

# Appendix A – Proposed

## 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 After the adjournment, the Chair shall decide whether to continue with the meeting either in the same Chamber or meeting room or elsewhere.
- 1.5 In the case of a Member or a member of the public disrupting the meeting, the Chair, after warning, may order the removal of that person or that the public areas be cleared. Re-admission shall be at the discretion of the Chair.
- 1.6 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 the internet. Members shall leave the meeting should they wish to make or receive urgent telephone calls. Members' attention shall be, and be seen to be, focused on the meeting and matters of council business.
- 1.7 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**

- 1.8 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 shall be recorded in the minutes.

### **Rules of Debate**

- 1.9 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.
- 1.10 Members shall, when speaking, address the Chair and:
- 1 refer to each other as Chair, Deputy Chair, Executive 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.
- 1.11 No debate shall be allowed except in relation to a motion or amendment under consideration. Unless stated otherwise, 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.
- 1.12 Every motion or amendment must be moved and seconded and if the Chair requires, be put in writing for the Chair 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.
- 1.13 Unless otherwise stated, the following procedural motions may be moved without prior notice and, with the exception of 1, at the discretion of the Chair:
- 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 Executive Mayor (and/or Cabinet as appropriate) or a Committee;
- 6 permit the withdrawal of a motion, report 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; this includes short adjournments for the Chair to seek legal or procedural advice, Members to develop amendment wording or proposals when permitted, or a comfort break.
- 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.
- 12 moving of an amendment to a Council Debate Motion by the mover of the Council Debate Motion.

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

- 1 Unless otherwise stated, 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.

1.15 Only in respect of a planning, licensing or some other regulatory 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.

1.16 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 fewer than fifteen Members sign a notice in support of such a motion in which case an item shall be placed on the Agenda.

1.17 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 breached. The ruling of the Chair on the matter will be final.

- 1.18 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 position or previously held 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.
- 1.19 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**

- 1.20 Unless required otherwise by law, all matters shall be decided by a simple majority. Voting shall in the first instance be by raising of hands. The Chair shall declare the result of the vote once Members' votes have been counted. In the event an electronic voting system is available, the Chair shall confirm the voting arrangements before a vote is taken, which may take place electronically or by show of hands.
- 1.21 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.
- 1.22 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.
- 1.23 Before a vote takes place, a Member may rise and ask the Chair that a Poll vote be taken. 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 orally (For, Against or Abstain) with the Chair being called upon to vote last.
- 1.24 In the event of an equality of votes, the Chair 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 Leader and/or Secretary and/or Chief Whip 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 Leader, Secretary or Chief Whip 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 fewer than six clear working days prior to the day of the Annual Council meeting.

2.3 The Annual Meeting of the Council shall be reserved for:

- Election of the Chair and Vice-Chair;
- Appointments to Committees and outside bodies;
- Election of Chairs, Deputy Chairs & Vice Chairs to Committees (If not nominated / agreed and in the absence of alternative provision in some other Part of the Constitution, their election falls to the first meeting of the relevant Committee);
- Receipt of the Executive Mayor's Scheme of Delegation;
- Confirmation of the Executive Mayor's Executive arrangements including any changes;
- Receipt of annual reports from Committees where required, including Scrutiny and Overview Committee,
- Noting of the Members of the Shadow Cabinet, and;
- Approval of the minutes of the last meeting of the Council.

The meeting will receive a statement from the Executive Mayor reflecting on the previous year and outlining their priorities for the year ahead; the Leader of the largest group of which the Executive Mayor is not a Member will be invited to respond.

The meeting may also hold a presentation ceremony, to present any honorary or freedom awards conveyed at a Special Council Meeting.

2.4 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.

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

#### **Appointment of Substitute Members of Committees**

2.6 As well as allocating seats on Committees, the Annual Meeting of the Council will allocate seats for substitute Members.

2.7 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.

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

2.9 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.

2.10 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; and,
- ii) where the ordinary Member will be absent for the whole of the meeting.

2.11 A substitute is appointed after notification (by the Leader of the Group, the

Individual Member, or the Group's Chief or Deputy Whip) has been received by the relevant Democratic Services Officer by the start of the Committee meeting.

- 2.12 Sub-Committee Members and substitute Members are appointed by the relevant Committee.

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

- 2.13 The Executive Mayor and up to nine other members of the Cabinet shall comprise the Executive Members of the Council.
- 2.14 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 Executive 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.
- 2.15 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.
- 2.16 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.

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

- 2.17 The Chair of the Council may annually call a State of the Borough Debate meeting on a date and in a form agreed with the Executive Mayor.
- 2.18 The State of the Borough debate would take place as part of an ordinary Council meeting; however, the form of debate shall have 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 will be suspended, to ensure maximum flexibility in the agenda and this may exclude standing items of an Ordinary Council meeting. The arrangement for the meeting shall be communicated to the Public and Members in good time.
- 2.19 Smaller groups (i.e. a political group other than the two largest groups) and non-grouped Member/s may submit debate motions as part of the 'State of the Borough' council meeting.

The meeting and debate/s 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 Executive Mayor in proposing the budget and policy framework to the Council for the coming year.

In the event that other Council business needs to be considered, this will be done before or after the State of the Borough Debate at the discretion of the Chair.

### **3 COUNCIL MEETINGS**

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

- 3.1 Seven meetings of the Council, including the Annual and Council Tax (Budget) 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 Council meetings will begin at 6.30 pm and last for a maximum of three hours.
- 3.3 In the event that the meeting has lasted for three hours and there is remaining business to be conducted, the Chair shall interrupt the meeting and call for a vote of Members present on whether the meeting shall continue for up to 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 up to 30 minutes, the Chair will put to a vote whether any of the remaining business is of sufficient importance to warrant an adjournment of the meeting. If so, the Chair 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 any business that has been adjourned the Chair shall put to the vote without further debate (unless a motion to debate an item has been agreed) all outstanding reports and motions on the agenda. The Chair shall then close the meeting.
- 3.6 The agreeing of any Special or Extraordinary Council Meeting, including the time and date of the meeting, may be determined by the Chair of Council (or Vice Chair in their absence) or the General Purposes Committee. On occasions when a Special or Extraordinary Meeting is on the same date as an Ordinary Meeting, the Chair of Council (or Vice Chair in their absence) or General Purposes Committee may determine the arrangements for a shortened Ordinary Council Meeting if required.

#### **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 Executive Mayor (or nominee), Head of Paid Service and/or Returning Officer (or nominee);

6. Croydon Question Time: Public Questions from the public gallery;
7. The Croydon Debate:
  - a) Public Petition
  - b) Member Petition
8. Report/s to Council;
9. Questions to Mayor and Executive;
10. Maiden Speeches (Only taken as an item at Ordinary Council meetings following an election and permits newly elected Members (for the first time) to speak for up to three minutes each. No more than 5 maiden speeches shall be taken at any Ordinary Council meeting;
11. Appointments;
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 is 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, Special or Annual Council Meeting shall be signed at the next convenient Ordinary Council 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 Executive Mayor (or nominated representative); the Head of Paid Service (or nominated representative); and/or the Returning 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: Public Petition and Member Petition Debates.

**Petitions: General requirements for all Petitions and Croydon Debate items**

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

3.15 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.

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

3.17 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.

3.18 Petitions may only be submitted for the Croydon Debate item by "Local People" i.e. a person who appears on the electoral register within the Borough, or an adult, young person or child, who lives and/or works in the area or attends a school/college in the Borough. Any lead petitioner or representative/s speaking to a petition at a council meeting must also meet the 'Local People' definition.

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 fewer than fifteen (15) clear working days before the Council meeting shall, if successfully verified, be presented to the following Council meeting.

3.19 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.

- 3.20 Electronic / online petitions can be submitted as long as the Council is able to verify that the signatories are 'Local People' in the same way as with paper petitions.
- 3.21 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.

### **Petitions by Members of the Public (Public Petitions)**

- 3.22 Only one public petition shall be considered at each Ordinary Council Meeting. Where two or more public petitions are received in accordance with these Rules, subject to validation of the necessary number of signatures, each public petition will be scheduled for debate at the next ordinary Council meeting in the order received. If a high number of public petitions are scheduled or the public petition is time sensitive, the Chair of Council has discretion, where time permits, to schedule additional public petitions to be received at a Council meeting.
- 3.23 Where two or more public petitions are received, or where a public 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 public petitions will be dealt with at the next Ordinary Council Meeting in the order they have been submitted.
- 3.24 At the conclusion of a public petition debate the Executive Mayor or relevant Cabinet Member will announce what steps the Council intends to 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.
- 3.25 The number of signatures required in order to trigger a Public Petition Debate at a Full Council meeting shall be 500 signatures of Local People.
- 3.26 The rules of debate for a public petition will be as follows:
- i. The Lead Petitioner or their representative may address the Council on the public 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 (the largest group the Executive Mayor is not a member of) may address the Council for up to three minutes;
  - iv. A second member from the Majority group may address the Council for up to two minutes;
  - v. A second member of the Opposition group may address the Council for up to two minutes;
  - vi. The Lead Petitioner or their representative may address the Council for a further two minutes;
  - vii. The Executive Mayor or relevant Cabinet Member 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 public petition thereafter.

### **Petitions Presented by Members (Member Petitions)**

- 3.27 Subject to the provisions set out in Rule 3.14-3.21, any Member may formally present a Member Petition in accordance with the rules below.
- 3.28 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.
- 3.29 No Member Petitions shall be received at Annual Council or the Council Tax meeting.
- 3.30 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 Member Petitions shall not automatically be received at the following Ordinary Council meeting but may be resubmitted by the Member.
- 3.31 The full Member 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 and shall be subject of a debate.
- 3.32 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.
- 3.33 Member Petitions:

The rules of debate for a Member Petition will be as follows:

- i. The Lead Petitioning Member and/or the lead resident (from the Chamber Public Gallery) may address the Council on the Petition for a combined total of up to up three minutes;
- ii. The Executive Mayor or relevant Cabinet Member may address the Council for a response for up to two minutes and summarise the next steps to be taken in the matter.
- iii. No further debate shall take place on the Member Petition thereafter.

### **Croydon Question Time**

- 3.34 The Croydon Question Time item shall not be taken at the Annual Council Meeting or at the Council Tax Meeting.
- 3.35 The Croydon Question Time item shall comprise the Executive Mayor and Executive Questions and Public Questions at meetings.

### **Public Questions:**

- 3.36 Public questions can be asked of the Executive 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 can be noted and a written response provided within 3 weeks following the meeting; this will be stated at the meeting. The responses shall be published in the minutes.

- 3.37 Public Questions shall only be taken at Ordinary Council meetings and shall be allocated a total time of up to 30 minutes. This time frame shall include both the response by the Executive Mayor relevant Cabinet or Deputy Cabinet Member and any supplementary questions.
- 3.38 A question may only be asked if notice has been given by delivering it in writing or email to the Head of Democratic Services no later than midday of the seventh 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. If the question is specifically for the Executive Mayor, the Executive Mayor should provide the response (along with a Cabinet/Deputy Cabinet Member if appropriate for any supplementary question). If addressed to a Member of Cabinet or a Deputy Cabinet Member, the Executive has discretion to choose the most appropriate Executive Member to provide the response e.g., relates to an area outside of their portfolio.
- 3.39 At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of a single organisation.
- 3.40 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.

- 3.41 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. 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 by email and included in the minutes of the meeting.
- 3.42 Only members of the public attending the meeting (in person or virtually) shall have their questions and responses read out at the meeting

- 3.43 Questioners attending the meeting will be given the opportunity to ask a supplementary question based on the answer from the Member. Questioners may attend the meeting in person or virtually. If attending virtually, the questioner must provide email details and will be provided with a protocol for joining the meeting virtually.
- 3.44 The Chair, in consultation with the Monitoring Officer, may reject a supplementary question on any of the grounds in 3.40 or if the question takes the form of a speech. All questions shall be put and answered without discussion.
- 3.45 Any question asked by a Member of the public together with the answer given shall be recorded in the minutes of the meeting.

**Questions to the Mayor and Executive:**

- 3.46 The Executive Mayor or nominee has the opportunity to use the first five minutes of this item to make announcements including updates of business by Cabinet Members.
- 3.47 This item is to enable Members to ask questions of the Executive 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 and added to the draft minutes of the meeting (stating that had been the subsequent response provided following the meeting). Any Member questions still outstanding at the end of the item, not so noted will fall.
- 3.48 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.

- 3.49 Subject to the allocation of questions set out below, each member may ask up to two questions:
- Labour Group x 1 Question
  - Conservative Group x 1 Question
  - Green Party Group (i.e. other group/s) x 1 Question
  - Liberal Democrat Member (i.e., Independent Member/s) x 1 Question
  - Questions will then alternate between the Labour and Conservative Groups

until time runs out.

- 3.50 Questions are directed to the Executive. The Executive Mayor may answer or refer the answer to the questions to the relevant Executive Member (including Deputy Cabinet Members) as required. In cases of referral, the Executive Mayor's initial response and reason for referral should be short in order to avoid repetition and maximise the number of questions answered in the item.
- 3.51 The maximum time allocated to this item is 65 minutes. All questions and answers should be succinct.
- 3.52 The order of questions submitted for each group will be the order called at the meeting by the Chair. Supplementary questions shall relate to and be based upon the answers given verbally by a member of the Executive at the Council meeting.

### **The Council Debate Motions**

- 3.53 The two largest political groups 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.
- 3.54 Smaller groups and non-grouped members may submit a debate motion at the 'State of the Borough' Council meeting, and throughout the year may informally discuss and present motion topics to the two largest groups. Seconders of motions, with agreement of the group submitting the motion, do not have to be of the same group.
- 3.55 The wording of the motion shall be contained on the notice submitted to Democratic Services. 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. If not already provided, 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.
- 3.56 An amendment to a debate motion can only be moved by the original mover of the motion.
- 3.57 Proposed amendments by the original mover shall be submitted in a timely manner to Democratic Services before the meeting and if possible, an addendum published to the Council agenda.
- 3.58 The amendment moved by the original mover of the motion will be immediately put to the vote, and if agreed, will become the substantive motion put to the Council for subsequent debate and vote.
- 3.59 The Head of Democratic Services on behalf of the Monitoring Officer shall be entitled to clarify the wording of a motion or amendment 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.

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

3.61 The time available for Council Debate Motions shall be divided equally between the groups subject to each motion having no more than 15 minutes for debate. If the amount of time available prior to the end of the meeting to debate two Motions for Debate is less than 30 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 the end of the meeting to debate the Motion is less than 15 minutes, the Chair shall confirm that the Motion has fallen. 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. The proposer of a Motion for Debate shall have a right of reply and shall close the debate, with up to 3 minutes.

3.62 Following the vote, if the motion is approved, the Executive Mayor shall provide a response to the motion being passed, for up to 3 minutes, outlining the next steps and actions, if any.

3.63 Any listed motion, if not moved at the meeting shall be deemed to have fallen.

3.64 No Motions for Debate shall be submitted or dealt with at the Annual Council Meeting.

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

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

3.66 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.

3.67 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.

- 3.68 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**

- 3.69 Annual reports shall be received at the Annual Council meeting.
- 3.70 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.
- 3.71 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.
- 3.72 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.

### **Reports to Council**

- 3.73 The Executive Mayor, Chair of a Committee or other Member may exercise a right to introduce and move recommendation/s in a report to Council; in so doing the Executive Mayor, Chair of a Committee or Member shall speak for a maximum of 3 minutes.
- 3.74 If seconded, the recommendation shall immediately be put to the vote unless moved for debate, or unless a motion to amend or refer the item back to the Executive, Committee or Officers (as appropriate) has been submitted on notice.
- 3.75 The rules in this section (3 Council Meetings) are subject to the rules in Part 4C - Budget and Policy Framework Procedure Rules.

### **Reports Moved for Debate**

- 3.76 Any Member supported by a seconder, may ask that recommendations in a report be debated and, if there is a majority vote in favour, the recommendations shall be immediately 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 is less than 21 minutes, the Chair shall confirm that the item has been deferred to the next meeting unless a vote of Members has agreed the meeting shall continue for up to 30 further minutes.
- 3.77 The proposer of a debate on the recommendations shall be allowed to speak for a maximum of 3 minutes. The seconding Member simply seconds the motion and is deemed to have reserved their right to speak. All other speakers shall be restricted to a maximum of 3 minutes. There shall be no more than six speakers (including the proposer and seconder and at least four of the speakers shall be two members of each of the two largest groups) called to speak in respect of the recommendations. The Member moving the report has a right of last reply for no more than 3 minutes.
- 3.78 At the conclusion of the debate, the recommendations shall be put to the vote.

- 3.79 No more than one report shall be the subject of debate at any one time.
- 3.80 In the event that any Executive, Cabinet or Committee recommendations have not been agreed when the time limit for the meeting has expired, those recommendations shall immediately be put to the vote without further debate.

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

- 3.81 The rules in respect of Reports to Council do not apply to any recommendations contained in the Annual Report of the Scrutiny and Overview Committee.

### **Council Reports – Amendments on Notice or Referring Back Recommendations**

- 3.82 Any Member may move a motion to refer a recommendation back (with amendment / reason for referral) or to amend a recommendation. A reference to a motion to amend or to amendment(s) in this section includes an amendment to add a new recommendation.
- 3.83 Should a Member wish to move an amendment to a recommendation in a report or move to refer the recommendation back to the Executive, Committee or Officers (as appropriate) with a suggested amendment (or any other reason for the referral back) the Member shall submit their intention and details of the amendment / referral back in writing to Democratic Services within 72 hours of the publication of the agenda or within 24 hours of the report being published if not part of the original published agenda.
- 3.84 The submission of a motion to amend a recommendation in a report or refer the recommendations back with a suggested amendment (or any other reason for the referral back) shall be published as an addendum.
- 3.85 At the meeting, a motion to amend or refer back a recommendation must be supported by a seconder and, if there is a majority vote in favour, will be debated. If there is no majority in favour, the motion will fall. The time allowed for consideration of an amendment or referral back shall not exceed 21 minutes, or 6 speakers in total (including at least two members of each of the two largest groups). The Member moving the report shall speak for up to 3 minutes. The seconding Member simply seconds the motion and is deemed to have reserved their right to speak.
- 3.86 Both the original recommendation and referral back or / and amendment(s) shall be debated as a single item.
- 3.87 Up to four other speakers can be called (which may include the Members seconding the report's recommendation/s or amendment/referral back) each of whom shall not speak for more than three minutes. The Member moving the report has the right of last reply, no more than 3 minutes.
- 3.88 Additional movers and seconders are permitted in the event of more than one motion to amend or refer back.
- 3.89 At the conclusion of the debate, the voting process will be:
- vote on the motion(s) to amend/refer back in order as determined by the Chair;
  - if the motion(s) to amend/refer back fall(s), vote on the original recommendations.
- 3.90 In the event that the amount of time available for the referral back / amendment debate prior to 9.30pm is less than 21 minutes, the Chair shall confirm that the

referral back debate has been deferred (unless the meeting has agreed to extend the meeting up to 30 minutes).

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

- 3.91 In any circumstance where the Council decides not to take a decision on a recommendation, it may delegate that decision to such a committee, decision maker or body as it sees fit consistent with its legal obligations.

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

- 3.92 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 Executive Mayor, Head of Paid Service and/or Returning Officer;
6. Council tax and Budget report
  - Questions to the Executive 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 Executive Mayor and Cabinet Member for Finance**

- 4.3 This report will contain the recommendations of the Executive Mayor on the Council tax and Budget to Council
- 4.4 This item is to enable Members to ask questions of the Executive 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 Executive 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 Executive Mayor shall be 15 minutes. The first three minutes of the Executive Mayor's 15 minute slot may be used by the Executive 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 Finance's 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**

- 4.7 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**

- 4.8 The Executive 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.
- 4.9 Five further Members from each Group shall be called alternately by the Chair and shall each speak for not more than 3 minutes.
- 4.10 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 Executive Mayor or other Cabinet Member to wind up the debate. The Executive Mayor, or other Cabinet Member, in exercising a right of reply shall be allowed to speak for a maximum of 5 minutes.
- 4.11 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 4.11 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 Executive 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 Special Meetings of the Council may be called by the

- i) Council by resolution;
- ii) Chair of Council

6.2 Special Meeting of Council are for the purposes of admitting former Members to the Roll of Honorary Aldermen/Alderwomen/Aldersperson, 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 / Alderwomen /Aldersperson**

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.

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