

# **FAREHAM**

## **BOROUGH COUNCIL**

### **STANDING ORDERS**

**WITH RESPECT**

**TO**

**MEETINGS**



**5 April 2007**

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## STANDING ORDERS WITH RESPECT TO MEETINGS

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## FAREHAM BOROUGH COUNCIL

### STANDING ORDERS WITH RESPECT TO MEETINGS

#### 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 particular 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;
  - (b) Provisions with regard to Disciplinary Action in respect of the Head of the Paid Service and other Statutory Officers.

These matters are contained in separate Standing Orders with respect to the Appointment, Dismissal and Discipline of Employees. (ref Part 4: Ch 2 of Constitution)

- v. The Appendix to these Standing Orders is for information only and does not form part of the Standing Orders themselves. Certain procedures of the Council are, however, prescribed by Statute (Local Government Acts 1972 and 2000).
- vi. 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 I

### ANNUAL MEETING OF THE COUNCIL

#### 1. DATE AND TIME OF MEETING

- 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.
- 1.2. The Annual Meeting of the Council shall be held at 10:30 in the morning or such other time as the Mayor shall decide.

#### 2. ELECTION OF MAYOR

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

#### 3. APPOINTMENT OF EXECUTIVE LEADER

- 3.1 The Council shall elect or confirm in office a member to act as Executive Leader in accordance with **section 9C(3) Local Government Act 2000**.
- 3.2 The Executive Leader shall be appointed for a term of office as provided for in the Council's Constitution (ref Part 1: Ch 6). The Executive Leader may hold office for more than one term.
- 3.3 The appointment of the Executive Leader may be terminated as provided for in the Council's Constitution (ref Part 3: Ch 7).

#### 4. APPOINTMENT OF EXECUTIVE MEMBERS

- 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.
- 4.2 The **Executive Leader** shall **appoint** members to act as Executive Members under Standing Order 4.1.
- 4.3 The Executive Members shall each be appointed for such term of office as is provided for in the Council's Constitution (ref Part 1: Ch 6). The Executive Members may hold office for more than one term.
- 4.4 The appointment of any Executive Member may be terminated as provided for in the Council's Constitution (ref Part 3: Ch 7).

#### 5. DETERMINATION OF AREAS OF EXECUTIVE RESPONSIBILITY

- 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.

- 5.2 A decision of the Executive Leader under 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.

## **6. APPOINTMENT OF SCRUTINY BOARD AND POLICY DEVELOPMENT & REVIEW PANELS**

- 6.1 The Council shall appoint a Scrutiny Board and such Policy Development & Review 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 (ref Part1: Ch 7 of Constitution).

- 6.2 The Scrutiny Board and Policy Development & Review Panels shall have the 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.

- 6.3 The Scrutiny Board and the Policy Development & Review Panels shall have such number of members and standing deputies as the Council from time to time appoints. Subject to any statutory provision providing otherwise, no member may be appointed to hold office later than the next Annual Meeting of the Council. This shall not prevent re-appointment to office.

- 6.4 The Council shall appoint the Chairmen and Vice-Chairmen of the Scrutiny Board and of the Panels. **Members of the panel shall be appointed in accordance with the calculations for political balance.**

## **7. APPOINTMENT OF OTHER COMMITTEES**

- 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.**

- 7.2 Each Committee appointed under Standing Order 7.1 shall have such number of members and standing deputies as the Council from time to time appoints, subject to any applicable statutory requirements. Subject to any statutory provision providing otherwise, no member of a committee may be appointed to hold office later than the next Annual Meeting. This shall not prevent re-appointment to office.

- 7.3 The Council shall appoint the Chairman and Vice-Chairman of each of the Committees it appoints under Standing Order 7.1. **Members of the panel shall be appointed in accordance with the calculations for political balance.**

- 7.4 Each Committee appointed under Standing Order 7.1 shall have the terms of reference and delegated powers that the Council approves from time to time.

## **8. ALLOCATION OF SEATS**

- 8.1 Whenever the Council is either required to review the allocation of seats on committees between political groups or the Council resolves to carry out such a review, the Council must determine the allocation of seats to political groups in a way which best meets the requirements of Section 15 of the Local Government and Housing Act 1989 or other statutory provision.

## **9. POLICY FRAMEWORK**

- 9.1 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.

## **10. OTHER BUSINESS**

- 10.1 The Council shall make appointments to outside bodies other than those appointments which are required by law to be made by the Executive.
- 10.2 Other business shall be conducted, where relevant, in accordance with Part II of these Standing Orders.



## **PART II**

### **MEETINGS OF THE COUNCIL**

#### **11. TIME OF MEETINGS**

- 11.1 Meetings of the Council for the transaction of general business shall be held during each year on dates set by the Council. Meetings shall be held at 6:00 p.m. unless the Mayor determines otherwise.
- 11.2 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.

#### **12. CHAIRMAN**

- 12.1 The Mayor must act as Chairman of the Council and, if present, must preside at meetings of the Council.
- 12.2 If the Mayor is absent, the Deputy Mayor must act as Chairman and shall preside.
- 12.3 If both Mayor and Deputy Mayor are absent from a meeting of the Council, the Council must elect a member to preside.

#### **13. QUORUM**

- 13.1 A quorum of the Council is at least one third of the members.
- 13.2 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.
- 13.3 The consideration of any business not transacted must be adjourned to a time fixed by the Mayor/Chairman at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

#### **14. ORDER OF BUSINESS**

- 14.1 Except for variations allowed under Standing Order 65, 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;
  - (e) To deal with any business expressly required by statute to be done;
  - (f) Mayor's announcements;

- (g) Executive Leader's announcements;
- (h) Executive Members' announcements;
- (i) Declaration of Interests;
- (j) Presentation of Petitions;
- (k) Reception of Deputations;
- (l) To dispose of business (if any) remaining from the last meeting;
- (m) To receive, consider and answer questions on reports and recommendations of the Executive and of the Scrutiny Board or other Committees of the Council and minutes of Committees of the Council;
- (n) To answer questions asked under Standing Order 17.2;
- (p) To consider motions in the order in which notice has been received; and
- (q) Other business, if any, specified in the summons.

### **Variation of Order of Business**

14.2 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.

## **15. MOTIONS**

### **Notices of Motion**

- 15.1 Except for motions under Standing Order 16, 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 S.O.15.2 is complied with as to signature.
- 15.2 Each notice must be signed by the member or members of the Council giving the notice **unless sent electronically, then it must be sent from the lead member's Fareham e-mail account.**
- 15.3 Each notice must be delivered at least **seven** clear working days before the next meeting of the Council, at 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.
- 15.4 If notice is given of a motion which, in the opinion of the Chief Executive Officer is

illegal, irregular or improper it shall not be accepted. In the event of non-acceptance, the Chief Executive Officer shall immediately inform the member giving notice.

### **Motions to be Set Out in Summons**

- 15.5 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.

### **Motion Not Moved**

- 15.6 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.

### **Automatic Reference to the Executive or to a Committee**

- 15.7 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 or the relevant committee. The Executive or committee 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 with the Scrutiny Board

If a motion is referred by the Council to the Executive, via the Scrutiny Board, the decision of the Executive shall not be subject to the call in procedure for Executive decisions, under the Council's Constitution.

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 he shall inform the proposer accordingly before the meeting.

For the purposes of clarification, a decision upon an Executive function, arising from a Motion to Council, may not be taken by the Council 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).

### **Scope of Motions**

- 15.8 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.

## **16. NOTICE NOT REQUIRED**

- 16.1 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 65.
- (l) That a member named under Standing Order 20 be not further heard or must leave the meeting.
- (m) Suspending Standing Orders, in accordance with Standing Order 69
- (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.

## **17. QUESTIONS**

- 17.1 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.
- 17.2 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 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.
- (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 ten o'clock in the morning of the day of the meeting.

17.3 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.

17.4 An answer may take the form of:

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

## **18. MINUTES**

18.1 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.

18.2 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.

**18.3 The Mayor shall ask if there are any matters arising upon the approved minutes, pursuant to which any member may ask as to the current position or progress made on any item contained in the approved minutes. The Mayor shall avoid any debate or discussion that could be construed as attempting to change or vary a previous decision and shall not allow any debate or discussion to transgress the statutory rule that only business specified in the Council Summons may be disposed of at a Council meeting. Information provided under this Rule shall not be minuted.**

18.4 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 LGA1972 Sch12 paragraph 41(1) and (2).

## **19. RULES OF DEBATE FOR COUNCIL MEETINGS**

### **Motions and Amendments**

- 19.1 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 15, 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.

### **Secunder's Speech**

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

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

- 19.3 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.

### **Content and Length of Speeches**

- 19.4 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.

### **When a Member May Speak Again**

- 19.5 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 of reply given by Standing Order 19.11 or 19.16;
  - (e) On a point of order; or
  - (f) By way of personal explanation.

### **Amendments to Motions**

- 19.6 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; or
  - (b) to leave out words; or
  - (c) to leave out words and insert or add others; or
  - (d) to insert or add words;

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

- 19.7 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.

- 19.8 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.

### **Alterations of Motions**

- 19.9 With the consent of the Council signified without discussion, a member may:
- (a) alter a motion of which he/she has given notice, or
  - (b) with the further consent of his/her seconder, alter a motion which he/she has moved, if (in either case) the alteration is one which could be made as an amendment to it.

### **Withdrawal of Motion**

- 19.10 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.

## **Right of Reply**

- 19.11 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.

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.

After reply by the proposer of the original motion, a decision shall be taken on that amendment without further discussion or questions asked.

- 19.12 The recommendations, reports or minutes of the Executive, the Scrutiny Board 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 or that any recommendation be approved and adopted.
- 19.13 After a motion has been proposed under Standing Order 19.12, 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 19.14 applies.
- 19.14 When the Council resolves that two or more motions or amendments shall be considered together, Standing Order No 19.11 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 19.11 shall apply. The Mayor may direct as to the order in which the various motions and/or amendments are voted on.

## **Motions Which May be Moved During Debate**

- 19.15 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 21.2 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.

### Closure Motions

19.16 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 19.11 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.

### Points of Order and Personal Explanation

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

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.

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

### **Respect for Chair**

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

## **20. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

20.1 Questions as to the appointment, promotion, dismissal, salary, superannuation or conditions of service of any employee other than a Chief Officer, shall not be the subject of discussion at a meeting of the Council, the Executive, or a Committee or Sub-Committee of the Council other than the Appeals Committee

20.2 If any question 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.

## **21. DISORDERLY CONDUCT**

### **Misconduct by a Member**

21.1 If, in the opinion of the Mayor notified to the Council, any member misconducts himself or herself by persistently disregarding the ruling of the Chair 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.

### **Continuing Misconduct by a Named Member**

21.2 If the member named continues his/her misconduct after a motion under Standing Order 21.1 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.

## **General Disturbance**

- 21.3 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.

## **22. DISTURBANCE BY MEMBERS OF THE PUBLIC**

- 22.1 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.

## **23. RESCISSION OF PRECEDING RESOLUTION**

- 23.1 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 15; and
- (b) the notice has been signed by at least six other members.

- 23.2 This Standing Order does not apply to **a decision or** recommendation of the Executive, the Scrutiny Board or of a committee of the Council.

- 23.3 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.

## **24. VOTING**

- 24.1 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.

- 24.2 Members shall vote:

- (a) by show of hands; or
- (b) by the use of an electronic system of recording votes,

as the Mayor shall determine on each occasion.

- 24.3 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.

- 24.4 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.

## 25. VOTING ON APPOINTMENTS

- 25.1 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.

## 26. MOTIONS ON EXPENDITURE

- 26.1 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.

## 27. DURATION OF COUNCIL MEETINGS

- 27.1 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.

## 28. INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

### **Pecuniary Interests**

- 28.1 If any member of the Council has any **disclosable pecuniary interest or other 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:
- (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 has obtained a dispensation from the **Monitoring Officer or can attend in accordance with Part 4 paragraph 5.4 of the Code (i.e. making representations).**

### **Personal / Non-pecuniary Interests**

- 28.2 If any member of the Council has a personal / **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.

## **General**

- 28.3 **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.
- 28.4 Reference in this Standing Order to the Council shall include the Executive, the Scrutiny Board, a committee, sub-committee or panel of the Council.
- 28.5 The agenda for each meeting of the Council, the Executive, the Scrutiny Board, a committee, sub-committee or panel, 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.

## **29. BUDGET AND POLICY FRAMEWORK**

- 29.1 The Council will approve the Budget and Policy Framework in accordance with the Budget and Policy Framework Procedure Rules (ref Part 3:Ch 4 of the Constitution).

## PART III

### MEETINGS AND PROCEEDINGS OF THE EXECUTIVE

#### 30. STATUTORY REQUIREMENTS

- 30.1 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.

#### 31. AREAS OF RESPONSIBILITY

- 31.1 The areas of Executive Responsibility shall be as determined by the Executive Leader and recorded in accordance with Standing Order 5 above.

#### 32. DELEGATION BY THE EXECUTIVE

- 32.1 Where delegation of any function of the Executive is not provided for and allocated in the Council's Constitution and Scheme of Delegations, the Executive Leader may arrange for the discharge of such a function by:

- (a) an individual Executive Member;
- (b) a committee of the Executive; or
- (c) an officer of the Council.

- 32.2 A decision of the Executive Leader under 32.1 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.

- 32.3 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.

#### 33. CONDUCT OF EXECUTIVE MEETINGS

##### Meetings

- 33.1 The Executive shall meet no less than six times a year. *(Note: see also paragraph 6.4 of Part 1: Chapter 6 of the Council's Constitution)* .The Executive shall meet on such dates and at such times and at such location to be agreed by the Executive Leader.
- 33.2 The quorum for a meeting of the Executive, or a committee of the Executive, shall be three.
- 33.3 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.

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

#### **Business to be conducted**

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

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

- 33.6 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 Scrutiny Board or relevant Review Panel, and the outcome of consultation as appropriate.

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

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

- 33.9 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.

- 33.10 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.
- 33.11 **Notwithstanding the provisions of this section 33, no matter may be placed on the agenda for an Executive decision or meeting unless it has complied with the requirements of the relevant part of the Constitution in relation to the Access to Information Procedure Rules (Constitution Part 3, Chapter 1), the Executive Procedure Rules (Constitution Part 3, Chapter 2), Forward Plans 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.**
- 33.12 **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.**
- 33.13 **Urgent business may only be transacted having complied with Regulations 10 (General Exception) or 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 Scrutiny Board, or in his absence , every member of the Scrutiny Board at least 5 clear days prior to the date of the decision / decision meeting. Regulation 11 requires the written consent to the matter being urgent having been obtained from the Chairman of the Scrutiny Board, or in his absence, the Chairman of the Authority, or in both of their absence, the Deputy Chairman of the Authority.**

#### **Confidentiality of Proceedings**

- 33.14 The provisions of Standing Order 39, relating to confidentiality of proceedings, shall apply to proceedings of the Executive.

#### **Right to Attend Meetings**

- 33.15 In addition to the rights of members to attend meetings under the Regulations referred to at Standing Order 30, Standing Order 47 (Right for Mover of Motion to Attend Meeting) shall apply to meetings of the Executive.



## PART IV

### COMMITTEES AND SUB-COMMITTEES

#### 34. GENERAL PROCEDURE

- 34.1 In these Standing Orders, the term "Committee" also includes the Scrutiny Board and Policy Development & Review Panels appointed by the Council under Standing Order 6.
- 34.2 The provisions of Standing Orders 34 to 55 shall apply to meetings of all committees and sub-committees of the Council, including the Scrutiny Board, the Policy Development & Review Panels and the Standards Committee.

#### 35. TERMS OF REFERENCE

- 35.1 Each Committee of the Council shall exercise such functions, duties and powers as are allocated or required by statute.
- 35.2 Each Committee of the Council **may also have additional terms of reference and** delegated powers that the Council approves for it from time to time.

#### 36. CHAIRMAN OF COMMITTEE

- 36.1 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.

#### 37. RIGHT TO ATTEND MEETINGS

- 37.1 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.
- 37.2 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 28 (Interests) and 39 (Confidentiality) shall apply to such visiting members.
- 37.3 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.

Members of Panels 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 Panel containing information which is exempt.

### **38. STANDING DEPUTIES**

- 38.1 When making or terminating appointments of voting members to committees under Standing Order 6 and 7 or to other bodies of the Council under Standing Order 43, each appointing body shall also make or terminate the appointment of such deputies as nominated by political groups.
- 38.2 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 Development Control Committee, to which each group may appoint two deputy members, the Scrutiny Board to which each group may appoint such number of deputies as the Council may decide.
- 38.3 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.
- 38.4 A deputy attending at a meeting under Standing Order 38.3 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.
- 38.5 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.
- 38.6 In the case that a deputy 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.
- 38.7 If a voting member of a committee or other body is present at and participating in a meeting, a deputy may not subsequently take his/her place.
- 38.8 If a meeting at which either a deputy or a voting member has participated is adjourned until a later date, then notwithstanding Standing Orders 38.6 and 38.7, 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.

### **39. CONFIDENTIALITY OF PROCEEDINGS**

- 39.1 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.
- 39.2 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.

#### **40. LIMITATION ON EXERCISE OF DELEGATED POWERS**

40.1 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:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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 sub-committee present at the sub-committee meeting requests that a recommendation on the matter be submitted to the appropriate parent committee.
- (e) 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.

#### **41. URGENT BUSINESS**

41.1 Urgent business arising at a time when it is inexpedient to await the next scheduled meeting of the relevant committee of the Council shall be dealt with at a special meeting of that committee.

#### **42. SPECIAL MEETINGS OF COMMITTEE**

42.1 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.

#### **43. SUB-COMMITTEES**

- 43.1 Every committee appointed by the Council may appoint sub-committees for such specified purposes as they think fit and may make arrangements for such sub-committees to discharge any of the functions of the authority which the committee may discharge.
- 43.2 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.
- 43.3 Whenever a committee is required to review the allocation of seats on a sub-committee 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.

#### **44. QUORUM OF COMMITTEES AND SUB-COMMITTEES**

- 44.1 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.

- 44.2 Subject to Standing Order 44.3 below, except where authorised by statute or otherwise ordered by the committee that has appointed it, business may not be transacted at a sub-committee unless at least one quarter of the whole number of the sub-committee is present.

Subject to Standing Order 44.3 below, in no case shall less than three members comprise the quorum of a sub-committee.

- 44.3 Notwithstanding Standing Order 44.2 above, where a sub-committee comprises only three members as provided in Standing Order 43.2 above, two members shall comprise a quorum of that sub-committee.

#### **45. VOTING IN COMMITTEES AND SUB-COMMITTEES**

- 45.1 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.

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

- 45.2 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.

- 45.3 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.

#### **46. STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES**

- 46.1 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.
- 46.2 Minutes of committees or sub-committees shall be signed, where possible, at the next following meeting or other suitable meeting as appropriate.

#### **47. MOVER OF MOTION MAY ATTEND COMMITTEE OR SUB-COMMITTEE**

- 47.1 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.

#### **48. SUBMISSION OF ESTIMATES**

- 48.1 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.
- 48.2 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.
- 48.3 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.

## **OVERVIEW AND SCRUTINY**

### **49. MEETINGS**

- 49.1 There shall be no less than six meetings of each Policy Development and Review Panel and the Scrutiny Board in each year. Notwithstanding this provision, a meeting may be cancelled, with the consent of the Chairman, for lack of business.
- 49.2 An extraordinary meeting may be called by the Chairman of the Scrutiny Board or relevant Chairman of a Policy Development and Review Panel or by the Chief Executive Officer, if he/she considers it necessary or appropriate.

### **50. REVIEW PANELS**

- 50.1 The Scrutiny Board may appoint such sub-committees as it thinks fit to assist in its scrutiny functions.

### **51. WORK PROGRAMME**

- 51.1 The Scrutiny Board and the Policy Development & Review Panels shall be responsible for setting their own work programmes and in doing so shall take into account the wishes of all members on the Board or Panel, as appropriate.

### **52. PROCEDURE**

- 52.1 The Scrutiny Board shall consider the following business at each meeting:
- (a) minutes of the last meeting;
  - (b) declarations of interest;
  - (c) consideration of any matter referred to the Board in relation to call in of a decision of the Executive;
  - (d) the business otherwise set out on the agenda for the meeting.
- 52.2 The Policy Development and Review Panels shall consider the following business at each meeting:
- (a) minutes of the last meeting;
  - (b) declarations of interest;
  - (c) consideration of any matter referred to the Board in relation to call in of a decision of the Executive;
  - (d) the business otherwise set out on the agenda for the meeting.

### **53. SUBMISSION OF ITEMS FOR AGENDA**

- 53.1 Any member of the Scrutiny Board or a Policy Development and Review Panel shall be entitled to have an item relevant to the functions and terms of reference of the Board or Panel, as appropriate, included on the agenda for

the next available meeting.

- 53.2 Any member of the Council who is not a member of the Scrutiny Board or relevant Policy Development and Review Panel shall be entitled to refer to the Board or Panel, as appropriate, any local government matter which is relevant to the functions and terms of reference of that Board or Panel.

*(Note: A "local government matter" is defined as one which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the member is elected, or any person who lives or works in that area, and which is not an "excluded" matter. An excluded matter is one relating to a planning or licensing decision, one which relates to an individual or entity where there is already a right to review or appeal, or one which is vexatious, discriminatory or not reasonable.)*

- 53.3 If the Scrutiny Board or Policy Development and Review Panel should decide not to exercise its powers to review a matter, it shall notify the member of its decision and reasons for it.

#### **54. ATTENDANCE BY OTHERS**

- 54.1 In scrutinising or reviewing decisions made or action taken in connection with the discharge of any function of the Council, the Scrutiny Board or relevant Policy Development & Review 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.

- 54.2 Where any member or officer is required to attend the Scrutiny Board or a Policy Development and Review Panel under Standing Order 54.1, the Chairman of the Board 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 Board. Where the account to be given to the Board shall require the production of a report, then the member or officer shall be given sufficient notice to allow for preparation of that documentation.
- 54.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Board or Panel shall in consultation with the member or officer concerned arrange an alternative date for attendance.
- 54.4 The Scrutiny Board or Policy Development and Review Panel may invite people other than those referred to in Standing Orders 53.1 and 53.2 to address it, discuss issues of local concern, and/or and answer questions.

## PART V

### GENERAL MATTERS AND EFFECT OF STANDING ORDERS

#### 55. ALLEGATIONS OF MISCONDUCT

- 55.1 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 & Governance** Committee.

#### 56. DEPUTATIONS

- 56.1 Deputations shall be heard by the Council, a meeting of the Executive, a Committee of the Council, the Scrutiny Board or a Policy Development & Review Panel as appropriate in accordance with such scheme(s) as the Council may from time to time approve.
- 56.2 (Note: See Appendix for current Schemes)

#### 57. INTERESTS OF OFFICERS IN CONTRACTS

- 57.1 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 pecuniary interest in a contract and the record must be open during office hours to the inspection of any member of the Council.

#### 58. INSPECTION OF DOCUMENTS BY MEMBERS

##### General

- 58.1 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 1998.**
  - (b) A member may 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 with 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.**

- (ii) 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.

### **The Executive**

- 58.2 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.
- 58.3 Further to the provisions in Standing Order 58.2, 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.
- 58.4 The rights referred to in Standing Order 58.3(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 1998**, 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.

### **Legal Privilege**

- 58.5 Standing Orders 58.1 and 58.3 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.

## **59. RECORDING OF PROCEEDINGS BY THE MEDIA**

- 59.1 **Audio and visual recordings of a meeting of the Council, the Executive, Committees and other Council bodies by a recognised media organisation shall normally be permitted following receipt of a request to the Mayor or Chairman of the relevant meeting. The Mayor or Chairman 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/or following a motion to refuse a recording request being passed by a two-thirds majority of those members present and voting at the meeting.**

**60. INSPECTION OF LAND, PREMISES, ETC**

- 60.1 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 lands or premises that the Council has the power or duty to inspect or enter.

**61. FINANCIAL REGULATIONS, ETC**

- 61.1 The Executive, the Scrutiny Board, Policy Development & Review Panels, committees, members and officers of the Council must observe such Financial Regulations and Contract Procedure Rules as are from time to time prescribed by the Council (ref Part 4: Ch 3 of the Constitution).

**62. VARIATIONS AND REVOCATIONS OF STANDING ORDERS**

- 62.1 Unless it has been considered by the Executive and the Scrutiny Board (or such other committee or sub-committee with powers delegated to it in this respect) no resolution may be passed which has the effect of adding to varying or revoking these Standing Orders.
- 62.2 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.

**63. STANDING ORDERS TO BE GIVEN TO MEMBERS**

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

**64. EACH MEMBER TO GIVE AN ADDRESS FOR NOTICES**

- 64.1 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.

**65. INTERPRETATION OF STANDING ORDERS**

- 65.1 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.

**66. SUSPENSION OF STANDING ORDERS**

- 66.1 Subject to Standing Order 65.2 of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.

- 66.2 A motion to suspend Standing Orders may not be moved without notice (i.e. under Standing Order 16) unless at least one-half of the whole number of the members of the Council are present.

## APPENDIX ONE

**SCHEME FOR DEPUTATIONS TO COUNCIL, EXECUTIVE, SCRUTINY BOARD, POLICY DEVELOPMENT AND REVIEW PANEL, COMMITTEE AND SUB-COMMITTEE MEETINGS (other than Planning Committee and Licensing Panels)**

1. Notice of a proposed Deputation, which shall be given in writing, shall be lodged with the Head of Democratic Services 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 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, a Committee, the Scrutiny Board or a Review Panel 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. **Subject to this Council Procedure Rule, the Head of Democratic Services shall consider requests for deputations in accordance with the following:**
  - (a) **where the issue is the subject of a deputation considered by the Council within the previous six months, the deputation may not normally be entertained by the Council;**
  - (b) **where the issue is not before the Council and has not been resolved upon in the previous six months, the request shall be placed on the agenda for that Council meeting and the Council shall be asked if it is willing to receive the deputation. When a deputation has been received by the Council, the Mayor shall refer the matter to the Leader or appropriate Executive Member for a response. With the permission of the Mayor, Members may thereafter comment or ask questions in relation to the Leader or Executive Member's response. Where the Mayor permits such questions or responses to be raised, the Mayor shall allow the Leader or appropriate Executive Member a right of reply;**
  - (c) **where:**
    - i. **the issue is within the terms of reference of a Specialist Committee; or**

- ii. **the issue is or relates to matters of a quasi-judicial nature; or**
- iii. **the issue is defamatory, frivolous or offensive; or**
- iv. **the issue refers to legal proceedings being taken or being anticipated by or against the Council;**
- v. **the depute has a commercial or financial interest in the issue**

**the deputation may not be entertained and the depute shall be advised accordingly by the Head of Democratic Services.**

6. Deputations shall be received only from persons/**organisations** who are living or working in the Borough
7. Councillors may not make deputations under this scheme.
8. 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.
9. Subject to the other provisions of this scheme Deputations may be in writing or submitted electronically.
10. Notwithstanding the time limits for Deputations allowed by the Council's 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 one meeting shall be thirty minutes. If more than three Deputations are received at a meeting, the time allowed for each shall be reduced accordingly.
11. In relation to meetings of the Executive, the Scrutiny Board, Policy Development & Review 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'.

If no notice has been lodged or if no Deputation is present to be received, the meeting shall proceed to the next business.
12. In relation to meetings of the full Council, receipt of Deputations shall be timetabled as the Mayor shall decide.
13. Deputations shall not be received at site meetings or at the Annual Meeting of the Council.
14. Arrangements shall be made for a list of Deputations to be circulated to members present at the beginning of each relevant meeting.

**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 Head of Democratic Services 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 who are living or working 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 spokesperson to present the deputation on behalf of all.
6. Subject to the other provisions of this scheme, deputations may be in written form. Any written, photographic or other material to be presented as part of the deputation shall be lodged with the Head of Democratic Services 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**. Planning officers will be invited to comment if appropriate on the photographs or drawings circulated.
7. Deputations shall **not** be received at site meetings.
8. Notwithstanding the provisions of Standing Order 57, 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 spokesperson 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 spokesperson 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 spokesperson 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.)*

- d. 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 spokesperson 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.

9. Each agenda for meetings of the committee shall include an item :

“To receive deputations of which notice has been lodged”.

10. The order in which deputations shall be heard shall be arranged by the Head of Democratic Services in accordance with the following practice. If the deputation to be made relates to an application then the order of speakers will be determined by the officers’ recommendation: if the recommendation is for permission, then those speaking in opposition to the application will speak first, then those in support; if the recommendation is for refusal then the order is reversed. On miscellaneous and other matters coming before the Committee, speakers will be heard in the order their deputations are received.
11. Arrangements shall be made for a list of deputations to be circulated to members present at the beginning of each meeting. Where a spokesperson has been appointed to present more than one deputation, the notice shall state for whom the spokesperson is speaking.
12. If a depute is not present at the meeting when the matter is due to be determined, the Committee shall proceed as if no notice had been given and may determine the matter.

*Scheme adopted Dec 2004 and amended at subsequent meetings. Last updated : **December 2013.***