

## Part 4 – A

### **COUNCIL PROCEDURE RULES**

#### **1. ANNUAL MEETING OF THE COUNCIL**

##### **1.1 Timing**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. The Annual Meeting shall commence at 7:15 p.m. and shall be held at Merton Civic Centre, London Road, Morden, Surrey, unless otherwise decided by the Chief Executive after consultation with the leader of each group of elected members represented on the Council.

##### **1.2 Business**

At the annual meeting, the Council will:

- (a) receive apologies for absence;
- (b) to receive declarations of pecuniary interest from members;
- (c) approve the minutes of the last meeting;
- (d) elect the Mayor of the Council;
- (e) receive the Mayor's appointment of Deputy Mayor and Mayor's Chaplain or other religious adviser for the ensuing municipal year;
- (f) every four years (or at any other time when the office of Leader becomes vacant) elect the Leader of the Council and note, if known, the appointment by the Leader of the Deputy Leader(s) and other appointments to the Cabinet including their portfolios;
- (g) appoint at least one Overview and Scrutiny Commission and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (h) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree, as set out in Part 3 of this Constitution;
- (i) agree which committees to establish and make the appropriate appointments in accordance with Section 1.3 below;
- (j) announce and present awards as appropriate;

- (k) approve a programme of ordinary meetings of the Council for the year if not already done so.

### **1.3 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the terms of reference for those committees;
- (c) decide the size and the allocation of seats to groups of elected members in accordance with the political balance rules set out in the Local Government and Housing Act 1989;
- (d) receive nominations of councillors to serve on each committee and outside body; and
- (e) appoint members to those committees and outside bodies where appointment has been reserved to the Council.

## **2. ORDINARY MEETINGS**

### **2.1 Dates and Frequency**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting, with the month of August to be regarded as the vacation month.

### **2.2 Time and Place**

Ordinary meetings including Budget/Council Tax meetings of Council shall commence at 7:15 p.m. and finish three hours after commencement. at Merton Civic Centre, London Road, Morden, Surrey, unless otherwise decided by the Chief Executive after consultation with the leader of each group represented on the Council.

### **2.3 Order of Business**

The business at an ordinary meeting shall include the following:

- (a) in the absence of the Mayor, to choose a member to preside to receive apologies for absence;
- (b) to approve minutes of last meeting;
- (c) to receive declarations of interest from members;

- (d) to receive announcements from the Mayor, Leader and Chief Executive;
- (e) Questions from the Public (this will not apply at the meeting of the Council convened to consider the budget and council tax in accordance with Rule 3.3 below or at the annual meeting of the council);
- (f) Questions from councillors relating to Strategic Themes other than the strategic theme to be the focus of the meeting in accordance with paragraph (g) below. (Questions must be submitted to the Chief Executive **seven clear days before** the meeting).

### **Review of the Strategic Themes Under the Council's business plan**

- (g) The entitlement to select the strategic theme to be considered at each meeting shall lie with the leaders of all the political groups represented on the Council and the number of choices allocated to each political group should, so far as is reasonably practicable reflect the respective sizes of each group. The schedule setting out the timing of each group's nomination shall be agreed at annual council.

For the Strategic Theme selected for the meeting (the Strategic Theme"), the following will apply:

- The relevant Cabinet member or leader will prepare a report containing relevant performance indicators and other data, a summary of any key decisions taken since the Strategic Theme was last considered as well as any accompanying advice/ recommendations of Overview and Scrutiny Panels/ Commission and consultative fora and this **shall be circulated seven clear working days** before the meeting as well as forming part of the agenda pack for the meeting;
- Non Cabinet members may submit motions relating to the strategic theme being considered at the meeting and such motions shall be submitted to the Chief Executive by **9am on the day two clear** working days before the day of the meeting;
- The relevant Cabinet Member or Leader may also bring to the meeting draft policies or strategies on a draft "green paper basis;
- The debate on the strategic theme will proceed as follows:
- The Cabinet Member/Leader will introduce his or her report(s)
- He or she will deal with any written questions on the strategic theme submitted to the Chief Executive by 2pm on the day three clear working days before the day of the meeting.in accordance with rule 12.4(a) and reply to any oral supplementary questions .

- The time for answering questions related to the Strategic Theme shall be limited to 15 minutes. No further questions, supplementary questions or verbal answers will be permitted after expiry of that time.
- Any motions arising relating to the relevant strategic theme standing in the names of non-Cabinet members will be moved and seconded.
- The meeting will then debate the report(s) in the usual way and in accordance with these procedure rules.

#### (h) Reports of Community Fora

The reports of each Community Forum shall be considered by the Council in turn. In the course of approval of each report:

- The Chair of the Community Forum may make a report in relation to the report of the Forum.
  - Councillors for the wards comprising the Community Forum may address the Council on matters arising from the report.
  - For the Community Forum reporting at the meeting, the following will apply:
  - Any reports to the Council and any recommendation to the Council or any Committee of the Council should be printed with the Council Reports.
  - Any original motion relating to the report of a Community Area Forum must be submitted to the Chief Executive by 9am on the day before the meeting to enable time-tabling before meeting.
  - The Leader or an appropriate Cabinet Member shall respond to any written questions relating to the report and may respond to the Chair of the forum and any ward members. (Questions must be submitted to Chief Executive in accordance with the deadline set out in 12.4(a))
- (i) Matters referred to Council by the Overview and Scrutiny Commission
- (j) Corporate Reports (Audit Commission, IdeA, Best Value Draft Final Reports, Standards Committee, Monitoring Officer etc.) which cover a range of corporate objectives and principles.
- (k) Any Notice of Motion
- (l) Functions of Full Council and other matters requiring a Council decision.
- (m) Presentation of petitions to the Mayor.

(n) Motion for business of next meeting.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling Extraordinary Meetings**

The following may request the Proper Officer to call extraordinary Council meetings:

- (a) the Council by resolution;
- (b) the Mayor of the Council;
- (c) any five members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;
- (d) the Chief Executive; or
- (e) the Monitoring Officer.

#### **3.2 Business**

In consideration of the nature and purpose of extraordinary meetings, the business conducted at such meetings is limited to a single item, with no consideration of previous minutes or reports.

#### **3.3 Budget/Council Tax Meetings**

The business at a Budget/Council Tax meeting shall include the following:

- (a) in the absence of the Mayor and Deputy Mayor, choose a member to preside;
- (b) receive apologies for absence;
- (c) approve minutes of the last meeting;
- (d) receive any declarations of Interest from members;
- (e) receive a presentation of the Budget/Council Tax report from the relevant officer(s);
- (f) officers respond to questions from members addressed through the Mayor;
- (g) to receive remarks from the Cabinet on the report;

(h) debate on the report and consideration of any motions and/or amendments.

- 3.4 A meeting to discuss the timetabling of the agenda for Council meetings may be arranged to provide relevant advice to the Mayor. Each group may nominate one representative to attend the timetabling meeting which shall be arranged by Democracy Services. However, the Mayor retains responsibility for the conduct of the meeting.
- 3.5 Chief Officers or their nominees may speak or respond to relevant questions at all Council meetings at the request of the Mayor or the person presiding as Chair of the meeting. However, care must be taken to ensure that officers are not drawn into political debate in the Council meetings.
- 3.6 All decisions relating to either the substantive budget motion/proposal or any amendments to it, will be to be taken via a recorded vote (Roll Call).

#### **4. SUBSTITUTION FOR MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

##### **4.1 When Permissible**

Except in relation to except any Licensing Committee established under the Licensing Act 2003, each political group represented on the council may, at the AGM, appoint named substitutes who may attend where appointed members are unable to do so to all Council appointed committees;

##### **4.2 Procedure**

The appointed member must notify the Chair of the committee or sub-committee of their apologies and indicate the name of his or her substitute by noon on the day of the meeting.

- 4.3 The Chief Executive shall have the delegated authority to agree a change in the identity of any named substitute at the request of the leader of any political group represented on the Council.

##### **4.4 Powers and Duties**

Substitute members will have all the powers, including voting rights, and all the duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

#### **5. GENERAL RULES APPLYING TO ALL COUNCIL MEETINGS**

##### **5.1 Time and Place of Meetings**

Although the time and place for the Council's meetings are to be established in accordance with paragraphs 1.1 and 2.2 above, the Chief Executive may vary the time and place of or cancel such meetings in exceptional circumstances to ensure the smooth operation of the Council. This may only be done with the agreement of the Chair of the relevant meeting and after consultation with the Leaders of other political groups represented on the Council.

## **5.2 Notice of and Summons to Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a Council meeting, the Chief Executive will send a summons to every member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **5.3 Chair of Meeting**

The Mayor or other person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings, references to the Chair or Mayor also include the Chair of committees and sub-committees. The powers of the Chair include:

- (a) To decide all matters of order, competence, relevancy, interpretation of standing orders relating to the conduct of the meeting and the appropriateness of Council questions;
- (b) To direct a Councillor to discontinue speaking if the Chair considers the Councillor is being repetitive or irrelevant, uses unbecoming language or is in some other way breaching the order of the meeting;
- (c) To move that a member be heard not further under rule 16.3 and, if necessary to move that a member leave the meeting or that the meeting be adjourned, in accordance with Rule 16.4;
- (d) To order the removal of a member of the public who is disruptive or the clearing of public areas in the event of a general disturbance. Re-admission shall be at the discretion of the Chair;
- (e) In the case of an equality of votes, the Chair of the meeting shall have a second or casting vote;
- (f) The decision of the Chair shall be final. Members shall address the Chair when speaking and not dispute the decisions of the Chair during the course of the meeting.

## **5.4 Quorum**

- (a) The quorum of a meeting of the Council or of any non-executive committee will be one quarter of the whole number of members or a minimum of three members. The quorum for a meeting of the Cabinet, Cabinet committee or Cabinet sub-committee is governed by the Cabinet Procedure Rules.
- (b) Except where authorised by statute, business shall not be transacted in the absence of a quorum. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, then the meeting will stand adjourned for 10 minutes. If after recommencing there is still no quorum, then the meeting will end immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 5.5 Duration of Meeting

- (a) Guillotine

If the business of the meeting has not been concluded by 3 hours, including any adjournments, after the start of the meeting, the Chair must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

- (b) If there remain other motions or recommendations on the agenda, they are deemed formally moved and seconded together with any amendments. No speeches will be allowed on these items and the vote will be taken in the usual way.

- (c) Where a report or motion contains a number of recommendations, they will be taken together unless the Mayor agrees there is a need for individual resolutions.

- (d) Recorded vote

If a recorded vote is called for during this process, it will be taken immediately.

- (e) During this the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

- (f) Extending the Meeting

The foregoing provisions of this rule shall not apply if before the expiry of three hours the meeting has agreed that the meeting should continue beyond three hours, whether for a specified additional period or otherwise,

- (g) Close of the Meeting



When all motions and recommendations have been dealt with, the Chair will declare the meeting closed.

## **5.6 Declaration of Interests**

Members shall abide by the Council's Code of Conduct. It is the responsibility of every member to declare any relevant interest at the beginning of the meeting or as the relevant item of business is reached.

## **6. MOTIONS ON NOTICE**

### **6.1 Notice**

Except for motions that can be moved without notice under Rule 7 below and motions relating to the strategic theme under consideration at the meeting moved under rule 2.3(g), written notice of every motion must be delivered to the Chief Executive not later than 5pm on the day which is seven clear working days before the date of the Council meeting. These will be maintained for public inspection.

### **6.2 Motions must be signed by at least three members except:**

A single independent member may submit a motion without any further signatories.

A group with two members may submit a motion if both members of the group have signed it.

### **6.3 Motions set out in Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Members giving notice state, in writing, that they propose to move it to a later meeting or withdraw it. However, any motions submitted on the Strategic Theme being considered at the meeting in accordance with Rule 2.3 (g) or in respect of the reports of Community Forums under Rule 2.3(h) will be taken during in the course of the debate on those items.

### **6.4 Scope**

Motions must be about matters for which the Council has a responsibility or which affect Merton, as determined by the Chief Executive.

## **7. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something, including a matter raised by a question asked pursuant to Rule 11.9, to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) with leave of the Mayor, to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond three hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

## **8. RULES OF DEBATE**

### **8.1 No Speeches until Motion Seconded**

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

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

Unless notice of the motion has already been given or is not required under Section 7, the chair may require it to be written down and handed to him/her before it is discussed.

### **8.3 Seconders' Speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

### **8.4 Content and Length of Speeches**

Speeches must be directed to the matter or subject under discussion or to a personal explanation or point of order. No speech may exceed four minutes without the consent of the Chair. In order to facilitate the smooth running of the meeting, the Mayor, Chief Executive and Group leaders may from time to time agree different lengths of speeches. The length may vary depending on whether the speaker is the mover of a motion or is exercising a right of reply. The Chief Executive will notify all councillors of any such agreement.

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

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### **8.6 Amendments to Motions**

- (a) Amendment to motions or to recommendations in reports must be submitted in writing to the Chief Executive by 9am on the morning of the working day before the meeting, unless the Mayor has agreed that an amendment may be submitted after that time.

- (b) The Chief Executive will circulate copies of any amendments received by 5pm on the day of the meeting
- (c) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.

Subject to paragraph (f) below:

- (d) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (e) If an amendment is not carried, other amendments to the original motion may be moved.
- (f) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments may be moved.
- (g) After an amendment has been carried, the amended motion will be read out before accepting any further amendments, or if there are none, put to the vote.
- (h) The Mayor shall have discretion to allow debate on more than one amendment at once if in his or view to do so would facilitate the smooth running of the meeting, provided that votes on amendments shall be taken separately,

## **8.7 Alteration of Motion**

A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Only alterations that could be made as an amendment may be made.

## **8.8 Withdrawal of Motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

## **8.9 Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote unless the guillotine has fallen under Rule 5.5 (a).
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

## **8.10 Motions which May be Moved during Debate**

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

- (a) to withdraw a motion;
- (b) with the leave of the Mayor, to amend a motion;
- (c) to proceed to the next business;
- (d) that the question now be put;
- (e) that the meeting continue beyond three hours in duration;
- (f) to refer something, including mater raised by a question asked pursuant to Rule 11.9, to an appropriate body or individual;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4.

## **8.11 Closure Motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:

- (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) if a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried, the Mayor will move on to the next item of business on the agenda without taking a vote on the item currently under debate.
- (c) if a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion or amendment to the vote.
- (d) if a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **8.12 Point of Order**

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

### **8.13 Personal Explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

### **8.14 Length of debates**

The time available for the consideration of any matter before the Council shall, be as determined by the Mayor having had regard to the timetable for the meeting prepared in accordance with rule 3.4 the nature of the business and the time at which the decision is made. The Mayor shall at the commencement of the debate state the time available for the consideration of the matter if different from that set out in the prepared timetable and shall rule when the time available has expired, at which point, and if appropriate the matter under debate shall be put immediately to the vote.

## **9. PREVIOUS DECISIONS AND MOTIONS**

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

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least six Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **9.2 Motion Similar to One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least six Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **10. VOTING**

### **10.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

### **10.2 Chair's Casting Vote**

If there are equal numbers of votes for and against, the Chair of the meeting will have a second or casting vote. There will be no restriction on how that person chooses to exercise a casting vote.

### **10.3 Show of Hands**

Unless a recorded vote is demanded under Rule 10.4, the Mayor will take the vote by show of hand or electronically, or if there is no dissent, by the affirmation of the meeting.

### **10.4 Recorded Vote**

If six members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing or electronically and entered into the minutes, to show whether they voted for or against the motion or amendment, or abstained from voting. Before a recorded vote is taken the division bell shall be rung for one minute at the expiration of which period and before the vote is taken the doors of the Council Chamber shall be closed and thereon no member shall be allowed to enter the Chamber or to leave it until the conclusion of the vote.

NB All decisions relating to either the substantive budget motion/proposal or any amendments to it, will have to be taken via a recorded vote (Roll Call).

## **10.5 Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The nominees will be voted upon in alphabetical order.

In any situation where there is a contested vote on an appointment and there is an equality of votes in favour of two or more candidates, and where there is no other person with more votes in their favour, the decision as to who is elected shall be determined by casting vote of the Chair .

## **11. QUESTIONS BY THE PUBLIC**

### **11.1 General**

Members of the public, in accordance with these rules, may ask questions of Members of the Cabinet at ordinary meetings of the Council, but excluding Council meetings when tax or budget is on the agenda. The time during which Public Questions shall be taken shall not exceed 15 minutes. It shall not be in order to move for an extension of this time limit. When the time limit has expired, any remaining written replies will be taken as read.

### **11.2 Order of Questions**

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

### **11.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail, to the Chief Executive no later than seven working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Cabinet to whom it is to be put.

### **11.4 Number of Questions**

A resident or business ratepayer of the Borough may ask one written question (limited to 50 words) on any matter in relation to which the Council has a legal power or responsibility or which affects the borough . A resident or business ratepayer may ask one supplementary question at the meeting in clarification of an answer. The Mayor may reject a supplementary question on the grounds in Rule 11.5 below.



## **11.5 Scope of Questions**

The Chief Executive has absolute discretion and may reject a question if it:

- is not related to a matter over which the Council has a legal power;
- is not about a matter for which the local authority 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 six months; or
- requires the disclosure of confidential or exempt information.

## **11.6 Record of Questions**

The Chief Executive will send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members on the day of the meeting together with the written answers to those questions and will be made available to the public attending the meeting.

## **11.7 Asking the Question at the Meeting**

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, either in person or remotely, in accordance with standing order 21 they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

## **11.8 Written Answers**

Any questions, which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

## **11.9 Reference of Question to the Cabinet or a Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee, including the Overview and Scrutiny Commission and Panels, or sub-committee. Once seconded, such a motion will be voted on without discussion.

## **12. QUESTIONS BY MEMBERS**

### **12.1 On Reports of the Cabinet or Committees**

A member of the Council may ask the Leader, a member of the Cabinet or the Chair of a Cabinet Committee any question without notice upon an item of the report of the Cabinet or a [Cabinet?] committee when that item is being received or under consideration by the Council

#### **12.1 Questions on Notice at Full Council**

Subject to Rule 12.3 , a Member of the Council may ask:

- the Leader;
- a member of the Cabinet; or
- the Chair of any committee or sub-committee.

a question on any matter in relation to which the Council has powers or duties or which affects Merton.

#### **12.2 Questions on Notice at Committees and Sub-Committees**

Subject to Rule 12.3, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affect Merton and which falls within the terms of reference of that committee or sub-committee.

#### **12.3 Notice of Questions**

A Member may only ask a question under Rule 12.1 if either:

- (a) the question relates to the strategic theme selected for debate or a report of a community forum at the meeting and they have given notice in writing of the question to the Chief Executive by 2pm on the day three clear working days before the date of the Council meeting (i.e. on the Thursday preceding a Council meeting to be held on a Wednesday if there are no intervening public holidays);
- (b) In respect of questions not relating to that strategic theme, they have given notice in writing of the question to the Chief Executive by 5pm on the day seven clear working days before the date of the Council meeting; or
- (b) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive by 12:00 noon on the day of the meeting.

#### **12.4 Response**

An answer may take the form of:

- (a) a written answer circulated to all members of the Council **no later than 48 hours before the start of the meeting**, or
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication.

## **12.5 Supplementary Question**

A member asking a question under Rule 12.2 or 12.3 may ask one supplementary question, without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. Where the reply to the supplemental question cannot conveniently be given orally, a written answer may be circulated to all members of the Council.

## **12.6 Time Allotted**

The time for answering questions not related to the Strategic Theme shall be limited to 15 minutes unless the time allotted for public questions has not been fully used in which case the Mayor shall have the discretion to add that unallocated time to the time allotted for member questions.

The time for answering questions asked on the Strategic Theme under paragraph 2.3(g) shall also be 15 minutes.

No further questions, supplementary questions or verbal answers will be permitted after expiry of the relevant allotted time. The written answers previously circulated will under paragraph 12.4(a) above together with the answers to any supplementary questions become part of the minutes of the Council meeting.

## **13. MINUTES**

### **13.1 Signing the Minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

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

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

schedule 12 relating to signing of minutes.

### **13.3 Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order in which the Mayor put them.

## **14. RECORD OF ATTENDANCE**

The attendance of those Members present during the whole or part of a meeting will be recorded by the Democratic Services officer. The record shall indicate whether the Member has attended in person or remotely in accordance with standing order 21.

## **15. EXCLUSION OF THE PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 18 (Disturbance by Public).

## **16. MEMBERS' CONDUCT**

### **16.1 Standing to Speak**

When a Member speaks at Full Council, they must stand and address the meeting through the Mayor, unless they are taking part in a remote virtual meeting at which this rule shall not apply. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation. The Council will respect the particular circumstances under which some Members remain seated when they speak.

### **16.2 Mayor Standing**

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

### **16.3 Member Not to be Heard Further**

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

### **16.4 Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on

without discussion.

## **16.5 General Disturbance**

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

## **17. DISTURBANCE BY THE PUBLIC**

### **17.1 Removal of Member of the Public**

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

### **17.2 Clearance of Part of Meeting Room**

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

## **18. PETITIONS**

18.1 Petitions are to be presented to the Mayor without debate and then passed to the relevant Chief Officer for appropriate action.

18.2 The Chief Officer shall provide a written report on the subject matter of the Petition to the Members sponsoring the Petition. The reply shall also be published on the intranet/ internet and circulated with the minutes of the Council meeting to which the Petition was presented.

## **19. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **19.1 Suspension**

All of these Council Rules of Procedure except Rule 10.4 and 14.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### **19.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **20. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of the Council. None of the rules apply to meetings of the Cabinet, which are governed by the Cabinet

Procedure Rules in Part 4 of the Constitution. Only Rules 5-10 (but not or 8.14), 12.3, 14, 15, 16-21 (but not Rule 19.1) apply to meetings of committees and sub-committees. Meetings of the Planning and Licensing are not subject to the three hour guillotine and therefore Rule 5.5 (a) – (e) and 7 (m) do not apply to those committees.

## **21 REMOTE ATTENDANCE**

- 21.1 The Council has the ability to allow remote participation in its meetings by virtual means via Zoom or other similar technology and in respect of such attendance the following provisions apply to meetings where the relevant facilities exist.
- 21.2 Members of the public, wishing to speak or ask a question at any meeting shall be offered the opportunity of doing so remotely;
- 21.3 Representatives of partner bodies, including those giving evidence at the Overview and Scrutiny Commission or any of its panels may do so remotely
- 21.5 Any member appointed to a Committee or Sub-Committee, with the exception of its chair may participate in a formal meeting of that body Committee remotely, but their presence would not amount to attendance at that meeting for the purposes of ascertaining whether the meeting of that body is quorate.
- 21.6 A member who is entitled to attend a meeting of a committee, sub committee or Cabinet but who is not a member of that body, may do so attend remotely.
- 21.7 Remote attendance by a member at a meeting under paragraph 21.5 or 21.6 above, shall not count as attendance for the purposes of S.85 of the Local Government Act 1972 (the 'six-month' attendance rule);
- 21.8 Paragraph 21.5 of this standing order does not apply to the Planning Applications Committee or the Licensing Committee or any of its subcommittees.