

## Part 4.1 – Rules of Procedure

Standing Order 1 - Annual Meeting of the Council	3
Standing Order 2 – Ordinary Meetings	5
Standing Order 3 – Extraordinary Meetings	5
Standing Order 4 – Time and Place of Meetings	5
Standing Order 5 – Notice and Summons to Meeting	5
Standing Order 6 – Political Groups	6
Standing Order 7 – Leader of the Council	6
Standing Order 8 – Chairperson of the Council	7
Standing Order 9 – Vice Chairperson	7
Standing Order 10 – Chairperson of Meeting	8
Standing Order 11 – Quorum	8
Standing Order 12 – Record of Attendances	8
Standing Order 13 – Order of Business	8
Standing Order 14 – Motions on Notice	9
Standing Order 15 – Motions moved without Notice	9
Standing Order 16 – Presentation of Petitions by Members	10
Standing Order 17 - Public Participations & Presentation of petitions by the public	11
Standing Order 18 - Public Speaking at Planning & Regulatory Committee	14
Standing Order 19 - Questions	15
Standing Order 20 - Rules of Debate	15

Standing Order 21 - Matters referred by Cabinet or Policy & Scrutiny Committee _	19
Standing Order 22 - Annual reports of the Policy & Scrutiny Committee_____	20
Standing Order 23 - Dispute resolution _____	20
Standing Order 24 - Voting _____	22
Standing Order 25- Voting on Appointments _____	23
Standing Order 26 - Minutes _____	23
Standing Order 27 - Exclusion of Press & Public_____	24
Standing Order 28 - Scheme of Declaration _____	24
Standing Order 29 - Appointment of Committees _____	24
Standing Order 30 - Election of Chair & Vice Chair Person of Committees _____	25
Standing Order 31 - Committee Substitution _____	26
Standing Order 32 - Special Meetings of Committee_____	27
Standing Order 33 - Quorum of Committees & Sub-committees_____	27
Standing Order 34 - Committie & Sub-committee Minutes & Voting _____	27
Standing Order 35 - Standing orders to apply to Committees & Sub-committees__	28
Standing Order 36 - Standing orders to apply to Standards Committees _____	28
Standing Order 37 - Motions affecting person employed by the Council _____	28
Standing Order 38 - Disorderly Conduct _____	29
Standing Order 39 - Interests of Members _____	30
Standing Order 40 - Interests of Officers in Contracts _____	30
Standing Order 41 - Record of Interests _____	31
Standing Order 42 - Suspension & Amendment of Standing Order _____	31
Standing Order 43 - Interpretaions of Standing Order _____	32

## 1 Standing Order 1 – Annual Meeting of the Council

In a year when there is an ordinary election of Councilors, 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 will:

- 1.1 elect a person to preside in the chairperson of the Council is not presents.
- 1.2 elect the Chairperson of the Council.
- 1.3 elect the Vice Chairperson of the Council.
- 1.4 approve the minutes of the last meeting.
- 1.5 receive any announcements from the Chairperson
- 1.6 elect the Leader
- 1.7 appoint at least one Policy and Scrutiny Committee, a Standards Sub-committee and such other Committees as the Council consider appropriate to deal with matters which are neither reserved to the Council nor Cabinet functions
- 1.8 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.
- 1.9 approve a programme of ordinary meetings of the Council for the year, and
- 1.10 Consider any business set out in the notice convening the meeting.

At the annual meeting, the Council will;

- 1.11 decide which Committees to establish for the municipal year
- 1.12 decide the size and terms of reference for those committees
- 1.13 decide the allocation of seats to political groups in accordance with the political balance rules
- 1.14 receive nominations from Councillors to serve on each Committee and outside body
- 1.15 appoint to those Committees and outside bodies except where appointments to those bodies have been delegated by the Council or is exercisable only by the Cabinet.

## 2 Standing Order 2 – Ordinary Meetings

Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting.

Ordinary Meetings will:

- 2.1 elect a person to preside if the Chairperson and Vice Chairperson are not present;
- 2.2 receive any declarations of interest from Members;
- 2.3 approve the minutes of the last meeting;
- 2.4 receive any announcements from the Chairperson, Leader or Head of Paid Services;
- 2.5 deal with any business from the last Council meeting;
- 2.6 to hear Members of the public under public participation, to receive petitions and deputations made by the public, receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting (where it is not possible to provide an answer at the meeting when a question is put the following meeting will be advised of the answer): with a total of 30 minutes being allotted for this agenda;
- 2.7 receive reports from the Cabinet and the Council's Committees and receive questions and answers to any of those reports;
- 2.8 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 2.9 consider motions;
- 2.10 consider any other business specific in the summons to the meeting including the consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of a Policy and Scrutiny Committee for debate

### 3 Standing Order 3 – Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings

- 3.1 The Council by resolutions;
- 3.2 The Chairperson of the Council;
- 3.3 The Monitoring officer; and
- 3.4 Any five members of the Council if they have signed a requisition presented to the Chairperson and he/she has refused to call a meeting or has failed to call a meeting within 7 days of the presentation of the requisition.

### 4 Standing Order 4 – Time and Place of Meetings

The Time and place of meetings will be determined by the Proper Officer and notified in the summons

### 5 Standing Order 5 – Notice of and Summons to Meeting

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 3 clear days before the meeting, the Proper Officer will send a summons by post or electronic communications to every Member of the Council or leave it at their usual place of residence. 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 report as are available.

## 6 Standing Order 6 – Political Groups

- 6.1 A political group shall be recognised by the Council as a “Political Group” where a notice in writing is/has been delivered to the Assistant Director Legal and Governance, signed by two or more Members who wish to be treated as such and the Assistant Director Legal and Governance has also been notified in writing of the name of the political group and the name of one Member of the political group who has signed the notice. The Leader and Deputy Leader of each group shall be notified to the Assistant Director Legal and Governance in the same way

### Communication

- 6.2 The Leader of a political group or in that person’s absence the Deputy Leader will be a point of contact between officers and Members of the political group.

## 7 Standing Order 7 – Leader of the Council

- 7.1 The “Leader of the Council” shall be elected by the Council at the annual post-election meeting for a period of four years ending at the following annual post-election meeting. The Leader shall also be Chairperson of the Cabinet.
- 7.2 The Leader will hold office until
- 7.2.1 He/She resigns from office or
  - 7.2.2 He/She is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office after the period of suspensions) or
  - 7.2.3 He/she is removed from office by resolution of the Council or
  - 7.2.4 On expiry of their term of office
- 7.3 If at the annual post-election meeting the Council fails to elect a Leader, then the Leader shall be elected at a subsequent meeting of the Council.

- 7.4 If the Leader resigns or is removed by resolution of the Council, he or she shall cease to be Leader immediately. If a Leader cannot be appointed at the meeting the Deputy Leader shall fulfill the role of Leader until a new Leader is appointed
- 7.5 The Leader will appoint the Deputy Leader and up to eight Members of the Council to form the Cabinet.

## 8 Standing Order 9 – Chairperson of Council

- 8.1 The Chairperson of the Council shall be elected annually by the Council.
- 8.2 Any Power of duty of the Chairperson in relation to the conduct of the meeting may be exercised by the Vice Chairperson or other person presiding at the meeting
- 8.3 In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he or she may have.
- 8.4 The Chairperson may cancel, alter or rearrange a meeting of which he or she is chairperson if in consultation with the Leader and Chief Executive he or she considers that there is likely to be insufficient business to be conducted at that meeting or it would be more efficient for conducting business if the meeting were altered or rearranged. If the Chairperson wishes to alter or rearrange a meeting of the Council, he or she shall give 10 working days' notice of the altered or rearranged meeting to the public. In exceptional circumstances the length of notice can be waived but in these cases the Chairperson shall obtain the agreement of the Leader of the Council before the alteration or rearranged meeting is notified to the public and other members.

## 9 Standing Order 9 – Vice Chairperson

- 9.1 The Council shall at the annual meeting appoint a Member of the Council to be Vice-Chairperson of the Council
- 9.2 Subject to any Standing Orders made by the Council, anything authorised or required to be done by, to or before the Chairperson may be done by, to or before the Vice-Chairperson



## 10 Standing Order 10 – Chairperson of Meeting

- 10.1 At a meeting of the Council the Chairperson, if present shall preside
- 10.2 If the Chairperson be absent from a meeting or the Council, then the Vice-Chairperson of the Council, if present, shall preside.
- 10.3 If both the Chairperson and Vice-Chairperson of the Council be absent from a meeting of the Council another member of the Council chosen by Members of the Council shall preside.
- 10.4 The Person presiding at the meeting may exercise any power of duty of the Chairperson in relation to the conduct of a meeting.

## 11 Standing Order 11 – Quorum

- 11.1 No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council be present.
- 11.2 If, during any meeting of the Council, the Chairperson, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned.
- 11.3 The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Council.

## 12 Standing Order 12 – Record of Attendance

All members present during the whole or part of a meeting shall be recorded as in attendance (for all or part). Non-attendance shall also be recorded indicating whether or not the member proffered apologies.

## 13 Standing Order 13 – Order of Business

The Monitoring Officer will determine the initial order of the agenda. The meeting Chair of the meeting may decide to vary the order of business.



## 14 Standing Order 14 – Motions on Notice

- 14.1 Except for motions which may be moved without notice under Standing Order 15, written notice of every motion, signed by the Member giving notice, must be delivered to the Proper Officer not later than 7 clear working days before the date of the meeting. (these will be entered in a book open to the public).
- 14.2 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing that they propose to move it to a later meeting or withdraw it.
- 14.3 Motions must be about matters for which the Council has a responsibility or which affect the District.
- 14.4 Motions shall be debated at the meeting of the Council if seven Members present indicate support for such debate. The Chairperson must allow a reasonable amount of time for debate. Each motion shall be seconded before it is debated. A decision may be made at the conclusion of the debate or, at the Chairperson's discretion, the motion may be forwarded to the Cabinet of the relevant Policy and Scrutiny Committee for their comments prior to any decisions being made at a subsequent meeting of the Council. Following debate it may be decided that a resolution of the Council is unnecessary.

## 15 Standing Order 15 – Motions moved without notice

Matters which may be moved by a Member of the Council during the meeting

- 15.1 The following matters may be moved without notice on the agenda by Members during the meeting for the Chairpersons ruling:-
  - 15.1.1 Appointment of a Chairperson of the meeting at which the motion is made.
  - 15.1.2 The accuracy of the minutes
  - 15.1.3 Appointment of a Committee or Members thereof.
  - 15.1.4 Adoption of statutory plans.
  - 15.1.5 Adoption of the reports of the Policy and Scrutiny Committees and the Schedule of works of the Cabinet.
  - 15.1.6 That leave be given to withdraw a matter raised.
  - 15.1.7 Extending the time limit for speeches.
  - 15.1.8 Amendments to matters raised.
  - 15.1.9 That the Council proceeds to the next business.

- 15.1.10 That the question be put.
- 15.1.11 That the debate be adjourned.
- 15.1.12 That the Council adjourn.
- 15.1.13 Suspending Standing Orders in accordance with Standing Orders 40.
- 15.1.14 To resolve under Section 100A of the Local Government Act 1972 to exclude the public.
- 15.1.15 That a Member named under Standing Order 19 be not further heard or leave the meeting.

## 16 Standing Order 16 – Presentation of Petitions by Members

### Requirement(s) for Valid Petition

- 16.1 At a meeting of the Council, any Member of the Council may present a petition which is signed by persons other than a Member of the Council and which is relevant to any matter in relation to which the Council has powers or duties and which affects the District, or the inhabitants of that area or some of them. The Member presenting the petition shall be satisfied that the petition is proper to be received.

### Notice of Petition

- 16.2 A Member wishing to present a petition shall give notice of intention to do so to the appropriate officer to act as Assistant Director Legal and Governance Officer not later than 12 noon on the day of the meeting at which he/she wishes to present it. The petition shall not be accepted unless the appropriate officer to act as Assistant Director Legal and Governance has been satisfied himself/herself that the petition is proper to be presented.

### Presentation of Petition

- 16.3 The presentation of a petition shall be confined to describing the Subject of the petition and indicating the number and description of the signatories, Subject to a time limit of three minutes for such presentation.

### Action by the Council on Petition

- 16.4 The Chairperson shall either refer the petition to the next Council meeting or to the appropriate Committee(s), Sub-Committees, the Cabinet, and Cabinet Members or officers.

#### Petitions by Employees

16.5 The Council will not receive petitions from its employees acting in that capacity.

16.6 No member may, under the provisions of this Standing Order, present or speak to any petition which relates to any applications for any statutory permission, licence or consent or any actual or proposed legal or enforcement action.

## 17 Standing Order 17 – Public participation and presentation of petitions by the public

17.1 The presentation of Petitions and Deputations by the public will usually be held at the start of meetings of the Council, except where an item of business is required to be dealt with first, for example, the appointment of a Member to preside in the absence of the Chairperson and Vice-Chairperson. At the discretion of the Chairperson with the agreement of the legal adviser petitions and deputations may be taken later in the meeting.

17.2 The time allocated for this section of the meeting shall not exceed thirty (30) minutes. The Chairperson of the meeting shall determine the length of time to be allotted to each speaker with a maximum time limit per speaker of five (5) minutes for Public Participation and Deputations and three (3) minutes for Petitions. The Chairperson of the meeting will select the order in which matters are to be dealt with.

17.3 All Public Participation by the public shall be subject to the Chairperson's right to stop participation if the participant is not conducting themselves appropriately. Despite the individual's right to freedom of speech if in the opinion of the Chairperson the participation is abusive or offensive the Chairperson will have the ability to stop the participant from participating.

### Public Participation

17.4 Public Participation shall be limited to residents, business rate payers and electors of the area of the Council at the discretion of the Chairperson and shall be in respect of any matter in relation to which the Council has powers or duties and, which affects the district or its inhabitants.

17.5 Requests for Public Participation must be submitted in writing to the appropriate officer to act as Assistant Director Legal and Governance to arrive by 12.00 noon on the working day before the Council meeting. Requests must contain details of the subject matter within the remit of the Council.

- 17.6 A Member of the public shall be limited to speak for five (5) minutes on the subject matter which has previously been notified to the Assistant Director Legal and Governance. The Chairperson will respond in an appropriate way if necessary. If requested by the member of the public the address will be read to the meeting by an office or member of council. If submitted in writing a copy will be included in the minutes.
- 17.7 That the Chairperson shall ensure that the relevant officer or member provides a written response to a member of the public who poses questions during public participation when a response cannot be dealt with in the time allocated.
- 17.8 The Chairperson may refuse to hear participation which is not proper or relevant to the meeting. Where the public speaker has made defamatory or personally offensive or abusive statements about an individual, the Chairperson shall have power to rule that the person be not heard and that that person be required to provide a written transcript in advance of any future address.
- 17.9 No question or comment shall be permitted under these procedures where it would result in either:-
- 17.9.1 The likely disclosure of exempt or confidential information, or
  - 17.9.2 Participation by its employees concerning matters related to their own or a colleague's employment

“Exempt” and “Confidential” shall have the same meanings for this purpose as they have under the access to information provisions contained in the Local Government Act 1972 and the ruling of the appropriate officer to act as Assistant Director Legal and Governance following consultation with the relevant Chairperson, shall be conclusive in this regard.

## Petitions

### Requirements(s) for Valid Petition

- 17.10 At a meeting of the Council, any person resident in, or business ratepayer or a local government elector for the area of the Council, may present a petition which is relevant to any matter in relations to which the Council has powers or duties and which affects the District, or part of it, or the inhabitants of the area, or some of them. Only such persons may take part in the deputation.

### Prohibited Subjects for Petitions

- 17.11 No person may, under the provisions of this Standing Order, present or speak to any petition which relates to any applications for any statutory permission, licence or consent of any actual or proposed legal or enforcement action.

## Notice of Petition

17.12 By noon at least seven working days before the meeting of the Council at which the petition is to be presented, the person wishing to present it shall give notice in writing of his/her intention to do so to the appropriate officer to act as Assistant Director Legal and Governance and shall show the petition shall not be accepted unless the appropriate officer to act Assistant Director Legal and Governance has satisfied himself/herself the petition is proper to be presented.

## Presentation of Petition

17.13 The presentation of a petition shall be limited to not more than three (3) minutes and shall be confined to describing the Subject of the petition, indicating the number and description of the signatories and making such further supporting remarks relevant to the petitions as the pers presenting it shall think fit provided that such presentation does not include a personal attack upon any person.

## Action by Council on Petition

17.14 The Chairperson shall, without debate, either refer the petition to the appropriate Committee(s), Sub-Committee(s), or the Cabinet or the Cabinet Member or Officer(s).

17.15 Where a petition has 2500 or more signatures of residents, business rate payers and electors of the area of the Council then the petition will be debated by Council if the petition organiser so requests. The Assistant Director Legal & Governance will ensure that an appropriate signature verification process takes place before a petition debate is scheduled. Where a petition has 500 or more but fewer than 2500 such signatures the petition will be referred for debate to the relevant policy and scrutiny committee if the petition organiser so requests.

17.16 Pension will be excluded from the provisions in 17.15 if they related to any matter in respect of a planning decision, any matter relating to a licensing decision or any matter where there is an appeals process already in place. Petitions will also be excluded if it is a duplicate petition or relates to a matter that has previously been considered in the preceding 12 months.

## Petitions by Employees

17.17 The Council shall not receive petitions from its employees acting in that capacity.

## 18 Standing Order 18 – Public Speaking at Planning and regulatory Committee

- 18.1 This Standing Order applies to the Planning and Regulatory Committee when determining planning applications. Standing Ord 17 applies to business of the Planning and Regulatory Committee other than when determining planning applications.
- 18.2 Public speaking about applications for planning permission will be allowed at the start of relevant agenda items in accordance with the following requirements.
- 18.3 The Town or Parrish Council in whose area the applications site is situated, as statutory consultee, will be afforded the opportunity to speak via its Chairperson or Vice-Chairperson or Chairperson or Vice-Chairperson of its Planning Committee. The Chairperson or Vice-Chairperson, or Chairperson or Vice-Chairperson of its Planning Committee must advise of the intention to speak in writing to the Assistant Director Legal and Governance by 12 noon three working days before the meeting.
- 18.4 Requests to speak, indicating whether the speaker supports or objects to the applications, must be made in writing to the Assistant Director Legal and governance by 12 noon three working days before the meeting.
- 18.5 If both the applicant and supporters of the applications are present, the applicant may speak or defer to a supporter
- 18.6 If there is more than one person wishing to object or support an application, the Chairperson will invite those persons to agree a spokesperson among themselves. In default of agreement the Chairperson may select one person to speak.
- 18.7 Public speaking about applications for planning permission will be limited to three minutes per applicant and will be limited to three minutes for supporter and three minutes for the objectors. Each speak will only be permitted to address the committee once and will not be able to participate further during consideration of the item.
- 18.8 The Committee will hear those speaking at the meeting in the following order unless the Chairperson considers it preferable in conducting the business of the Council to hear speakers in a different order: - Supporter Second. Members of the committee may raise questions of points of clarification with any public speaker.



## 19 Standing Order 19 - Questions

If any question arises on any matter which falls within any of the categories of exempt information within the meaning of section 100A and schedule 12A of the 1972 Act, it shall be considered by the Council after the public has been excluded from the meeting by a resolution, unless the Council otherwise resolves.

If any question under this Standing Order gives rise to a written answer, that answer shall be sent to the Member posing the question and recorded in full in the minutes of the meeting to enable all members to view it.

### Question Time

19.1 The Chairperson of the Council shall invite Members to raise reasonable issues relevant to the work of the Cabinet or the Planning and Regulatory Committee, Employment, Licensing, Audit or Standards Sub-Committee.

19.2 Any Member raising an issue shall be afforded the opportunity and ask one supplementary question and receive an answer, or written reply, to such supplementary question.

19.3 In the event of a Member exercising his or her right of comment, the Chairperson of the Cabinet or Member responding on his/her behalf shall be afforded the opportunity for final observation on the Subject, and such observations shall conclude the matter.

## 20 Standing Order 20 – Rules of Debate

### No speeches until motion seconded

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

### Right to require motion in writing

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

### Seconder's Speech

20.3 A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

### Only one Member to stand at a time



20.4 A Member when invited by the Chairperson to speak shall address the Chairperson. Members are not required to stand when speaking but may do so if they choose. If two or more Members indicate they wish to speak, the Chairperson shall decide the order of speakers. While a Member is speaking other Members shall not interrupt, unless to raise a point of order, a personal explanation, or on a point of information.

#### Content and length of speeches

20.5 A Member shall direct his/her speech to the question under discussion or to a personal explanation or to point of order. No speech shall exceed five minutes, except by consent of the Chairperson.

#### Amendments to Motions

20.6 An Amendment shall be relevant to the motion and shall be:-

20.6.1 To refer wholly or partly a Subject of debate to a Committee for consideration or re-consideration.

20.6.2 To leave out words

20.6.3 To leave out words and insert or add others

20.6.4 To insert or add words

But such omission, insertion or addition of words must have an effect which would not be achieved by the defeat of the motion.

20.7 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

Notice of intention to move any further amendment and the nature thereof may, at the discretion of any Member, be given to the Chairperson before a vote be taken on the amendment before the meeting.

The Chairperson may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

20.8 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

#### Alteration to Motion

20.9 A Member may with consent of the Council signified without discussion -

20.9.1 Alter a motion of which he/she has given notice, or

20.9.2 With the further consent of his/her seconder alter a motion which he/she has moved if (in either case) the alteration be one which could be made as an amendment thereto.

#### Withdrawal of Motion

20.10 A motion of amendment may be withdrawn by the mover with the consent of his/her seconder, which shall be signified without discussions, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

#### Right of Reply

20.11 The Mover of a motion has a right to reply at the close of the debate on the motion, immediately before it shall be put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment.

A Member exercising a right of reply shall confine himself/herself to answering previous speakers and shall not introduce new matter. The Chairperson's ruling in this regard shall be final.

After every reply to which this Standing Order refers a decision shall be taken without further discussion.

The mover of an amendment to a motion shall have a right of reply at the conclusion of the debate on that amendment which shall be exercised immediately prior to the reply by the proposer of the original motion.

#### Motions which may be moved during Debate

20.12 When a motion is under debate no other motion shall be moved except the following -

20.12.1 To amend the motion

20.12.2 To adjourn the meeting

- 20.12.3 To adjourn the debate
- 20.12.4 To proceed to the next business
- 20.12.5 That the question be now put
- 20.12.6 That a Member be not further hear (for reasons to be specified by the mover of the motion).
- 20.12.7 By the Chairperson under Standing Order No.36(CHANGE TO NEW NUBMER) that a Member do leave the meeting.
- 20.12.8 A motion under Section 100A of the Local Government Act 1972 to exclude the public

#### Closure Motions

- 20.13 A Member may move without comment at the conclusion of a speech of another Member “That the Council proceed to the next business”,  
“That the question be now put”.  
“That the debate be now adjourned”, or  
“That the Council do now adjourn”,

- 20.13.1 On a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed, put to the vote the motion to proceed to the next business.
- 20.13.2 On a motion that the question be now put: unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the questions be now put, and if it be passed then give the mover of the original motions his/her right of reply under paragraph (11) of this standing order before putting his/her motion to the vote.
- 20.13.3 On a motion to adjourn the debate or the meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

#### Points of Order, Points of Personal Explanation Points of Information

- 20.14 A Member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith and may also rise on a point of information in which case he/she shall only be entitled to be heard if the Member speaking give way and shall not be heard for more than one minute.

20.14.1 A “Point of Order” shall relate only to an alleged breach of a standing order or statutory provision and the Member shall specify the standing order or statutory provision and the way which he/she considers it has been broken.

20.14.2 A “Personal Explanation” shall be confined to some material part of the Member’s former speech which may appear to have been misunderstood in the present debate.

20.14.3 A “Point of Information” shall be confined to when any Member moves to challenge the factual accuracy of any other Member’s speech.

20.15 The ruling of the Chairperson on a point of order, or on the admissibility of a personal explanation or a point of information shall be final.

#### Respect for Chair

20.16 Whenever the Chairperson requires during a debate, a Member then speaking shall be silent until the Chairperson has determined how to proceed with business.

## 21 Standing Order 21 – Matters referred by Cabinet or Policy and Scrutiny Committee

21.1 Any matter which is before the Cabinet for determination can be referred to Council by the Cabinet and the Cabinet shall explain whether the referral is for decision or comment

21.2 Any matter which is before the Policy and Scrutiny Committees can be referred to Council by that Panel. If the Council wishes and if it is legally possible to do so the Council can determine the matter. The Council shall consider and respond to a formal Councillor Call for Action (see Policy & Scrutiny Committee Standing order 11) within two months of receiving the reference and indicate what action (if any) it proposes to take on the matter.

21.3 A matter is referred to Council by Cabinet or Policy & Scrutiny Committee by a vote of the Members of the Cabinet or Policy and Scrutiny Committee referring the matter.

## 22 Standing Order 22 – Annual reports of the Policy & Scrutiny Committees

- 22.1 At least annually a report of the Policy & Scrutiny Committee(s) shall be presented to Council giving brief details of the work that each of the Policy & Scrutiny Committee(s) has undertaken during the previous year.
- 22.2 After the Chairperson of the Policy & Scrutiny Committee has presented the report of that Panel to Council, other Members of the Council not part of that Panel may ask the Chairperson questions on the report which has been present on the work of that Policy & Scrutiny Committee.
- 22.3 If a question is put to the Chairperson of the Policy & Scrutiny Committee which cannot be answered at the meeting, a written reply can be sent by the Chairperson, following the Council meeting, to the Member concerned.

## 23 Standing Order 23 – Dispute resolution

- 23.1 Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration, and following consideration of the draft by Council it has objections to the draft, the Council must before it amends, approves or adopts such a plan or strategy, inform the Leader of the objections together with instructions requiring the Cabinet to reconsider the draft plan or strategy in the light of those objections.
- 23.2 Where the Council give instructions to the Leader in accordance with 23.1 above it must specify a period of at least 5 working days from the instruction being given to the Leader after which time a response will be required.
- 23.3 The leader may -
  - 23.3.1 Submit to the Council a revision of the draft plan or strategy as amended by the Cabinet with the Cabinet's reasons for any amendments
  - 23.3.2 Inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the reason for any disagreement.
- 23.4 Once the period given in 23.2 above for the Cabinet's comments has expired, the Council must when amending, approving or adopting the draft plan or strategy or the revised draft plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft, the Cabinet's reasons for those disagreements which the Leader has Submitted to the Council within the period specified.

23.5 Before the 8<sup>th</sup> of February in any financial year the Cabinet will Submit to the Council for its consideration in relation to the following financial year

- 23.5.1 Estimates of the amounts to be aggregated in making a calculation in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government and Finance Act 1992 (the council tax setting calculations)
- 23.5.2 Estimates of other amounts to be used for the purpose of such calculations
- 23.5.3 Estimates of such calculation or
- 23.5.4 Amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government and Finance Act 1992

And following consideration of those estimates or amounts the Council has any objections to them and wishes to alter or amend any of them it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give the Leader instructions requiring the Cabinet to reconsider, in the light of these objectives, the estimates and amounts in accordance with the Council's requirements.

23.6 Where the Council give instructions to the Cabinet in accordance with accordance with 23.5 above it must specify a period of at least 5 working days from when the Leader receives the instructions on behalf of the Cabinet within which time the Leader must -

- 23.6.1 Submit a revision of the estimates or amounts as amended by the Cabinet which have been reconsidered in the light of the Council's requirements with the Cabinet's reasons for amendments
- 23.6.2 Inform the Council of any disagreement that the Cabinet has with the Council's objections and the Cabinet's reasons for such disagreement.

23.7 When the period specified in 23.6 above has expired the Council must when making calculations in accordance with those referred to in 23.5 above or issuing a precept under Chapter IV or Part 1 of the Local Government Finance Act 1992 take into account -

- 23.7.1 Any amendments to estimates or amounts that are included in any revised estimates or amounts
- 23.7.2 The Cabinet's reasons for those amounts
- 23.7.3 Any disagreement that the Cabinet has with the Council's objections and
- 23.7.4 The Cabinet's reasons for that disagreement



Which the Leader Submitted to Council or informed the Council of withing the specified period

(Note: the above procedure does not apply to calculations or Substitute calculations which the Council is required to make in accordance with 52I, 52J, 52T or 52U of the Local Government Act 1992 and amounts stated in precepts issued to give effect to calculations or Substitute calculations made in accordance with Section 52J or 52U of that Act)

23.8 Immediately after any vote at the budget decision meeting of an authority there must be a record in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

(Note: “budget decision” meeting of the relevant body at which it:- (i) makes calculations (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45-49, 52ZFm 52ZJ of the Local Government Finance Act 1992: or (ii) issues a precept under Chapter 4 or Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be/was included as an item of business on the agenda for that meeting: references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.)

## 24 Standing Order 24 – Voting

- 24.1 Subject to the provisions of any enactment all questions coming or arising before the Council shall be decided by a majority of the Members of the Council present and voting.
- 24.2 Subject to those provisions in the case of equality of votes, the person presiding at the meeting shall have a second or casting vote.
- 24.3 The mode of voting at meetings of the Council shall be by show of hands: provided that on the requisition of any Member of the council made before the vote is taken (and supported by six Members) the voting on any question shall be by roll-call and shall be recorded so as to show how each Member present and voting gave his/her vote. The name of any Member present and not voting shall be recorded.



- 24.3.1 Where immediately after a vote has been taken at a meeting of a relevant body any Member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting
- 24.3.2 In this paragraph “relevant body” means the Authority, a Committee or Sub-Committee of the Authority or a relevant Joint Committee or Sub-Committee of such a Committee.

## 25 Standing Order 25 – Voting on appointments

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there shall not be a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes be given in favour of one person

## 26 Standing Order 26 – Minutes

- 26.1 Minutes of the proceedings of a meeting of the Council shall, subject to subparagraph 26.3 below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next following meeting of the Council by the person presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.
- 26.2 Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) or Schedule 12 of the Local Government Act 1972, the next following meeting of the Authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule (a).
- 26.3 Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the Council may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialed, at the same or next following meeting of the Council, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

- 26.4 Until the contrary is proved, a meeting of the Councils, a minute of whose proceedings has been made and signed in accordance with this paragraph, shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified.
- 26.5 The Chairperson shall put the question that the minutes of the meeting of the Council held on the .....day of .....be approved as a correct record.
- 26.6 No discussion shall take place upon the minutes, except upon their accuracy, and any questions of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairperson shall sign the minutes.

## 27 Standing Order 27 – Exclusion of press and public

If Council, the Cabinet, Committee or Sub-Committee or Policy & Scrutiny Committee pass a resolution pursuant to Section 100A of the Local Government Act 1972 to exclude the press and public from the whole or part of their proceedings, then the effect of such resolution shall extend to Members of the Council present at the meeting who are not Members of the Committee or Sub-Committee or Panel concerned: provided that except when the Committee or sub-Committee are acting in judicial or quasi-judicial capacity, such Members of the Council shall be permitted to remain if invited to do by resolution of the Committee or Sub-Committee.

## 28 Standing Order 28 – Scheme of Delegation

The council shall approve a scheme for the delegation for its planning and regulatory functions detail in part 3 of the constitution.

## 29 Standing Order 29 – Appointment of Committees, Sub-Committees and Panels

- 29.1 The Council shall approve a scheme for the allocation of seats on committees, Sub-Committees and Panels to political groups and to Councillors who are not Members of a political group in accordance with the requirements of Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

29.2 The appointment of Members to committees and Policy and Scrutiny Committees shall be in accordance with the Local Government (Committees and Political Groups) Regulations 1990 and in the manner prescribed by the Council's Scheme of Delegation.

#### Review of Political Balance

29.3 Whenever the Council shall be required to review the allocation of seats on Committees/Sub-Committees and Panels to political groups where the Council resolves to carry out such a review, the Assistant Director Legal and Governance shall submit a report to the Council showing what allocations of seats would in his/her opinion best meet the requirements Section 15 (4) of the 1989 Act.

29.4 In the light of such a report the council shall determine the allocation of seats to the Political Groups.

## 30 Standing Order 30 – Election of Chairperson and Vice Chairperson of Committees

30.1 Unless such appointments have been made previously by the Council, every committee shall, at its first meeting before proceeding to another business, elect a Chairperson for the year ("the Chairperson") and may at anytime elect a Vice-Chairperson ("the Vice-Chairperson") providing in the event of the position of the Chairperson falling vacant before the end of the year, the Committee shall at its first meeting after the vacancy has occurred before proceeding to any other business elect the Chairperson for the remainder of the year.

30.2 In the event of any Committee, Sub-Committee or Panel not so electing a Chairperson, the meeting of the Committee, Sub-Committee or Panel shall automatically stand adjourned unless a Chairperson can be elected for the duration of that meeting. The election of a Chairperson for the Committee, Sub-Committee or Panel shall then be placed on the agenda of the next Committee, Sub-Committee or Panel meeting where the Committee, Sub-Committee or Panel shall elect a Chairperson and appoint a Vice-Chairperson failing which the meeting shall again stand adjourned unless a Chairperson can be elected for the duration of the meeting (and so on).

30.3 If the Chairperson of the Committee or Sub-Committee as appropriate be present at its meeting he/she shall preside or, in the event of his/her absence or inability to act the Vice-Chairperson shall preside.

30.4 If shall be necessary at any meeting for a Committee, Sub-Committee or Panel to appoint a person to preside for the duration of the meeting, the Assistant Director of Governance and Legal shall call upon a Member of the Committee, Sub-Committee or Panel to move that a voting member of the Committee, Sub-Committee or Panel shall be Chairperson for the duration of that meeting. If discussion arises the Assistant Director Legal and Governance shall exercise the power of the person presiding to regulate that discussion and to maintain order at that meeting.

## 31 Standing Order 31 – Committee Substitutions

Where a Member shall be unable to attend a meeting he/she may be substituted and, in such circumstances, the following procedures shall apply:

- 31.1 Notice of a substitution of a Member on a Committee, Policy and Scrutiny Committee, or other properly constituted body of Members shall be given to the appropriate officer to act as Assistant Director Legal and Governance prior to the meeting of that body.
- 31.2 Notice of substitution shall be given by the Leader of the appropriate political group only or, in his/her absence, by the duly appointed Deputy Leader.
- 31.3 Where a Member is not a Member of a Group, notice of substitution shall be given by the Member to be substituted.
- 31.4 Notice of substitution shall specify the period during which the Member will be substituted, and such period shall be at least for the duration of the meeting/appointment.
- 31.5 Notice of substitution shall be in writing, where possible, and signed by the person giving such notice.
- 31.6 Notice of substitution shall be given prior to the dispatch of the relevant agenda, where possible.
- 31.7 During the period of substitution the substitute Member shall be deemed to be a full Member of the relevant body for all purposes.
- 31.8 At the commencement of any meeting of such a body where a substitution has taken place the Members of that body shall be advised of the substitution.

(Note: This scheme shall not apply to any Committee or body constituted on a geographical basis or Cabinet meetings).

## 32 Standing Order 32 – Special Meetings of Committee

- 32.1 The Chairperson of a Committee or the Chairperson of the Council may call a special meeting of the Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee, delivered in writing to the appropriate office to act as Assistant Director Legal and Governance, but in no case shall fewer than three Members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.
- 32.2 A summons to attend a meeting of a Committee or a Sub-committee or a special meeting of a Committee or a Sub-committee shall, except in the case of emergency, be given not less than three clear days before the meeting.

## 33 Standing Order 33 – Quorum of Committees and Sub-committees

- 33.1 Except where authorised by a statute or order by the Council, business shall not be transacted at a meeting of any Committee unless at least a quarter of the whole number of the Committee shall be present.
- 33.2 Provided that in no case shall the quorum of a Committee be less than three Members.
- 33.3 Except as aforesaid or otherwise ordered by the Committee which has appointed it, business shall not be transacted at a meeting of any Sub-Committee unless at least one quarter of the whole number of the Sub-Committee shall be present.
- 33.4 Provided that in no case shall the quorum of a Sub-Committee be less than two Members.

## 34 Standing Order 34 – Committee and Sub-Committee minutes and voting

- 34.1 Until the contrary is proved, where a minute of any meeting of any such Committee or Sub-Committee has been made and signed, the Committee or Sub-Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the Members present at the meeting shall be deemed to have been duly qualified.
- 34.2 Voting at a meeting of a Committee or Sub-Committee shall be by show of hands. Any Member of a Committee or Sub-Committee may require before the vote is taken that the voting on any questions shall be recorded to show the number of Members voting for or against a motion and the number abstaining. Any Member of a Committee or Sub-Committee may also require before the vote shall be taken (and supported by four Members) that the voting shall be by roll call and shall be recorded to show how each Member present and voting gave his/her vote and those Members who abstained.

## 35 Standing Order 35 – Standing Order to apply to Committees and Sub-committees

All standing orders shall, with any necessary modifications, apply to the Planning and regulatory Committee and its Sub-committees, Employment, Licensing and Audit Committees

## 36 Standing Order 36 – Standing orders to apply to standards Sub-Committees

All standing orders shall, with any necessary modifications, apply to the Standards Sub-Committee except Standing order 28.

## 37 Standing Order 35 – Motions affecting persons employed by the Council

If any questions arises at a meeting of the Council (or of a Committee thereof to which Section 100A of the Local Government Act 1972 applies) as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed but the Council, such question shall not be the Subject of discussion until the Council or Committee, as they case may be, has decided whether or not the power of exclusions of the public under section 100A of



the Local Government Act 1972 shall be exercised.

## 38 Standing order 38 – Disorderly Conduct

38.1 If at a meeting any Member of the Council, in the opinion of the Chairperson notified to the Council, misconducts himself/herself by persistently disregarding the ruling of the Chairperson, or by behaving irregularly, improperly or offensively, or by willfully obstruction the business of the Council, the Chairperson or any other Member may move “that the Member named be not further heard”, and the motion if seconded shall be put and determined without discussion.

Continued Misconduct by a named Member

38.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chairperson shall –

EITHER move “that the Member named do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion)

OR adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

General Disturbance

38.3 In the event of general disturbance, which in the opinion of the Chairperson renders the due and orderly dispatch of business impossible, the Chairperson in addition to any other power vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

Disturbance by Members of the Public

38.4 The provisions of Section 100A are without prejudice to any power of exclusion to suppress or prevent disorderly conduct of other misbehaviour at a meeting.



- 38.5 If a member of the public interrupts the proceedings at any meeting the Chairperson shall warn him/her. If he/she continues to interrupt the Chairperson shall order his/her removal from the Council Chamber. In case of general disturbance in any part of the chamber open to the public, the Chairperson shall order that part to be cleared.

## 39 Standing order No 39 – Interests of Members

- 39.1 Where a Member or co-opted Member has given notice to the Monitoring Officer of a pecuniary interest (as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) on his or her part or on the part of his or her partner, and is thereby relieved of the statutory duty to declare that interest at a meeting at which the interest or other matter affecting that interest is to be considered, the Member or co-opted Member shall nevertheless orally remind the meeting of that interest. The Member shall do this either at the point in the agenda when declarations of interests are requested or as soon as they become aware that an item involves a disclosable pecuniary interest of theirs or their partner. Any such declaration shall be recorded in the minutes.
- 39.2 Where any Member has declared a disclosable pecuniary interest, whether by giving notice to the Monitoring Officer, or by making an oral declaration at the meeting, the Member shall withdraw from the room in which the meeting is being held while the matter is under consideration, unless they have before the meeting at which the disclosable pecuniary interest is to be discussed, been given a dispensation from the Standards Sub-Committee.

## 40 Standing order No 40 – Interests of Officers in Contracts

- 39.1 If it comes to the knowledge of an officer employed by the Council that a contract in which he/she has any pecuniary interest whether direct or indirect (not being a contract to which he/she is himself/herself a party) has been or is proposed to be entered into by the Council or any Committee thereof, he/she shall as soon as practicable, give notice in writing to the authority of the fact that he/she is interested therein.

39.2 An officer of a Local Authority shall not under colour of his/her office or employment, accept any fee or reward whatsoever other than his/her proper remuneration.

## 41 Standing order No 41 – Records of Interest

The appropriate officer to act as Assistant Director Legal and Governance shall record in a book to be kept for the purpose particulars of any declaration or notice of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any Member of the Council.

## 42 Standing order No 42 – Suspension & Amendments of Standing Orders

- 42.1 Any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- 42.2 motion to Suspend Standing Orders shall not be moved without notice unless there shall be present at least one half of the whole number of the Members of the Council.
- 42.3 Any motion to add to, vary or revoke these Standing Orders will when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 43 Standing order No 43 – Interpretation of Standing Orders

The ruling of the Chairperson as to the construction or application of any of these standing orders, or as to any proceedings of the Council shall not be challenged at any meeting of the Council.

### Debate Process

#### Main Motion

Proposer

Seconder

Debate Open

Seconder speaks if not yet spoken

Proposer sums up

Mover or original motion right of reply immediately before vote on amendment

Vote on motion

If carried becomes part of substantive motion for further debates

#### Amendment

Proposer

Seconder

Debate open on amendment

Seconder speaks if not yet spoken

Proposer sums up

Vote on amendment