



# Standing Orders with Respect to Meetings



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## INTRODUCTION

- i A local authority is permitted, but not required, by the Local Government Acts 1972 and 2000, to make Standing Orders for the regulation of its proceedings and business.
- ii Such Standing Orders are for the purpose of establishing and maintaining the orderly conduct of meetings. The form and operation of the Standing Orders are under the control of the Council and may be worded to regulate meetings in the manner that the Council wishes. Apart from matters referred to in paragraph 4 below, there is no statutory requirement to provide Standing Orders in any form or for them to contain specific provisions. However, the Council is required by law to include its Standing Orders in its written Constitution.
- iii Once Standing Orders have been established, however, failure to comply with them could, in some circumstances, render a decision void or subject to legal challenge. Further, it could be maladministration to do so. Except for those requirements mentioned at paragraph 4 below, the Council may rescind, suspend, waive, or vary Standing Orders in accordance with the procedures contained in them.
- iv The Council is required by law to include in its Standing Orders the following:
  - (a) Provisions as to the Appointment of Chief Officers and other Statutory Officers; and
  - (b) Provisions with regard to Disciplinary Action in respect of the Head of the Paid Service and other Statutory Officers.
- v These matters are contained in separate Standing Orders with respect to the Appointment, Dismissal and Discipline of Employees. ([Part 4: Chapter 2 of this Constitution](#))
- vi These Standing Orders set out the Council's processes to maintain transparency and democracy throughout the decision-making process.
- vii The Appendices ([Deputation](#) and [Petition Schemes](#)) to these Standing Orders is for information only and does not form part of the Constitution. Certain procedures of the Council are, however, prescribed by statute (Local Government Acts 1972 and 2000 etc).
- viii These Standing Orders have been approved by the Council and are written in a form to enable Members to identify the procedures to be followed in relation to any point or matter.

**NOTE:** This introduction does not form part of Standing Orders and is explanatory only.

## PART 1 - ANNUAL MEETING OF THE COUNCIL

### 1.1 DATE AND TIME OF MEETING

- 1.1.1 The Annual Meeting of the Council will be held on the second Thursday of May, subject to any statutory provisions to the contrary. If it cannot be held on that date, it must be held as soon as possible after the second Thursday of May as decided by the Council, or, failing decision by the Council, by the Mayor.
- 1.1.2 The Annual Meeting of the Council shall be held at 10:30 in the morning or such other time as the Mayor shall decide.

### 1.2 ELECTION OF MAYOR

- 1.2.1 The first formal business shall be the election of a Mayor.
- 1.2.2 In addition to electing the Mayor at the Annual Meeting, the Council shall elect a Deputy Mayor.

### 1.3 APPOINTMENT OF EXECUTIVE LEADER

- 1.3.1 The Council shall appoint or confirm, a member to act as Executive Leader in accordance with section 9C (3) Local Government Act 2000.
- 1.3.2 The Executive Leader shall be appointed for a term of office as provided for in the Council's Constitution ([Part 1: Chapter 6](#)). The Executive Leader may hold office for more than one term.

### 1.4 APPOINTMENT OF EXECUTIVE MEMBERS

- 1.4.1 The Executive Leader shall announce the number of Members to be appointed as Executive Members to act with the Executive Leader as the Executive under section 9C of the Local Government Act 2000.
- 1.4.2 The Executive Leader shall appoint Members to act as Executive Members as set out in Part: One – Chapter 6 of the Council's Constitution.
- 1.4.3 The Executive Members shall each be appointed for such term of office as is provided for in the Council's Constitution ([Part 1: Chapter 6](#)). The Executive Members may hold office for more than one term.
- 1.4.4 The appointment of any Executive Member may be terminated as provided for in the Council's Constitution ([Part: One – Chapter 6](#)).

### 1.5 DETERMINATION OF AREA OF EXECUTIVE RESPONSIBILITY

- 1.5.1 The Executive Leader shall determine the separate areas of responsibility to be allocated to individual Executive Members in accordance with the Council's constitution. The areas



of responsibility of the Executive Members are outlined in the Executive Portfolios – [Part 1: Chapter 16, Appendix 5 \(annexe\)](#).

- 1.5.2 A decision of the Executive Leader under [1.5.1](#) above shall be made in accordance with the Council's procedures for the taking of decisions by individual members of the Executive and a written record provided.

## 1.6 APPOINTMENTS OF SCRUTINY PANELS

- 1.6.1 The Council shall appoint Scrutiny Panels, as are provided for in the Council's Constitution, to undertake the functions of overview and scrutiny under sections 9F and 21 of the Local Government Act 2000 ([Part 1: Chapter 7 of this Constitution](#)).
- 1.6.2 Each Scrutiny Panel appointed under Standing Order [1.6.1](#) shall have such terms of reference and areas of responsibility as the Council approves from time to time in accordance with executive arrangements and the Constitution of the Council ([Part 2: Chapter 3 of this Constitution](#)).
- 1.6.3 The number of Members and Deputies appointed for each Scrutiny Panel, shall be decided by Council.
- 1.6.4 The Council shall appoint the Chairmen and Vice-Chairmen of each of the Scrutiny Panels it appoints under Standing Order [1.6.1](#).
- 1.6.5 The Council shall allocate seats on the Scrutiny Panels to Members in accordance with the political balance under [Section 15 of the Local Government and Housing Act 1989](#)
- 1.6.6 Seats allocated shall not last longer than the next Annual Council. This shall not prevent re-appointment to office.

## 1.7 APPOINTMENTS OF OTHER COMMITTEES

- 1.7.1 The Council shall appoint such committees as it is required to appoint under statute and as it considers necessary to carry out its functions.
- 1.7.2 Each Committee appointed under Standing Order [1.7.1](#) shall have such terms of reference and areas of responsibility as the Council approves from time to time in accordance with executive arrangements and the Constitution of the Council ([Part: Two](#)).
- 1.7.3 The number of Members and Deputies appointed for each Committee, shall be decided by Council.
- 1.7.4 The Council shall appoint the Chairmen and Vice-Chairmen of each of the Committees it appoints under Standing Order [1.7.1](#).
- 1.7.5 The Council shall allocate seats on the Committee to Members in accordance with the political balance under [Section 15 of the Local Government and Housing Act 1989](#).

1.7.6 Seats allocated shall not last longer than the next Annual Council. This shall not prevent re-appointment to office.

## 1.8 POLICY FRAMEWORK

1.8.1 The Council must establish or confirm the plans and strategies that are to comprise the Council's overall [policy framework](#) within which the Executive shall operate during the coming year.

## 1.9 OTHER BUSINESS

1.9.1 The Council shall make appointments to outside bodies other than those appointments which are required by law to be made by the Executive.

1.9.2 Other business shall be conducted, where relevant, in accordance with [Part 2](#) of these Standing Orders.

## PART 2 - MEETINGS OF THE COUNCIL

### 2.1 TIME OF MEETINGS

- 2.1.1 Meetings of the Council for the transaction of general business shall be held during each year on dates set by Council. Meetings shall be held at 6:00 p.m. unless the Mayor determines otherwise. The annual budget setting Council meeting held in February will commence at 5pm.
- 2.1.2 Any additional meeting called by the Mayor or by five Members of the Council under [paragraph 3 of Schedule 12 of the Local Government Act 1972](#) shall be on the date and at the time the Mayor decides.

### 2.2 CHAIRMAN

- 2.2.1 The Mayor must act as Chairman of the Council and, if present, must preside at meetings of the Council.
- 2.2.2 If the Mayor is absent, the Deputy Mayor must act as Chairman and shall preside.
- 2.2.3 If both Mayor and Deputy Mayor are absent from a meeting of the Council, the Council must elect a Member to preside.

### 2.3 QUORUM

- 2.3.1 A quorum of the Council is at least one third of the whole number of members of the Council.
- 2.3.2 If, after counting the number of members present during any meeting of the Council, the Mayor declares that there is not a quorum present, the meeting must stand adjourned.
- 2.3.3 The consideration of any business not transacted must be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

### 2.4 ORDER OF BUSINESS

- 2.4.1 Except for variations allowed under Standing Order [2.5.1](#), the order of business at ordinary meetings of the Council shall be:
- (a) Prayers;
  - (b) To choose a person to preside in the absence of both the Mayor and Deputy Mayor;
  - (c) To approve as a correct record and sign the minutes of the last meeting of the Council;

- (d) To deal with any business expressly required by statute to be done;
- (e) Mayor's announcements;
- (f) Executive Leader's announcements;
- (g) Executive Members' announcements;
- (h) Declarations of Interest;
- (i) Presentation of Petitions;
- (j) Reception of Deputations;
  - i. To dispose of business (if any) remaining from the last meeting;
  - ii. To receive, consider and answer questions on reports and recommendations of the Executive and of the Scrutiny Panels or other Committees of the Council and minutes of Committees of the Council;
  - iii. To answer questions asked under Standing Order [2.12](#);
  - iv. To consider motions in the order in which notice has been received; and
  - v. Other business, if any, specified in the summons.

## 2.5 Variation of Order of Business

### 2.5.1 The Order of Business may be varied: -

(a) By the Mayor at his/her discretion.

(b) By a resolution passed on a motion properly moved and seconded. Such a motion shall be moved and put without discussion.

## 2.6 MOTION

### 2.6.1 Notice of Motions

2.6.2 Except for motions under Standing Order [2.11](#), written notice must be given of each motion to be moved at the meeting of the Council. Such written notice may be given by electronic means provided that Standing Order [2.6.3](#) is complied with as to signature.

2.6.3 Each notice must be signed by the member or members of the Council giving the notice unless sent electronically, in which case it must be sent from the lead member's Fareham Borough Council e-mail account.

2.6.4 Each notice must be delivered at least seven clear working days before the next meeting

of the Council, to the office of the Chief Executive Officer. The Chief Executive Officer must date each notice and number the notices in the order received. Motions shall be listed on the agenda in the order in which notice was received. The notices received must be retained and be open to the inspection of every member of the Council.

- 2.6.5 If notice is given of a motion which, in the opinion of the Chief Executive Officer is illegal, irregular, improper or repetitive (repeated within the last 6 months), it shall not be accepted. In the event of nonacceptance, the Chief Executive Officer shall immediately inform the member giving notice.

## 2.7 Motions to be Set Out in Summons

- 2.7.1 The summons for every meeting of the Council must have set out in it the properly notified motions, in the order in which they have been received.

## 2.8 Motion Not Moved

- 2.8.1 If a motion set out in the summons is not moved either by a member who gave notice of it or by another member on his/her behalf it must, unless postponed by consent of the Council, be treated as withdrawn and cannot be moved without fresh notice.

## 2.9 Automatic Reference to the Executive, Committee or Scrutiny Panel

- 2.9.1 If the subject matter of any properly notified motion comes within the terms of reference or functions of the Executive or of a committee of the Council it must, on being formally moved and seconded, stand referred without discussion to the Executive, the relevant Committee or relevant Scrutiny Panel. The Executive, Committee or relevant Scrutiny Panel to which the motion has been referred shall consider the motion and report back to the Council provided that, before considering a motion that has been referred to it, the Executive must consult the relevant Scrutiny Panel.

- 2.9.2 If the Mayor considers it appropriate, he/she may allow the motion to be dealt with at the meeting at which it is moved, and they shall inform the proposer accordingly before the meeting, unless the motion relates to an Executive function.

- 2.9.3 For the purposes of clarification, if a motion to Council falls under an Executive Function, the Council must not make a decision unless it would contravene the Policy framework or be outside or not fully in accordance with the approved budget (in which case the Executive has no power to make it).

## 2.10 Scope of Motions

- 2.10.1 Every motion must be directly relevant to some matter in relation to which the Council has powers or duties or which affects the economic, social or environmental well-being of the Borough of Fareham or any of its inhabitants. For the purposes of this Standing Order, Council shall be deemed to include the Executive.

## 2.11 NOTICE NOT REQUIRED

- 2.11.1 The following motions and amendments may be moved without notice:

- (a) Appointment of a Chairman of the meeting.
- (b) Motions relating to the accuracy of the minutes.
- (c) That an item of business specified in the summons shall have precedence.
- (d) Reference to a committee or to the Executive.
- (e) Appointment of a committee or members thereof, prompted by an item mentioned in the summons to the meeting.
- (f) Receipt of reports and recommendations of the Executive, committees of the Council or officers and of minutes of Committees of the Council and any consequent resolutions.
- (g) That leave is given to withdraw a motion.
- (h) Extending the time limit for speeches.
- (i) Amendments to motions.
- (j) Motion to exclude the public under Section 100A(4) of the Local Government Act 1972.
- (k) Variation of order of business in accordance with Standing Order [2.5](#).
- (l) That a member named under Standing Order [2.28.3](#) be not further heard or must leave the meeting.
- (m) Suspending Standing Orders, in accordance with [Part 1: Chapter 15 of the Constitution](#).
- (n) Removing the confidentiality from any item on the Council agenda provided that the motion must refer to the confidential item by minute reference number only.
- (o) That the Council proceed to the next business.
- (p) That the question is now put.
- (q) That the debate is now adjourned.
- (r) That the Council now adjourn.

## 2.12 QUESTIONS

2.12.1 A member of the Council may ask the Executive Leader, Executive Members or the Chairman of a committee of the Council any question on an item contained in the recommendations or reports of the Executive or of a committee or minutes of a committee when those reports, or recommendations or minutes, are under consideration by the Council.

2.12.2 A member of the Council may: -

- (a) If seven clear working days" notice in writing has been given to the Chief Executive Officer, ask the Mayor or the Executive Leader or the Chairman of any committee of the Council any question on any matter falling within their terms or reference in relation to which the Council has powers or duties or which directly affects the economic, social or environmental wellbeing of the Borough of Fareham or any of its inhabitants. For the purposes of this Standing Order, Council shall be deemed to include the Executive.
- (b) With the permission of the Mayor, put to him/her or the Executive Leader or the Chairman of any committee of the Council, any question relating to urgent business falling within their terms of reference, of which notice has not been given; but a copy of any such question must, if possible, be delivered to the Chief Executive Officer not later than 10am of the day of the meeting.

2.12.3 Every question must be put and answered without discussion, but the person to whom a question has been put may decline to answer. If the member asking a question considers that the reply given requires further clarification, he/she may ask for a further reply. Otherwise no further question may be put except by permission of the Mayor.

2.12.4 An answer may take the form of:

- (a) a direct spoken answer, or
- (b) where the desired information is contained in a publication of the Council or elsewhere, a reference to the publication; or
- (c) a written answer.

## 2.13 PREVIOUS MINUTES

2.13.1 The Mayor must put the motion that the minutes of the meeting of the Council held on the.....day of.....be approved as a correct record.

2.13.2 No discussion shall take place on the minutes, except as to their accuracy, and any question of their accuracy must 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 Mayor must sign the minutes.

2.13.3 Where the next meeting is an extraordinary meeting of the Council called under [paragraph 3 of Schedule 12 to the Local Government Act 1972](#), the next following meeting of the Council shall be treated as a suitable meeting for the purposes of signing the minutes (in accordance with [Local Government Act 1972 Schedule 12 paragraph 41\(1\) and \(2\)](#)).

## 2.14 RULES OF DEBATE FOR COUNCIL MEETINGS

### 2.14.1 Motions and Amendments

2.14.2 A motion or amendment may not be discussed unless it has been proposed and seconded. Unless notice has already been given in accordance with Standing Order [2.6.1](#), it must, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.

### 2.14.3 Secunder's Speech

2.14.4 If he/she then declares his/her intention to do so, a member seconding a motion or amendment may reserve his/her speech until the end of the debate.

### 2.14.5 Only One Member to Stand at a Time

2.14.6 When speaking, each member must stand and address the Mayor. If two or more members rise at the same time, the Mayor shall call on one to speak; the other or others must then sit. While a member is speaking, the other members shall remain seated, unless rising to a point of order or in personal explanation.

## 2.15 Content and Length of Speeches

- 2.15.1 A member must direct his/her speech to the question under discussion or to a point of order or to a personal explanation. No speech may exceed five minutes except with the permission of the Council.

## 2.16 When a Member May Speak Again

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

- (a) To speak once on an amendment moved by another member;
- (b) If the motion has been amended since he/she last spoke, to move a further amendment;
- (c) If his/her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
- (d) In exercise of a right given by Standing Order [2.31 to 2.31.4](#);
- (e) On a point of order; or
- (f) By way of personal explanation.

## 2.16.2 Amendments to Motions

- 2.16.3 An amendment must be relevant to the motion and must be either:

- (a) To refer a subject of debate to the Executive or to a committee of the Council for consideration or re-consideration;
- (b) Remove words;
- (c) Replace words; or
- (d) Add words.

Any omissions, insertions or addition of words must not have effect of negating the motion before the Council.

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

However, the Mayor 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. The Mayor may postpone discussion of an amendment which in his/her view materially changes the meaning of the motion until in his/her opinion members who wish to speak on the motion as proposed have had the opportunity to do so.

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



## 2.17 Alterations of Motions

2.17.1 With the consent of the Council signified without discussion, a member may:

- (a) Alter a motion of which he/she has given notice;
- (b) Remove words;
- (c) Replace words; or
- (d) Add words.

## 2.18 Withdrawal of Motion

2.18.1 The mover may withdraw a motion or amendment with the consent of his/her seconder and of the Council. Consent, if given, must be signified without discussion. No member may speak on the motion or amendment after the mover has asked permission for its withdrawal, unless such permission has been refused.

## 2.19 Right of Reply

2.19.1 The proposer of a motion must have a right to reply at the close of the debate on a motion immediately before it is put to the vote.

A member exercising a right of reply shall not introduce a new matter: -

- (a) If an amendment or reference back is moved, its proposer shall have a right of reply at the close of the debate on it, subject to the proposer of the original motion (who shall not otherwise speak on the amendment) having the final right of reply immediately before that amendment or reference back is put to the Council.
- (b) After reply by the proposer of the original motion, a decision shall be taken on that amendment without further discussion or questions asked.

2.19.2 The recommendations, reports or minutes of the Executive, the Scrutiny Panels or of a Committee of the Council shall be presented to the Council by the Executive Leader or the Chairman of the meeting concerned or, in his/her absence, by some other member of the Executive or of the committee who was present at that meeting. The Executive Leader, Chairman or other member shall move that the report or minutes be received, and that any recommendation be approved and adopted.

2.19.3 After a motion has been proposed under Standing Order [2.6](#), a recommendation shall be determined by the members present. The Mayor or person presiding at the meeting shall require that the matter subject to debate be debated and disposed of before proceeding to the next motion except where otherwise agreed by the Council or where Standing Order 2.24.1 applies.

2.19.4 When the Council resolves that two or more motions or amendments shall be considered together, Standing Order [2.19.1](#) shall apply so as to give to each proposer of any such motions or amendments the right of reply. The order specified in Standing Order [2.19.1](#) shall apply. The Mayor may direct as to the order in which the various motions and/or amendments are voted on.

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

- (a) To amend the motion;
- (b) That a member is not further heard;
- (c) By the Mayor under Standing Order [2.28.2](#) that a member must leave the meeting;
- (d) That the public be excluded under Section 100A (4) of the Local Government Act 1972;
- (e) That the subject of debate be referred (back) to the Executive or committee of the Council;
- (f) That the Council proceed to the next business;
- (g) That the question is now put;
- (h) That the debate is now adjourned;
- (i) That the Council now adjourns.

## 2.20 Closure Motions

2.20.1 At the conclusion of a speech of a member, another member may move without comment, "That the Council proceed to the next business," "That the question is now put", "That the debate is now adjourned," or "That the Council now adjourns," on the seconding of which the Mayor shall proceed as follows:

- a) **On a motion to proceed to next business:** unless in his/her opinion the matter before the meeting has not been sufficiently discussed, he/she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
- b) **On a motion that the question is now put:** unless in his/her opinion the matter before the meeting has not been sufficiently discussed, he/she shall first put to the vote the motion that the question is now put. If the motion is passed the mover of the original motion shall have a right of reply under Standing Order 2.19.1 before putting his/her motion to the vote;
- c) **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 motion his/her right of reply on that occasion.

## 2.21 Points of Order and Personal Explanation

2.21.1 A member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately.

2.21.2 A point of order may 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 in which he/she considers it has been broken.

A personal explanation must be confined to:

- (a) some material part of a former speech by him/her which may appear to have been misunderstood in the present debate and must be in order to clarify his/her former speech or to correct such misunderstandings, or

(b) the correction of facts which concern himself/herself contained in a speech of another member in the present debate.

2.21.3 The ruling of the Mayor on a point or order or on the admissibility of a personal explanation shall not be open to discussion.

## 2.22 Respect for Chairman

2.22.1 Whenever the Mayor rises during a debate, a member then standing must resume his/her seat and the Council shall be silent.

## 2.23 MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

2.23.1 If any question on a motion arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question may not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under section [100A \(4\) of the Local Government Act 1972](#) shall be exercised. This Standing Order applies also to the Executive or to a committee of the Council to which the Local Government Act 1972 applies by virtue of Sections [100A](#) and [100E](#) of that Act.

## 2.24 RESCISSION OF PRECEDING RESOLUTION

2.24.1 No motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months, may be proposed unless:

- (a) a member gives notice as required by Standing Order [2.6.2](#); and
- (b) the notice has been signed by at least six other members.

2.24.2 This Standing Order does not apply to a decision or recommendation of the Executive, a Scrutiny Panel or of a Committee of the Council.

2.24.3 Any motion to rescind a previous resolution of the Council that has been passed within the preceding six months may be dealt with by the Council at the meeting at which it is moved.

## 2.25 MOTIONS ON EXPENDITURE

2.25.1 Any motion or recommendation which is not accompanied by a recommendation of the Executive and which if carried, would materially increase the expenditure on any service or reduce revenue or involve capital expenditure must, when proposed and seconded, be adjourned without discussion to the next ordinary meeting of the Council. The Executive and any committee of the Council affected by the motion must consider and report their view thereon.

## 2.26 VOTING

- 2.26.1 All questions coming or arising before the Council shall be determined by a majority of those members of the Council present and voting. If there is an equality of votes, the person presiding at the meeting shall have a second (or casting) vote.
- 2.26.2 Members shall vote:
- (a) By shows of hands; or
  - (b) By the use of an electronic system of recording votes, as the Mayor shall determine on each occasion.
- 2.26.3 If any member so requests before the vote is taken, 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 must also be recorded.
- 2.26.4 If any member so requires immediately after a vote is taken at a meeting of the Council, there must 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.

## 2.27 VOTING ON APPOINTMENTS

- 2.27.1 Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not 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 is given in favour of one person.

## 2.28 DISORDERLY CONDUCT

### 2.28.1 Misconduct by a Member

- 2.28.2 If, in the opinion of the Mayor notified to the Council, any member misconducts himself or herself by persistently disregarding the ruling of the Mayor or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move that the member named be not further heard. If seconded, the motion must be put and determined without discussion.

### 2.28.3 Continuing Misconduct by a Named Member

- 2.28.4 If the member named continues his/her misconduct after a motion under Standing Order [2.28.2](#) has been carried the Mayor shall either: -
- (a) move that the member named shall leave the meeting (in which case the motion shall be put and determined without seconding or discussion); or
  - (b) adjourn the meeting of the Council for such period as he/she in his/her discretion considers expedient.

## 2.28.5 General Disturbance

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

## 2.29 DISTURBANCE BY MEMBERS OF THE PUBLIC

2.29.1 If a member of the public interrupts the proceedings at any meeting the Mayor shall warn him/her/them. If he/she/they continue(s) the interruption, the Mayor shall order his/her/their removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Mayor shall order that part to be cleared and/or the meeting to be adjourned.

## 2.30 DURATION OF COUNCIL MEETINGS

2.30.1 After a meeting has lasted three hours, the Mayor may direct that only unopposed or formal business shall be proceeded with and any remaining motions shall stand adjourned to a subsequent meeting.

## 2.31 INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

### 2.31.1 Disclosable Pecuniary Interests and Pecuniary Interests

2.31.2 If any member of the Council has any disclosable pecuniary interest or a pecuniary interest within the meaning of the Council's Code of Conduct for Members in any contract, proposed contract, or other financial matter, that member must:

(a) disclose the existence and nature of that interest in accordance with the Council's Code of Conduct for Members; and

(b) withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Council unless he/she has obtained a dispensation from the Monitoring Officer or can attend in accordance with paragraph 7.5 and/or 7.6 of the Code (i.e. making representations).

### 2.31.3 Non-pecuniary Interests

2.31.4 If any member of the Council has a non-pecuniary interest, within the meaning of the Council's Code of Conduct for Members, in any contract, proposed contract, or other matter, that member must disclose the existence and nature of that interest in accordance with the Council's Code of Conduct for Members.

### 2.31.5 General

2.31.6 Any interest under the Council's Code of Conduct for Members must be declared at or as near as possible to the start of a meeting.

2.31.7 Reference in this Standing Order to the Council shall include the Executive, Scrutiny Panels, a Committee, Sub-Committee of the Council.

2.31.8 The agenda for each meeting of the Council, the Executive, Scrutiny Panels, a Committee or Sub-Committee, must include an item at the beginning allowing for members of the Council to declare interests on any matter(s) under consideration at that meeting.

2.32 BUDGET AND POLICY FRAMEWORK

2.32.1 The Council will approve the Budget and Policy Framework in accordance with the Budget and Policy Framework Procedure Rules ([Part 3: Chapter 4 of the Constitution](#)).

## PART 3 - MEETINGS AND PROCEEDINGS OF THE EXECUTIVE

### 3.1 STATUTORY REQUIREMENTS

- 3.1.1 All meetings and proceedings of the Executive shall be conducted in accordance with the [Local Authorities \(Executive Arrangements\) \(Access to Information\) \(England\) Regulations 2012](#) or any amendment or addition to those Regulations.

### 3.2 AREAS OF RESPONSIBILITY

- 3.2.1 The areas of Executive Responsibility shall be as determined by the Executive Leader and recorded in accordance with Standing Order [1.5](#) above.

### 3.3 DELEGATION BY THE EXECUTIVE LEADER

- 3.3.1 The Executive Leader may discharge any Executive function in accordance with [Section 9E Local Government Act 2000](#). The Executive Leader may choose to delegate any Executive function to:

- (a) the Executive;
- (b) an individual member of the Executive;
- (c) a committee of the Executive;
- (d) a sub-committee of the Executive; or
- (e) an officer of the Council.

- 3.3.2 Where the delegation takes place, this will be reflected in the Constitution and/or the terms of reference of the committee or the scheme of delegation, as appropriate. A decision of the Executive Leader under Standing Order [3.2.1](#) above shall be made in accordance with the Council's procedures for the taking of decisions by individual members of the Executive and a written record provided.

Such written record shall include:

- (a) the extent of the authority delegated, including any limitation whether as to time or otherwise; and
- (b) the name of the committee or Executive Member, or the title of the officer to whom the delegation is made.

### 3.4 CONDUCT OF EXECUTIVE MEETINGS

#### 3.4.1 Meeting

- 3.4.2 The Executive shall meet no less than six times a year. The Executive shall meet on such dates and at such times and at such location to be agreed by the Executive Leader.

- 3.4.3 The quorum for a meeting of the Executive, or a committee of the Executive, shall be at least one third of the Members. In no case shall the quorum be less than three.

- 3.4.4 If the Executive Leader is present at a meeting of the Executive, he/she shall preside. In his/her

absence, the Deputy Leader (if appointed) shall preside, and in the absence of the Deputy Leader, a person appointed to do so by those present shall preside.

3.4.5 At a meeting of a committee of the Executive, those present shall appoint a person to preside.

#### 3.4.6 Business to be conducted

3.4.7 At each meeting of the Executive the following business shall be transacted:

- (a) apologies for absence;
- (b) Executive appointments;
- (c) consideration of minutes of the last meeting;
- (d) Executive Leader's announcements;
- (e) declarations of interest;
- (f) petitions;
- (g) deputations;
- (h) matters referred to the Executive (whether by a Scrutiny Panel or by the Council) for consideration by the Executive;
- (i) matters set out in the agenda for the meeting and which shall indicate which are key decisions and which are not;
- (j) consideration of reports from the Scrutiny Panels; and
- (k) other business, if any, specified in the summons.

3.4.8 All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the consultation undertaken, including that with the relevant Scrutiny Panel, and the outcome of consultation as appropriate.

3.4.9 Any Non-Executive Member may request to speak at a meeting of the Executive giving notice to the Executive Leader at least one clear working day before the Executive meeting in which they wish to speak.

3.4.10 Any Executive member may require that an item be placed on the agenda of the next available meeting of the Executive for consideration.

3.4.11 There shall be a standing item on the agenda of each meeting of the Executive for matters referred by a Scrutiny Panel. The Chairman or Vice-Chairman of any Scrutiny Panel shall be entitled to attend and speak at a meeting of the Executive when a recommendation or report of that Panel is being considered.

3.4.12 Any member of the Council may ask the Executive Leader to put an item on the agenda of an Executive meeting for consideration and, if the Executive Leader agrees, the item shall be considered at an appropriate meeting of the Executive.  
The member asking for the item to be considered shall be invited to attend and speak at the meeting, whether or not it is a public meeting.

3.4.13 The Head of Paid Service, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and may require such a meeting to be called in pursuance of their statutory duties.

3.4.14 Notwithstanding the provisions of this section, no matter may be placed on the agenda for an Executive decision or Executive meeting unless it has complied with the requirements of



the Constitution in relation to the Access to Information Procedure Rules ([Part 3, Chapter 1](#)), the Executive Procedure Rules ([Constitution Part 3, Chapter 2](#)), Notice of Key Decisions and Key Decisions ([Constitution Part 3, Chapter 3](#)), Decision making by individual members of the Executive and key decisions by Officers ([Constitution Part 3, Chapter 5](#)) or Urgent Decisions Outside the Policy Framework and / or Budget ([Constitution Part 3, Chapter 6](#)) and the provisions of the Local Authorities (Executive Arrangements) (Meetings & Access to Information) Regulations 2012.

- 3.4.15 Items of business containing exempt or confidential information within the meaning of the [Local Authorities \(Executive Arrangements\) \(Meetings & Access to Information\) Regulations 2012](#) may only be added to the agenda following a period of 28 days' notice of the item containing exempt or confidential material.
- 3.4.16 Urgent business may only be transacted having complied with Regulations 10 (General Exception) or Regulation 11 (Urgency) of the [Local Authorities \(Executive Arrangements\) \(Meetings & Access to Information\) Regulations 2012](#). Regulation 10 requires notice to have been given to the Chairman of the relevant Scrutiny Panel, or in his/her absence, every member of the relevant Scrutiny Panel at least 5 clear days prior to the date of the decision /decision meeting. Regulation 11 (for which there is no required notice period) requires the written consent to the matter being urgent (less than 5 clear working days) having been obtained from the Chairman of the relevant Scrutiny Panel, or in their absence, the Chairman of the Authority, or in both of their absence, the Vice Chairman of the Authority.
- 3.4.17 Confidentiality of Proceedings
- 3.4.18 The provisions of Standing Order [4.6](#), relating to confidentiality of proceedings, shall apply to proceedings of the Executive.
- 3.4.19 Right to Attend Meetings
- 3.4.20 In addition to the rights of members to attend meetings under the Regulations referred to at Standing Order [4.4 to 4.4.3](#) and Standing Order [4.13.1](#) (Right for Mover of Motion to Attend Meeting) shall apply to meetings of the Executive when a motion has been referred by Council.

## PART 4 - SCRUTINY PANELS

### 4.1 GENERAL PROCEDURE

- 4.1.1 In these Standing Orders the term 'Panel' refers to Scrutiny Panels appointed by the Council under Standing Order [1.6](#)
- 4.1.2 The provisions of Standing Orders 4.1 to 4.15.4 shall apply to meetings of all Scrutiny Panels of the Council.
- 4.1.3 Each Scrutiny Panel is scheduled to meet four times per municipal year, with additional meetings created if necessary or a meeting being cancelled for lack of business with the consent of the Chairman.
- 4.1.4 The Scrutiny Panels shall consider the following business at every meeting: -
- (a) minutes of the last meeting;
  - (b) chairman's announcements;
  - (c) declarations of interest;
  - (d) deputations;
  - (e) Executive Business;

### 4.2 TERMS OF REFERENCE

- 4.2.1 Each Panel of the Council shall exercise such functions, duties and powers as are allocated or required by statute.
- 4.2.2 Each Panel of the Council shall, in addition, have the terms of reference and delegated powers that the Council approves for it from time to time.

### 4.3 CHAIRMAN OF COMMITTEE

- 4.3.1 In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting may be appointed from those members of the Panel present and voting.

### 4.4 RIGHT TO ATTEND MEETINGS

- 4.4.1 The Mayor and the Executive Leader shall ex officio have the right to attend and speak at meetings of all Panels of which he or she is not otherwise a voting member.
- 4.4.2 Each elected member of the Council has a right to attend any meeting of any Panel of the Council, and in doing has the right to take part in discussions held in the Panel

meeting with direct invitation of the Chairman of that Panel. Standing Orders [2.31 to 2.31.8](#) (Interests) and [4.6](#) (Confidentiality) shall apply to such visiting members.

- 4.4.3 Members who are co-opted for the consideration of specific business or for a specified period only, such appointment being less than a full municipal year, shall not be entitled to receive copies of reports relating to other business of the Scrutiny Panel containing information which is exempt.

#### 4.5 STANDING DEPUTIES

- 4.5.1 When making or terminating appointments of voting members to Panels under Standing Order [1.6.5](#) or to other bodies of the Council under Standing Order [1.7](#), each appointing body shall also make or terminate the appointment of such deputies as nominated by political groups.

- 4.5.2 Each political group may nominate one member to act as deputy for that group for each Panel.

- 4.5.3 In the absence from a meeting of a voting member holding a seat allocated to a political group on a Panel, a deputy appointed under this Standing Order may act as his/her substitute and shall be entitled to attend, speak and vote at the meeting.

- 4.5.4 A deputy attending at a meeting under Standing Order [1.6.3](#) must, before the start of the meeting, advise the Chairman or cause the Chairman to be advised of the member for whom he/she is deputising.

- 4.5.5 Where a person for whom a member is deputising is appointed Chairman or Vice-Chairman of the Panel, the deputy shall not be entitled to act in that capacity.

- 4.5.6 In the case that a deputy appointed to, present at, and participating in a meeting and the voting member for whom he/she is deputising subsequently also attends, the voting member may not take the place of the deputy. The Chairman of the meeting may invite that member to speak on such items of business as the Chairman considers reasonable. However, that member shall not be entitled to vote.

- 4.5.7 If a voting member of a Panel is present at and participating in a meeting, a deputy may not be appointed to subsequently take his/her place.

- 4.5.8 If a meeting at which either a deputy or a voting member has participated is adjourned until a later date, then notwithstanding Standing Orders [4.5.5](#) and [4.5.6](#), the deputy or voting member may take the place of the other at the resumed meeting provided that such substitution may take place only at the beginning of the resumed meeting.

## 4.6 CONFIDENTIALITY OF PROCEEDINGS

- 4.6.1 Where the public have been excluded from a meeting under any paragraph of [Part 1 of Schedule 12A of the Local Government Act 1972](#), no member of the Council or of a Panel (whether elected or co-opted) may disclose (except to another member of the Council) a matter dealt with by or to be brought before the a Panel, without the permission of the Council.
- 4.6.2 Minutes, reports and documents containing exempt or confidential information and marked as such must be treated as confidential until the member is informed otherwise by the Council. Discussions which have taken place on and verbal reports of officers on exempt or confidential matters must not be disclosed except as specifically approved by the Council.

## 4.7 LIMITATION ON EXERCISE OF DELEGATED POWERS

- 4.7.1 The exercise by any Panel of the Council, members or officers of the Council of any of the powers and duties from time to time delegated to them are subject to the following limitations and conditions:
- 4.7.2 Nothing may be done in pursuance of purported exercise of any such powers and duties which would or might involve any commitment on the part of the Council to capital expenditure required to be financed by way of loan or any other expenditure for which no provision has been made in the approved annual estimates or which would be in excess of any amount so provided.
- 4.7.3 In dealing with any matter under delegated powers, effect must be given to any resolution passed by the Council specifically relating thereto and any other general instructions or directions of the Council (or of the Executive or any committee of the Council in the case of powers delegated to an officer) as to the principles to be observed or the policy to be followed in regard to matters of that kind.
- 4.7.4 A Panel of the Council may not deal with any matter under delegated powers where at least one quarter of the membership of the Panel present at the Panel meeting requests that a recommendation on the matter be submitted to the Council.

## 4.8 URGENT BUSINESS

- 4.8.1 Urgent business arising at a time when it is not expedient to await the next scheduled meeting of the relevant Panel shall be dealt with at an extra meeting scheduled as the Proper Officer in consultation with the Chairman may decide.

## 4.9 ADDITIONAL MEETINGS

- 4.9.1 The Proper Officer in consultation with Chairman of a Panel may call an additional meeting of the Panel at any time. Additional meetings will be transacted in the same

way as a scheduled meeting. Call-in meetings will follow a separate procedure as set out at Standing Order [4.14](#).

#### 4.10 QUORUM OF SCRUTINY PANELS

- 4.10.1 Except where authorised by a statute or ordered by the Council, business may not be transacted at a meeting of any Panel unless at least one third of the whole number of the Panel is present. In no case shall less than three members comprise the quorum of a Panel.

#### 4.11 VOTING IN PANELS

- 4.11.1 All questions coming or arising before a meeting of a Panel of the Council, shall be determined by a majority of those members present and voting.

In the case of an equality of votes, the person presiding at the meeting shall have a second (or casting) vote.

- 4.11.2 The mode of voting at meetings of a Panel shall be by show of hands.

- 4.11.3 If, immediately after a vote is taken at a meeting of a Panel, any member of that body requires it, there must 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.

#### 4.12 STANDING ORDERS TO APPLY TO SCRUTINY PANELS

- 4.12.1 The Standing Orders of the Council (except those parts which relate to standing and to speaking more than once), with any necessary modification, apply to meetings of Panels of the Council.

- 4.12.2 Minutes of Panels shall be signed, where possible, at the next following meeting or other suitable meeting as appropriate.

#### 4.13 MOVER OF MOTION MAY ATTEND COMMITTEE, SCRUTINY PANEL OR SUB-COMMITTEE

- 4.13.1 A member of the Council who has moved a motion that has been referred to any committee, scrutiny panel or sub-committee must have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion. He/she has a right to attend the meeting and if he/she attends must have an opportunity of explaining the motion.

#### 4.14 SCRUTINY PANEL MEETING CONVENED UNDER CALL-IN

- 4.14.1 A Scrutiny Panel meeting convened under the rules of call-in shall be called a Special

Scrutiny Panel meeting.

4.14.2 The Special Scrutiny Panels shall consider the following business at a call-in meeting:

-

- (a) minutes of the last meeting;
- (b) chairman's announcements
- (c) declarations of interest;
- (d) deputations
- (e) Call-in of XXXX decision XXXXX.

#### 4.15 ATTENDANCE BY OTHERS

4.15.1 In scrutinising or reviewing decisions made or action taken in connection with the discharge of any function of the Council, the relevant Scrutiny Panel may require any Executive Member (including the Executive Leader) and/or any senior officer to attend before it to explain in relation to matters with their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance and it is the duty of those persons to attend if so required.

4.15.2 Where any member or officer is required to attend a Scrutiny Panel under Standing Order 4.15.1, the Chairman of the relevant Scrutiny Panel shall inform the Chief Executive Officer. The Chief Executive Officer shall inform the member or officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice shall state the nature of the item on which attendance is required and whether any papers are required to be produced for the relevant Scrutiny Panel. Where the account to be given to the relevant Scrutiny Panel shall require the production of a report, then the member or officer shall be given sufficient notice to allow for preparation of that documentation.

4.15.3 Where, in exceptional circumstances (unless a statutory notice of attendance has been secured), the member or officer is unable to attend on the required date, then the relevant Scrutiny Panel shall in consultation with the member or officer concerned arrange an alternative date for attendance.

4.15.4 Any Scrutiny Panel may invite people to address it, discuss issues of local concern, and/or and answer questions.

## PART 5 - COMMITTEES AND SUB-COMMITTEES

### 5.1 GENERAL PROCEDURE

- 5.1.1 The provisions of Standing Orders 5.1 to 5.15.3 shall apply to meetings of all Committees and Sub-Committees of the Council.
- 5.1.2 Each Committee and Sub-Committee is scheduled to meet a set number of times per municipal year, as set annually by Council. Additional meetings may be created if necessary or a meeting being cancelled for lack of business with the consent of Council.
- 5.1.3 The Committee and Sub-Committees shall consider the following business at every meeting: -
- (a) minutes of the last meeting;
  - (b) chairman's announcements;
  - (c) declarations of interest;
  - (d) deputations;

### 5.2 TERMS OF REFERENCE

- 5.2.1 Each Committee of the Council shall exercise such functions, duties and powers as are allocated or required by statute.
- 5.2.1.1 Each Committee of the Council shall, in addition, have the terms of reference and delegated powers that the Council approves for it from time to time.

### 5.3 CHAIRMAN OF COMMITTEE

- 5.3.1 In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting may be appointed from those members of the committee present and voting.

### 5.4 RIGHT TO ATTEND MEETINGS

- 5.4.1 The Mayor and the Executive Leader shall ex officio have the right to attend and speak at meetings of all committees of which he or she is not otherwise a voting member.
- 5.4.2 Each elected member of the Council has a right to attend any meeting of a committee of the Council or any sub-committee thereof, provided that he or she takes no part whatever in the discussions held in the committee or sub-committee except by direct invitation of the Chairman of that committee or sub-committee. Standing Orders [2.31 to 2.31.3 \(Interests\)](#) and [5.6](#) (Confidentiality) shall apply to such members.
- 5.4.3 The Chairman and Vice-Chairman of a committee of the Council ex officio have the right to attend and speak at meetings of every sub-committee appointed by that committee, if the said Chairman or Vice-Chairman is not otherwise appointed as a voting member.

## 5.5 STANDING DEPUTIES

- 5.5.1 When making or terminating appointments of voting members to committees under Standing Order [1.7](#) or to other bodies of the Council under Standing Order [1.6](#), each appointing body shall also make or terminate the appointment of such deputies as nominated by political groups.
- 5.5.2 Each political group may nominate one member to act as deputy for that group for each committee or other body of the Council, with the exception of the Planning Committee, to which each group may appoint two deputy members.
- 5.5.3 In the absence from a meeting of a voting member holding a seat allocated to a political group on a committee or other body of the Council, a deputy appointed under this Standing Order may act as his/her substitute and shall be entitled to attend, speak and vote at the meeting.
- 5.5.4 A deputy attending at a meeting under Standing Order 5.5 must, before the start of the meeting, advise the Chairman or cause the Chairman to be advised of the member for whom he/she is deputising.
- 5.5.5 Where a person for whom a member is deputising is appointed Chairman or Vice-Chairman of the committee or body concerned, the deputy shall not be entitled to act in that capacity.
- 5.5.6 In the case that a deputy appointed to and is present at and participating in a meeting and the voting member for whom he/she is deputising subsequently also attends, the voting member may not take the place of the deputy. The Chairman of the meeting may invite that member to speak on such items of business as the Chairman considers reasonable. However, that member shall not be entitled to vote.
- 5.5.7 If a voting member of a committee or other body is present at and participating in a meeting, a deputy may not be appointed to subsequently take his/her place.
- 5.5.8 If a meeting at which either a deputy or a voting member has participated is adjourned until a later date, then notwithstanding Standing Orders 5.5.5 and 5.5.6, the deputy or voting member may take the place of the other at the resumed meeting provided that such substitution may take place only at the beginning of the resumed meeting.

## 5.6 CONFIDENTIALITY OF PROCEEDINGS

- 5.6.1 Where the public have been excluded from a meeting under any paragraph of [Part 1 of](#)



[Schedule 12A of the Local Government Act 1972](#), no member of the Council or of a Committee or Sub-Committee (whether elected or co-opted) may disclose (except to another member of the Council) a matter dealt with by or to be brought before the Council, committee or sub-committee, without the permission of the Council or that committee or sub-committee.

5.6.2 Minutes, reports and documents containing exempt or confidential information and marked as such must be treated as confidential until the member is informed otherwise by the Council. Discussions which have taken place on and verbal reports of officers on exempt or confidential matters must not be disclosed except as specifically approved by the Council.

## 5.7 LIMITATION ON EXERCISE OF DELEGATED POWERS

5.7.1 The exercise by any committee of the Council, members or officers of the Council of any of the powers and duties from time to time delegated to them are subject to the following limitations and conditions:

5.7.2 Nothing may be done in pursuance of purported exercise of any such powers and duties which would or might involve any commitment on the part of the Council to capital expenditure required to be financed by way of loan or any other expenditure for which no provision has been made in the approved annual estimates or which would be in excess of any amount so provided.

5.7.3 In dealing with any matter under delegated powers, effect must be given to any resolution passed by the Council specifically relating thereto and any other general instructions or directions of the Council (or of the Executive or any committee of the Council in the case of powers delegated to an officer) as to the principles to be observed or the policy to be followed in regard to matters of that kind.

5.7.4 A committee of the Council may not deal with any matter under delegated powers where at least one quarter of the membership of the committee present at the committee meeting requests that a recommendation on the matter be submitted to the Council.

5.7.5 A sub-committee of the Council may not deal with any matter under delegated powers where at least one quarter of the membership of the subcommittee present at the sub-committee meeting requests that a recommendation on the matter be submitted to the appropriate parent committee.

5.7.6 Notwithstanding (c) and (d) of this Standing Order, except where required by law, applications for planning permission shall not be considered at a meeting of the full Council but shall be determined by the appropriate Committee of the Council or Sub-Committee.

## 5.8 URGENT BUSINESS

- 5.8.1 Urgent business arising at a time when it is not expedient to await the next scheduled meeting of the relevant committee of the Council shall be dealt with at a special meeting of that committee.

## 5.9 SPECIAL MEETINGS OF COMMITTEE

- 5.9.1 The Proper Officer in consultation with the Chairman of a committee may call a special meeting of the committee at any time. A special meeting must also be called on the requisition of at least four members of the committee, delivered in writing to the Chief Executive Officer. The agenda for the special meeting must set out the business to be considered, and no business other than set out in the agenda may be considered at that meeting.

## 5.10 SUB-COMMITTEES

- 5.10.1 Every committee appointed by the Council may appoint sub-committees for such specified purposes as they think fit and may make arrangements for such subcommittees to discharge any of the functions of the authority which the committee may discharge.
- 5.10.2 The number of members and standing deputies to serve on a sub-committee shall be as determined by the relevant committee from time to time, but a sub- committee must have at least three members.
- 5.10.3 Whenever a committee is required to review the allocation of seats on a subcommittee between political groups or a committee resolves to carry out such a review, the committee must determine the allocation of seats to political groups in a way which may best meets the requirements of [Section 15 of the Local Government and Housing Act 1989](#) or other statutory provision.

## 5.11 QUORUM OF COMMITTEES AND SUB-COMMITTEES

- 5.11.1 Except where authorised by a statute or ordered by the Council, business may not be transacted at a meeting of any committee unless at least one third of the whole number of the committee is present. In no case shall less than three members comprise the quorum of a committee.

## 5.12 VOTING IN COMMITTEES AND SUB-COMMITTEES

- 5.12.1 All questions coming or arising before a meeting of a committee of the Council, a sub-committee, a relevant joint committee or sub-committee of such a committee shall be determined by a majority of those members present and voting.

- 5.12.2 In the case of an equality of votes, the person presiding at the meeting shall have a second (or casting) vote.
- 5.12.3 The mode of voting at meetings of a committee, a sub-committee, a relevant joint committee or sub-committee of such a committee, shall be by show of hands.
- 5.12.4 If, immediately after a vote is taken at a meeting of a committee or sub-committee or a relevant joint committee or sub-committee of such a committee, any member of that body requires it, there must 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.
- 5.13 **STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES**
- 5.13.1 The Standing Orders of the Council (except those parts which relate to standing and to speaking more than once), with any necessary modification, apply to meetings of committees of the Council.
- 5.13.2 Minutes of committees or sub-committees shall be signed, where possible, at the next following meeting or other suitable meeting as appropriate.
- 5.14 **MOVER OF MOTION MAY ATTEND COMMITTEE OR SUB-COMMITTEE**
- 5.14.1 A member of the Council who has moved a motion that has been referred to any committee or sub-committee must have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion. He/she has a right to attend the meeting and if he/she attends must have an opportunity of explaining the motion.
- 5.15 **SUBMISSION OF ESTIMATES**
- 5.15.1 Every committee of the Council having power to incur expenditure paid for by local taxation must submit to the Executive not later than the first day of February an estimate, in a form approved by the Council of the proposed expenditure to be recommended by such committee for the ensuing year.
- 5.15.2 In the event of the Executive referring estimates back to a committee that committee shall consider such reference and submit revised estimates or observations by the first day of March.
- 5.15.3 A Committee shall, before incurring any expenditure not included in approved estimates, submit to the Executive a supplementary estimate accompanied by a detailed statement in support of the expenditure.

## PART 6 - GENERAL MATTERS AND EFFECT OF STANDING ORDERS

### 6.1 ALLEGATIONS OF MISCONDUCT

6.1.1 Where there is an allegation of misconduct or conduct which amounts to breach of the [Council's Code of Conduct for Members](#), by a member of the Council, such allegation must be dealt with in accordance with procedures approved by the Audit and Governance Committee.

### 6.2 DEPUTATIONS

6.2.1 Deputations shall be heard by Council, a meeting of the Executive, a Committee of the Council or a Scrutiny Panel as appropriate in accordance with such scheme(s) as the Council may from time to time approve.

### 6.3 PETITIONS

6.3.1 A petition is a communication submitted to the Council signed by people who live, work or study in the Borough on a topic which relates to a function of the Council.

6.3.2 All petitions received will be formally acknowledged by the Council.

6.3.3 Any petition received which, in the opinion of the Assistant Director (Democracy) is illegal, irregular or improper it shall not be dealt with under the Council's Petition Scheme. In the event of nonacceptance, the lead petitioner will be notified within 10 working days.

### 6.4 INTERESTS OF OFFICERS IN CONTRACTS

6.4.1 The Chief Executive Officer must record particulars of any notice given by an officer of the Council under [Section 117 of the Local Government Act, 1972](#) of a disclosable pecuniary interest in a contract and the record must be open during office hours to inspection.

### 6.5 INSPECTION OF DOCUMENTS BY MEMBERS

#### 6.5.1 General

6.5.2 For the purpose of his/her duty as a member of the Council or as a member of a committee or sub-committee:

- (a) A member may inspect any document which is in the possession of, or under the control of the Council, which contains material relating to any business to be transacted at a meeting of a committee or sub-committee to which the [Local Government Act 1972](#) applies. However, the right does not apply if the appropriate proper officer is of the opinion that a document discloses certain classes of exempt information described in Paragraphs 1-6, 9, 11, 12 and 14 of Part 1 of Schedule 12A to that Act or is prohibited from disclosure by virtue of the [Data Protection Act 2018](#), the General Data Protection Act or other data protection legislation.
- (b) A member may generally have access to documents in the possession of the Council:
- i. which relate to the work of the committee or sub-committee on which that member serves;
  - ii. which relate to the work of a committee or sub-committee on which he/she does not serve if the member can show good reason;
  - iii. a member who is denied access to documents by a chief officer may refer the matter to the Chief Executive Officer who may consult the Solicitor to the Council and the Mayor. In the event of continued dispute, the matter shall be determined by the committee concerned having regard to any relevant legal advice that may, in the opinion of the Chief Executive Officer, be required to be brought to the attention of the committee.
  - iv. a Chief Officer shall so far as is practicable and lawful, supply on request a copy of any document asked for by a member of the Council, subject to ii above.

### 6.5.3 The Executive

6.5.4 Members shall have, as a minimum, all of the rights of inspection to documents of the Executive, as are provided by the [Local Authorities \(Executive Arrangements\) \(Access to Information\) \(England\) Regulations 2012](#) or any supplementary or amending legislation.

6.5.5 Further to the provisions in Standing Order [6.7](#), any member may inspect and be provided with a copy of any document that is in the possession of, or under the control of, the Executive which:

- (a) contains material relating to any business to be transacted at a public meeting of the Executive;
- (b) contains material which relates to a key decision made by an officer in accordance with executive arrangements.

6.5.6 The rights referred to in Standing Order [6.5.2\(a\)](#) shall include material relating to exempt information except where the appropriate proper officer is of the opinion that a document

discloses exempt information as described in paragraphs 1- 6,9,11, 12 and 14 of [Part I of Schedule 12A to the Local Government Act 1972](#), is prohibited from disclosure under the Data Protection Act 2018 or if the Chief Executive Officer is of the opinion that there would be a disclosure of advice provided by a political assistant or adviser.

#### 6.5.7 Legal Privilege

6.5.8 Standing Orders 6.5 and 6.5.6 shall not preclude the Solicitor to the Council from declining to allow inspection of any document which is or, in the event of legal proceedings would be, protected by privilege arising from the relationship of Solicitor and Client.

### 6.6 RECORDING OF PROCEEDINGS BY THE MEDIA

6.6.1 Audio and visual recordings of a meeting of the Council, the Executive, Committees, Panels and other Council bodies shall normally be permitted. The Mayor or Chairman of the meeting shall advise members that the meeting is being recorded. A request to record a meeting shall only be refused if the Mayor or Chairman of the meeting believes recording would disrupt the meeting and following a motion to refuse a recording request being passed by a two-thirds majority of those members present and voting at the meeting or which otherwise would breach the [Data Protection Act 2018](#), the General Data Protection Regulations.

### 6.7 INSPECTION OF LAND, PREMISES, ETC

6.7.1 Unless specifically authorised to do so by the Council, the Executive or a committee of the Council, a member of the Council may not issue any order in respect of any works which are being carried out by or on behalf of the Council. He/she may not claim by virtue of his/her membership of the Council any right to inspect or to enter on any land or premises that the Council has the power or duty to inspect or enter.

### 6.8 FINANCIAL REGULATIONS, ETC

6.8.1 The Executive, the Scrutiny Panels, Committees, Members and Officers of the Council must observe such Financial Regulations and Standing Orders with Respect to Contracts as are from time to time prescribed by the Council ([Part 4: section 3 of the Constitution](#)).

### 6.9 VARIATIONS AND REVOCATIONS OF STANDING ORDERS

6.9.1 Unless it has been considered by the Audit and Governance Committee (or such other committee or sub-committee with powers delegated to it in this respect) no resolution may be passed by Council which has the effect of adding to varying or revoking these Standing Orders.

6.9.2 No Standing Order made or modified in pursuance of the [Local Authorities \(Standing Orders\) Regulations 1993](#) or such other statutory provision shall be varied other than authorised by statute.

6.10 STANDING ORDERS TO BE GIVEN TO MEMBERS

6.10.1 The Chief Executive Officer must provide access to each member of the Council to a copy of these Standing Orders, and of such statutory code or local code as regulates the proceedings and business of the Council.

6.11 EACH MEMBER TO GIVE AN ADDRESS FOR NOTICES

6.11.1 Every member of the Council must give to the Chief Executive Officer an address to which all notices to that member are to be forwarded until he/she gives another address. Notices sent to the address so given shall be deemed valid and sufficient for all purposes.

6.12 INTERPRETATION OF STANDING ORDERS

6.12.1 The ruling of the Mayor as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, may not be challenged at any meeting of the Council.

## APPENDIX ONE

## SCHEME FOR DEPUTATIONS TO COUNCIL, EXECUTIVE, SCRUTINY PANEL, COMMITTEE AND SUB-COMMITTEE MEETINGS (other than Planning Committee)

1. Notice of a proposed Deputation, which shall be given in writing, shall be lodged with the Assistant Director (Democracy) no later than by noon two working days before the day of the meeting and:
  - (a) in the case of a meeting of the full Council, shall be addressed to the Mayor
  - (b) in the case of a meeting of the Executive, shall be addressed to the Executive Leader
  - (c) in the case of a Scrutiny Panel, Committee or Sub-Committee of the Council, shall be addressed to the chairman of the relevant Panel, Committee or Sub-Committee.
2. A notice shall give brief details of the subject on which a Deputation wishes to be heard.
3. A Deputation to the Executive or a Committee, shall be entitled to address the meeting only on a matter which forms the subject of an item for discussion on the agenda for that meeting.
4. A Deputation to a meeting of the full Council shall be entitled only to address members on matters concerning functions and powers of the Council.
5. A Deputation to a Scrutiny Panel shall be entitled only to address Members on matters concerning functions and powers of the relevant Panel.
6. If notice of a Deputation is received which, in the opinion of the Assistant Director (Democracy) is illegal, irregular or improper it shall not be accepted. In the event of nonacceptance, the Assistant Director (Democracy) shall notify the Deputee.
7. Deputations shall be received only from persons/organisations who have a vested interest in the Borough, e.g currently living, working, studying, own property or a business in the Borough or are authorised to represent the interests of a person or persons currently living, working, studying own property or a business in the Borough.
8. Councillors may not make deputations under this scheme.
9. With the consent of the Mayor, Executive Leader or Chairman, as appropriate, a Deputation may be presented by one person to speak on his, her or its behalf.
10. Subject to the other provisions of this scheme, deputations may be given in written form in place of a verbal deputation.



11. Where a deputation is received in written form, this will be circulated to all Members of the Committee, Executive, Council or Panel ahead of the meeting to enable them to read, and have consideration of the deputation, ahead of the meeting.
12. Notwithstanding the time limits for Deputations allowed by the Councils Standing Orders (that is, that addresses shall not exceed ten minutes in total for each deputation, this period to include the time taken to read any memorial presented) the total time for receipt of all Deputations at any meeting shall be thirty minutes. If more than three Deputations are received at a meeting, the time allowed for each shall be reduced accordingly.
13. In relation to meetings of the Executive, the Scrutiny Panels or Committees, the item next on each agenda after Apologies for Absence, (election of a Vice-Chairman as required), Minutes, Chairman's Announcements and Declarations of Interests, shall be: -  
*'To receive Deputations of which notice has been lodged'*.
14. If no notice has been lodged or if no Deputation is present to be received, the meeting shall proceed to the next business.
15. In relation to meetings of the full Council, receipt of Deputations shall be timetabled as the Mayor shall decide.
16. Deputations shall not be received at site meetings or at the Annual Meeting of the Council.
17. Arrangements shall be made for a list of Deputations to be circulated to members present at the beginning of each relevant meeting.
18. The Assistant Director (Democracy) in consultation with the Chairman, has the authority to alter this scheme, should circumstances require.

## APPENDIX TWO

## SCHEME FOR DEPUTATIONS TO MEETINGS OF THE PLANNING COMMITTEE

1. Notice of a proposed deputation shall be given in writing and shall be lodged with the Assistant Director (Democracy) no later than noon two working days before the day of the meeting.
2. The notice shall specify the application or other matter on which a deputation wishes to be heard and, in the case of an application for planning consent, shall specify whether the deputation is for or against the proposal.
3. A deputation shall be entitled to address the meeting only on a matter which forms the subject of an item for discussion on the agenda for that meeting.
4. Deputations shall be received only from the applicant or his/her professional agent or from persons/organisations who have a vested interest in the Borough, e.g. currently living, working, studying, own property or a business in the Borough or are authorised to represent the interests of a person or persons currently living, working, studying or own property or a business in the Borough. Only one deputation will be accepted per household. (Note: for this purpose, "household" will be taken to mean all the persons who usually live in the same dwelling unit and who share living arrangements).
5. Where two or more notices of deputation are received on the same matter, the Council will actively encourage the appointment of a single spokesman to present the deputation on behalf of all.
6. Subject to the other provisions of this scheme, deputations may be given in written form in place of a verbal deputation.
7. Where a deputation is received in written form, this will be circulated to all Members of the Planning Committee ahead of the meeting to enable them to take the deputation into account when considering the item to which it refers.
8. Any supporting documents either written, photographic or other material to be presented as part of the deputation shall be lodged with the Assistant Director (Democracy) no later than noon two working days before the day of the meeting. With the consent of the Committee, deputees may be permitted to circulate relevant photographs or drawings at the meeting but no additional written material which has not been lodged prior to the meeting. Planning officers will be invited to comment if appropriate on the photographs or drawings circulated.
9. Deputations shall **not** be received at site meetings.
10. The time limits for presenting deputations shall be:

- (a) In respect of those speaking in support of an application: a single deputation shall be allocated not more than three minutes; a single spokesman representing two or more deputees shall be allocated not more than six minutes; in the event that there is more than one speaker, the total time allowed for all speakers shall be six minutes and the time shall be shared equally among them.
  - (b) In respect of those speaking against an application: a single deputation shall be allocated not more than three minutes; a single spokesman representing two or more deputees shall be allocated not more than six minutes; in the event that there is more than one speaker, the total time allowed for all speakers shall be six minutes and the time shall be shared equally among them.
  - (c) In respect of those deputations to be made by established amenity groups\* on an issue relevant to their area of interest: a single deputation shall be allocated not more than three minutes; a single spokesman representing two or more amenity groups shall be allocated not more than six minutes; in the event that there is more than one speaker, the total time allowed for all speakers shall be six minutes and the time shall be shared equally among them.  
*(\* a list of established amenity groups is maintained by the Committee and may be revised periodically at the discretion of the Chairman in consultation with ward members.)*
11. In respect of deputations on other matters: the total time allocated shall be five minutes for a proposal and five minutes against a proposal when it is appropriate to do so; otherwise the total time allocated shall be five minutes. A single deputation shall be allocated not more than three minutes; a single spokesman representing two or more deputees shall be allocated not more than five minutes; in the event that there is more than one speaker, the total time allowed for all speakers shall be five minutes and the time shall be shared equally among them.
12. The Assistant Director (Democracy) in consultation with the Chairman, has the authority to alter this scheme, should circumstances require.

## PETITION SCHEME

### INTRODUCTION

1. A petition is a communication submitted to the Council signed by people who live, work or study in the Borough on a topic which relates to a function of the Council.
2. All petitions submitted to the council will receive a formal acknowledgement within 10 working days of receipt. This acknowledgement will be sent by Democratic Services.
3. Petitions can be in written paper form or as an online e-petition. Petitions will not be accepted in any other form.
4. The Council's Petition Scheme covers both electronic and paper petitions.
5. Further information relating to the Council's Petition Scheme can be found on the Council's website at [www.fareham.gov.uk/have\\_your\\_say/petitions](http://www.fareham.gov.uk/have_your_say/petitions)

### RULES FOR SUBMITTING A PETITION

6. For a Petition to be valid, which triggers a formal response by the Council, as described in this scheme, a petition must:
  - i Be addressed to the Council;
  - ii Relate to functions of the Council;
  - iii Include a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take;
  - iv Include the contact details, including an address, for the petition organiser (lead petitioner). This is the person we will contact to explain how we will respond to the petition; and
  - v Obtain a minimum of 50 signatures of support from people who live, work or study in the borough. Paper copies should include the names and addresses of those signing the petition so that we may check its validity if required. Those "signing" an electronic petition must provide their house number and postcode and state whether they live, work or study in the Borough.
7. A petition submitted to the Council must follow these rules. If a petition is not accepted, an acknowledgment letter will still be sent to the lead petitioner within 10 working days.
8. Petitions with less than 50 signatures may still be submitted to the Council but may not be dealt in accordance with this scheme. An explanation for the action to be taken will be sent to the lead petitioner within 10 working days of receipt.
9. During a pre-election period, the Council is governed by Guidance which may mean that a petition will be managed differently. In this case the Council will explain the reasons and discuss the revised timescale which will apply to the lead petitioner.

10. Once a petition has been submitted to the Council it must be closed by the Lead Petitioner. No further signatures can be received by the Council once a petition has been submitted.

## RESTRICTIONS

11. The Assistant Director (Democracy) may decide not to accept a petition on behalf of the Council if: -
- i the petition is a request for action that is outside the functions or powers of the council or a statement where no action is required;
  - ii the petition is a request that is substantially the same as an existing petition or one that has been submitted in the past 12 months;
  - iii the content is considered to be malicious, vexatious, abusive or otherwise inappropriate or which is intended to be solely humorous;
  - iv language is offensive, intemperate or inappropriately provocative. This not only includes obvious swear words and insults, but any language to which people reading it could reasonably take offence;
  - v the petition contains party political content, as we are unable to publish such material;
  - vi the petition is potentially libellous, false or defamatory statements or information which may cause loss or personal distress without justified cause;
  - vii the petition contains material which is potentially confidential;
  - viii the petition contains information which is commercially sensitive or is a commercial endorsement or promotion of any product, service or publication;
  - ix the names of individual officials of the council or other public body are displayed. Disputes relating to the actions of individual officers should be presented through the council's complaints procedure. Petitions may however refer to a senior manager responsible for delivery of public services but must relate to their role in delivering that service and not to their character, personality or private life.
  - x the petition contains the names of family members of elected representatives or officials.
  - xi the external e-petition submitted from an external website is not able to be validated by the Council.
12. Petitions which fall within these restrictions will be formally acknowledged within 10 working days of receipt by way of a letter to the petitioner explaining the reasons for nonacceptance under this scheme. No further action will be taken by the Council where these restrictions apply.

## RESPONSES

13. The Council will respond to each petition in accordance with this petition scheme.
14. If the Council can action the request without any further action being required, the lead petitioner will be notified in writing.
15. If the petition contains more than 1500 valid signatures, then this will trigger a debate at Council. The lead petitioner will be notified of the date and time of the relevant meeting and will be formally invited to attend.

16. If the petition relates directly to a planning or licensing application or other quasi-judicial matter, these matters are statutory functions which cannot be debated at Council. The lead petitioner would be notified of the procedure for handling petitions relating to statutory functions.
17. If a petition is received on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on these procedures will be provided to the lead petitioner.
18. A petition with less than 1500 valid signatures may be referred to one of the Council's Committees or Scrutiny Panels for consideration or where appropriate be passed to the relevant service area, for further investigation.
19. If a petition clearly falls under the functions or powers of another local government authority, the Council will, where appropriate, forward the petition to the relevant body.
20. If a petition is about something over which the council has no direct control (for example the local railway or hospital) the Council will forward your Petition to the relevant Authority or Body.
21. If a petition is asking for a senior council officer to give evidence to a committee about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision the lead petitioner will be notified of the relevant details for this meeting.

## EXTERNAL E-PETITIONS

22. E-petitions from external websites can be submitted from any source but must adhere to the Procedure Rules set out within this scheme in order to be accepted by the Council.
23. Petitioners will need to ensure that they are aware of any terms and conditions on external websites regarding the use of their data. The Council cannot be held responsible for how personal information may be used by other websites.
24. In order that an external e-petition can be accepted by the Council the Lead Petitioner must notify the Council once an e-petition has been set up on an external website to ensure that no restrictions set out above apply.
25. The Lead Petitioner is responsible for ensuring that the e-petition adheres to the rules set out in the scheme and that the restrictions set out above do not apply.

## APPEALS

26. If the lead petitioner does not feel that their petition has been handled adequately, they can complain through the Council's formal complaints procedure.