate Motions shall be divided equally between them subject to each motion having no more than 12 minutes for debate. If the amount of time available prior to 10.00 p.m. to debate two Motions for Debate is less than 24 minutes, the Chair shall confirm that the Motions have fallen. In the event that only one Council Debate Motion is presented to the Council for debate, if the time available prior to 10.00 p.m. to debate the Motion is less than 12 minutes, the Chair shall confirm that the Motion has fallen.

3.44 The proposer of a Motion for Debate shall be allowed to speak for a maximum of 3 minutes. All other speakers shall be restricted to a maximum of 3 minutes. There shall be no more than four speakers (including the proposer) called to speak in respect of each Motion.

3.45 The proposer of a Motion for Debate shall have no right of reply but, a speaker from the same Political Group as the proposer shall close the debate and if necessary, the time limit referred to above shall be extended to enable the speech to be concluded and the vote taken. Despite the general provisions of paragraph 1.20 above, it shall not be in order for a Motion to become the subject of a poll vote.

3.46 If any Motion is considered to be not in order it shall be submitted to the Mayor for consideration. If the Mayor considers that the Motion is out of order, the Member responsible for proposing the Motion shall be informed.

3.47 Any Motion, which is listed, if not moved at the meeting shall be deemed to have fallen.

3.48 For the purposes of these rules, a Political Group shall be as defined by statute.

3.49 No Motions for Debate shall be submitted or dealt with at the Annual Council Meeting or at an Ordinary Meeting called for the purposes of setting the Council Tax.

### **Annual Report of the Scrutiny and Overview Committee**

3.50 In accordance with 2.3 the Annual report of the Scrutiny and Overview Committee shall be received at the Annual Council meeting.

3.51 The overall time, which may be devoted to questioning the Annual Report of the Scrutiny and Overview Committee, shall be not more than 20 minutes. The Chair of the

Committee (or in the absence of the Chair, the Deputy Chair) and the Chairs of each Sub-Committee shall introduce and answer questions on the Report. The Chair of the Committee shall have not more than 3 minutes' speaking time and the Chairs of each Sub-Committee shall each have not more than 3 minutes' speaking time to introduce the report.

- 3.52 For the remaining time available, the report will be open to questions. In the event that any recommendation in the report has not been reached when the overall time limit has expired, it shall be put immediately to the vote.
- 3.53 Any Member, except the Secunder of the Report, may ask the Chair, Deputy or Vice Chair, as appropriate, not more than two questions on each paragraph of the Report.

### **Annual Reports**

- 3.54 In accordance with 2.3 the Annual reports shall be received at the Annual Council meeting.
- 3.55 The overall time which may be devoted to questioning any Annual Reports shall be not more than ten minutes per report. The Chair of the relevant Committee (or in the absence of the Chair, the Vice-Chair) shall introduce and answer questions on the report. The Chair of the Committee shall not have more than 3 minutes speaking time to introduce the report.
- 3.56 For the remaining time available, the report will be open to questions. In the event that any recommendation in the report has not been reached when the overall time limit has expired, it shall be put immediately to the vote.
- 3.57 Any Member, except the seconder of the report, may ask the Chair or Vice- Chair (as appropriate) not more than two questions on each paragraph of the report.
- 3.58 (i) The outgoing Young Mayor, elected annually, will be permitted to present their annual report to an ordinary meeting of the Council in October of each year or as close to the end of the Young Mayor's annual term as possible. Following the presentation of the annual report, the report will be open to questions from Members.
- (ii) The overall time available for this item will be ten minutes.

### **Recommendations from Executive and Committees**

- 3.59 The Mayor or Chair of the Committee making a recommendation from Executive or a Committee may exercise a right to introduce the recommendation; in so doing the Mayor or Chair of the Committee shall speak for a maximum of 3 minutes.
- 3.60 The recommendation shall be seconded and shall immediately be put to the vote unless moved to debate or deferred debate.
- 3.61 Any Member supported by a seconder, may ask that a recommendation be debated immediately and the recommendation shall be debated. The time available for Council to debate recommendations shall be no more than 21 minutes. In the event that the amount of time available to debate the recommendation prior to 9.30pm to debate the recommendation is less than 21 minutes, the Chair shall confirm that the Debate has been deferred.
- 3.62 The proposer of a Debate on a Recommendation shall be allowed to speak for a maximum of 3 minutes. All other speakers shall be restricted to a maximum of 3 minutes. There shall be no more than six speakers (including the proposer) called to speak in respect of each Recommendation.
- 3.63 At the conclusion of a Debate on a Recommendation it shall be put to the vote.
- 3.64 No more than one recommendation shall be the subject of debate at any one time.

- 3.65 In the event that any Executive, Cabinet or Committee recommendations have not been reached when the time limit for the meeting has expired, those recommendations shall immediately be put to the vote without further debate.
- 3.66 Save for the rules in respect of recommendations from Executive and Committees at 3.59 to 3.65, the rules in respect of Council Meetings in this section 3 do not apply in the event that the Council is being asked to consider a Budget or Policy proposal of the Executive within the meaning of the Budget and Policy Framework Procedure Rules at Part 4C of this Constitution. When considering a Budget or Policy proposal of the Executive within the meaning of the Budget and Policy Procedure Rules at Part 4C of this Constitution, the rules of that Part must be applied.

### **Exclusion of the Annual Report of the Scrutiny and Overview Committee**

- 3.67 The rules in respect of recommendations from Executive and Committees at 3.59 to 3.65 do not apply to any recommendations contained in the Annual Report of the Scrutiny and Overview Committee.

### **Executive and Committee Recommendations Deferred for Debate**

- 3.68 Any Member supported by a seconder, may ask that a recommendation be deferred for debate and the recommendation shall immediately stand deferred.

### **Executive and Committee Recommendations referred back to Executive or Committee**

- 3.69 Should a Member move the referral back of a recommendation from Committee or the Executive for amendment or any other reason, the Member shall indicate in writing to the Chair their intention by way of the form of any amendment proposed to the recommendation, or the reason for the recommendation to be referred back to the Executive or relevant Committee for further consideration the later of 7 days prior to the meeting or within 24 hours of receiving the relevant report.
- 3.70 The time allowed for consideration of each Executive or Committee recommendation that is the subject of a referral back debate shall not exceed 21 minutes, or 6 speakers in total. The Member moving the amendment or reference back shall speak for not more than five minutes. The member of the Executive or Committee Chair exercising a right of reply shall not speak for more than four minutes. Up to four other speakers shall be called, including the Member seconding the motion, each of whom shall not speak for more than three minutes.
- 3.71 If a Member simply seconds the motion they shall be deemed to have reserved the right to speak until later in the debate.
- 3.72 In the event that the amount of time available for the referral back debate prior to 9.30pm is less than 21 minutes, the Chair shall confirm that the referral back debate has been deferred.

### **Delegation of decision on recommendations**

- 3.73 In any circumstance where the Council decides not to take a decision on a recommendation, it may delegate that decision to such party as it sees fit consistent with its legal obligations

### **Suspension of Council Procedure Rules**

- 3.74 All of these Rules except for Paragraph 3.3 may be suspended by motion on notice or without notice by a simple majority vote. Suspension can only be for the duration of the meeting.

## **4 THE COUNCIL TAX MEETING**

- 4.1 The Council Tax shall be discussed annually at a meeting of the Council called for the purpose of discussing the proposed level of Council Tax, the Budget and to deal with

questions from Members on those matters. There shall be no Public Questions, Petition Debates or Council Debate Motions. The Mayor shall exercise discretion as to any other relevant urgent business that shall be included on the agenda.

- 4.2 The business to be transacted shall include approval of the Minutes of the previous Council meeting. Unless the Chair or the Council agrees otherwise, the meeting will begin at 6.30 p.m. and terminate no later than 9.35 p.m. The business at the Council Tax Meeting shall be as follows, taken in the sequence indicated unless otherwise directed by the Chair or agreed following a motion carried:
1. Apologies for absence;
  2. Minutes of the previous meeting;
  3. Disclosures of interests;
  4. Urgent business (if any);
  5. Announcements by the Chair, the Mayor, Head of Paid Service and/or Returning Officer;
  6. Council tax and Budget report
    - Questions to the Mayor and Cabinet Member for Finance incorporating questions on the items contained in the Council Tax Report;
    - Scrutiny Business report – specific to the Council Tax setting;
    - Council Tax Debate –Vote

### **Council Tax and Budget report: Questions to Mayor and Cabinet Member for Finance**

- 4.3 This report will contain the recommendations of the Mayor on the Council tax and Budget to Council
- 4.4 This item is to enable Members to ask questions of the Mayor and Cabinet for Finance on a matter related to the Council Tax or draft Budget. Any questions of a detailed nature regarding a specific budget item shall be noted and shall receive a written response within 3 weeks following the meeting. The responses shall be published on the Council's website. Questions asked under this item are also subject to the rules detailed in 3.22 above. In case of doubt, the Chair shall decide whether it is appropriate for the matter to be considered at a Council Tax Meeting and shall disallow any questions considered inappropriate
- 4.5 The Mayor shall be the first to respond to questions under this item and the total time allocated to questions by Members to, and responses from the Mayor shall be 15 minutes. The first three minutes of the Mayor's 15 minute slot may be used by the Mayor to make any announcements. The Cabinet Member for Finance shall be the second party to respond to questions under this item and the total time allocated to questions by Members to, and responses from the Cabinet Member for Finance, shall be 15 minutes. The first three minutes of the Cabinet Member for Finances' 15 minute slot may be used by the Cabinet Member for Finance to make any announcements.
- 4.6 Representatives of political groups can give advance notice to the Monitoring Officer by 12 noon on the Friday preceding the Council Tax Meeting, the names of the first two Members of their respective political group that they wish the Chair to call to ask a question. After those Members have been called, the Chair will call Members that indicate they have a question, with a presumption of inviting questions from as many different Members as possible. Each Member asking a question will also be allowed to ask a supplementary question.

## **Business Report of the Scrutiny and Overview Committee**

- 4.8 The Business Report of the Scrutiny and Overview Committee shall comprise a written scrutiny update following the Scrutiny Council Tax meeting with a brief opportunity for questions to the Chair of the Committee, subject to a time limit of 10 minutes including up to 2 minutes for announcements.

### **Council Tax Debate**

- 4.9 The Mayor or other Cabinet Member in moving the motion for the Council Budget shall have not more than 10 minutes. The seconder of the motion shall be deemed to have reserved their right to speak later in the debate. The Leader of the Opposition shall have not more than 10 minutes to speak.
- 4.10 Five further Members from each Group shall be called alternately by the Chair and shall each speak for not more than 3 minutes.
- 4.11 The Chair shall exercise complete discretion in calling any other Member from a third or other Group or any ungrouped Member to speak for not more than 3 minutes each, before inviting the Mayor or other Cabinet Member to wind up the debate. The Mayor, or other Cabinet Member, in exercising a right of reply shall be allowed to speak for a maximum of 5 minutes.
- 4.12 At the conclusion of all speeches, the Chair shall immediately put the Council Tax and budget report recommendations to the vote. Immediately after any vote is taken at a budget decision meeting of the Council 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. For these purposes, 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. The provisions of this paragraph 4.12 are not subject to the requirements of paragraph 1.22 above.

## **5 Extraordinary Meetings**

- 5.1 Extraordinary Meetings of the Council may be called by the
- i) Council by resolution;
  - ii) Chair;
  - iii) Monitoring Officer, Chief Executive and/or the Chief Finance Officer;
- 5.2 Any five or more Members may submit a requisition for an Extraordinary Council Meeting. The requisition shall bear the signatures of the Members and shall specify the business to be transacted at the meeting. If the Chair does not call an Extraordinary Council Meeting within 7 days of receiving a valid requisition, the Members submitting that requisition may themselves call such a meeting.
- 5.3 The Chair shall determine the order of business in respect of any Extraordinary Meeting.
- 5.4 The business to be transacted may include approval of the Minutes of the previous Council meeting as the first item and confirmation of the date of the next meeting as the last item. Unless the Council agrees otherwise, the time limit for each remaining item of business shall be equal to that for 6 speakers. The proposer of the item shall be allowed to speak for a maximum of 5 minutes. The Mayor, other Cabinet Member, or Committee Chair exercising a right of reply shall be allowed to speak for a maximum of 5 minutes. Four other speakers shall be permitted, each restricted to a maximum of 3 minutes.

5.5 At the conclusion of the sixth speaker, the Chair shall immediately put the item of business to the vote.

## **6 SPECIAL MEETINGS**

6.1 The Council at an Ordinary or Extraordinary Meeting may resolve to hold a Special Meeting for the purposes of admitting former Members to the Roll of Honorary Aldermen and Alderwomen, or for the grant of Freedom of the Borough to any person, organisation or body that meets the criteria approved by the Council and as set out below:

Honorary Aldermen and Alderwomen

Former Members of the London Borough of Croydon, nominated by the Leader of a political group represented on the Council, who have either:

(i) rendered eminent service in their capacity as Member, considering the contribution that they have made to the borough, including roles served and how their service rendered is above and beyond that expected of all Members; or

(ii) served a period of twelve years on the Council

Freedom of the Borough

Persons of distinction who have rendered eminent service to Croydon.

6.2 The Chair shall determine the order of business in respect of any Special Council Meeting.