

# Standing Orders

## 1. MEETINGS OF THE COUNCIL

### 1.1 Time and Place

~~Unless the Council otherwise directs, a~~All meetings of the Council shall be held in the Council Chamber, Civic Offices, Gloucester Square, Woking on a Thursday commencing at 7 pm ~~unless otherwise notified by the proper officer in the summons to the meeting.~~

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### 1.2 Notice and Summons

~~The date of the annual meeting and those of ordinary meetings shall be fixed by the Council in, or about, December of the preceding municipal year. The annual meeting shall be on a day fixed in accordance with the provisions of the Local Government Act 1972.~~

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1.3 ~~The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons signed by him/her to every councillor giving the date, time and place of the meeting and specifying the business to be transacted and will be accompanied by any reports which are available.~~

1.4 ~~The Chief Executive may cancel a meeting of the Council or its Committees where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor or the Committee Chair (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.~~

## 2. CHAIRING THE MEETINGS

~~The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the councillors present will elect a councillor to take the Chair for the meeting. The person presiding at the meeting may exercise any power of duty of the Mayor. Any power or duty of the Mayor in relation to the conduct of a meeting shall, in his/her absence, be exercised by the Deputy Mayor or, in his/her absence, the person presiding at the meeting.~~

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## 3. QUORUM FOR COUNCIL MEETINGS

3.1 ~~The quorum of the Council is one quarter of the total number of councillors and no business shall be considered unless a quorum is present. For the avoidance of doubt the quorum for Council meetings shall be rounded up to 8 Councillors. No business may be transacted at a Council meeting unless at least one-quarter of Councillors (eight) are present.~~

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3.2 ~~If there is no quorum present at the beginning of a meeting, there shall be a wait of up to thirty fifteen minutes. If there is still no quorum at the end of thirty fifteen minutes, the Chief Executive shall record the fact in the Minute Book and the names of the members then present. The meeting will stand adjourned to another day.~~

Commented [JM6]: Increase in time – aligned with other Councils. Maybe helpful in respect of train delays or traffic issues.

3.3 ~~During the course of a meeting, the Mayor, or any member, may call for a count. If there is no quorum, there shall be a wait of up to five minutes. If there is still no quorum at the end of five minutes, the Chief Executive shall record the fact in the Minute Book and the names of the members then present. The meeting will stand adjourned to another day.~~

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~~32.4 Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council. If there is no quorum at the end of the wait referred to in Standing Orders 2.2 or 2.3, any business not dealt with shall stand adjourned to the next ordinary meeting, or to an extraordinary meeting, of Council.~~

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~~32.5 It shall not be necessary for the wait to run its course if, in the meantime, a quorum is present.~~

#### ~~43. DURATION OF MEETING~~

~~4.1 The Chief Executive or her representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3.5 hours.~~

Commented [JM9]: Proposal raised at Cllr feedback session. Objective to focus the debate and ensure that everyone is comfortable continuing given the time and length of the meeting.

~~4.2 Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meet~~

### ~~5. ORDINARY COUNCIL MEETINGS~~

~~The date of the annual meeting and those of ordinary meetings shall be fixed by the Council in, or about, December of the preceding municipal year. The annual meeting shall be on a day fixed in accordance with the provisions of the Local Government Act 1972.~~

#### ~~Order of Business~~

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~~5.1 Subject to Standing Order 4.2, the order of business at every meeting of the Council shall be:~~

~~1. To choose a person to preside if the Mayor and Deputy Mayor are absent.~~

~~2. To approve the Minutes of the last Council meeting.~~

~~3. To receive declarations of interest.~~

Commented [JM10]: To ensure interests are dealt with at the earliest possibility

~~4. To receive apologies for absence.~~

~~5. Receive any announcements from the Mayor, Leader (or his nominated spokesperson), Committee Chairs and/or the Chief Executive.~~

Commented [JM11]: To allow opportunity for announcements from the Leader, Chairs and Chief Executive if necessary. Commonplace amongst other authorities.

~~6. To consider any urgent business.~~

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~~7. Written questions under Standing Order 8.1.~~

~~8. To receive, and consider, recommendations or other matters referred to Council by the Leader/Executive, Overview and Scrutiny Committee, Standards and Audit Committee, Planning Committee, or Licensing Committee.~~

~~9. To receive and consider reports from Council officers.~~

~~10. To deal with notices of motion under Standing Order 5 in the order in which they were received.~~

~~11. Any other business of which notice has been given in the summons.~~

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5.2 With the exception of items 1, 2, 3 and 4 in Standing Order 4.1, the Mayor may vary the order of business if he/she considers it desirable to do so.

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## **6. EXTRAORDINARY MEETINGS**

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### **Calling Extraordinary Meetings**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:

- (a) The Council by resolution
- (b) The Mayor: and
- (c) The Monitoring Officer:

## **7. ANNUAL MEETING**

Commented [JM14]: Clarification of procedure

### **7.1 Timing and business**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

### **7.2 The Annual meeting will:**

- (a) Elect a person to preside if the Mayor is not present
- (b) Elect a councillor to be the Mayor of the Council
- (c) Elect a councillor to be Deputy Mayor of the Council
- (d) Approve the minutes of the last ordinary meeting
- (e) Receive any declarations of interest
- (f) Receive any announcements from the Mayor
- (g) Elect councillors to be the Leader and Deputy Leader for the next municipal year
  - (h) Approve a programme of ordinary meetings of the Council for the year is one has not previously been agreed; and
  - (i) Consider any business set out in the notice convening the meeting

### **Selection of Councillors on Committees and Outside Bodies**

At the Annual meeting, the Council will:

- (a) Decide which committees to establish for the municipal year
- (b) Decide the size and terms of reference for those committees
- (c) Decide the allocation of seats to political groups in accordance with the political balance regulations
- (d) Appoint the Chairs and Vice-Chairs committees on a politically proportionate basis, and where feasible these positions on any one Committee being filled by members from different political groups
- (e) Appoint the Chairs and Vice-Chairs of sub-committees, where necessary

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(f) Appoint to such outside bodies not delegated to a Committee, that require a Council decision

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**COUNCIL MEETINGS - ORDER OF BUSINESS**

~~3.1 Subject to Standing Order 3.2, the order of business at every meeting of the Council shall be:~~

- ~~1. To choose a person to preside if the Mayor and Deputy Mayor are absent.~~
- ~~2. To approve the Minutes of the last Council meeting.~~
- ~~3. To receive apologies for absence.~~
- ~~4. To receive the Mayor's communications.~~
- ~~5. To consider any urgent business.~~
- ~~6. To receive declarations of interest.~~
- ~~7. Written questions under Standing Order 8.1.~~
- ~~8. To receive, and consider, recommendations or other matters referred to Council by the Leader/Executive, Overview and Scrutiny Committee, Standards and Audit Committee, Planning Committee, or Licensing Committee.~~
- ~~9. To receive and consider reports from Council officers.~~
- ~~10. To deal with notices of motion under Standing Order 5 in the order in which they were received.~~
- ~~11. Any other business of which notice has been given in the summons.~~

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~~3.2 With the exception of items 1, 2 and 3 in Standing Order 3.1, the Mayor may vary the order of business if he/she considers it desirable to do so.~~

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**84. DECLARATIONS OF INTEREST**

Where in relation to an item on the agenda, a councillor has a Disclosable Pecuniary Interest, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.

The councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.

Where in relation to an item on the agenda, a councillor has

(a) a Non-Pecuniary interest arising under paragraph 9 and detailed in Appendix B of the Code of Conduct for Councillors and Co-opted Members (the "Members' Code of Conduct") (membership of outside bodies etc.), or,

(a) any other Conflict of Interest then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.

A councillor is not required to leave the room when the item is debated but may do so if, in the opinion of the councillor concerned, it is advisable in all the circumstances of the case. A councillor with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

**9. COUNCIL MINUTES**

**11.1 Signing the Minutes**

The Mayor shall sign the minutes of a meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be conformed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

**11.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

**MOTIONS AT COUNCIL MEETINGS**

54.1 Motions may be made either with notice under Standing Order 65 or without notice under Standing Order 76, but not otherwise.

**65. NOTICES OF MOTION ON NOTICE**

65.1 Any member may move a motion at a meeting of the Council if notice has been given under this Standing Order. Any councillor may give notice of a motion for consideration at any ordinary meeting of the Council.

65.2 The subject matter of such a motion shall be relevant to the Borough and/or its residents. Every Motion must relate to matters in which the Council has powers or duties and must not include declaratory statements relating to matters outside the ambit of the Council. Motions should be about something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be in the opinion of the Chief Executive (or Monitoring Officer in her absence) defamatory, frivolous, offensive or otherwise out of order

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~~65.3~~ Notices of motion under this Standing Order shall be in writing and delivered to the Chief Executive's office by noon on the day, ~~nine seven~~ days before the meeting of the Council at which the motion is intended to be moved. ~~No motion shall exceed 250 words in length.~~

**Commented [JM22]:** Allows time for the NoM to be received and considered before publication of the agenda.

~~65.4~~ A notice of motion may not be given by a Member with a disclosable pecuniary interest in the subject matter of the motion. If the disclosable pecuniary interest arises after a notice of motion has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice or the motion under Standing Order 5.

**Commented [JM23]:** Common provision to encourage precise NoM

~~65.5~~ Notices delivered in accordance with Standing Order ~~65.3~~ shall be dated and numbered in the order in which they were received. The record of receipt shall be open to inspection by any member of the Council.

~~65.6~~ Every valid notice of motion shall be included in the summons for the next meeting of the Council unless:

- a) the member who gave it has indicated that it is to be moved at some later meeting; or
- b) it is withdrawn in writing.

~~65.7~~ ~~If the member who gave the notice, or some other member on his/her behalf, does not move the motion when called to do so, then unless the Council otherwise directs, the motion shall fail. The motion may be moved at a later meeting if fresh notice is given under this Standing Order. If a motion set out in the summons is not moved, either by the councillor who gave notice or by some other councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.~~

**Commented [JM24]:** Moderisation

~~65.8~~ After a motion under this Standing Order has been moved and seconded, it shall, ~~be dealt with at the meeting of the Council to which it is brought, unless the Monitoring Officer and/or S151 Officer considers that it would be conducive to the despatch of business to Standing Order 5.9 is applied, be referred the motion~~ without debate to a meeting of the Executive ~~falling before the next ordinary meeting of Council for consideration and report.~~

**Commented [JM25]:** As discussed in the feedback sessions, the Motions shall automatically be debated unless referred to the Executive for comment by the MO or FD

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~~65.9~~ ~~Notwithstanding Standing Order 5.8, the Mayor may allow a motion under this Standing Order to be debated and determined at the meeting at which it is first moved, if that would be convenient and conducive to the despatch of business. Council may also proceed to debate and determine a motion if it considers (on a motion to that effect moved and seconded and (without debate) carried by a majority of the members present and voting) that it would be convenient and conducive to the despatch of business.~~

~~65.10~~ If a motion is referred to the Executive ~~for consideration and report, the member who moved it shall (if he/she is not a member of the Executive) be entitled to receive notice of the meeting when the motion is to be considered, and to attend and speak on it (but not to vote).~~

~~65.11~~ The Executive shall report back to the Council and shall recommend the Council either to adopt the motion as originally moved or subject to some amendment or otherwise as it thinks fit. A motion may be referred by the Executive to another Committee for consideration.

~~56.12~~ If a motion is recommended for adoption with amendments, or is recommended to have no action taken on it, the member who gave the notice may, at the meeting of the Council at which it is considered, pursue his/her motion in its original form (provided it is moved and seconded). The member who gave the notice may speak twice; once to move his/her original motion, and secondly to have the right of reply to the debate. The

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Leader/member in charge of the Executive recommendation may only speak once (immediately before the member who gave the notice).

## **76. MOTIONS WITHOUT NOTICE**

**76.1** ~~The following motions may be moved without notice and will then be followed by no more than the number of speakers in brackets. The following motions may be moved without notice: that the Council:~~

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1. Appoint a Chairman for the meeting (none).
2. Correct the Minutes (no limit).
3. ~~Proceed to next business.~~
4. ~~Adjourn further consideration of the matter.~~
5. Alter the order of business (none).
6. Refer the matter to a Committee (no limit).
7. ~~Appoint a Committee, or representatives, where this arises from an item in the Summons or from a Committee report.~~
8. ~~Adopt the report of a Committee or of an officer.~~
9. Give leave to withdraw a motion (none).
10. Amend a motion (no limit).
11. ~~Seal a document.~~
12. Extend the time limit for speeches (none).
13. Suspend Standing Orders (two).
14. Exclude press and public (subject to the provisions of sections 100A-100K of the Local Government Act 1972) (two).

~~15. Approve a Closure Motion under Standing Order 13.20 (closure) (none).~~

~~16. Approve a motion under Standing Order 13.28 (misconduct).~~

~~17. Give consent where consent is required by any Standing Order (no limit).~~

~~18. To continue the meeting beyond 3 hours (none)~~

## **87. PETITIONS**

**87.1** Petitions to the Council shall be dealt with in accordance with the Scheme for Petitions (see Part 4 of the Constitution).

## **98. PUBLIC INVOLVEMENT IN COUNCIL – QUESTIONS**

### **9.1 General**

Commented [JM27]: Public participation was raised and debate during feedback sessions. This allows questions to be submitted in advance of a meeting.

~~Meetings of the Council will allow for a period not exceeding 15 minutes during which time members of the public may ask the questions relating to matters over which the Council has powers or duties or which affect the Borough. The relevant portfolio holder or chairman shall respond to the questions raised.~~

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**9.2 Order of Questions**

Questions will be asked in the order received, except that the Mayor may group together similar questions. If more than two questions are submitted by the same person, the third and subsequent questions shall be moved to the end of the agenda item.

**9.3 Notice of Questions**

A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon eight working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the councillor to whom it is to be put.

**9.4 Length of Questions**

a) No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question within the time allotted as stipulated at 9.1. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the question. The statement of context and the question will be included in the agenda of the meeting.

b) The Chief Executive, or her representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, within one working day of the request being made.

c) Any question that fails to be re-submitted in accordance with 9.4 b) will receive a written response only, within 5 working days of the Council meeting for which it was submitted.

**9.5 Number of Questions**

A member of the public may not submit more than 3 questions for any Council meeting.

**9.6 Scope of Questions**

The Chief Executive (or representative) may reject a question if it:

(a) Is not about a matter for which the Council has a responsibility or which affects the Borough;

(b) Is defamatory, frivolous or offensive; or

(c) Requires the disclosure of confidential or exempt information.

**9.7 Record of Questions**

The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Councillor to who it is to be put. Rejected questions will include reasons for rejection. Questions, (and statements of context) including those dealt with under Standing Order 9.4c), and the answers given will be recorded in the minutes of the meeting.

**9.8 Asking the Question at the Meeting**

The Mayor will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. 9.9 Supplementary Question No supplementary questions will be allowed.

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## 9.10 Written Answers

Any question which cannot be dealt with during public question time, either due to lack of time, or the non-attendance of the councillor to whom it was to be put, or because not all the information was available, will be dealt with by a written answer.

### COUNCIL MEETINGS - QUESTIONS BY MEMBERS

108.1 Provided that the Chief Executive has received a copy of the question to be asked before 12 noon seven working days prior to the day of the Council meeting, a councillor may:

(a) ask the Leader or the relevant Chair of any Committee or Sub Committee, about an issue in the councillor's ward; or

(b) ask the Leader or the relevant Chair of any Committee or Sub Committee about some issue in which the Council has powers or duties or which affects the Borough; or

(c) ask the Chair of a Committee about something for which their Committee has responsibility. A member may ask the Leader any question relating to the business of the Council provided written notice of the question is given to the Chief Executive's office not later than 12 noon two working days before the meeting of the Council at which the question is due to be asked.

108.2 The procedure for dealing with written questions shall be as follows:

- o The questions and draft replies shall be tabled at the Council meeting;
- o All first questions submitted by Members will be taken serially and taken as read first. Second questions will follow, then third questions and so on. Each question shall be dealt with serially and taken as read.
- o The draft reply shall (without further comment) be taken to be the reply to the question unless the Leader (or member answering on his/her behalf) indicates otherwise.
- o A member may ask one supplementary question. The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer.
- o The total time for written questions shall be 15 minutes, or such longer time as the Mayor may allow.

108.3 A question and answer shall not be the subject of discussion or debate.

108.4 The person to whom a question, or a supplementary question, is put may:

1. decline to answer.
2. refer the questioner to a Council document or publication where the answer may be found.
3. undertake to supply an answer (either to the questioner or to all the members of the Council) if an answer cannot conveniently be given when it is asked and circulate within 7 working days.
4. refer the question for answer to another member of the Executive.

108.5 Notice of a question may not be given by a Member with a disclosable pecuniary interest in the subject matter of the question. If the disclosable pecuniary interest arises after

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**Commented [JM28]:** Clarity in drafting

**Commented [JM29]:** Extension in time to allow officers and councillor time for consideration. It is understood that the time was originally short to allow group meetings to be held after the publication of the agenda. However, questions should not be submitted on agenda items which can be debated at the appropriate point later in the meeting.

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notice has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice or the question under Standing Order 98.

## ~~9. COUNCIL MEETINGS – MINUTES~~

Commented [JM33]: Reorder for clarity

~~9.1 The Minutes of the last meeting of the Council shall be taken as read if a copy has been circulated to each member of the Council not later than the day the summons to attend is issued.~~

~~9.2 As soon as the Minutes have been read or taken as read (as the case may be), the Mayor shall seek the authority of the Council to sign them as a correct record.~~

~~9.3 There shall be no debate or discussion on the Minutes except on their accuracy. Any question of accuracy shall be raised by motion to correct them.~~

~~9.4 If there is no such question, or as soon as any such question is disposed of, the Mayor shall sign the Minutes.~~

~~9.5 Where, in relation to a meeting of Council (“Meeting A”), the next meeting is an extraordinary meeting (“Meeting B”), the minutes of Meeting A shall be signed at the next ordinary or special meeting of Council, not at Meeting B.~~

## ~~1210. METHOD OF VOTING~~

### ~~12.1 Majority~~

~~Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.~~

Commented [JM34]: For clarification

### ~~40.412.2 Show of Hands~~

~~Unless a named vote is taken, voting at Council meetings shall be by a show of hands, or if there is no dissent, affirmation at the meeting, by such electronic system as the Council may approve.~~

Commented [JM35]: For clarification

### ~~40.212.3 Named Vote~~

A named vote shall be taken if:

~~(a)~~(b) The Mayor considers one is necessary, or

~~(b)~~(c) A member requests one before a “show of hands” vote is taken.

The names of members voting for and against the motion, and abstaining from voting on it (“present but not voting”), will be recorded when there is a named vote.

A named vote shall be taken at a meeting of the Council on business to approve the Budget or set Council Tax. In such matters, there shall be recorded in the minutes of the meeting, the names of members who cast a vote for the decision or against the decision or who abstained from voting (“present but not voting”).

### ~~40.312.4 Result of Votes~~

The Mayor shall ascertain the number of votes for and against any motion, and declare the result. The Mayor’s declaration shall be final provided that, in the case of a named vote, the number of names and of votes for and against, and abstentions, must tally

### ~~40.412.5 Recording of Individual Vote~~

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Immediately after a vote is taken, any member may require that the Minutes record how they cast their vote, or that they abstained from voting ("present but not voting").

#### 120.5 **Casting Vote**

In the case of an equality of votes, the Mayor may, provided he/she has cast a first vote, cast a second or casting vote. Where there is an equality of votes, and the Mayor has not exercised a second or casting vote, the motion is not carried.

### 11. **CONSIDERATION OF RECOMMENDATIONS**

~~11.1 Where the Executive or Committee is reporting a matter which is reserved to Council the relevant Portfolio Holder or Committee Chair (or a member of the relevant committee nominated by the chair of that committee) will introduce the report. The recommendation of the Executive or Committee in the report is deemed to be moved and seconded and the motion shall operate (without further words being necessary) as a motion. The normal rules of debate will apply to any debate on the recommendations.~~

**Commented [JM36]:** Simplify procedure

~~The Council shall receive and consider such recommendations or other matters of report as may be referred to it by the Leader/Executive, the Overview and Scrutiny Committee, Standards and Audit Committee, Planning Committee, Licensing Committee, or by an officer.~~

~~11.2 The Mayor shall call for a motion in respect of any Committee whose recommendation or report is submitted starting with the Executive and continuing with other Committees in date order.~~

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~~11.3 The person to be called to move a report or recommendation of the Executive or Committee must have been present at the Executive or Committee meeting and shall be the Leader or Chairman of the Committee or failing him/her, the Vice Chairman or failing him/her, such other member as the Leader or Chairman may select. Recommendations and reports from the Leader or an officer shall, for the purposes of debate, be deemed moved and seconded when the Mayor calls the item.~~

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~~11.4 The person moving the recommendation or report shall so state, and that motion shall operate (without further words being necessary) as a motion~~

~~1. to approve any recommendation of the Executive or Committee, and/or~~

~~2. to receive and adopt the report.~~

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~~11.5 The motion shall be seconded by any other member of the Executive or the Committee.~~

~~11.6 An amendment to the motion may be moved, unless the item relates to delegated business and it has been acted upon. No questions, discussion, amendment or debate shall take place on an item after the next item is called unless the Mayor exceptionally agrees.~~

~~11.7 The mover of a motion under Standing Order 11.4 with the consent of the Council may:~~

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~~1. except any items from his/her motion in order that it may be further considered by the Executive/Committee; and~~

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~~2. alter, amend or correct an item when it is called.~~

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~~11.8 Where an amendment has been moved and seconded to a motion under Standing Order 11.4, the person in charge of the report shall (whether or not he/she exercises his/her right of reply to the debate) inform the Council of the reasons for the Executive's or Committee's decision or recommendation (unless they are evident from the item itself). The person in charge of the report may call upon a member of the Corporate Leadership Team or a statutory Chief Officer (or their nominees) to provide such information or advice as may assist the Council in the consideration of the matter.~~

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~~11.9 After every item in a report has been sufficiently discussed or debated, the Mayor shall put the report to the vote, subject to such amendments or exceptions or exclusions as may have occurred.~~

Commented [JM37]: New section below re officers

## 12. CONFLICTING RECOMMENDATIONS

12.1 Where the reports of the Leader/Executive and/or one or more Committees contain conflicting recommendations on the same subject matter, all such recommendations shall be dealt with together when the first recommendation is reached.

12.2 The Mayor shall call for a motion or motions in respect of the second and any later recommendation(s). These motion(s), when seconded, shall operate as motion(s) to amend the recommendation in the first report.

12.3 No member shall speak more than once in the debate except on successive amendments, or to exercise a right of reply under **Standing Order 12.4**.

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12.4 Where the recommendation of the Executive is under consideration, the Leader shall have the right of reply at the close of the debate. In other cases, the Chairman of the second (or last) Committee (or the member having charge of that Committee's report) shall have the right of reply at the close of the debate, with the Chairman or Chairmen (or other member in charge) of the first or preceding Committee having the right to speak immediately before.

## 13. COUNCIL MEETINGS - RULES OF DEBATE

### 13.1 Motions and Amendments

13.1.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

13.1.2 The Mayor shall satisfy himself/herself that Council understands the terms of a motion or amendment before it is discussed or voted on.

### 13.2 Secunder's Speech

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

### 13.3 Speeches

13.3.1 A member may indicate his/her wish to speak, but the Mayor has an absolute discretion as to whether, and when, to call that member (except when a member is exercising a right of reply).

~~13.3.2 A member shall stand when speaking and shall address the Mayor.~~

13.3.3 A member shall direct his/her speech to the matter under discussion.

13.3.4 Unless the Mayor agrees otherwise, no speech shall exceed **five minutes**.

Commented [JM38]: Proposal to revert to five minutes for all speeches. Ease of administering the meeting and ensure efficiency of the meeting.

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- ~~(i) Moving a motion or amendment: ten minutes;~~
- ~~(ii) Right of reply: such reasonable period of time as is necessary for a sufficient reply to be given to the matters raised in the debate.~~
- ~~(iii) All other speeches: five minutes~~

~~The Leader's Statement at the first ordinary Council meeting of the Municipal Year and his/her annual Budget speech, and Group Leaders' responses, are not subject to a time limit.~~

**When a Member May Speak Again**

~~—A councillor who has spoken on a motion or an amendment may not speak again whilst it is the subject of debate, except:~~

- ~~(a) In exercise of a right of reply~~
- ~~(b) On a point of order, or~~
- ~~(c) By way of personal explanation.~~

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**13.4 Content and Sequence of Amendments**

**Commented [JM39]:** Simplification of drafting to explain process

**13.4.1 Amendments to Motions**

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~~An amendment shall be relevant to the motion and will either be:~~

- ~~(i) to refer the matter to the Leader/Executive, an appropriate committee or other body for consideration or reconsideration; (~~
- ~~(ii) ii) to leave out words;~~
- ~~(iii) (to leave out words and insert or add others; or~~
- ~~(iv) to insert or add words; as long as the effect of (ii) to (iv) above is not to negate the motion.~~

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~~The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed. If he or she deems it necessary, the Mayor shall read out the amended motion before the amendment is put.~~

~~Only one amendment may be moved and discussed at any one time and no further amendment shall be moved until the amendment under discussion has been disposed of, provided that the Mayor may permit multiple amendments to be discussed together if he/she thinks that this will facilitate the proper conduct of business, subject to separate votes being taken in respect of each amendment .~~

~~If an amendment is lost, other amendments to the original motion may be moved.~~

~~If an amendment is lost, no other amendment having a similar effect may be moved at the same meeting of the Council.~~

~~If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendments may be moved.~~

~~At any time after the original motion has been moved and seconded, a member may move an amendment to the original motion. On being seconded, the amendment shall then be the subject for discussion.~~

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~~13.4.2 An amendment shall be either:~~

- ~~1. to leave out words;~~
- ~~2. to leave out words and insert or add others;~~
- ~~3. to insert or add words;~~

~~An amendment shall not have the effect of merely negating the motion before the Council.~~

~~13.4.3~~ \_

~~If an amendment is rejected, 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.~~

~~13.4.4 A further amendment shall not be moved until the Council has disposed of every amendment previously moved, but before an amendment is put to the meeting a member, if he/she so desires, may give notice to the Mayor that he/she proposes to move a further amendment.~~

~~13.4.5 The original or substantive motion, or any recommendation before the Council, shall at the close of debate be put to the vote. No amendment may be moved after the original or substantive motion has been voted upon and no further discussion may then take place.~~

~~A diagram showing how decisions can be made is at Appendix 1.~~

#### **Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.
- (d) The mover of an amendment has no right of reply to the debate on his or her amendment

A councillor exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this shall be final and not open to discussion.

#### **13.8 Alteration and Withdrawal of Motions**

13.8.1 A member may with the consent of his/her seconder and of the Council, which shall be signified without discussion, alter a motion which he/she has proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment.

13.8.2 A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the proposer has asked and been given permission for its withdrawal.

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(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.

(d) The mover of an amendment has no right of reply to the debate on his or her amendment

A councillor exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this shall be final and not open to discussion.

A decision shall be taken immediately after the right of reply has been exercised.

### **13.9 Motions which may be moved during debate**

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

1. to amend the motion;
2. to adjourn the meeting;
3. to adjourn the debate;
4. to proceed to the next business;
5. that the question be now put;
6. that a member be not further heard;
5. that a member leave the meeting;
6. to exclude the public, under Section 100A of the Local Government Act 1972

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

~~13.5.1 A member shall not speak more than once on any motion or amendment except:~~

- ~~1. to exercise a right of reply; or~~
- ~~2. on a point of order; or~~
- ~~3. by way of personal explanation; or~~
- ~~4. to move or second any of the motions mentioned in Standing Order 13.9; or~~

~~5. being the Leader or a Chairman of a Committee, who intends to exercise his/her right of reply under Standing Order 13.11, to answer any specific question addressed to him/her during the course of debate on a motion or an amendment.~~

## 13.6 **Points of Order and Personal Explanation**

### 13.6.1 **Point of Order**

~~A councillor may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The councillor must indicate the Standing Order or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final. A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.~~

### **Personal Explanation**

~~A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.~~

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

### 13.7 **Respect for Chairman**

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

### 13.8 **Alteration and Withdrawal of Motions**

13.8.1 ~~A member may with the consent of his/her seconder and of the Council, which shall be signified without discussion, alter a motion which he/she has proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment.~~

13.8.2 ~~A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the proposer has asked and been given permission for its withdrawal.~~

### 13.9 **Motions which may be moved during debate**

~~When a motion is under debate, no other motion shall be moved except the following:~~

- ~~1. to amend the motion;~~
- ~~2. to adjourn the meeting;~~
- ~~3. to adjourn the debate;~~
- ~~4. to proceed to the next business;~~
- ~~5. that the question be now put;~~
- ~~6. that a member be not further heard;~~
- ~~5. that a member leave the meeting;~~

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~~6. to exclude the public, under Section 100A of the Local Government Act 1972~~

13.10 **Closure Motions Adjournment and Next Business**

~~13.10.1 A councillor may move, without comment, the following Closure Motions at the end of a speech of another councillor;~~

~~(a) To proceed to the next business;~~

~~(b) That the question be now put;~~

~~(c) To adjourn a debate; or~~

~~(d) To adjourn a meeting. — 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:~~

- ~~1. on a motion to proceed to 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 to the motion to proceed to next business (but not to the preceding debate) and then put to the vote the motion to proceed to next business; if the motion is carried, the subject of debate shall be deemed to be disposed of for that day. If the motion to proceed to next business is not carried the debate shall be resumed.~~
- ~~2. on a motion that the question be now put; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and if it is passed then give the member entitled his/her right of reply under Standing Order 13.11 before putting the matter to the vote;~~
- ~~3. on a motion to adjourn the debate or the meeting; if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.~~

~~13.10.2 If a Closure Motion is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote~~

~~None of the three motions the subject of Standing Order 13.10 shall be deemed carried, except by a two-thirds majority of members voting.~~

~~13.10.3 A second Closure Motion that the Council do now adjourn, or that the Council do now proceed to the next business, or that the debate be now adjourned, shall not be made within a period of half an hour except by leave of the Mayor.~~

~~13.10.4 The Mayor may, at his/her discretion, adjourn the meeting, at any time, for such period of time that he/she considers reasonable and conducive to the dispatch of business.~~

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~~13.11 **Right of Reply**~~

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~~13.11.1 The person moving an Executive or Committee recommendation or report, and the proposer of any other motion, shall have a right to reply at the close of the debate upon such motion immediately before it is put to the vote.~~

~~13.11.2 If the motion is deemed moved under Standing Order 11.3 (Leader's report/officer's recommendation), the right of reply shall be with the Leader or Chairman of the Committee (as the case may be), or some other member of the Executive/Committee nominated by him/her.~~

~~13.11.3 If the motion is to amend a recommendation or report of the Executive or a Committee, the right of reply remains with the Leader or Chairman of the Committee (as the case may be), or some other member of the Executive/Committee nominated by him/her.~~

~~13.11.4 A member exercising a right of reply shall confine himself/herself to dealing with matters raised in the debate.~~

~~13.11.5 A decision shall be taken immediately after the right of reply has been exercised.~~

**13.12 Rescission of Preceding Resolution ("Six Months' Rule")**

~~13.12.1~~ No motion to rescind any resolution of the Council passed within the preceding six months, and no motion or amendment to the same effect as one which has been negated within the preceding six months, shall be proposed unless notice is given under Standing Order 5 and bears the names of at least ten members of the Council.

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~~13.12.2~~ This Standing Order shall not apply to:

- (i) motions to receive and adopt the report or recommendation of the Executive or a Committee, or
- (ii) motions arising from a recommendation or report from a Statutory Officer.

OFFICERS SPEAKING DURING DEBATES

Any member of the Corporate Leadership Team or his representative may signify his/her wish to speak.

The Mayor shall then use his discretion to call upon the Officer at an appropriate point during the debate.

The subject matter on which an Officer may speak shall be confined to:

- i) providing relevant information; or
- ii) explanation or interpretation of any law, regulation, protocol or procedure

The Mayor may, at his discretion, permit a councillor to seek, through the Chair, the opinion of any Officer present at the meeting on a particular point.

Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.

Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply, in relation to the presentation.

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**14. Councillor Conduct**

**14.1 Role of Mayor**

The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.

**14.2 Remaining Seated to Speak**

When councillors speak at Council they may remain seated and address the meeting through the Mayor.

**Attire**

Members and Officers shall dress appropriately at meetings of the Council, Executive and Committees. This should be business dress. Any comments in respect of dress at meetings shall be raised with Group Leaders.

**14.3 Mayor Standing**

When the Mayor stands during a debate, any councillor speaking at the time must stop immediately. The meeting must be silent.

**13.13 Misconduct by a Member**

~~If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion. If at a meeting, any member of the Council misconducts himself/herself by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly, or offensively or by wilfully obstructing the business of the Council, the Mayor may name him/her and the Mayor or any other member may move "That the member named be not further heard". The motion, if seconded, shall be put and determined without discussion.~~

**13.14 Continuing Misconduct By A Named Member**

If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

~~If the member named continues his/her misconduct after a motion under Standing Order 13.13 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.~~

**13.15 General Disturbance**

~~If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary. In the event of general disturbance which, in the opinion of the Mayor renders the due and orderly despatch of business impossible, the Mayor (in addition to any other power vested in him/her may, without question, adjourn the meeting of the Council for such period as he/she, in his/her discretion, shall consider expedient.~~

**13.16 Disturbance by Members of the Public**

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If a member of the public interrupts the proceedings at any meeting, the Mayor may warn him/her. If he/she continues the interruption after the warning, the Mayor may order his/her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Mayor may order that part to be cleared.

## 20.7 Confidentiality of Business

20.7.1 All agendas, reports and other documents circulated to Council, but not made available to members of the public under Section 100B(2) of the Local Government Act 1972 and marked "Not for Publication" under section 100B(5) shall not be disclosed to any persons, but may be communicated after the meeting to members of the Council.

20.7.2 The proceedings of Council shall be open to the press and public, subject to the right of any Committee to exclude the press and public pursuant to the Local Government Act 1972.

### 14. APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES

All of these Standing Orders apply to meetings of Council.

Standing Orders 2-5, 9 and 16-27 (but not 19 and 24.1) apply to meetings of Committees and to meetings of the Cabinet.

### 15. PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS

The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.

Any councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.

### 16. LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS

Any councillor may attend meetings of the Licensing Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.

### 17. STANDARDS AND AUDIT COMMITTEE – ATTENDANCE BY NON COMMITTEE COUNCILLORS

Any councillor may attend meetings of the Standards and Audit Committee of which he/she is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

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Any councillor may seek the permission of the Chairman of the Committee of which they are not a member to speak at the meeting in relation to an item relating to his ward.

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#### 18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or under Standing Order 24 (Disturbance by public).

#### 19. PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS

Audio/visual recording at Council meetings is permitted in accordance with the Openness of Local Government Bodies Regulations 2014.

#### 20.313.17 Motions Affecting Persons Employed by the Council

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, it shall be dealt with following a motion to exclude the press and public under Section 100A(4) of the Local Government Act 1972 on the grounds that otherwise there would be disclosure of exempt information within the meaning of paragraph 1, Schedule 12A of that Act.

#### 14. SEALING OF DOCUMENTS

Commented [JM48]: Not applicable to this section. Now in Part 2 – Articles.

14.1 The Common Seal of the Council may be affixed to any document to give effect to a decision of the Council, Executive, Committee or an officer exercising delegated powers.

14.2 The Seal shall be attested by (i) the Director of Legal and Democratic Services or an officer designated by him/her and (ii) another member of the Corporate Leadership Team.

14.3 An entry of every sealing of a document shall be made and consecutively numbered in a book kept for that purpose. The entry shall be signed by the persons who have attested the Seal. The authority for the sealing shall be recorded in every case.

#### 15. LEGAL PROCEEDINGS/AUTHENTICATION OF DOCUMENTS

Commented [JM49]: Not applicable to this section. Now in Part 2 – Articles – redrafted.

15.1 Where any document will be a necessary step in legal proceedings, or shall otherwise need to be authenticated, on behalf of the Council, it shall, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Director of Legal and Democratic Services or some person authorised by him/her.

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15.2 There shall be delegated to the Director of Legal and Democratic Services, or some person authorised by him/her, power to institute, carry on, defend, compromise or settle legal proceedings (civil or criminal) or other disputes in connection with any of the Council's functions, including the enforcement of any judgement or order obtained.

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15.3 There shall be delegated to the Director of Legal and Democratic Services, or an officer authorised by him/her, power to authorise officers to appear in Court for the Council.

#### 16. LANDS, PREMISES – INSPECTION ETC

Commented [JM50]: Not applicable to this section

A member of the Council, unless specifically authorised to do so by the Council or the Leader/Executive or the Committee concerned, shall not inspect any lands or premises which the Council has the right or duty to inspect, or enter upon any such lands or

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~~premises or issue any orders respecting any works which are being carried out by or on behalf of the Council.~~

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~~17. **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**~~

Commented [JM52]: No applicable to this section

~~A member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a member from giving a written testimonial of the candidate's ability, experience, or character for submission to the Council with an application for appointment.~~

~~18. **RELATIVES OF MEMBERS OR OFFICERS**~~

Commented [JM53]: Not applicable to this section

~~18.1 Every Member and every member of the Corporate Leadership Team of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council.~~

~~18.2 A disclosure by the Chief Executive shall be made to the Monitoring Officer.~~

~~18.3 The Chief Executive/Monitoring Officer (as the case may be) shall report any disclosure to the Leader/Executive.~~

~~18.4 For the purpose of this Standing Order, persons shall be deemed to be related if they are husband, wife (and where a person is one of an unmarried couple, the other member of that couple), mother, father, son, daughter, grandson, granddaughter, brother, sister, nephew, niece of the member or member of the Corporate Leadership Team (or his or her spouse).~~

~~19. **DECLARATIONS OF INTEREST**~~

Commented [JM54]: Expanded for clarification and reordered. To be included earlier in the standing orders for better drafting and reflection of importance.

~~Members shall declare interests, and withdraw from the meeting, in accordance with the requirements of the Members' Code of Conduct set out in Part 5 of the Constitution.~~

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~~20. **APPOINTMENT, COMPOSITION AND CONDUCT OF COMMITTEES**~~

~~20.1 The Council shall, at its first ordinary meeting following the annual meeting, appoint the following Committees:~~

- ~~○ Appeals Committee~~
- ~~○ Licensing Committee~~
- ~~○ Planning Committee~~
- ~~○ Standards and Audit Committee~~
- ~~○ Overview & Scrutiny Committee~~

~~20.2 All such Committees shall be continued in office until immediately before the first meeting of their successors after the annual meeting of the Council.~~

~~20.3 If any Committee is not re-appointed, it shall not continue in office beyond the annual meeting of the Council.~~

~~20.4 Any Committee may be dissolved, or its membership altered, at any time by the Council.~~

~~20.5 Unless the Council otherwise directs, the first meetings of the Committees in each municipal year shall take place on the rising of the first ordinary meeting of the Council. The meetings shall take place serially in the order indicated in Standing Order 20.1. The business to be transacted shall be limited to the appointment of Chairman and Vice Chairman (and any Sub-Committees).~~

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20.6 **Committees - Composition**

- 20.6.1 Except where otherwise provided by statute, the Mayor shall be an ex-officio non-voting member of every Committee appointed by the Council.
- 20.6.2 The Mayor and Deputy Mayor shall not be appointed to the Executive.
- 20.6.3 Members of the Executive may be appointed to the Planning and Licensing Committees, but no other Committee.
- 20.6.4 The membership of a Committee shall not exceed thirteen members (excluding ex-officio members and co-optees).

~~20.7 **Confidentiality of Business**~~

- ~~20.7.1 All agendas, reports and other documents circulated to a Committee, but not made available to members of the public under Section 100B(2) of the Local Government Act 1972 and marked "Not for Publication" under section 100B(5) shall not be disclosed to any persons, but may be communicated after the meeting to members of the Council.~~
- ~~20.7.2 The proceedings of Committees shall be open to the press and public, subject to the right of any Committee to exclude the press and public pursuant to the Local Government Act 1972.~~

20.8 **Convening of Committees**

- 20.8.1 The summons, agenda paper, reports and documents prepared for a Committee shall be circulated to the Committee members as long before as reasonably possible, and not less than the statutory minimum period before the meeting.
- 20.8.2 The Chairman of a Committee, or in his/her absence the Vice-Chairman, shall be authorised, after consultation with the Chief Executive, to cancel a meeting of a Committee in cases where he/she is satisfied that the amount of business to be conducted at the meeting is such that it could conveniently be left over until the next ordinary meeting of the Committee.

~~The Chairman of a Committee, or the Mayor, may summon a special meeting of the Committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no business other than that set out shall be considered at that meeting. Provided that such a special meeting, except by permission of the Chairman of the Committee, shall not be called to deal with any matter which has within the previous six months been considered or in respect of which consideration has been adjourned by the Committee.~~

~~20.9 **Committees - Election of Chairmen**~~

- ~~20.9.1 Every Committee shall, at its first meeting, before proceeding to any other business, elect a Chairman and if it so desires may elect a Vice-Chairman or such number of Vice-Chairmen as they think fit for the year. In the absence at a meeting of both Chairman and Vice-Chairman, a Chairman for that meeting shall be appointed.~~

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~~20.10 **Committees - Quorum**~~

- ~~20.10.1 The quorum for meetings shall be one-third of the number of members of the Committee, or two members, whichever is the greater (with such rounding up as may be necessary to achieve whole numbers) present throughout the duration of the meeting.~~

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## ~~21. COMMITTEE MEETINGS – RULES OF DEBATE~~

### ~~21.1. Motions and Amendments~~

~~21.1.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.~~

~~21.1.2 Where a Committee has before it a recommendation, whether contained in a report or in a minute, the recommendation shall formally for the purposes of debate be deemed moved and seconded when the Chairman calls the item in question.~~

~~21.1.3 The Chairman shall satisfy himself/herself that the Committee understands the terms of a motion or amendment before it is discussed or voted on.~~

### ~~21.2. Secunder's Speech~~

~~When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.~~

### ~~21.3. Speeches~~

~~21.3.1 A member may indicate his/her wish to speak, but the Chairman has an absolute discretion as to whether, and when, to call that member.~~

~~21.3.2 A member shall direct his/her speech to the matter under discussion.~~

### ~~21.4. Content and Sequence of Amendments~~

~~21.4.1 At any time after the original motion has been moved and seconded, a member may move an amendment to the original motion. On being seconded, the amendment shall then be the subject for discussion.~~

~~21.4.2 An amendment shall be either:~~

- ~~1. to leave out words;~~
- ~~2. to leave out words and insert or add others;~~
- ~~3. to insert or add words;~~

~~An amendment shall not have the effect of merely negating the motion before the Committee.~~

~~21.4.3 If an amendment is rejected, 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.~~

~~21.4.4 A further amendment shall not be moved until the Committee has disposed of every amendment previously moved, but before an amendment is put to the meeting a member, if he/she so desires, may give notice to the Chairman that he/she proposes to move a further amendment.~~

~~21.4.5 The original or substantive motion, or any recommendation before the Committee, shall at the close of debate be put to the vote. No amendment may be moved after the original or substantive motion has been voted upon and no further discussion may then take place.~~

~~21.5 — **Points of Order and Personal Explanation**~~

~~21.5.1 — A member may indicate that he/she wishes raise a point of order or make a personal explanation, but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood. A member so indicating shall be entitled to be heard forthwith.~~

~~21.5.2 — The ruling of the Chairman on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.~~

~~21.6 — **Respect for Chairman**~~

~~— Whenever the Chairman speaks during a debate, any member then speaking, and the Committee, shall be silent.~~

~~21.7 — **Alteration and Withdrawal of Motions**~~

~~21.7.1 — A member may with the consent of his/her seconder and of the Committee, which shall be signified without discussion, alter a motion which he/she has proposed if the alteration is one which could have been moved as an amendment.~~

~~21.7.2 — A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Committee, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the proposer has asked and been given permission for its withdrawal.~~

~~21.8 — **Motions which may be moved during debate**~~

~~— When a motion is under debate, no other motion shall be moved except the following:~~

- ~~1. — to amend the motion;~~
- ~~2. — to adjourn the meeting;~~
- ~~3. — to adjourn the debate;~~
- ~~4. — to proceed to the next business;~~
- ~~5. — that the question be now put;~~
- ~~6. — that a member be not further heard;~~
- ~~7. — that a member leave the meeting;~~
- ~~8. — to exclude the public, under Section 100A of the Local Government Act 1972~~

~~21.9 — **Adjournment and Next Business**~~

~~21.9.1 — A member may move without comment at the conclusion of a speech of another member "That the Committee proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Committee do now adjourn", on the seconding of which the Chairman shall proceed as follows:~~

- ~~1. — on a motion to proceed to next business; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion to proceed to next business; if the motion is carried, the subject of debate shall be deemed to be disposed of for that day. If the motion to proceed to next business is not carried the debate shall be resumed.~~

~~2. on a motion that the question be now put; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put, and if it is passed then put the matter to the vote;~~

~~3. on a motion to adjourn the debate or the meeting; if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote.~~

~~21.9.2 None of the three motions the subject of Standing Order 21.9 shall be deemed carried, except by a two-thirds majority of members voting.~~

~~21.9.3 A second motion that the Committee do now adjourn, or that the Committee do now proceed to the next business, or that the debate be now adjourned, shall not be made within a period of half an hour except by leave of the Chairman.~~

~~21.9.4 The Chairman may, at his/her discretion, adjourn the meeting, at any time, for such period of time that he/she considers reasonable and conducive to the dispatch of business.~~

#### ~~21.10 **Misconduct by a Member**~~

~~— If at a meeting, any member of the Committee misconducts himself/herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively or by wilfully obstructing the business of the Committee, the Chairman may name him/her and the Chairman or any other member may move "That the member named be not further heard". The motion, if seconded, shall be put and determined without discussion.~~

#### ~~21.11 **Continuing Misconduct By A Named Member**~~

~~— If the member named continues his/her misconduct after a motion under Standing Order 21.10 has been carried the Chairman 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 Committee for such period as he/she, in his/her discretion, shall consider expedient.~~

#### ~~21.12 **General Disturbance**~~

~~— In the event of general disturbance which, in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman (in addition to any other power vested in him/her) may, without question, adjourn the meeting of the Committee for such period as he/she, in his/her discretion, shall consider expedient.~~

#### ~~21.13 **Disturbance by Members of the Public**~~

~~— If a member of the public interrupts the proceedings at any meeting, the Chairman may warn him/her. If he/she continues the interruption after the warning, the Chairman may order his/her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Chairman may order that part to be cleared.~~

## ~~21.14~~ **Matters Affecting Persons Employed by the Council**

~~———— If any question arises at a meeting of the Committee as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, it shall be dealt with following a motion to exclude the press and public under Section 100A(4) of the Local Government Act 1972 on the grounds that otherwise there would be disclosure of exempt information within the meaning of paragraph 1, Schedule 12A of that Act.~~

## ~~22.~~ **COMMITTEES – METHOD OF VOTING**

### ~~22.1~~ **Show of Hands**

~~Unless a named vote is taken, voting at Committee meetings shall be by a show of hands, or by such electronic system as the Council may approve.~~

### ~~22.2~~ **Named Vote**

~~22.2.1 A named vote shall be taken if:~~

- ~~(a) The Chairman considers one is necessary, or~~
- ~~(b) A member requests one before a “show of hands” vote is taken.~~

~~22.2.2 The names of members voting for and against the motion, and abstaining from voting on it (“present but not voting”), will be recorded when there is a named vote.~~

### ~~22.3~~ **Result of Votes**

~~The Chairman shall ascertain the number of votes for and against any motion, and declare the result. The Chairman’s declaration shall be final provided that, in the case of a named vote, the number of names and of votes for and against, and abstentions, must tally.~~

### ~~22.4~~ **Recording of Individual Vote**

~~Immediately after a vote is taken, any member may require that the Minutes record how they cast their vote, or that they abstained from voting (“present but not voting”).~~

### ~~22.5~~ **Casting Vote**

~~In the case of an equality of votes, the Chairman may, provided he/she has cast a first vote, cast a second or casting vote. Where there is an equality of votes, and the Chairman has not exercised a second or casting vote, the motion is not carried.~~

## ~~23~~ **COMMITTEES – SPECIAL MEETINGS**

~~———— The Chairman of a Committee, or the Mayor, may summon a special meeting of the Committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no business other than that set out shall be considered at that meeting. Provided that such a special meeting, except by permission of the Chairman of the Committee, shall not be called to deal with any matter which has within the previous six months been considered or in respect of which consideration has been adjourned by the Committee.~~

**24. POWERS, DUTIES AND RESPONSIBILITY FOR FUNCTIONS**

24.1 The powers, duties and responsibility for functions of the Council, the Executive and the Council’s Committees shall be as set out in the Articles and in Part 3 of the Constitution.

24.2 In the exercise of their powers or duties or tasks the Leader/Executive, an individual Member exercising delegated powers and every Committee shall:

1. formulate and keep under review objectives and standards for the provision of services within its terms of reference;
2. monitor and keep under review the economy, efficiency and effectiveness with which those services are provided and the functions of the Council are discharged; and
3. take such action or make such recommendations as may be necessary or appropriate.

24.3 The powers and duties which may be delegated to any Special Committee shall be at large and may include any matter already the subject of delegated authority to another Committee.

**25. STANDING ORDERS**

25.1 Variation and Revocation

The Leader/Executive may make recommendations to vary or revoke these Standing Orders. Any other motion to do so shall, when proposed and seconded, stand adjourned without discussion to the Leader/Executive for report to the next ordinary meeting of the Council.

25.2 Copies for Members

~~If requested~~ If requested the Chief Executive shall give a printed copy of this Constitution to each member of the Council upon that member being elected. Otherwise the Constitution shall be available online.

25.3 Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved, if the Council is satisfied that it is conducive to the effective despatch of business.

25.4 Interpretation of Standing Orders

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 be final.

25.5 Construction of Standing Orders

Reference in these Standing Orders to the masculine gender shall include the feminine; and the singular shall include the plural, and vice versa.

Save where specified to the contrary in this Constitution, the expression “clear days” means that the time is to be reckoned exclusive both of the day on which the notice is given and of the day of the meeting. A Saturday, Sunday or public holiday will not count as one of the clear days.

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**26. APPOINTMENTS TO OUTSIDE BODIES**

In any case where the Council is entitled to nominate representatives to outside bodies, any contested appointments shall be decided by election. The election shall be conducted by ascertaining the number of votes in favour of each candidate. Each member shall have a maximum number of votes equal to the number of vacancies.

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## **Conventions**

~~There are areas of Council and Committee practice where the basis of dealing with business is well-established and agreed between the political groups but where formal regulation by Rule of Procedure is not appropriate.~~

~~These conventions which are set out in this section will generally govern the way things are done. Departures from the conventions do not attract a legal or formal sanction.~~

~~Conventions do not have to be included in this section but if they are they will continue to apply unless specifically varied; any variations to conventions should be approved by Council as revisions to the Constitution and not approved solely by the political groups.~~

- ~~1. The Mayor is the civic head of the Borough and performs a role that is non-political and non-executive (see Article 5 of the Constitution). Although the Mayor does not normally vote at meetings at which he/she presides, this convention does not displace the right for the Mayor to do so when this would be consistent with his/her role under Article 5 of the Constitution (i.e. to ensure the proper conduct of the Council's business).~~
- ~~2. Notices of Motion should relate to some matter of public, local or general concern or interest, and should normally reflect in their wording the extent to which the Borough Council has either the statutory powers or the responsibility to take action.~~
- ~~3. Members of the Council may seek the permission of the Chairman of a Committee (or the Leader, so far as the Executive is concerned) of which they are not a member to speak at meetings of the Committee at which business is to be discussed in which they have a particular interest.~~

~~In exercising this discretion, the Chairman of the Planning Committee will have regard to the following criteria:~~

- ~~(i) Ward Councillors, who are not members of the Planning Committee, will be allowed to speak at the Planning Committee, regardless of Party;~~

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- (ii) ~~Ward Councillors, who are not members of the Planning Committee, will only be allowed to speak once after any Objector/Applicant and before the debate of the Planning Committee commences, and~~
- (iii) ~~Ward Councillors, who are not members of the Planning Committee, will be restricted to a time limit, considered appropriate by the Chairman, in which they can speak.~~

~~(Note: This convention does not displace the right of any member to attend any meeting as a member of the public.)~~

- 4. ~~Members are entitled to look to the officers for information, advice and guidance on any matter of Council business on a confidential basis. The officers will deal with each of the political groups equally, separately and confidentially and such dealings shall not be disclosed in any circumstances to any member of another group, except, with the prior knowledge of the Group concerned, to the Leader or a Chairman of a Committee if in the opinion of the Chief Officer or Business Manager concerned the Leader/Chairman needs to know it in order to discharge his/her duties as such.~~
- 5. ~~The principles of proportionality set out in the Terms of Reference of the Selection Panel shall apply to the constitution and membership of any Working Group.~~
- 6. ~~The Leader's Statement at the first ordinary Council meeting of the Municipal Year and his/her annual Budget speech, and Group Leaders' responses, are not subject to a time limit.~~
- 7. ~~Members and Officers shall dress appropriately at meetings of the Council, Executive and Committees. This means that Members and Officers should wear "business dress".~~
- 8. ~~When the Chairman/Vice Chairman of the Working Joint Committee is a Borough Councillor, he/she should be the Leader of the Council or his/her nominee (who shall be a member of the Executive).~~

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