

Constitution Working Group – Detailed Wording Changes

(Updated following GP&L Committee on 30 March 2023)

Part 4 – Rules of Procedure

Council Procedure Rules

3. SPECIAL MEETINGS

3.4 Questions

There will not be a general public question time at special meetings of the Council, except in exceptional circumstances agreed in advance by the Mayor, but questions relating to specific reports on the agenda may be submitted ~~before 5pm on the second working day after the final day on which the agenda may be published according to the rules set out in section 9.3.~~

3.5 A special meeting shall be held in February or March each year to consider the Council's budget and Council Tax and related issues.

9. QUESTIONS FROM THE PUBLIC

9.1 General

Members of the public may ask ~~up to two~~ one questions for either oral or written reply at each meeting of Members of the Executive or any Committee Chairman at ordinary meetings of the Council and a maximum period of 30 minutes will be allowed for such questions. This is sSubject to the discretion of the Mayor to refer the question to another Council body if the Mayor considers it a more appropriate body to respond to the question.

9.2 Order of questions

Questions will be asked in the order notice of them was received. ~~, with all first questions heard first, then all second questions.~~ The Mayor may group together similar questions or vary the order as he or she sees fit. Where there are several questions on the same issue, the responding Member may make a general statement answering these questions together.

9.3 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 proper officer no later than 5pm, ten working days before the

meeting. Each questioner must give their the name and an address in the borough where they live, work or study of the questioner and must name the Member of the Council to whom it is to be put.

~~Questions relating to specific reports on the agenda may be submitted before 5pm on the second working day after the final day on which the agenda may be published.~~

Questions which are submitted after the ten-day deadline has passed will only be accepted if they seek clarification of the details of a report to the meeting and the question could not have been tabled until the report had been published. These questions must be submitted within two working days of the report being published on the Council website.

9.4 **Scope of questions**

The proper officer may reject a question if it:

- 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.
- requires excessive research – more than three hours.
- Exceeds fifty words in length.

9.5 **Record of questions**

The proper officer will record each question and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

9.6 **Asking the question at the meeting**

The Mayor will invite the Member named in the notice to answer the question. If a questioner who has submitted a ~~written~~ question for oral reply is unable to be present, 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.

9.7 **Supplementary questions**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.4 above.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by Members (this will usually be no more than one per Member.)

9.8 **Written answers**

Any question for oral reply which cannot be dealt with during the 30 minute period of 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.

9.9 **Reference of question to the Executive 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 Executive or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

10. **QUESTIONS BY MEMBERS**

10.2 **Questions on notice at full Council**

Subject to Rule 9.4, a Member of the Council may ask:

- the Mayor
- a Member of the Executive
- the Leader or
- the Chairman of any Committee, Sub-Committee or Policy Development and Scrutiny Committee

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

General

10.2.4 Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions. The Mayor may group together similar questions or vary the order as he or she sees fit. Where there are several questions on the same issue, the responding Member may make a general statement answering these questions together.

10.2.5 Members of the Executive may not submit questions on notice at full Council on executive functions; except where the matter is a non-executive function.

10.2.6 Executive Assistants may not submit questions to the Portfolio Holder that they assist, nor can they ask questions of the PDS Chairman of the Committee that scrutinises that portfolio.-

10.2.7 Questions to the Chairmen of working groups set up by Committees or Sub-Committees shall be addressed to the Chairman of the appointing Committee or Sub-Committee.

10.4 Notice of questions

A Member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given notice in writing of the question to the proper officer by 5pm ten working days before the meeting; or
- (b) if the question is about a report on the agenda, it has been submitted before 5pm on the second working day after the final day on which the agenda may be published; or
- (c) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is, if possible, given to the proper officer by 10.00 am on the day of the meeting.

~~Questions considered by the Mayor to be defamatory, frivolous or offensive will be rejected.~~

The proper officer may reject a question if it:

- 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.
- requires excessive research – more than three hours.
- Exceeds fifty words in length.

11. MOTIONS WITH NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by the Member or Members giving the notice, must be delivered to the Director of Corporate Services and Governance at least ~~ten~~^{six} days before the date of the meeting unless

- (a) it is urgent, or
- (b) it may be moved without notice.

11.2 Motion set out in agenda

The Director of Corporate Services and Governance will, will date and record each motion received in a book, open to inspection by Members, in the order in which they are received. ~~M~~maintaining the order of receipt, publish each motion ~~will be set out~~ in the agenda for the following Council meeting.

11.3 **Scope**

Every motion shall be relevant to a matter in which the Council has powers or duties or which affects the Borough. The Mayor shall, if a need arises, give a ruling on the relevance of motions.

11.4 **Motions withdrawn or not withdrawn**

A motion may be withdrawn by the mover. If a motion is not moved at the Council meeting by the person giving notice or by some other Members on the mover's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn.

11.5 **Automatic reference to the Executive, an Executive Member or a Committee**

If the subject matter of a motion comes within the Terms of Reference of the Executive, an Executive Member or a Committee, it shall, after being moved and seconded, be referred without debate for consideration and report unless previously resolved.

11.6 **Discretion of Mayor**

A motion may be dealt with at the meeting at which it is brought forward if the Mayor considers it convenient and conducive to the despatch of business. A motion will be rejected if the Mayor considers it to be defamatory, frivolous or offensive.

13. **RULES OF DEBATE**

13.1 **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, and until any amendments have been moved and seconded.

13.2 **Right to require motion in writing**

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

13.3 **Secunder's speech**

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

13.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.

13.5 **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);~~
- (ad) in exercise of a right of reply;
- (be) on a point of order; and
- (cf) by way of personal explanation.

13.6 Amendments to motions

- (a) 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.

- ~~(b) — 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.~~
- ~~(c) — If an amendment is not carried, other amendments to the original motion may be moved.~~
- (b) — Amendments to formal motions should be submitted in writing two days before the start of the meeting.
- (dc) - If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion. ~~to which any further amendments are moved.~~
- ~~(e) — After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.~~

13.7 Alteration of motion

- (a) 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.

- (b) 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.
- (c) Only alterations which could be made as an amendment may be made.

13.8 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.

13.9 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.~~

~~(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, but may not otherwise speak on it.~~

~~(ae) The mover of anthe amendment has no right of reply to the debate, on his or her amendment.~~

(b) Following the conclusion of all votes on amendments to the original motion there shall be only one speech allowed, namely the mover of the original motion or, if amended, the mover of the successful amended motion (the new substantive motion), shall have a right of reply before the final vote.

Part 4 – Policy Development and Scrutiny Procedure Rules

15. Call-in

- (a) When a key decision is made by
 - (1) the Executive
 - (2) an individual member of the Executive or
 - (3) a Committee of the Executive, or
 - (4) ~~a key decision is made by~~ an officer with delegated authority from the Executive

the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. ~~Chairmen of all Policy Development and Scrutiny Committees~~ All Members will be sent copies of the records of all such decisions within the same timescale, by the Proper Officer.

- (b) Call-in will not be allowed where a decision has already been scrutinised and the decision is substantially the same as that supported by the relevant Policy Development and Scrutiny Committee and this will be stated in the notice of the decision.
- ~~(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days this being the first call-in period after the publication of the decision.~~
- (c) If the decision is subject to call-in, then d—During that period, the Proper Officer shall make arrangements to call-in a decision for scrutiny by the relevant Policy Development and Scrutiny Committee if so requested with reasons by any five Members of the Council and shall then notify the decision-taker of the call-in.
- ~~(d) The at notice of decision -will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days this, being the first call-in period after the publication of the decision.~~
- e) If a call-in is made, a Policy Development and Scrutiny Committee will meet within a time period agreeable to all parties to the call-in. This ~~should~~must be within ten working days (including the day of the call-in and the day of the meeting) unless the parties agree to extend the date or take the issue to the next ordinary meeting of the Policy Development and Scrutiny -Committee, if this is later. In cases where there is not unanimity on the date of the Committee to consider the call-in, the Chairman of the main Policy Development and Scrutiny-Committee to decide.
- (d~~f~~) Having considered the decision, the Policy Development and Scrutiny Committee may refer it back to the full Executive, with its reasons. The Executive shall then reconsider. A decision which has been referred back to the Executive following a call-in must be considered within 20 working days of the call-in meeting, or it will fall.
- (g~~e~~) The Policy Development and Scrutiny Committee will not exercise its right to refer decisions to the full Council except in exceptional circumstances such as, for example, an alleged intention by the Executive to act contrary to law or the policy and budget framework.
- (h~~f~~) If following a “called-in” decision, a Policy Development and Scrutiny Committee does not meet or does meet but does not refer the matter back to the full Executive, the decision shall take effect on the date of the Policy Development and Scrutiny Committee meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- ~~(g) Key decisions by Chief Officers are subject to call in and referral back to the Executive.~~
- (h~~i~~) Where Executive decisions have been submitted for pre-decision scrutiny at full Council there will not be a right of call-in, provided that the Executive decision accords with the views of Council.

- (i) A Member who is a party to the call-in shall not chair the PDS meeting considering the call-in.

16. Call-in and Urgency

- (a) The call-in procedure set out above shall not apply where the Executive decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, along with reasons why, and therefore not subject to call-in.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

21 Portfolio Holder Attendance at PDS Committees and Pre-decision Scrutiny

A key function of policy development and scrutiny is to hold the Executive and Portfolio Holders to account and to undertake pre-decision scrutiny of prospective executive portfolio decisions. PDS Committees, in their work programmes, shall allocate a slot for Portfolio Holders to attend to answer questions from the public and Members and to give a general account for their Portfolios. PDS Committees shall also undertake pre-decision scrutiny of prospective executive Portfolio decisions which are brought to their attention. Prospective executive decisions shall only be scrutinised at one PDS Scrutiny committee meeting unless there is a substantial change in the proposals.

Where an executive Portfolio decision cannot be considered by a service PDS Committee, the Executive & Resources PDS Committee can fulfil the pre-decision scrutiny function.

It is important to remember that PDS Committees cannot make decisions and are fulfilling the important role of challenge to the Portfolio Holder.

London Borough of Bromley

Petition Scheme

Who can submit a petition? or e-petition?

The Council welcomes petitions and a petition can be submitted by any person of any age who lives, works or studies in the borough of Bromley. All petitions will be acknowledged within five working days.

What information should my petition contain?

Your petition will need to include:

- A title;
- A short, clear statement explicitly setting out what action you would like the Council to do (or not do).
- Any supporting information which you feel is relevant to the petition and reasons why you consider the action requested to be necessary;
- Where appropriate, a clear choice of options for signatories to choose from, i.e. will you simply be asking people to 'agree' with the petition or will you give them the option to 'agree' or 'disagree'?
- Petitions should include space for signatories to complete the required information, including a postal address in the borough.

What formats are acceptable?

The Council will accept petitions in paper format that have been physically signed. Each sheet should clearly state what the petition is about and include space for people to provide their name, address and signature.

The Council will accept e-petitions only where they are submitted using the Council's own e-petition facilities on the Council website, or where a full print-out including names and addresses is submitted.

Who can sign a petition ~~or e-petition~~?

A petition can be signed by a person of any age who lives, works or studies in Bromley. All petitioners should provide as appropriate their home, work or education establishment address. ~~Anyone signing an e-petition should also include a valid email address, for verification purposes.~~ You can only sign a petition once; the list of signatories will be checked by officers and any duplicate signatures or obviously frivolous responses will be ~~discounted~~ removed.

What issues can my petition ~~or e-petition~~ relate to?

Your petition ~~or e-petition~~ should be relevant to some issue on which the Council has powers or duties or ~~which affects the borough on which it has shared delivery responsibilities through the Local Area Agreement or other partnership arrangement.~~ It should also be submitted in good faith and be decent, honest and respectful. Your petition may be **rejected** if it:

- Contains intemperate, inflammatory, abusive or provocative language.
- Is defamatory, frivolous, vexatious, discriminatory or otherwise offensive; or contains false statements.
- Is too similar to another petition submitted within the past six months.
- Discloses confidential or exempt information, including information protected by a court order or government department.
- Discloses material which is otherwise commercially sensitive.
- Names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies provided that this exemption will not apply to executive councillors, committee chairmen, the head of paid service or any statutory or non-statutory chief officer.
- Makes criminal accusations.
- Contains advertising statements.
- Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
- Relates to the ~~Council's~~ planning or licensing ~~functions~~ applications as there are separate statutory processes in place for dealing with these matters.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

If your petition relates to an issue which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the Number 10 Downing Street website. Advice on the admissibility of petitions and e-petitions can be obtained from Democratic Services (contact details below).

Privacy policy

The details you give us are needed to validate your support but will not be Published. ~~on the website. This is the same information required for a paper petition or an e-petition.~~ The Council may contact you in relation to any petitions you have signed, unless you have requested not to be contacted when signing the petition ~~or e-petition.~~ The Director of Corporate Services and Governance will maintain a register of all petitions submitted

~~What information should my petition or e-petition contain?~~

~~Your petition or e-petition will need to include:~~

- ~~• A title;~~
- ~~1. A statement explicitly setting out what action you would like the Council to do or not do. If you wish a Councillor or a senior officer to give account for a matter before a Policy Development and Scrutiny Committee then you must identify that individual and give reasons why they need to;~~
- ~~• Any information which you feel is relevant to the petition/e-petition and reasons why you consider the action requested to be necessary;~~
- ~~• A clear choice of options for signatories to choose from, i.e. will you simply be asking people to 'agree' with the petition or will you give them the option to 'agree' or 'disagree'?~~
- ~~• Paper petitions should include space for signatories to complete the required information.~~

How Many signatures does my petition nNeed?

To qualify as a valid petition under the Council scheme a paper petition requires a minimum of 25 valid signatures and an e-petition 200 signatures. Signatures must be supported by a verifiable postal address in the borough. In exceptional circumstances, the Council may consider accepting petitions with fewer signatures where there is local issue affecting a small number of residents.

~~Promoting petitions and e-petitions~~

~~The Council will not host e-petitions on its website. It is, therefore, down to the lead petitioner to spread the word about their e-petition in order to get as many people as possible to sign up. If this is not done then your e-petition could receive no signatures. Raising awareness of it could be done in a number of ways such as promoting it on local community websites, discussion forums or newsletters. The Council will not promote or advertise paper petitions or allow copies to be left for signature on its premises although your Ward Councillor may be prepared to assist you or promote your petition.~~

What will happen to a Petition ~~or e-Petition~~ once it is submitted?

Once a petition ~~or e-petition~~ has been submitted it will be referred to an appropriate Council officer for consideration. A Councillor (this will normally be the relevant Portfolio Holder, but in some cases it will be the appropriate committee chairman) will be identified to oversee the Council's response. This might include taking the action requested in the petition, or explaining why the action will not be taken. Other possible responses might be to refer the matter to a Policy Development and Scrutiny Committee or to the full Council, to commission research or public consultation, to hold a public meeting or to request an investigation. A response will normally be sent to you within 10 working days ~~and will be posted on the Council's website.~~

What if I am dissatisfied with the Council's Response?

If you are dissatisfied with the Council's response you may ask that the matter is re-considered ~~if your petition has sufficient signatures by a relevant Policy and Development & Scrutiny Committee.~~

If your petition has more than 250 valid -signatures (2,000 for an e-petition) you, or a person you nominate, ~~can will be invited to~~ address the next available Policy Development and Scrutiny (PDS) committee for up to 5 minutes.

~~-If your petition has more that 500 signatures (4,000 for an e-petition) you may instead ask that the petition is referred to full Council for consideration and you or your nominee can address the Council up to for 5 minutes. If your petition is to require a Councillor or a senior officer of the Council (except in exceptional circumstances, this will be an officer at Assistant Chief Officer level or above) to give evidence in public before a Policy Development and Scrutiny Committee this will require a petition of 500 signatures (2,000 for an e-petition.)~~

After considering your petition the PDS Committee or Council can refer it to the Executive, a relevant Portfolio Holder or a Chief Officer with recommendations for action. ~~At the next scheduled meeting of the Committee or Council there will be a report back either advising that the recommendation has been complied with or giving reasons why it has not been possible to do so. The Director of Corporate Services will maintain a register of all petitions submitted, and will report annually to Council on petitions received, actions taken to address petitions or reasons why it has not been possible to do so.~~

What can petitions ~~and e-petitions~~ achieve?

When you submit a petition ~~or an e-petition~~ to the Council it can have positive outcomes that lead to change and inform debate. It can bring an issue to the

attention of the Council and show strong public approval or disapproval for something which the Council is doing, and local Councillors will always be informed about petitions which affect their Wards. As a consequence, the Council may decide to, for example, change or review a policy, hold a public meeting or run a public consultation to gather more views on the issue.

Contact Details

For more information and advice, ~~or~~ to discuss a potential petition or to submit your petition, ~~or e-petition~~, please contact Democratic Services -

Democratic Services Team

London Borough of Bromley

Civic Centre

Stockwell Close

Bromley

BR1 3UH

Tel. 020 8461 7743

e-mail: committee.services@bromley.gov.uk