

GOLD COAST CITY COUNCIL



LOCAL LAW POLICY No. 1

(MEETINGS)

REPEALED (GAZETTE 19/12/08)

**GOLD COAST CITY COUNCIL
LOCAL LAW POLICY NO 1 (MEETINGS)**

To be Read with: Local Law (Meetings)

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PART 1 - PRELIMINARY

Citation

- 1 This document may be cited as Local Law Policy No 1 (Meetings).

Object

- 2 To establish procedures for the conduct of Meetings of Council and Committees.

Definition

- 3 “**Authorised Person**” means a person authorised by the Chief Executive Officer for the purposes of enforcing and maintaining order at a meeting.

PART 2 - MEETINGS OF THE LOCAL GOVERNMENT

Order of business - Post Election meetings

- 4 At the Post Election meeting the order of business will be:
- (a) Presentation and tabling of Returning Officer’s report
 - (b) Reception of Returning Officer’s report
 - (c) The making of declarations of office
 - (d) Election of Deputy Mayor
 - (e) Fixing of day/times for ordinary meetings
 - (f) Appointment of Members, Chairpersons and Deputy Chairpersons and determination of the membership tenure of the standing committees
 - (g) Appointment of representatives of Council to membership of organisations, statutory or otherwise, in respect of which Council is entitled to appoint representatives
 - (h) Any other business as directed by the Mayor.

Mayoral Minute

- 5 The Mayor may, by a signed minute, introduce a matter for consideration at a Meeting and the matter takes precedence over all other matters for consideration at the meeting, other than the recording of leave of absence and condolences, and may

be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

Business of a Meeting

- 6 The business of a meeting may include, but is not necessarily restricted to:
- (a) attendance (including leave of absence)
 - (b) condolences
 - (c) business which the Mayor wishes to have considered at the meeting without notice (Mayoral minute/s)
 - (d) confirmation of minutes of previous meeting(s)
 - (e) Mayor's report
 - (f) clarification - members
 - (g) business arising out of minutes of the previous meeting(s)
 - (h) presentations
 - (i) reception and consideration of Committee reports
 - (j) consideration of notified motions
 - (k) answers to questions of which notice has been given
 - (l) presentation of petitions
 - (m) any other business Council determines by resolution from time to time
 - (n) general business

Pursuant to Section 722(3)(a) of the Local Government Act, and subject to the provisions of the Local Law Meetings and this Policy, the Chief Executive Officer determines the business paper content for any meeting.

The order of business may be determined by resolution of Council from time to time. A motion, at a meeting, to alter the order of business of that meeting, may be moved without notice. Unless otherwise amended by resolution of Council, business at an ordinary meeting is dealt with in the order shown in items (a) to (n) above.

Commencement of business

- 7 A meeting commences when the Chairperson declares the meeting open.

Ouster of the Chairperson (This Section does not apply to the Mayor, Deputy Mayor or an Acting Mayor)

- 8 If during any meeting the Chairperson refuses to deal with a point of order when raised, or refuses to accept a motion of dissent from any ruling made by the Chairperson on a point of order, or if following the carrying of such a motion, or at any other time during any meeting, the Chairperson fails to continue presiding over the meeting in accordance with the Act, Local Laws and Policies of the Council, or any motion of dissent which has been carried, then the Deputy Chairperson, or in the absence of the Deputy Chairperson, another Member appointed immediately by the

Council, must act as Chairperson of the meeting until completion of the business which is before the Council.

Material Personal Interests

- 9 Where a Councillor has disclosed a material personal interest in a matter to be considered at a meeting of the Council or its Committees and has retired from the meeting place prior to the commencement of discussion on the disclosed matter and until the matter has been determined, the Councillor must ensure that his/her removal from the meeting place is sufficiently remote that he/she is unable to see or hear the proceedings or to be seen or heard by those inside the meeting place until the matter is determined and the Chairperson invites the Councillor to rejoin the meeting,

Clarification - Members

- 10 (1) Regardless of any provisions in the Local Laws and Policies, any Member feeling aggrieved by anything which has transpired between the termination of one meeting and the commencement of another may raise a matter for clarification. However no Member may raise a matter for clarification without first obtaining the consent and approval of the Mayor.
- (2) In the event of a matter for clarification being raised by a Member of the Council, the matter must be raised immediately following any business which the Mayor wishes to have considered at the meeting.

Adjournment of Meetings

- 11 If a motion to adjourn a meeting is defeated, the Chairperson is not bound to accept a further motion for adjournment within half an hour.

Adjournment After Four Hours of Continuous Sitting

- 12 Any member of Council may, after a meeting has sat continuously for four hours, move for an adjournment until such time as may be fixed by resolution for the purpose, unless a majority of the Members of the Council then present, on a question put from the chair without any formal motion, resolve to continue the sitting.

Lapse of a Quorum

- 13 (1) If during the conduct of a meeting the Chairperson becomes aware that a quorum is no longer present the meeting must be adjourned to a date and time to be determined by the Chairperson but no later than fourteen days from the date of the adjournment.

- (2) When the conduct of a meeting is interrupted as a result of the loss of a quorum, the business of the resumed meeting must commence at the point in the meeting agenda at which the interruption occurred.
- (3) However the meeting may be adjourned to a later time on the same day.

Presence of Members

- 14 A Member is not deemed to be present at any meeting of the Council or Committee unless the Member is inside the Meeting Room.

Precedence of Chairperson

- 15 When the Chairperson rises during the progress of a debate, any Member then speaking or offering to speak must immediately be seated and every Member present must preserve strict silence, so that the Chairperson may be heard without interruption.

Notice of Business to be given by a Councillor

- 16 (1) A matter for which notice has not been given may be considered at a Meeting during that part of the meeting set aside for General Business. The proposer of a General Business item, prior to the motion being seconded, must seek the approval of Council to move the motion.
- (2) Matters considered under General Business must not include any matter which would properly be the subject of a Committee report.

Method of Taking Vote

- 17 (1) Prior to a motion/amendment being put to a vote any Councillor may request that the motion/amendment under discussion be read or stated and may require the production of any records of the Council bearing upon such motion/amendment as are readily accessible. However if it is the opinion of the Chairperson that the request has not been made in good faith, the Chairperson may decline the request.
- (2) The Chairperson must, in taking the vote on a motion or amendment, put the question first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion on whether the affirmative or the negative has the majority vote.
- (3) The Council must vote by a show of hands as directed by the Chairperson. Any Councillor may call for a division on a question. If a division is taken the names of the Councillors voting in the affirmative and of those voting in the negative must be recorded in the minutes of the meeting.

- (4) The Chairperson must put to the Meeting all motions/amendments on which a vote is required to be taken and must declare the decision.
- (5) Councillors have the right to request that their names and how they voted be recorded in the minutes.

Motions

- 18 (1) A motion brought before a meeting of the Council in accordance with the Local Government Act, a Local Law or Local Law Policy must be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or to be in writing before permitting it to be received.
- (2) The Chairperson may call the notices of motion in the order in which they appear on the business paper, and where no member wishes to speak against the motion, the Chairperson may put the motion to the vote without discussion.
- (3) A motion on the business paper for a meeting may only be removed with the permission of Council.
- (4) When a motion has been moved and seconded, it becomes subject to the control of the Council and may not be withdrawn without the consent of the Council and the mover and seconder of the motion.

Motions out of order to be rejected

- 19 Whenever the Chairperson decides that any motion, amendment or other matter is out of order it must be rejected.

Absence of Mover of Motion

- 20 Where a Councillor who has given notice of a motion is absent from the meeting of the Council or declines to move the motion at that meeting, the motion may be
 - (a) moved by another Councillor at the meeting; or
 - (b) deferred by the Chairperson to the next meeting.

Motion to be seconded

- 21 (1) A motion or an amendment to a motion, unless otherwise provided, may not be debated at a meeting of the Council unless or until the motion or the amendment is seconded.

- (2) However, a Councillor who signifies an intent to move a motion or an amendment to a motion may speak for a period of one minute, or longer if permitted by the Chairperson, in support of that motion or amendment before it is seconded.

Amendment of motion

- 22 (1) An amendment to a motion must be in terms which retain the intent of the original motion and do not negate the motion.
- (2) Not more than one motion and/or one proposed amendment to a motion may be put before a meeting of the Council at any one time.
- (3) If an amendment to a motion is before a meeting of the Council, no other amendment to the motion is to be considered until after the first amendment has been put, however the Chairperson may permit a Member to foreshadow a further amendment before or during the debate.
- (4) If an amendment has been carried the amended motion becomes the motion before the Council. Further amendment to the motion may then be moved.
- (5) If an amendment, whether to an original motion or to any amended motion, is not carried, then a further amendment may be moved to the motion.
- (6) If a motion is amended by another motion, the original motion may not be put as a subsequent motion of amendment.
- (7) The mover or seconder of the original motion and an amendment may propose or second further amendments.

Speaking to Motions and Amendments

- 23 (1) A Councillor may through the Chairperson request further information before or after the motion or amendment is seconded.
- (2) Following the seconding of a motion or amendment, the respective mover of that motion or amendment has the option of speaking first to that motion or amendment.
- (3) The mover of the original motion has the right of reply to the original motion and any subsequent amendment. The mover of any amendment has no right of reply either to the motion or the amendment. Each Councillor may speak no more than once on the same motion or amendment except as a right of reply.
- (4) Each speaker is restricted to not more than ten (10) minutes unless the Council otherwise resolves.

- (5) If two or more Councillors signify at the same time that they wish to speak, the Chairperson must determine who shall speak first.

Personal Explanation

- 24 (a) A Member may, with the permission of the Chairperson, make a personal explanation in relation to some material part of the Member's former speech which the Member considers may have been misunderstood or misrepresented.
- (b) Where the Chairperson permits a personal explanation, but another member is making a speech, then the member speaking may refuse to allow the personal explanation to be given until that member has finished speaking.

Procedural motions

- 25 A Councillor at a Meeting of the Council may move any of the following procedural motions at any time, but the motion must be seconded before being considered:

- (a) That the question/motion be now put

A procedural motion, that the question/motion be now put, may be moved immediately a motion is moved and seconded where required or at the conclusion of a speech on the matter by a Councillor and it shall be put by the Chairperson without debate. Where such a procedural motion is carried, the Chairperson must immediately put the question or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion will continue.

- (b) That the motion and any amendment, if applicable, now before the meeting be adjourned.

The procedural motion, that the motion and any amendment now before the meeting be adjourned, must specify a time or date to which the debate is to be adjourned.

- (c) That the Meeting proceed to the next item of business

Where a procedural motion, that the meeting proceed to the next item of business, is carried, debate on the matter must cease and the matter may only be considered again by the Council on the giving of notice in accordance with the Local Government Act, Local Law or Local Law Policy.

- (d) That the question lie on the table - The "Tabling Motion"

A procedural motion, that the question lie on the table, may be moved at the conclusion of a speech on the matter by a Councillor.

If the motion is carried the matter is disposed of unless and until a motion is carried “that the matter be taken off the table”. Once the matter is taken off the table, all members, whether or not they have previously spoken, have the right to speak.

If the tabling motion is lost, debate continues and the “Tabling Motion” cannot again be moved in respect to that substantive motion.

If the tabling motion is moved and carried whilst an amendment is before the chair, both the motion and the amendment are laid on the table.

The “Tabling Motion” is not in order if a procedural motion is before the chair.

A “Tabling Motion” or a motion to take a matter off the table is not open to either discussion or amendment.

- (e) A motion of dissent against a ruling of the chair

A Councillor may move a “motion of dissent” in relation to a ruling of the Chairperson. Where such motion is moved, further consideration of any matter is suspended until after the motion is resolved. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made will proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it must be restored to the business paper and dealt with in the normal course of business.

- (f) That the rule requiring that be suspended for a period of

A procedural motion, to suspend the rule requiring that ..., may be made by any Councillor in order to permit an action prevented by a procedural rule. A motion to suspend a rule shall specify the duration of the suspension.

- (g) That the meeting be closed to the public

The Council may for the consideration of any matter, subject to compliance with the Local Government Act, resolve that the meeting be closed to the public.

- (h) That the Meeting be adjourned

A procedural motion, that the meeting be adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of the Councillor’s time for speaking on a matter, and must be put without debate. This procedural motion must specify a time for the resumption of the meeting. On resumption of the meeting the Council must continue with the business before the meeting at the point where it was adjourned.

Questions

- 26 (1) A Councillor may, via the Chairperson, at a Council meeting ask, if it is relevant to the business of Council, a question for reply by another Councillor or Officer regarding any matter under consideration at the meeting. A question must be asked categorically and as briefly as possible. A Councillor or Officer to whom a question is directed without notice may request that the question be taken on notice for the next Meeting.
- (2) Any Councillor wishing to ask a question relating to the general work or procedure of the Council or any matter under the jurisdiction of an Officer or Councillor but not related to any matter under consideration at that meeting, may do so in General Business; however the member must seek permission of Council to ask the question. Alternatively, if permission is not granted, the member must provide the question in writing to the Chief Executive Officer at least two days prior to the issue of the notice of meeting for the meeting at which it is to be asked.
- (3) The asking or answering of a question under this section does not constitute debate for the purposes of determining whether a Member has spoken on the matter under consideration.
- (4) The Chairperson may disallow a question which is considered to be inconsistent with good order.

Petitions

- 27 (1) Any petition presented to a meeting of Council must be legibly written or typewritten, be in acceptable terms, contain a minimum of ten (10) signatures and include the names and addresses of the individual signatories.
- (2) A petition may be presented to a meeting of the Council by a Councillor who, before presenting the petition, must, as far as practicable, become acquainted with the subject matter of the petition. A Councillor, on presenting a petition to a meeting must (i) state the nature of the petition and (ii) read the petition.
- (3) Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it is allowed and the only motions which may be moved are that -
- (a) the petition be received and referred to a Committee or Officer for consideration and a report to the Council, or
- (b) the petition not be received.

Digression

- 28 Members must confine their remarks at all times to the matters immediately under consideration.

Closed Meetings

- 29 (1) Where a procedural motion that the meeting be closed to the public is passed, the meeting must immediately go into Closed Session, with the press and public excluded. All discussion conducted during Closed Session will remain confidential.
- (2) If at any time during the sitting of the Council in Closed Session the attention of the Chairperson is called to the fact that persons are improperly present, the Chairperson must immediately request those persons to leave and they must leave immediately.

Reports

- 30 (1) All Committees, unless otherwise resolved by Council pursuant to Section 458 of the Local Government Act, must submit reports and/or recommendations to the Chief Executive Officer who will list them on the agenda for the next available meeting of Council.
- (2) If in a report of a Committee distinct recommendations are made, the decision of the Council may be taken separately on each recommendation or as otherwise determined by the Council.

PART 3 - MEETINGS OF LOCAL GOVERNMENT COMMITTEES

Appointment of Committees

- 31 The Mayor is a member of all committees whether expressly appointed or not.

Advisory Committees

- 32 (1) Advisory Committees may consist of any number of Members and may be appointed for the performance of any duty, not of a permanent nature, for which in the opinion of the Council an Advisory Committee ought to be appointed.
- (2) The appointment of every Advisory Committee must be made by resolution of the Council and the motion to appoint the Advisory Committee must include the following:-
- (a) the duties proposed to be entrusted to the Committee;
 - (b) the term of the appointment of the Committee;

- (c) the Committee membership, including Councillors and, where applicable, persons who are not Councillors;
 - (d) the Committee Chairperson who must be a Councillor unless the Council otherwise decides.
- (3) Once the Committee has completed its function or duties, Council may dissolve that Committee.

Committee Business Confidential

- 33
- (1) All discussions of the Committee in Closed Session must be kept confidential unless otherwise approved by that Committee or Council.
 - (2) If at any time during the sitting of the Committee in Closed Session the attention of the Chairperson is called to the fact that persons are improperly present, the Chairperson must forthwith request those persons to leave and they shall leave immediately.
 - (3) The provisions of sub-clause (1) above do not apply to the disclosure of information by Members or Officers of the Council under the provisions of any statute or in accordance with law.

Public in Committee Meetings

- 34
- (1) No person other than a Member of the Council may take part in a Committee debate unless the Chairperson invites the person to address the Committee on the matter before it.
 - (2) Any person or persons wishing to be heard personally or as a deputation on any matter relevant to a Committee may make written application to the Chief Executive Officer requesting to address the Committee.
 - (3) The Committee must determine whether the matter will be heard.
 - (4) A deputation or personal address may not exceed ten minutes unless otherwise agreed by the Chairperson.

Address by-Non Members - Committee Meetings

- 35
- (1) If any address or comments by a non-member are, in the opinion of the Chairperson, irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
 - (2) Any person addressing the Council or a Committee must stand and act and speak with decorum and frame any remarks in respectful and courteous language.

Adjournment - Committees

- 36 (1) Any member of a Committee may, after a meeting has sat continuously for four hours, move for an adjournment until a time fixed by resolution for the purpose, unless a majority of the Members of the Committee then present by vote on a question put from the chair, without any formal motion, resolve to continue the sitting.
- (2) However any Committee of the Council may by resolution adjourn from time to time.

Attendance at Committee/Inspection Meetings

- 37 Any Member of Council may attend and address any Committee meeting or inspection if the Member so desires but is not, unless appointed by Council to that Committee, entitled to vote at the meeting.

Council Officers - Attendance at Committee Meetings

- 38 Every Standing Committee may before entering into discussion on any matter call on the relevant Director and/or the Director's nominee to be present at the discussion and the Director or the Director's nominee must attend.

PART 4 - MAINTENANCE OF GOOD ORDER

Questions of Order/Disorder - How Raised by Members

- 39 (1) A Member who:-
- (a) considers that the Chairperson or a Member has breached the requirements of the Act, Local Law or Local Law Policy as they apply to the conduct of Council or Committee Meetings, or
 - (b) considers that the Chairperson or a Member has committed an act of disorder, or
 - (c) desires a ruling by the Chairperson upon a matter upon which the Chairperson is required or entitled to make a ruling under the Act, Local Law or Local Law Policy as they apply to meetings procedure

may at any time interrupt the debate state the matter complained of and request a ruling by the Chairperson.

- (2) When the Chairperson or a Member rises to raise a question of order/disorder the Chairperson or Member who was speaking at the time must immediately cease the debate and be seated.
- (3) Only one question of order/disorder may be placed by a Member before the meeting at any one time, however, once a question of order/disorder is properly ruled upon a further question of order/disorder may be raised.
- (4) Once the question or questions of order/disorder have been ruled upon the Chairperson must determine how the debate is to be resumed.

Questions of Order - How Dealt With

- 40**
- (1) The Chairperson must immediately deal with a question of order/disorder raised by a Member pursuant to the requirements of the Act, Local Law or Local Law Policy.
 - (2) If a Member called to order seeks permission to explain, retract or apologise, the Chairperson may grant or refuse such request.
 - (3) Where an explanation, retraction or apology has been made the Chairperson must rule on whether such explanation, retraction or apology is sufficient.

Conduct during Meetings

- 41**
- (1) A Councillor must not leave a meeting without first notifying the Chairperson.
 - (2) At a Council meeting Councillors, unless unable to do so due to a physical disability, must stand and address the chair while moving any motion or amendment, or taking part in any discussion, placing or replying to any question, or addressing the Council for any other purpose.
 - (3) Councillors must refer to each other during a Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing Officers must designate them by their official or departmental titles, and must confine their remarks to the matter under consideration.
 - (4) Councillors must remain seated and silent while a vote is being taken except when requesting a division.
 - (5) No Councillor who is speaking is to be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.

General Disorder - Chairperson may adjourn

- 42 (1) A state of general disorder is deemed to exist when the Chairperson finds that a majority of the members present at a meeting are not prepared to continue with the orderly conduct of the meeting, and rules accordingly.
- (2) The Chairperson may, where general disorder arises at a meeting, adjourn the meeting for 30 minutes and quit the chair.
- (3) On resumption of the meeting, the Chairperson must move a motion, which shall be put without debate, to determine whether the meeting will proceed.
- (4) Where the motion to proceed is lost, the Chairperson must declare the meeting closed, and direct that any outstanding matters be referred to a future meeting.
- (5) The Chairperson must nominate the date and time of that future meeting.

PART 5 - RECORD OF MEETINGS

Minutes - Confirmation

- 43 The minutes of the previous ordinary meeting must be confirmed immediately after consideration of leave of absence, condolences and any matter with the Mayor wishes to have considered at the meeting without notice,.

Audio and Video Recording of Meetings

- 44 (1) An audio tape recording must be made, by the Chief Executive Officer, of proceedings of Council Meetings and is an unofficial record. The audio tape must be erased three (3) weeks after the confirmation of the Minutes of the Meeting of which the recording was made.
- (2) Members/Officers will be permitted to hear the audio tape at any time prior to the audio tape's erasure.
- (3) The Chairperson of a Council or Committee meeting may approve audio or video recording of the proceedings of the meeting by the media.
- (4) The Council or a Committee may by resolution authorise other audio or video recordings of its meetings.

PART 6 - PRESS AND PUBLIC

Public at Meetings

- 45 (1) Part of the meeting places for Council or Committees must be made available for the accommodation of the public and such number of the public as can be reasonably accommodated will be permitted to attend each meeting, but no expression of dissent or disapproval, conversation, or interruption of the proceedings of the meeting by the public shall be permitted..
- (2) When the Council or a Committee resolves to close the meeting to the public, the public and representatives of the media must be excluded from that part of the meeting.

Deputations

- 46 (1) (a) Any person or persons wishing to be heard personally or as a deputation on any matter to come before the Council must make written application to the Chief Executive Officer.
- (b) If the matter upon which audience is requested has been or will be submitted to any Committee, the application must be referred to that Committee.
- (2) If an application is received and the matter has already been considered by a Committee, Council may reject the application, receive the deputation subject to any condition, or refer the matter and the deputation back to the Committee for consideration and report.
- (3) A deputation may not exceed five in number, and only two members may address the Council or Committee, except in reply to questions from Councillors or by permission of the Mayor, and the matter will not be further considered by the Council or Committee until the deputation has withdrawn.

Press, radio, television privilege

- 47 Reasonable accommodation and facilities to report proceedings will be provided within the meeting places for the Council or Committees for representatives of the press, radio and television. Copies of Agenda, excluding confidential items, will be made available to the representatives.