

Part 2 – The Articles

Chapter 3 – Meeting Rules - General

1. Introduction

- 1.1 Unless otherwise stated in the specific rules for the Assembly and other committee meetings, the arrangements below will apply to all meetings of the Council.
- 1.2 These arrangements, and any other relevant rules or arrangements set out in this Constitution, may be varied in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which came into force on 4 April 2020 and which currently apply up to 7 May 2021.

2. Programme of Council Meetings

- 2.1 The Chief Executive shall be responsible for agreeing the programme of Council meetings for the municipal year following consultation with the Leader. The programme of meetings shall follow a similar pattern each year unless changes are agreed by the Chief Executive. The annual programme of meetings may be varied to take account of Parliamentary, Local or other elections occurring during the period covered.
- 2.2 Council meetings shall typically take place at the Town Hall, Barking due to the availability of webcasting facilities and public accessibility issues. Other venues, such as the Barking Learning Centre, may also be used in certain circumstances where meetings are not webcast and/or where there are availability issues at the Town Hall. The Chief Executive shall be responsible for agreeing those arrangements.
- 2.3 As a general rule, meetings shall take place on a Monday, Tuesday or Wednesday, commencing at 7.00pm or such other time as agreed by the majority of the membership of a Committee. Meetings on Thursdays should finish by 5.00 pm (to accommodate councillors' ward surgery commitments) and there are usually no meetings on Fridays, with the exception of the Ceremonial Council.

3. Notice of Summons and Cancellation / Postponement of Meetings

- 3.1 The Chief Executive will give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Rules.
- 3.2 At least five clear working days before a meeting, the Chief Executive will send a summons to every Member giving the date, time and place of each meeting and specify the business to be transacted, in accordance with the requirements of the Local Government Act 1972. The summons will be accompanied by such reports as are available at that time.

- 3.3 The Chief Executive may cancel or postpone any meeting prior to the issue of public notice of the meeting where, after consultation with the Chair, he/she considers that there is insufficient business to transact or where an event occurs which he/she considers would make it inappropriate to hold the meeting on the intended date.
- 3.4 The Chief Executive may also cancel or postpone any meeting after the issue of public notice but only in exceptional circumstances and subject to any statutory requirements.
- 3.5 In all instances where a meeting is cancelled or postponed the Chief Executive shall give appropriate notice to Councillors, the public and local press.

4. Person Presiding

- 4.1 In this procedure, reference to the Chair shall include reference to the person presiding at the meeting or part of the meeting where the Chair, and/or the Deputy Chair, is absent or unable to act, and the person presiding shall have all the powers of the Chair for the purpose of the conduct of the meeting or item of business.
- 4.2 This applies when neither the Chair nor the Deputy Chair are present or able to act in respect of any meeting or particular item of business, and it is necessary to elect a person to preside in their absence.
- 4.3 The Chief Executive, or in his/her absence an officer on behalf of the Chief Executive, shall exercise the powers of the Chair in respect of the election of a Member to preside (but shall not have a first or casting vote) and shall invite nominations from Members and conduct an election for a person to preside at the meeting or in respect of the particular item, as necessary.
- 4.4 Where there is an equality of votes on such election, the Chief Executive or his/her representative may adjourn the meeting for up to 15 minutes. If after such adjournment there is still an equality of votes, the matter shall be determined by the drawing of lots.
- 4.5 The Chair shall be responsible for:
- upholding and promoting the purposes of the Constitution;
 - interpreting the Constitution where necessary, having regard to advice from officers as appropriate;
 - ensuring that the business is carried out efficiently and with regard to the rights of Councillors and the interests of the community.

5. Quorum

- 5.1 A quorum is the number of Members needed to enable a meeting to proceed. Unless specified in the relevant Articles, the quorum shall be one quarter of

the membership (rounded up) or a minimum of two Members, whichever is the greater.

- 5.2 If the meeting is not quorate 15 minutes after the published start time, the business shall be adjourned to the next scheduled meeting or to a date to be arranged.
- 5.3 If a quorum is lacking at any time after a meeting has started, the meeting shall be suspended for up to 15 minutes, after which time if a quorum is still not achieved, the meeting will end. Any items of business remaining on the agenda for that meeting will be held over to the next scheduled meeting or to a date to be arranged.
- 5.4 Members present at an inquorate meeting can, if they feel there is any merit in doing so, discuss issues but strictly on an informal basis only. The minutes will make only brief reference to any such discussions.

6. Order of Business

- 6.1 The Chair may, at his/her discretion, vary the published order of business at a meeting if it is considered to be in the best interests.

7. Duration of Meetings

7.1 Termination of Meetings

- 7.1.1 If the business of the meeting has not been concluded after two hours of its commencement, the proceedings may be extended for a reasonable further period, with the agreement of a majority of the Members present. Any unfinished business will be referred to the next meeting.
- 7.1.2 A 'reasonable further period' is suggested as 15 minutes although the Members present may agree to extend the meeting for a maximum of 30 minutes. There is no provision to extend the meeting for a second, further period.
- 7.1.3 These arrangements do not apply to quasi-judicial meetings such as the Planning Committee, Licensing Sub-Committee and the Personnel Board, although every effort should be made to conclude the business in an efficient manner in order to minimise potential additional costs associated with the late closure of Council buildings.

7.2 Disposal of remaining business

- 7.2.1 The proceedings of the meeting may be concluded earlier with the agreement of the majority of the Members present. Any unfinished business will be referred to the next meeting.

8. Minutes

8.1 Signing the minutes

8.1.1 The Chair will, at the next suitable meeting, 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. If approved by the meeting, the Chair will then sign the minutes.

8.2 Form of Minutes

8.2.1 Minutes will be a concise and accurate record of the essence of the discussions and the decision, in a form that can be clearly understood by a member of the public.

8.2.2 The form of minutes may vary depending on the type of meeting but shall not be a verbatim record, save for motions and amendments which shall be recorded in the exact form in which they are put to the meeting.

8.2.3 Minutes will be made available for public inspection in accordance with statutory requirements.

8.2.4 The minutes will be the formal record of attendance at meetings by Members.

9 Point of Order

9.1 A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the Council Procedure Rules or the law. In relation to a breach of 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 Chair on the matter will be final.

10. Voting

10.1 Majority

10.1.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members eligible to vote and present in the room at the time.

10.2 Method of Voting

10.2.1 Unless a recorded vote is required under paragraph 10.3 or 10.4 below, voting shall be by the show of hands or, if there is no dissent, by the affirmation of the meeting.

10.2.2 At his/her discretion, the Chair may require that any available electronic voting system is used.

10.3 Recorded vote

10.3.1 Notwithstanding Rule 10.4, any five Members present at the meeting may require the individual votes on a decision to be recorded in the minutes of the meeting. The procedure for a recorded vote shall be as follows:

- The Chair shall put the motion and the Chief Executive (or his/her representative) shall call out the names of Members and record their votes or abstentions.
- The Chair shall declare the result of the vote and the vote of each Member shall be recorded in the minutes.

10.3.2 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require that immediately after any vote on the budget or council tax is taken at a budget decision meeting of an authority, the individual votes on a decision must be recorded in the minutes of the meeting

10.4 Right to require individual vote to be recorded

10.4.1 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be waived. Where any Councillor requests it immediately after the vote is taken, his/her vote shall be recorded in the minutes.

10.5 Voting on appointments

10.5.1 If there are more people nominated for any position(s) than there are position(s) to be filled and there is not a clear majority of votes in favour of the required number of people, 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. Where there is an equality of votes for a person to continue in the appointment process, a vote shall be taken between those candidates having an equality of votes to determine which candidate shall continue in the appointment process.

10.6 Chair's casting vote

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

11. Attendance and Speaking at Meetings by Councillors not Formally Appointed to the Meeting

11.1 A Councillor may attend any Member-level meeting to which they have not been appointed, but they cannot vote at that meeting. Unless otherwise stated or provided for in the rules for particular meetings, a Councillor may speak at the meeting at the discretion of the Chair.

- 11.2 Similarly a Councillor may stay for the whole meeting, unless asked to leave for specific reasons (ie. consideration of confidential or exempt information) which will be explained by the Chair and recorded in the minutes. Councillors must respect the confidentiality of the discussions in any non-public part of any meeting and of any papers which are restricted from publication.

12. Public Participation in Council meetings

- 12.1 The public have the right to ask questions and receive answers at meetings of the Council. The arrangements below shall apply to all public meetings of the Council, with the exception of quasi-judicial meetings that relate to planning and licensing which have their own speaking / public involvement arrangements and any other arrangements as set out in the respective Articles within this Constitution.

Arrangements for Submitting Public Questions

- 12.2 Questions must be submitted to the Chief Executive by no later than midday 3 working days prior to the meeting in question (e.g. for a meeting taking place on a Tuesday, the deadline for the receipt of questions shall be midday on the Thursday before).
- 12.3 Questions must relate to a substantive item on the agenda for that meeting.
- 12.4 An individual may submit only one question per meeting and must include his/her home address when submitting the question (this information will not be disclosed by the Chief Executive).
- 12.5 The Chief Executive may reject a question if in his/her opinion:
- (i) The question has not complied with the requirements of paragraphs 12.2 – 12.4 above;
 - (ii) it is of a vexatious or derogatory nature or otherwise considered improper or inappropriate;
 - (iii) it is contrary to any provision of any code, protocol, legal requirement or rule of the Council; and/or
 - (iv) the same or similar question has already been submitted by another member of the public for the same meeting or been considered in the previous six months.
- 12.6 Prior to the Chief Executive rejecting a written question on any of the above grounds, he/she shall consult with the relevant Chair. The Chief Executive shall inform the member of the public who submitted the question of his/her decision as soon as possible.

Procedure for Questions at Council Meetings

- 12.7 Where the member of the public who submitted the question is present at the meeting, he/she shall be invited to introduce the question (as submitted) or it shall be read out on his/her behalf.
- 12.8 The relevant Cabinet Member under whose name the report is presented or the relevant Chair (as appropriate) shall provide a verbal response to the

question without discussion (which may include an undertaking to provide a more detailed answer in writing).

- 12.9 The Member of the public who submitted the question may ask one supplementary question arising directly out of the initial response, without notice, and the relevant Cabinet Member / Chair shall respond to the supplementary question wherever possible, without discussion. Where the relevant Cabinet Member / Chair is unable to respond to the supplementary question, an undertaking may be given to provide a response in writing. A supplementary question may only be asked by the original questioner and not by a substitute.
- 12.10 Where the member of the public who submitted the question is not present at the meeting, the relevant Cabinet Member / Chair may, at his/her discretion, provide a written response to the question which shall be published.
- 12.11 A period of up to 30 minutes in total shall be available for public questions.
- 12.12 Questions will be asked in the order in which they are received by the Chief Executive. This order will be presented to the meeting and those in attendance at the start of the meeting. At the Chair's discretion, this order may be varied by a simple majority vote of the Members present. Questions and supplementary questions will be asked in accordance with this order, until all contributions have been made or 30 minutes elapsed. Any question not raised and answered within the allotted 30 minutes will receive a written answer, which shall also be published on the Council's website.
- 12.13 The Chair may, at his/her discretion, allow a member of the public who has not submitted a valid question to speak at a meeting (subject to any overriding provisions in relation to quasi-judicial meetings) but that shall not extend to asking a question.

13. Conduct / Disturbance at Meetings

- 13.1 It is the responsibility of the Chair to keep order at meetings.
- 13.2 Councillors are expected to behave in a professional manner and to respect the ruling of the Chair.
- 13.3 If a Councillor persistently misconducts him or herself by behaving irregularly, offensively or improperly, or using inappropriate language, or by disregarding the Chair and knowingly or deliberately obstructing the business, in breach of the Councillors' Code of Conduct, the Chair, or any other Councillor, may move that the Councillor be no longer heard. If seconded, the matter will be put to the vote and determined without discussion. The Councillor concerned cannot vote in these circumstances.
- 13.4 If the Councillor concerned continues his/her misconduct, the Chair may either move that the Councillor leaves the meeting or that the meeting be adjourned for a period which the Chair feels will be appropriate to contain the problem. Such motions must be seconded and determined as above.

- 13.5 If a member of the public interrupts a meeting, the Chair will ask them not to do so and warn them that if the interruption continues, the person will be required to leave. If the person continues to interrupt, the Chair can order him/her to leave the meeting. If necessary, the assistance of staff will be sought to escort the person out of the building.
- 13.6 Where there is a general disturbance in any part of the room where a meeting is being held, the Chair may, at his/her discretion, order that it be cleared. If the general disturbance is considered by the Chair to be such that the meeting cannot reasonably continue, he/she shall adjourn the meeting for a certain period or until another day, whichever is felt to be most appropriate in the circumstances.
- 13.7 The Council's security staff and/or the Police will be called to assist in any situation if necessary.

14. Exclusion of the Public and Press

- 14.1 Members of the public and press may only be excluded from a public meeting in accordance with the Access to Information Rules at Part 2, Chapter 17 of this Constitution and/or Rule 13 above.

15. Filming, Photography and the Use of Social Media at Council Meetings

- 15.1 The Council welcomes the filming, photography and the use of social media at its meetings as a means of reporting on its proceedings because this helps to make the Council more transparent and accountable to the local community.
- 15.2 The overriding principle is that the proceedings of any meetings should not be disrupted by filming, photography or the use of media tools by members of the press and public, or by Councillors.
- 15.3 Chapter 6 of Part 5 of the Constitution sets out the procedures in respect of filming, photography and the use of social media at Council meetings.

16. Delegation of functions to sub-committees and officers

- 16.1 Committees may arrange for the discharge of any of their functions by a sub-committee or an officer, and a sub-committee may delegate any of its functions to an officer, subject to any overriding provisions.
- 16.2 Committees may also consider any matter which has been delegated to a sub-committee or to officers, subject to any overriding provisions.