

Council Procedure Rules (Standing Orders)

Introduction

The Council Procedure Rules (Standing Orders) deal with the operation, procedures and practices related to Council, Executive and other meetings. These rules include both statutory requirements and locally agreed procedures.

STANDING ORDERS

PART I - MEETINGS AND PROCEEDINGS OF THE COUNCIL

Standing Order

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1. MEETINGS OF COUNCIL

1. - In addition to the annual meeting of the Council and any meetings convened by the Mayor or by members of the Council, meetings shall be held on such days as the Council at its Annual Meeting shall decide, provided that the Mayor may, in special circumstances, direct that the meeting shall be held on another day. All the meetings of the Council except the Annual Meeting, shall be held at 7.00 p.m. except when in special circumstances, the Mayor shall fix some other hour for holding any meeting.

2. CHAIR OF MEETING

2. - Any power or duty of the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

3. QUORUM - COUNCIL MEETINGS

3. - (1) If, during any meeting of the Council, the person presiding, after causing the number of members present to be counted, declares that there is not a quorum present, the meeting shall stand adjourned for fifteen minutes.
(2) If, after fifteen minutes, the person presiding, after again causing the number of members present to be counted, declares that there is still no quorum present, the meeting shall end.
(3) Notwithstanding any provision in these standing orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph and which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the Council, whether ordinary or extraordinary.
[The quorum for a Council of 57 is 15 members.]

4. ORDER OF BUSINESS

4. - (1) Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every meeting of the Council shall be:-
(a) To choose a person to preside if the Mayor and Deputy Mayor be absent.
(b) To deal with any business required by statute to be done before any other business.
(c) To receive such communications as the Mayor or the Chief Executive may desire to lay before the Council.
(d) To approve as a correct record and sign the minutes of the previous meeting of the Council.

- (e) To receive any declarations of interest from members of the Council.
- (f) To permit the asking of questions by Members of the Public in accordance with Standing Order 11.
- (g) To dispose of business (if any) remaining from the last meeting.
- (h) To receive and consider reports from officers in relation to:
 - the appointment of the Leader of the Council;
 - the appointment of Chairs and Vice-Chairs of such Committees and other Council bodies as the Council may decide;
 - political balance;
 - the appointment of Committees and other Council bodies;
 - the Council's Constitution;
 - appointment to other bodies;
 - dates and times of Council meetings; and
 - such other matters as the Chief Executive shall determine
 - and to pass any consequent resolutions; on receipt of such reports any member may propose a motion in relation to such matters and once a motion has been seconded and discussed and any proposed amendments disposed of, the Mayor shall put the motion to the vote. If further motions are required to deal with such matters the same procedure shall be followed.
- (i) To consider petitions for debate referred to Council under the Council's Petitions Scheme, as referred to in Part 4 of the Constitution (with the exception of the Annual Meeting of Council or at an extraordinary meeting of the Council, which is not convened to consider the subject matter of the petition).
- (j) To receive and consider those minutes of Cabinet /Committees that are reserved to Council for decision under the Council's Constitution (These may be considered as part of relevant Cabinet or Committee Report).
- (k) To consider notices of motion in the order in which notice has been received (with the exception of the Annual Meeting of Council),
- (l) To receive and consider reports relating to those community strategies, key policies and plans referred to in Article 4 of Council's Constitution.
- (m) To receive and consider any reports from the relevant Chair on any conflict between decisions and recommendations of the Cabinet and of an Overview Committee or the Scrutiny Committee.
- (n) To receive and consider any reports from the Chair of the Scrutiny Committee on the reasons for refusing requests for scrutiny under the scrutiny call in process. The processes being described in Part 4 of the Constitution.
- (o) To receive and consider written reports from the Cabinet and from Cabinet members on decisions taken relating to their portfolio responsibilities (with the exception of the Annual Meeting, Budget and Council Tax Setting Meeting and any extraordinary Council meetings).
- (p) To receive and consider reports of chairs on the minutes of committees and other bodies (with the exception of the Annual Meeting, Budget and Council Tax Setting Meeting, and any extraordinary Council meeting)..
- (q) To answer questions asked under Standing Order 15.
- (r) Other business, if any, specified in the summons.

- (2) Business falling under items (a) or (b) of paragraph (1), shall not be displaced, but subject thereto the foregoing order of business may be varied
- (a) by the Mayor at his/her discretion;
 - (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

5. MINUTES OF PREVIOUS COUNCIL MEETING

5. - (1) The Mayor shall put the question that the minutes of the meeting of the Council held on the “x” day of “y” be approved as a true record.

(2) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the minutes.

(3) Where, in relation to any meeting of the Council, the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 of the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that schedule.

6. RULES OF DEBATE FOR COUNCIL MEETINGS

6.- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and it shall, if required by the Mayor be put into writing (unless notice has already been given in accordance with Standing Order 8), and handed to the Mayor before it is further discussed or put to the meeting.

(2) Any amendment to a motion which contains over 7 words shall be put in writing and a copy made available to all Members present (Note: Members are asked to arrange for copies of all amendments to be available in writing if the wording is known in advance of the meeting.)

(3) A member when seconding a motion or amendment may, if he/she then declare his/her intention to do so, reserve his/her speech until a later period of the debate subject to the provisions of paragraph (14) of this Standing Order.

(4) A Member shall address the Mayor when speaking and may choose to sit or stand. If two or more Members indicate their wish to speak, the Mayor may call on one of them to do so. When a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation.

(5) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. The speech of a member moving a motion (but not an amendment) shall not exceed ten minutes and all other speeches shall not exceed five minutes except by consent of the Council.

(6) A member who has spoken on any motion shall 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 paragraphs (12) or (14) of this Standing Order;
- (e) on a point of order;
- (f) by way of personal explanation.

(7) An amendment shall be relevant to the motion and shall be either:

- (a) to refer a subject of debate to a committee or other Council body for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

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

(9) 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 upon which any further amendment may be moved.

(10) A member may with the consent of the Council signified without discussion:

- (a) alter a motion of which he/she has given notice (any such alteration (if it contains more than 7 words) shall be put in writing and a copy made available to all Members present)
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 thereto.

(11) A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the Council, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

(12) The mover of the original motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment. A member exercising a right of

reply shall not introduce new matter. After every reply to which this Standing Order refers a decision shall be taken without further discussion.

(13) When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a member be not further heard;
- (g) that a member do leave the meeting;
- (h) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.

(14) A member may move without comment at the conclusion of a speech of another member:

- "That the Council proceed to the next business";
- "That the question be now put";
- "That the debate be now adjourned", or
- "That the Council do now adjourn",

on the seconding of which the Mayor shall proceed as follows:

- (a) on a motion to proceed to the next business: unless in his/her opinion the matter before the meeting has been insufficiently 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 be now put: unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and, if it is passed, then give the mover of the original motion the right of reply under paragraph (12) of this Standing Order before putting first any amendment under discussion and then immediately afterwards shall put the 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 original motion his/her right of reply on that occasion.

(15) A member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.

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

(17) Whenever the Mayor rises during a debate a member then standing shall resume his/her seat and the Council shall be silent.

(18) Where a member has a disclosable pecuniary interest in any matter being discussed, then the member must declare that interest and withdraw from the

room where the meeting is being held unless a dispensation has been obtained.

(19) Where a member has a personal and prejudicial interest in any matter being discussed, then the member must declare that interest and withdraw from the room where the meeting is being held immediately after making representations, answering questions or giving evidence unless a dispensation to remain has been obtained.

7. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

7.- The following motions may be moved without notice:

- (1) Appointment of a Chair of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes of the previous meeting of the Council.
- (3) That an item of business specified in the summons have precedence.
- (4) Reference to a Committee or other Council body.
- (5) That leave be given to withdraw a motion.
- (6) Extending the time limit for speeches.
- (7) Amendments to motions.
- (8) That the Council proceed to the next business.
- (9) That the question be now put.
- (10) That the debate be now adjourned.
- (11) That the Council do now adjourn.
- (12) Suspending Standing Orders, in accordance with Standing Order 19.
- (13) Motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.
- (14) That a member named under Standing Order 17 be not further heard or do leave the meeting.
- (15) Giving consent of the Council where the consent of the Council is required by these Standing Orders.

Motions moved under this Standing Order (other than amendments to motions) need not be put in writing in accordance with Standing Order 6(1) and 6(2) unless the Mayor so requires it.

8. NOTICES OF MOTION

8.-(1) Notice of every motion other than a motion which under Standing Order 7 may be moved without notice shall be given in writing signed by the member or members of the Council giving the notice and delivered before noon of the tenth day proceeding the day of the Council meeting at the office of the Director of Law and Democratic Services, or within the same timescale by electronic mail (E-Mail) sent by the member to the Director of Law and Democratic Services (from an "address" previously registered with Director of Law and Democratic Services as belonging to that member) by whom it shall be dated and numbered in the order in which it is received and recorded in such a way that it shall be open to the inspection of every member of the Council.

(2) The Director of Law and Democratic Services shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving

such a notice intimated in writing when giving it that he/she proposed to move it at some later meeting, or has since withdrawn it in writing.

(3) If a motion, thus set out in the summons, be not moved either by a member who gave notice thereof or by some other member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

(4) Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the Borough.

9. MOTIONS ON EXPENDITURE

9.-(1) Any motion which is moved otherwise than in pursuance of a recommendation or report of the Cabinet or of another Committee after the said recommendation or report has been approved by the Cabinet, and which if carried would materially increase the expenditure upon any service which is under the management of or reduce the revenue under the management of any Committee or other body, or would involve capital expenditure, shall when proposed and seconded stand adjourned without discussion until any Council body affected by such motion shall have had opportunity to consider whether it wishes to comment on the proposal. The Cabinet also shall report on the financial aspect of the proposal.

(2) An amendment to a minute of a Committee moved in accordance with Standing Order 13(1) shall, however, not require to be referred to the Cabinet prior to its adoption unless the Council so directs.

10. RESCISSION OF PRECEDING RESOLUTION

10.- 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, shall be proposed unless the notice thereof given in pursuance of Standing Order 8 bears the names of at least ten members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months. Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of the Cabinet or other Council body.

11. PUBLIC QUESTION TIME AT COUNCIL MEETINGS

11.-(1) A maximum of 15 minutes will be allowed shortly after the start of each meeting for questions.

(2) Any member of the public may ask one or more questions.

(3) The question must be relevant, clear and concise. Public question time is not an opportunity to make speeches or statements.

(4) The question must be relevant to the powers and duties of the Council. It must not deal with confidential, personal or other information which the law permits the Council to consider in private, nor shall it relate to a specific planning application.

(5) A question may be written or oral. Prior notice to the Director of Law and Democratic Services on a prescribed form is helpful, but not essential.

(6) Each questioner will be allowed to ask only one supplementary question.

(7) The Chair of the Committee or other Council body concerned or, at his/her discretion, another Member may reply. He/she may decide that a written reply should be sent after the meeting.

(8) No debate will be allowed on any question or answer.

(9) The minutes of the meeting will record the name of the questioner, the subject matter and the name of the person replying.

(10) The Mayor or the Chair of the meeting's decision on the relevancy of a question or on the method of dealing with any issue in connection with this procedure shall be final.

12. RECORDING OF PROCEEDINGS BY THE MEDIA AND RESIDENTS OF THE BOROUGH

12.- Audio and visual recordings of a meeting of the Council, the Cabinet, Committees and other Council bodies by a resident of the Borough or recognised media organisation shall normally be permitted following receipt of a request by the Mayor or Chair of the meeting and shall be undertaken in accordance with the Protocol included in Part 5 of the Constitution. The Mayor or Chair 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 Chair 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.

13. MODE OF CONSIDERING MINUTES OF COMMITTEES AND OTHER COUNCIL BODIES

13.-(1) A motion to adopt and confirm (with or without amendment) those minutes of the Cabinet, a Committee or other Council body which has made recommendations on matters reserved to the Council for decision shall be moved by the Chair of that Committee or Council body (even if that Chair is not a member of the Council) or, in his/her absence, by the Vice-Chair or, in his/her absence, by some other member of the Committee or Council body. After such motion has been seconded, the Chair or the member moving the adoption and confirmation of the minutes shall call each minute by number. When any minute is called, any member of the Council may speak upon such minute or may propose any amendment which is in accordance with these Standing Orders, but after the number of any minute has been called it shall not be competent to any member to speak upon or propose any amendment to a preceding minute. After each minute for confirmation has been moved, seconded and discussed and any proposed amendment disposed of, the Mayor shall put to the vote the adoption and confirmation of the said minute before the Chair or member moving the adoption of the minutes calls the next minute.

(2) The Chair or member of the Committee or Council body moving the adoption and confirmation of the minutes of a Committee or Council body moved under Standing Order 13(1) may make any statement or give any explanation which he/she may think desirable.

(3) The Minutes or reports of any Council body which are not for confirmation may be submitted to Council for information and for such debate as the Mayor shall allow in his/her absolute discretion, on the advice of the Director of Law and Democratic Services.

(4) The reference to the minutes of a Committee in (1) above may include the minutes of any Joint Committee or Board of which the Authority is a constituent member.

14. VOTING

14.-(1) The mode of voting at meetings of the Council shall be by show of hands or by electronic voting. If the voting is by show of hands the decision of the Mayor shall be final. Immediately before the vote a formal division may be demanded by not less than seven members, and in that case the names for and against shall be recorded in the minutes.

(2) Where, immediately after a vote is taken at a meeting of the Council, any member of the Council so requires, there shall be recorded in the minutes of the meeting whether that person cast his/her vote for the motion or against the motion, or whether he/she abstained from voting.

(3) Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

15. QUESTIONS

15.-(1) A member of the Council may ask the Leader of the Council, relevant Cabinet Member or Chair of a Committee or other Council body any question upon any minute of a Committee or Council body submitted to the Council for confirmation when such minute is under consideration by the Council or any question upon any Minute of the Cabinet which is before the Council for information.

(2) A member of the Council may:

- (a) If notice in writing, including by electronic mail (email), has been given to the Director of Law and Democratic Services not later than noon on the fifth day preceding the day of the Council meeting ask the Mayor or the Chair of any Committee or any other Council body any question on any matter in relation to which the Council have powers or duties or which affects the Borough, and
- (b) With the permission of the Mayor, put to him/her or to the Chair of any Committee or other Council body any question relating to urgent business of which such notice has not been given, but a copy of any

such question shall, if possible, be delivered to the Director of Law and Democratic Services not later than 2 o'clock in the afternoon of the day of the meeting.

(3) Every question shall be put and answered without discussion. The person to whom a question has been put pursuant to Standing Order 15(2) may answer in writing or be allowed up to two minutes to answer orally. In either event the questioner may then ask a supplementary question and shall be allowed one minute to do so. The person to whom a supplementary question has been put shall be allowed up to two minutes to answer.

16. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

16.- 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 shall 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.

17. DISORDERLY CONDUCT

17.-(1) Members must not use improper and/or inappropriate language to each other or about others at any meeting of the Council and, in particular, offensive and/or abusive words must not be used.

(2) If at a meeting any member of the Council, in the opinion of the Mayor, misconducts himself/herself by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly or offensively or by using improper and/or inappropriate language 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" and the motion, if seconded, shall be put and determined without discussion.

(3) If the member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Mayor shall:-
EITHER move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion).
OR, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

(4) In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any powers vested in him/her, may adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

18. DISTURBANCE BY MEMBERS OF THE PUBLIC

18.- If a member of the public interrupts the proceedings at any meeting of the Council, the Mayor shall warn him/her. If the person continues to interrupt the Mayor shall order the removal of that person from the Council Chamber or

meeting room. In the case of any general disturbance the Mayor shall order that that part of the Chamber or meeting room open to the public shall be cleared.

19. SUSPENSION OF STANDING ORDERS

19.-(1) Subject to paragraph (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, except Standing Orders 5(3) and 14(2)&(3).

(2) A motion to suspend Standing Orders shall not be moved without notice having been given in accordance with Standing Order 8 unless there shall be present at least one-half of the whole number of the members of the Council.

20. INTERPRETATION OF STANDING ORDERS RELATING TO MEETINGS OF THE COUNCIL

20.- 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, shall not be challenged at any meeting of the Council.

PART II - MEETINGS AND PROCEEDINGS OF THE COMMITTEES AND OTHER COUNCIL BODIES

Standing Order

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- 36** Motions affecting persons employed by the Council
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21. APPOINTMENT OF COMMITTEES AND OTHER COUNCIL BODIES

21.- The Council shall at the Annual Meeting appoint such Committees or other bodies as they are required to appoint by or under any statute or under Standing Order 22 (Constitution of Committees), and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf,
(i) shall not appoint any member of a Committee or other Council body so as to hold office later than the next Annual Meeting of the Council;
(ii) may at any time dissolve a Committee or alter its membership.

22. CONSTITUTION OF COMMITTEES AND OTHER COUNCIL BODIES

22.- (1) The following Committees shall be the Standing Committees of the

Council:-

- Audit
- Appeals
- Appointments
- Cabinet
- Health and Wellbeing Board
- Licensing
- Overview and Scrutiny Committees
- Planning
- Special
- Standards

(Note: the above bodies are referred to as Committees or as Council Bodies throughout these Standing Orders).

23. ELECTION OF CHAIR AND VICE-CHAIR OF COUNCIL BODIES

23.- Unless previously appointed by the Council, every Committee and other Council body shall, at its first meeting before proceeding to any other business, elect a Chair and a Vice-Chair for the year, in whose absence from a meeting a Chair for the meeting shall be appointed. No member of the Council shall at one and the same time be Chair of more than one Standing Committee and Vice-Chair of more than one other Standing Committee except with the consent of the Council.

24. SPECIAL MEETINGS OF COMMITTEES AND OTHER COUNCIL BODIES (EXCEPT COUNCIL)

24.- The Chair, or Vice-Chair in the absence of the Chair of a Committee or other Council body, or the Mayor may call a special meeting of a Committee or other Council body at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee or other Council body delivered in writing to the Director of Law and Democratic Services, but in no case shall less than four members requisition a special meeting. The summons to the special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting, unless, by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

25. SUB-COMMITTEES AND OTHER COUNCIL BODIES

25.-(1) Every Committee or other Council body appointed by the Council may appoint Sub-Committees for purposes to be specified by that body.

(2) The Chair and Vice-Chair of the Committee or other Council body shall be entitled to be appointed to every Sub-Committee constituted by that Committee. The Chair and Vice-Chair shall indicate at the time the Sub-Committee is constituted if they do not wish to be appointed.

(3) References in these Standing Orders to "Committees" shall be deemed to apply to Sub-Committees and other Council bodies if the context so requires.

26. QUORUM OF COMMITTEES AND OTHER COUNCIL BODIES

26.- Except where authorised by statute, or as set out in Article 8 of the Council's Constitution or as may be ordered by the Council, business shall not be transacted at a meeting of any Standing Committee or Sub-Committee unless at least one quarter of the whole number of the Committee or Sub-Committee is present; provided that in no case shall the quorum be less than two members.

27. VOTING IN COUNCIL BODIES

27.-(1) Voting at a meeting of a Committee, Sub-Committee or other Council body shall be by show of hands. Electronic voting may be used at meetings held in the Council Chamber.

(2) The Chair's decision as to such voting shall be final unless immediately after such decision a formal division be demanded by not less than three members present and entitled to vote, and in that case the names for and against shall be taken down and entered on the minutes.

(3) Where, immediately after a vote is taken at a meeting of the Committee, Sub-Committee or other Council body, any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question, or whether he/she abstained from voting.

28. PUBLIC QUESTION TIME AT COUNCIL BODIES

28.-(1) At ordinary meetings of the Council's Cabinet, Committees and other relevant bodies, questions can be asked of the Chairs of committees

(2) The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at the Chair's discretion.

(3) Public Question Time at the Council's Cabinet, Committees and other bodies shall be carried out in accordance with the provisions of Standing Order 11 relating to Public Questions at the Council Meeting and the Public Question Time at Council Meetings Protocol and Guidance set out in Part 5 of this Constitution.

29. RECOMMENDATIONS BY ONE COUNCIL BODY TO ANOTHER

29.-(1) Any recommendation made by one Committee or body to another shall be forwarded direct to the Committee or body concerned, together with an accompanying report from the appropriate officer, and be considered by such body before it is submitted to the Council.

(2) In the event of the Cabinet not having approved any recommendations of another Committee or body, where such recommendations require confirmation by the Council, the Chair and the Vice-Chair of the Cabinet shall on the resolution of such other Committee or body arising for consideration by the Council move and second respectively the reference back of such resolution. On the first occasion on which such resolution of such other body shall be under consideration by the Council such resolution shall be referred

back to the appropriate body without discussion and no comment or speech shall be made or vote taken on the relevant resolution of the Cabinet.

(3) In the event of such other body submitting a like resolution on a second occasion and the Cabinet again not approving the recommendation therein, the Chair and Vice-Chair of the Cabinet shall, on the said resolution being brought before the Council, move and second respectively that it be not approved and the said resolution shall then be open for discussion and determination by the Council. Any such motion shall be a permitted amendment in accordance with Standing Order 6(7).

(4) In the event of the Cabinet resolving to recommend the Council to modify a resolution of another Committee or body, such modification shall be moved and seconded by the Chair and the Vice-Chair of the Cabinet on the resolution of such other Committee arising for consideration by the Council.

(5) In Standing Orders 29(2), (3) and (4) above any other Member or Members of the Cabinet may act in the absence of the Chair and Vice-Chair.

30. PROPOSER OF MOTION MAY ATTEND

30.- A member of the Council who has moved a motion at Council and which has been referred to any Committee or other Council body shall have notice of the meeting of the body at which it is proposed to consider the motion. He/she shall have the right to attend the meeting, and if he/she attends shall have an opportunity of explaining the motion.

31. RESIGNATION OF MEMBERS OF COUNCIL BODIES

31.- Any Member of a Council Body desiring to resign such Membership shall signify the resignation to the Council in writing and it shall take effect upon receipt of the notification by the Director of Law and Democratic Services.

32. CASUAL VACANCIES ON COMMITTEES AND OTHER COUNCIL BODIES

32.- Casual vacancies, caused by the death or resignation or disqualification of a member of a Council body, shall be filled by the Council at its discretion.

33. MEETINGS OF COUNCIL BODIES BETWEEN ELECTIONS AND ANNUAL COUNCIL MEETING

33.- In any year in which ordinary elections of Councillors are held, no Council body, unless specially called together by or at the request of the Mayor shall hold any meeting between the date of the ordinary Election of Councillors and the date of the Annual Council Meeting in each year.

34. SUBMISSION OF BUDGET

34.-(1) It shall be the duty of the Cabinet to consider the overall budget of the Council and to make recommendations to the Council in relation thereto.

(2) Every Council body with decision-making powers, except as provided by paragraph (4) below may prepare and submit to the Cabinet an estimate of the

anticipated spending and income on its revenue account for the ensuing year.

(3) Every Council body with decision making powers, except as provided by paragraph (4) below may prepare and submit to the Cabinet estimates of the anticipated capital spending proposed to be incurred by them for the ensuing year.

(4) Except as otherwise determined by the Council, a Council body with decision making powers shall, before incurring any spending not included in an approved estimate (other than rates, taxes, insurance and loan charges) submit to the Cabinet, and subsequently the Council, a supplementary estimate accompanied by a detailed statement by the responsible officer in support of the spending, provided that in matters of urgency a duly authorised Sub-Committee of the Cabinet and subsequently the Council may, pending approval, authorise such expenditure. A Council body shall also submit to the Cabinet (or where urgent a Sub-Committee of the Cabinet) any proposal involving a reallocation of the budget provision for spending provided in the annual estimates and any proposal involving a significant reduction of income included in the approved annual estimates.

35. PROCEEDINGS OF COUNCIL BODIES TO BE CONFIDENTIAL

35.-(1) All agenda, reports and other documents marked "Not for Publication" and all proceedings of Committees and other Council bodies similarly marked "Not for Publication" shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

(2) Nothing in this Standing Order shall prevent the publication of information required to be published by statute.

(3) Notwithstanding anything contained in this Standing Order the Chief Executive may, having consulted with the Leader of the Council or, in the absence of the Leader, the Deputy Leader of the Council, give information to the public in such manner as the Chief Executive may deem to be most suitable.

36. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

36.- Standing Order 16 shall apply to meetings of Committees and other Council bodies in the same way as it applies to meetings of the Council.

37. CONDUCT OF MEMBERS AND MEMBERS OF THE PUBLIC

37.- Standing Orders 6(18), 17 and 18 shall apply to meetings of Committees and other Council bodies in the same way as they apply to meetings of the Council, except that references to "the Mayor" shall be construed as references to "the Chair of the meeting".

PART III - MISCELLANEOUS

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38. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

38.-(1) Canvassing of Councillors or officers of the Council or any Committee or other body of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.

(2) A Councillor or officer of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a Councillor from giving a reference or written testimonial of a candidate's ability, experience or character, for submission to the Council with an application for appointment. Provided always that (a) any Councillor or officer who shall have given a reference or written testimonial of a candidate's ability shall not be present at the discussion or meeting during such time as the appointment is being considered, and (b) an officer shall not be regarded as being in breach of this standing order if he/she advertises a post in the normal course of his/her duties.

39. RELATIVES OF COUNCILLORS OR OFFICERS

39.-(1) A candidate for any appointment under the Council who knows that he/she is related to any Councillor or officer of the Council shall when making application disclose that relationship in writing to the Chief Executive. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and, if appointed, shall be liable to dismissal.

(2) The purport of this Standing Order shall be included in any form of application.

40. APPOINTMENTS

40.-(1) Recruitment of employees to the Council shall be in accordance with the provisions of the Council's Equal Opportunities Policy so far as it does not conflict with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 or any other statutory provision and the appointment of staff shall be the responsibility of the Council's Head of Paid Service or his/her nominee except as otherwise provided in this Constitution and these Standing Orders and this shall be carried out in accordance with the process set out in this Constitution's Officer Employment Procedural Rules (Part 4) of the Constitution.

(2) Where the Council proposes to appoint a Chief Officer (as defined in the Local Government and Housing Act 1989), and it is not proposed that the appointment be made exclusively from among their existing officers, the Head of People and Development shall -

- (a) draw up a statement specifying -
 - (i) the duties of the officer concerned, and

- (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

(3) Where a post has been advertised as provided in Standing Order 40(2)(b), a Sub-Committee appointed by the Appointments Committee for each post to be filled shall -

- (a) interview all qualified applicants for the post, or
- (b) select a short-list of such qualified applicants and interview those included on the short-list.

(4) Where no qualified person has applied, the Head of People and Development shall make further arrangements for advertisement in accordance with Standing Order 40(2)(b).

(5) The provisions of Standing Order 40(2) and (3) shall not apply to any appointment in accordance with Section 9 of the Local Government and Housing Act 1989 (Assistants for Political Groups) or to any appointment of a non-statutory Chief Officer within the meaning of Section 2(7)(a) or (b) of that Act except those officers whose conditions of service are to be determined by the Joint Negotiating Committee for Chief Officers.

- (6)
 - (a) Where the post to be filled is that of the Head of People and Development the Appointments Committee shall take the steps referred to in Standing Order 40(2) and (4).
 - (b) Where the post to be filled is that of Head of Paid Service (as defined in Section 4 of the Local Government and Housing Act 1989) or the Officer having responsibility for the purpose of Section 151 of the Local Government Act 1972 for the administration of the Council's financial affairs or the Monitoring Officer (as defined in Section 5 of the Local Government and Housing Act 1989), the steps referred to in Standing Order 40(2) and (4) shall be taken by the Appointments Committee.

(7) Every appointment of a non-statutory Chief Officer (as defined in Section 2(7)(a) or (b) of the Local Government and Housing Act 1989) whose conditions of service are to be determined by the JNC for Chief Officers shall be made by the Appointments Committee or a sub-committee of that committee or by the Joint Selection and Appointment Committee for joint appointments with Health partners under Section 75 of the Health Act 2006.

41. **DISCIPLINARY ACTION**

41.-(1) No disciplinary action (within the meaning of Regulation II of the Local Authorities (Standing Orders) (England) Regulations 2001) in respect of the Head of the Council's Paid Service, or the Officer having responsibility for the purpose of Section 151 of the Local Government Act 1972 for the administration of the Council's financial affairs, or the Monitoring Officer, except action described in paragraph (2), may be taken by the Council or by a Committee, Sub-Committee, relevant joint committee, other Council body or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of those Regulations.

(2) The action mentioned in paragraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action, and any such suspension shall be on full pay and terminated no later than the expiry of two months beginning on the day on which the suspension takes effect.

(3) The taking of dismissal of and/or the disciplinary action against a member of staff shall be the responsibility of the Council's Head of Paid Service or his/her nominee except as otherwise provided in this Constitution and these Standing Orders and shall be carried out in accordance with the process set out in this Constitution's Officer Employment Procedural Rules (Part 4 of this Constitution).

(Note - This Standing Order is partly required to satisfy the provisions of The Local Authorities (Standing Orders) (England) Regulations 2001).

42. ASSISTANTS FOR POLITICAL GROUPS

42.- (1) This Standing Order shall apply when the authority resolves to exercise their powers under Section 9 of the Local Government and Housing Act 1989 to make appointments to posts the duties of which are to provide assistance to members of a political group in the discharge of any of their functions as members of the authority.

(2) No such appointment shall be made until the authority has allocated such a post to each political group which qualifies for such a post under that Section.

(3) No such appointment shall be made in respect of any political group which does not qualify for such appointment under that Section.

(4) Not more than one such post shall be allocated to any political group.

(5) Unless the political group to which the post is allocated indicate that they are content that the terms and conditions of any such post shall be less favourable than they would otherwise be, the terms and conditions of appointment to all such posts (including the terms

required to be included by sub-section (3) and (4) of that Section, and the hours to be worked and scale of remuneration to be paid) shall be the same for all such posts.

(Note - Section 9 of the Local Government and Housing Act 1989 requires Standing Orders to be made covering the matters set out in Section 9(5) before an appointment can be made.)

43. SEALING OF DOCUMENTS

43.- (1) The Common Seal of the Council shall be kept in a safe place in the custody of an officer so directed by the Director of Law and Democratic Services.

(2) The Common Seal of the Council shall be affixed to any document only on the authority of:

- (a) a resolution of the Council, a Committee or other Council body with decision-making powers, or
- (b) a decision by the Council, or a duly authorised Committee or other Council body or officer to do anything where a document under the Common Seal is necessary to complete the action.

(3) The Seal shall be attested by the Director of Law and Democratic Services, and an entry of every sealing shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person who shall have attested the seal.

44. AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

44.- Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Director of Law and Democratic Services unless any enactment otherwise requires or authorises or the Council give the necessary authority to some other person for the purpose of such proceedings.

45. CONFIDENTIAL DOCUMENTS

45.- The contents of any document (other than Committee / Council body documents which are referred to in Standing Order 35) which may be circulated to any Councillor or non-elected member of the Council and which is marked "Not for Publication" or "private and confidential" or with words having a similar meaning shall not be disclosed to any other person or persons. The Director of Law and Democratic Services, however, having consulted with the Chair of the Cabinet, and, where appropriate, with the Chair of any other Committee or Council body, may agree to disclose the contents of any such document (or any part of any such document) at any time when, in his/her opinion, there is no longer any need for the document to be treated as not for publication. In the absence of the Chairs, the Director of Law and Democratic Services shall consult with Vice-Chairs in this matter.

46. NO DIRECTIONS TO BE GIVEN TO PERSONS MAKING APPOINTMENTS OR TAKING DISCIPLINARY ACTION

46.- Neither the Council, nor any Committee or Sub-Committee or other Council body, nor any other person shall directly or indirectly

- (a) give directions to any person taking any step in relation to an appointment to a post in the paid service of the authority as to the identity of the person to be appointed;
- (b) give directions about the taking of any disciplinary action in relation to a person in the paid service of the authority; or
- (c) otherwise interfere with the making of such an appointment, or the taking of disciplinary action;

provided that

- (i) any body which is, or any person who is, empowered to take any step in relation to an appointment, or to take disciplinary action may give such directions as may be necessary to give effect to a decision which it, or he/she, has taken in exercise of that power; and
- (ii) the Council, or any Committee or Sub-Committee or other Council body of the Council, may call for a review of the conduct or capability of any employee.

47. COUNCILLORS AND OFFICERS NOT TO BIND THE COUNCIL

47.- No member of the Council and, except as duly authorised, no officer shall, either orally or in writing, enter into any contract or obligation or give authority on the Council's behalf.

48. INTEREST OF COUNCILLORS IN CONTRACTS AND OTHER MATTERS

48.- (1) If, at a meeting of the Council, a Committee or other Council body, there is under consideration any contract, proposed contract, or other matter in which any member of the Council or Committee or other Council body then present has an interest within the meaning of the Council's Code of Conduct (other than a personal interest), that Councillor or non-elected member shall retire from the meeting during the consideration of the said contract, proposed contract or other matter, unless

- (a) the disability imposed upon him/her under that Code of Conduct has been removed by the Council's Standards Committee; or
- (b) the contract, proposed contract or other matter is before the Committee, other Council body or Council as part of the report of a Committee or other Council body and is not itself the subject of debate.

(2) Even where any Member has given written notification under the Council's Code of Conduct to the Council's Monitoring Officer of his/her financial interest in any contract or other matter which is under consideration, he/she shall nevertheless orally remind the meeting of that interest and shall retire from the meeting during the relevant

discussion unless the exceptions referred to in Standing Order 48(1)(a) and (b) apply. Any such reminder shall be recorded in the minutes of the meeting.

49. INTEREST OF OFFICERS IN CONTRACTS AND OTHER MATTERS

49.- (1) If it comes to the knowledge of any employee of the authority, that he/she has a disclosable pecuniary interest in any contract which has been, or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the Council or any Committee or other Council body, and which (in either case) is not

- (a) the contract of employment (if any) under which he/she serves the authority,
- (b) the tenancy of a dwelling provided by the authority, or
- (c) a contract of which he/she would have to give notice under section 117 of the 1972 Act

he/she shall as soon as practicable give notice in writing to the Monitoring Officer of the fact that he/she is interested therein.

(2) For the purposes of this Standing Order, a disclosable pecuniary interest is an interest that, if the employee were a member of the Council, and if the contract or other matter were to be considered at a meeting of the Council at which he/she was present, he/she would have to disclose their interest under statute or the Council's Code of Conduct.

(3) The Monitoring Officer shall record in a register to be kept for the purpose particulars of any notice of a pecuniary interest given by an employee of the authority under Section 117 of the 1972 Act or paragraph (1). The register shall, during the ordinary office hours of the authority, be open for inspection by any member of the Council.

(4) Where an officer submits a report to a meeting on a matter in which he/she has declared an interest under Section 117 of the 1972 Act or paragraph (1), he/she shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.

(5) Where any officer advises orally a meeting of the Council, a Committee or other Council body on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of Section 117 of the 1972 Act, or of paragraph (1), he/she shall remind the meeting orally of that interest, and the reminder shall be recorded in the minutes of the meeting.

50. VARIATION AND REVOCATION OF STANDING ORDERS

50.- Except where it is in accordance with a recommendation of the Cabinet, any motion to add to, vary or revoke these standing orders shall when proposed and seconded stand adjourned without discussion

to the next ordinary meeting of the Council, and in the meantime shall stand referred to the Cabinet for report to that meeting.
(For the avoidance of doubt the Annual Meeting shall be treated as an ordinary meeting of the Council for the purposes of these Standing Orders.)

51. STANDING ORDERS TO BE GIVEN TO COUNCILLORS

51.- A copy of these Standing Orders shall form part of the Council's Constitution and be given to each member of the Council by the Director of Law and Democratic Services.

52. INTERPRETATION OF STANDING ORDERS

52.- (1) Any reference to the Chief Executive or Director of Law and Democratic Services in these Standing Orders shall be taken to include an officer authorised by him/her.

(2) Any reference to a Chief Officer or other officer in these Standing Orders shall be without prejudice to the authority of the Chief Executive to give directions to such officers in any matter.

53. PETITIONS

53. Petitions received by the Council will be considered in accordance with the Council Petitions Scheme as set out in Part 4 to the Constitution.