

SOLIHULL METROPOLITAN BOROUGH COUNCIL

RULES OF PROCEDURE (STANDING ORDERS)

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Chief Executive**

(October 2012)

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PROCEDURAL STANDING ORDERS

In these Standing Orders, any reference to "him" or "his" shall have the same meaning as a reference to "her" or "hers" and vice versa.

1. MEETINGS OF THE COUNCIL

- (1) The annual meeting of the Council shall be held
 - (a) in a year of ordinary elections to the Council, on the eighth day after the retirement of Councillors or such other day within the twenty-one days immediately following the day of retirement as the Council may fix;
 - (b) in any other year, on such day in the month of May as the Council may fix, unless the Council otherwise determine in accordance with Schedule 12 to the Local Government Act, 1972.
- (2) The Council may in every year hold, in addition to the annual meeting, such other meetings as the Council may determine.
- (3) An extraordinary meeting of the Council may be called at any time by the Mayor;
- (4) If the Mayor refuses to call an extraordinary meeting of the Council after a requisition for that purpose signed by five Members of the Council has been presented to him, or if, without so refusing, the Mayor does not call an extraordinary meeting within seven clear days after the requisition has been presented to him, any five Members of the Council on that refusal or on the expiration of those seven clear days, as the case may be, may immediately call an extraordinary meeting of the Council.
- (5) The time and place of meetings will be determined by the Chief Executive and notified in the summons.

2. BUSINESS TO BE CONDUCTED AT THE ANNUAL MEETING

- (1) To elect the Mayor and the Deputy Mayor.
- (2) The approval of the minutes of the last meeting (if appropriate).
- (3) To elect the Leader of the Council (in the event of a change in Leader as provided for in these Standing Orders).
- (4) To appoint at least one Board as an Overview and Scrutiny Board, a Standards Committee and such other committees as the Council considers appropriate to its functions (as set out in Part 3, Table 1 of this Constitution) but, subject to any statutory provision in that behalf: -
 - (a) Shall not appoint any Member of a Committee or Board so as to hold office later than the next annual meeting of the Council;

- (b) May dissolve or alter the membership or terms of reference of any Committee or Board.
- (5) To decide the size and terms or reference of Committees or Boards;
- (6) To decide the allocation of seats to political groups in accordance with the political balance rules;
- (7) To receive nominations of Councillors to serve on each Committee or Board and outside body to which the Council makes appointment;
- (8) To appoint to those Committees, Boards and outside bodies except where appointments to those bodies has been delegated by the Council or under its executive arrangements is exercisable only by the Cabinet;¹
- (9) To approve a programme of ordinary meetings of the Council for the year; and
- (10) To consider any business set out in the notice convening the meeting.

3. PERSONS PRESIDING AT MEETING

- (1) At the meeting of the Council the Mayor, if present, shall preside.
- (2) If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside, and if both the Mayor and the Deputy Mayor are absent, another Member of the Council chosen by the Members of the Council present shall preside.
- (3) In these Standing Orders any reference to the Mayor shall, where the context so requires, include reference to the Deputy Mayor or other Member of the Council presiding at any meeting of the Council.

4. QUORUM

No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of the Members of the Council (13 Members) are present.

5. ORDER OF BUSINESS

- (1) The order of business at meetings of the Council shall be:-
- (2) Subject to (a)-(e) below, the order of business for council meetings can follow whatever order Council or the Chief Executive, in setting the notice, deems fit:-

¹ Full Council resolved on 8th February 2011 that the Chief Executive be granted delegated power to confirm the appointment of Councillors to serve on Committees and Boards, within the agreed allocation of places to political groups, to give effect to the wishes of the political Group Leaders.

- (a) To choose a person to preside if the Mayor and the Deputy Mayor be absent;
- (b) To transact any business required by statute to be done before any other business;
- (c) To approve as a correct record the minutes of the last meeting of the Council;
- (d) To receive any declarations of interest from Members;
- (e) To deal with business expressly required by statute to be done;
- (f) To receive petitions from Members of the Council and such communications as the Mayor may desire to lay before the Council;
- (g) To receive any announcements from the Mayor, Leader of the Council or members of the Cabinet;
- (h) To answer questions asked by residents of the Borough pursuant to Standing Order No.9;
- (i) To hear petitioners or depositions in accordance with Standing Order No.12;
- (j) To answer questions asked pursuant to Standing Order No.8 (30 minutes);
- (k) To dispose of business (if any) remaining from the last meeting;
- (l) Council Topic of debate (if necessary).
- (m) To consider notices of Motion in the order which they have been received.
- (n) To receive reports from the Leader of the Council, the Cabinet or individual members of the Cabinet including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and receive questions and answers on any of those reports;
- (o) To consider any reports and recommendations from Overview & Scrutiny Committees sent to Full Council for determination;
- (p) To receive decisions (as summarised bullet-points) and minutes from the Cabinet, Cabinet Portfolio Holders, including questions and answers relative to them and to consider any specific recommendations contained therein;
- (q) To receive reports on an alternate basis from the lead members appointed to the West Midlands Fire and Rescue Authority, the West Midlands Integrated Transport Authority and the West Midlands Police Authority/Solihull Community Housing and receive questions and answers in relation to such bodies;

- (r) To receive occasional reports from members of the Youth Parliament in Solihull (should reports be presented to Council at whatever point in proceedings it deems appropriate);
 - (s) To receive and consider reports from the Chief Executive;
 - (t) Questions by leaders of political groups to the Leader of the Council, a member of the Cabinet, a chairman of a committee, board, sub-committee or task and finish group;
 - (u) To receive, for information, the minutes of Committee and Board meetings and to raise questioners thereunder;
 - (v) To consider any other business specified in the summons to the meeting;
 - (w) To answer any remaining questions not dealt with under (j).
- (3) Business falling under items (a), (b), (c), (d) or (e) of paragraph (1) shall not be displaced, but the order of business for other matters may be varied 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.
- (4) At the invitation of the Mayor presentations may be made to Council by the Chief Executive, his nominated representative or external bodies and in these circumstances Standing Order 14 (Rules of Debate) are deemed to be suspended and no resolution requiring the suspension of Standing Orders shall be necessary.

6. NOTICES OF MOTION

- (1) Except as provided by Standing Orders No.7 every notice of motion shall be in writing² signed by the Member or Members of the Council giving the notice, and delivered at least seven clear days before the next meeting of the Council at the office of the Chief Executive.
- (2) The Chief Executive shall insert in the summons for every meeting of the Council all notices of motion duly given in the order in which they have been received, unless the Member giving such a notice has, when giving it, indicated in writing that he proposes to move it at some later meeting or has withdrawn it in writing.
- (3) If notice has been given of a motion and it has not been moved, it shall unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice at a future meeting.
- (4) Motions for which notice has been duly given, the subject matter of which comes within the province of the Cabinet or any Committee or Board or more than one such Committee or Board shall, upon being moved and seconded, shall be debated or referred without discussion as the case may be to the Cabinet, or to such Committee or Board, as the Council may determine.

² "In writing" shall include by way of a properly received email.

- (5) Every notice of motion shall be relevant to some question over which the Council have power, or which affects the Borough.

7. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions may be moved without notice: -

- (a) To elect a Chairman of a meeting at which the motion is made;
- (b) Motions relating to the accuracy (only) of the Minutes, closure, adjournment, order of business, or moving to next business;
- (c) Reference to the Cabinet or a Committee or Board;
- (d) That the Council do resolve itself into Committee;
- (e) Appointment of a Committee, Board or its Members, so far as arising from an item mentioned in the summons to the meeting;
- (f) The adoption of proposals of the Cabinet in relation to the Council's budget and policy framework;
- (g) Adoption of reports and recommendations of Boards, officers and any consequent resolutions;
- (h) That leave be given to withdraw a motion;
- (i) Amendments to motions (subject to Standing Orders);
- (j) That an item of business specified in the summons have precedence;
- (k) Suspending Standing Orders (subject to the provisions of Standing Order No.50 which provides suspension if at least one half of the total number of Members of the Council (26 Members) are present and so agree or if a Committee or Board makes a recommendation for suspension);
- (l) Excluding the press;
- (m) Excluding the public;
- (n) That a Member named under Standing Order No.19 be not further heard or do leave the meeting;
- (o) Giving consent of the Council where the consent of the Council is required by these Standing Orders;
- (p) To vary the mode of voting.

8. QUESTIONS BY MEMBERS OF THE COUNCIL

- (1) A Member of the Council who requires an answer to any question on the business of the Council may:-

- (a) If not later than 12.00 noon the day before the Council meeting notice in writing has been given to the Chief Executive by the Leader of a Group (or an Independent Member(s)) setting out the question(s), ask the Mayor, the Leader of the Council, a member of the Cabinet or Chairman of any Committee or Board any question(s) relating to the business of the Council, the Cabinet or the Committee or Board respectively; and
 - (b) If, not later than 4.00 p.m. on the day of the Council Meeting, notice has been given to the Mayor, with the permission of the Mayor, as advised by the Chief Executive, put to the Leader of the Council, a member of the Cabinet or to the Chairman of any Committee or Board, questions relating to urgent business.
- (2) A Member of the Council giving written notice in accordance with paragraph (1) of this Standing Order may require in that notice that he be supplied with a written copy of the answer.
- (3) A Member of the Council may ask the Mayor, the Leader of the Council, a member of the Cabinet or Chairman of any Committee or Board any question relating to the business set out in the Minutes of the Council or the Committee or Board respectively without giving the notice referred to in paragraph (1) of this Standing Order but the Mayor, the Leader of the Council, a member of the Cabinet or Chairman shall if required by the questioner answer the question in writing during 14 clear days from the date of the meeting.
- (4) Every question shall be put by the Councillor seeking response only and answered without discussion except that when an answer has been given not more than two supplementary questions dealing with the same point and relevant to the first question may be asked, but if the person to whom a supplementary question is put is unable to reply at that time, he shall make a written reply within 14 clear days from the date of the meeting.
- (5) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply, unless adequate notice is given, if the answer is circulated to Members of the Council within 14 clear days of that meeting of the Council.
- (6) All questions asked under this Standing Order shall be questions of fact only and not of opinion.
- (7) No questions shall be put to an Officer of the Council except with the consent of the Council.
- (8) Any Member of the Council who desires to ask a question to the appropriate Member representative pursuant to Section 41 of the Local Government Act 1985 on the discharge of the functions of the West Midlands Fire and Civil Defence Authority or the West Midlands Integrated Transport Authority may do so as provided in the agenda for the meeting, provided that such Member has given notice in writing of his question to the Chief Executive not later than 7 clear days prior to the day of the meeting.

- (9) Any Member of the Council who desires to ask a question to the appropriate Member representative pursuant to Section 12 of the Police and Magistrates' Courts Act 1994 on the discharge of the functions of the West Midlands Police Authority, may do so as provided in the agenda for the meeting, provided that such Member has given notice in writing of his question to the Chief Executive not later than 7 clear days prior to the day of the meeting.
- (10) Any Member of the Council who desires to ask a question to the appropriate Member representative pursuant to Section 71(5) of the Local Government and Housing Act 1989 on the activities of a company under Section 71 of that Act, may do so as provided in the agenda for the meeting, provided that such Member has given notice in writing of his question to the Chief Executive not later than 7 clear days prior to the day of the meeting.
- (11) The total time allocated for questions under Standing Order 8 including replies and discussion shall not exceed 30 minutes.
- (12) If at the end of the 30 minute period there are questions that are still unanswered, they shall be put and answered at the end of the public part of the Council agenda. Questions shall be asked in the Order advised by the Group Leaders/Independent Member(s) and shall be asked and answered in rotation.
- (13) Questions by Members of the Council must be asked by Members who gave notice of the question. If the questioner is not present, a written answer to the question shall be given.

9. QUESTIONS BY CITIZENS OF THE BOROUGH

- (1) Any citizen residing in or working in the Borough of Solihull who requires an answer to any question of the business of the Council or on any issue over which the Council have power or which affects the Borough may not later than 12.00 noon the day before the Council Meeting, or of the Cabinet Member, Committee, Board, Task and Finish Group or Sub-Committee as the case may be, give notice in writing to the Chief Executive setting out the question and may put that question at that meeting of the Council or Cabinet Member, Committee or Board or Task and Finish Group or Sub-Committee to be answered by such Member as the Mayor or the Chairman (as the case may be) may designate.
- (2) A citizen giving written notice in accordance with paragraph (1) may require in that notice that he be supplied with a written copy of the answer.
- (3) Every question shall be put and answered without discussion except that in the Mayor's or Chairman's discretion supplementary questions dealing with the same point and relevant thereto, may be asked in order to clarify the original answer but the Member to whom any supplementary question is put shall if required by the questioner answer the question in writing during the period of 14 clear days from the date of the meeting.
- (4) No question shall be put to any officer of the Council.

- (5) There shall be a time limit of 30 minutes within which the Council shall deal with both questions under this Standing Order and Deputations under Standing Order No.12. At the expiry of the time limit the Mayor shall even if any questions or deputations still remain move to the next business of the Council provided that such questions shall be automatically referred to the relevant Cabinet Member, Committee or Board for consideration;
- (6) Similar provision shall be made in the proceedings of any Cabinet Member, Committee or Board or Sub-Committee immediately after the confirmation of the minutes of the previous meetings.
- (7) Questions by citizens of the Borough must be asked by the citizen who gave notice of the question. If the questioner is not present, a written answer to the question shall be given.

10. MINUTES

No motion or discussion shall take place upon the Minutes of the previous Council meeting, except upon their accuracy and any question of their accuracy shall be raised by motion.

11. ADJOURNMENT

- (a) The Council may by resolution adjourn any meeting to some other specified date, place and time, and such adjourned meeting shall be deemed a continuation of the original meeting. No business shall be transacted at any adjourned meeting which was not included in the notice convening the meeting of which it is an adjournment.
- (b) If circumstances make it impossible for a meeting to be held as convened or a quorum is not present within fifteen minutes of the time fixed for the commencement of the meeting, the meeting shall automatically stand adjourned.
- (c) When any meeting is adjourned to another day, other than the following day, notice of the adjourned meeting shall be sent to each Member of the Council, relevant Committee or Board specifying the business to be transacted, time and venue.
- (d) If at the end of a period of four hours from the commencement of a meeting any meeting of the Council, a Committee or Board or Task and Finish Group or Sub-Committee shall not have been concluded a break or interval of no more than twenty minutes shall be taken before any further business is transacted.

12. DEPUTATIONS³

Deputations are the means by which citizens may bring matters of concern before the Council. Deputations may be brought under these Standing Orders, to the Council, Committees, Boards,

³ Deputations to the Cabinet are dealt with under the Cabinet Procedure Rules.

Task and Finish Groups and Sub-Committees. Deputations to the Cabinet are allowed under the Cabinet Procedure Rules.

- (1) This Standing Order applies to deputations to the full Council where citizens wish to address the full Council and deputations where citizens wish to address a Committee, Board, Task and Finish Group or Sub-Committee.
- (2) No such deputation shall be heard by the Council unless the hearing of it has been agreed by the Council itself or the relevant Committee or Board. The meeting may agree to hear the deputation at the meeting at which the request to be heard is considered (any Member may move by notice of motion duly given in accordance with Standing Order No.7 that any deputation shall be heard). There shall be no right for a deputation to be heard in private.
- (3) Deputations wishing to be heard shall send to the Chief Executive by 12 noon on the day before the meeting their desire to attend, a notice in writing stating the nature and object of the application or representation proposed to be made.
- (4) Deputations shall be permitted to address the Planning and Regulatory Committee or any of its Sub-Committees in respect of any Planning Application at the discretion of the Committee or Sub-Committee and in accordance with any procedure approved for that purpose;
- (5) Deputations may not request that a decision taken by the Planning Committee or any of its Sub-Committees in respect of any Planning Application be reopened.
- (6) The Chief Executive shall give notice of the deputation to Members attending a meeting at which the deputation is to be heard.
- (7) Any deputation must be introduced by a Member of the Council. No Member of the Council shall introduce more than one deputation. Speeches of the deputation and of the Member of the Council introducing them shall be limited to four minutes each.
- (8) Unless the meeting decides otherwise not more than one Member of a deputation shall be allowed to address the Council or the relevant Committee or Board. Their remarks must be strictly relevant to the subject matter contained in the notice or memorial.
- (9) An individual or organisation may address the Council or the appropriate Committee or Board, Task and Finish Group or Sub-Committee about a particular item on one occasion only unless there has been a material change in circumstances since the first occasion; and may address the full Council only if the right to address the relevant Committee or Board or Sub-Committee has not been exercised.
- (10) Unless the Council agree by a vote without discussion that it would be expedient to consider the subject matter of the deputation at the meeting at which it is heard, the representations therein shall stand referred without discussion to the appropriate Committee or Board of the Council for consideration and report to the next meeting of the Council.

- (11) There shall be a time limit of 30 minutes within which the Council shall deal with both deputations under this Standing Order **and** questions under Standing Order No.9. At the expiry of the time limit the Mayor shall notwithstanding that any questions or deputations remain move to the next business of the Council provided that such deputations shall be automatically referred to the relevant Overview and Scrutiny Board for consideration.
- (12) The Council or any Committee or Sub-Committee exercising powers to determine planning applications under town and country planning legislation may permit any person to address the meeting to make representations subject to such conditions as they shall decide.

12A PRESENTATION OF PETITIONS BY MEMBERS OF THE PUBLIC AT COUNCIL MEETINGS

- (1) Subject to sub-paragraph (3), a member of the public may present a qualifying petition and speak for a maximum of five minutes.
- (2) Subject to sub-paragraph (3), a member of the public may ask a member to present a qualifying petition on their behalf.
- (3) A qualifying petition is a petition within the meaning of paragraphs 5, 6, 7, 9 and 12 of the Council's Petitions Scheme, notice of which has been given at least ten days before the day of the Council meeting.

12B DEBATE ON PETITION

- (1) A qualifying petition with signatures meeting the threshold set out in paragraph 19 of the Council's Petitions Scheme will automatically trigger a debate of the Council, except where the petition is asking for a senior council officer to give evidence at a public meeting.
- (2) A petition meeting the criteria set out in sub-paragraph (1) may be debated at the meeting at which it is presented, or at a later meeting.
- (3) There shall be a guillotine on the debate of a petition of 15 minutes, after which the vote will be put, unless the Mayor at his or her discretion extends the debate.
- (4) The Council shall decide how to respond to the petition and shall decide either:
 - a) To take the action the petition requests.
 - b) Not to take the action the petition requests for reasons stated in the debate.
 - c) To commission further investigation into the matter, which may include reference to a particular committee for their views, prior to consideration at a future meeting of the Council.
 - d) To refer the petition to Cabinet where it relates to an executive function, in which case the Council may make recommendations to Cabinet.

13. OTHER PETITIONS

All petitions other than:

- (a) Those submitted in accordance with the Council's Petitions Scheme
- (b) Those submitted to the Cabinet; or

- (c) Those which suggest or request some action or decision on the part of the Council which would be in conflict with the decision of the Council taken within the six months period immediately preceding the date of submission of the petition;

shall in the first instance be referred by the Chief Executive to the appropriate Committee or Board who shall report on the petition to the Council as soon as possible.

14. RULES OF DEBATE

- (1) The proposer of a motion or an amendment shall state the terms of such motion or amendment before speaking to it.
- (2) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order No.6, it shall be written down and handed to the Mayor before it is further discussed or put to the meeting. Such motions and amendments shall be shared in written form with all Councillors.
- (3) A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until the end of the debate as the last speaker on that motion. Where the Member did not have the opportunity to exercise their right to speak, they shall be invited (but may decline) to address the Chamber.
- (4) A Member shall stand when speaking and shall address the Mayor. If two or more Members rise, the Mayor shall call on one to speak.
- (5) A Member shall direct his speech to the question under discussion or to a personal explanation or to a point of order which shall be raised before making such explanation. Except by consent of the Council and in the case of a Chairman's reply at the end of a debate, no speech shall exceed **seven minutes** in the case of the proposer of a motion or amendment and **four minutes** in any other case. No subsequent speech either of the proposer, seconder or by any substantive other Member of a further amendment shall exceed **four minutes**.
- (6) An amendment shall be relevant to the motion (and not introduce new matters) and shall be either:
- (a) To leave out words;
 - (b) To leave out words and insert or add others;
 - (c) To insert or add words; or
 - (d) To divide the motion to several sub-parts;

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

- (7) Where during the course of a debate on an amendment to a motion to adopt the recommendations of the Cabinet or a Committee or Board, the Leader of the Council (in the case of the Cabinet) and the Chairman of the Committee or Board (in the case of a Committee or Board) indicates that he would be willing to accept the amendment, the Mayor shall inform the Council accordingly and a vote shall be taken on the amendment unless any Member expresses a wish to speak to the amendment in which case he shall be permitted to do so subject to the provisions of this Standing Order.
- (8) Where during the course of a debate on a motion to refer back to the Cabinet or a Committee or Board an item included in the report or recommendations of the Cabinet or a Committee or Board, the Leader of the Council (in the case of the Cabinet) and the Chairman of the Committee or Board (in the case of a Committee or Board) indicates his agreement to the item being referred back to the Cabinet or Committee or Board, the Mayor shall inform the Council accordingly and a vote shall be taken on the motion without further discussion unless the Mayor decides otherwise.
- (9) A further amendment shall not be moved until the Council shall have disposed of every amendment previously moved. Further amendments can then be moved **provided that** their details have been made known to the Mayor before the vote was taken on the first amendment.
- (10) If an amendment be rejected, other amendments of which proper notice has been given to the Mayor may be moved on the original motion as the substantive motion. If any amendment be carried the motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- (11) A Member who has spoken on any motion shall not speak again while it is the subject of debate, except:
 - (a) To speak once on an amendment or further amendment moved by another Member;
 - (b) If the motion has been amended since he last spoke, to move a further amendment, provided the same is not a direct negative;
 - (c) If his first speech was not as mover or seconder, to move one amendment;
 - (d) In exercise of a right to reply given by this Standing Order;
 - (e) On a point of order raised under Standing Order 16(1) provided that he prefaces his remarks by referring to the Standing Order or statutory provision which he claims is being contravened;
 - (f) By way of personal explanation when his remarks shall not be repetitive, shall relate to the matter under consideration nor shall they exceed two minutes.

- (12) A Member **who has not spoken** during the debate on a particular matter may at any time move without comment '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 next business:

Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed in which event he will indicate the speakers whose names he has taken and who he proposes to allow to speak, he shall first put to the vote the motion to proceed to next business and if it is passed and some motion is under discussion, give the mover of the motion a right of reply following which the meeting will move to the next business without voting on the motion previously under discussion;

(b) On a motion that the question be now put:

Unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed in which event he will indicate the speakers whose names he has taken and who he proposes to allow to speak, he 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 substantive motion his right to reply under this Standing Order before putting his motion to the vote;

(c) On a motion to adjourn the debate or the meeting:

If in the Mayor's opinion the matter before the meeting has been insufficiently discussed, and cannot reasonably be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply.

15. RIGHT OF REPLY

Subject to the provisions of Standing Order No.14 (where a seconder reserves their right to speak at the end of the debate) the proposer of a motion, but not of an amendment, shall have a right to reply if he so wishes at the close of the debate on his motion immediately before the substantive motion is put to the vote. If an amendment is proposed he shall have a right of reply at the close of the debate (but before the seconder who has reserved that right under Standing Order No.14(3)) upon the amendment. A Member exercising a right of reply shall not introduce new matters. After every reply to which this Standing Order refers, a decision on the amendment or substantive motion shall be taken without further discussion.

16. PROCEDURAL AND POINTS OF ORDER

- (1) A Member may rise on a point of order or in personal explanation and he shall be entitled to be heard at the discretion of the Mayor. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall refer to the Standing Order or statutory provision immediately on rising, and the way in which he considers it has been broken.

- (2) A personal explanation shall be confined to some material part of a former speech by him which has clearly been misunderstood in the present debate and shall not exceed two minutes.
- (3) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (4) Whenever the Mayor rises during a debate a Member then speaking or standing shall resume his seat and the Council shall be silent.
- (5) A motion or an amendment may be altered or withdrawn by the proposer with the agreement of the seconder and the consent of the Council, which shall be given without discussion, provided the alteration is one which could have been moved as an amendment.
- (6) A Member may not speak on a motion or amendment after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.
- (7) When a motion is under debate, no other motion shall be moved except the following:
 - (a) To amend the motion;
 - (b) To postpone consideration of the motion;
 - (c) To adjourn the meeting;
 - (d) To adjourn the debate;
 - (e) To proceed to the next business;
 - (f) That the question be now put;
 - (g) That a Member is not further heard;
 - (h) That a Member leaves the meeting;
 - (i) That the subject of debate be referred back to the Cabinet or a Committee or Board.

17. PROCEEDINGS AND BUSINESS⁴

- (1) In this Standing Order –
 - (a) “Cabinet” and “Leader of the Council” has the same meaning as “executive” and “executive leader” respectively in Part II of the Local Government Act 2000; and

⁴ This standing order is substantially in the same form as the mandatory standing order as required by The Local Authorities (Standing Orders) (England) Regulations 2001.

- (b) "plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.
- (2) Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph (3).
- (3) Before the Council –
- (a) amends the draft plan or strategy;
 - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (c) adopts (with or without modification) the plan or strategy,
- it must inform the Leader of the Council of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- (4) Where the Council gives instructions in accordance with paragraph (3), it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader of the Council may –
- (a) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
 - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (5) When the period specified by the Council, referred to in paragraph 4, has expired, the Council must, when –
- (a) deciding on amendments to the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those

amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified.

- (6) Subject to paragraph (10), where, before 8th February in any financial year, the Council's Cabinet submits to the Council for its consideration in relation to the following financial year –
- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - (b) estimates of other amounts to be used for the purposes of such a calculation; or
 - (c) estimates of such a calculation,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph (7).

- (7) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (6)(a), it must inform the Leader of the Council of any objections which it has to the Cabinet's estimates and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates in accordance with the Council's requirements.
- (8) Where the Council gives instructions in accordance with paragraph (7), it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader of the Council may –
- (a) submit a revision of the estimates as amended by the Cabinet ("revised estimates"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates, to the Council for the Council's consideration; or
 - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (9) When the period specified by the Council, referred to in paragraph (8), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (6)(a), take into account –
- (a) any amendments to the estimates that are included in any revised estimates;
 - (b) the Cabinet's reasons for those amendments;
 - (c) any disagreement that the Cabinet has with any of the Council's objections; and

(d) the Cabinet's reasons for that disagreement,

which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified.

- (10) Paragraphs (6) to (9) shall not apply in relation to calculations or substitute calculations which an Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992.

18. SUBMISSION OF CABINET AND COMMITTEE AND BOARD REPORTS

- (1) A report of the Cabinet or a Committee or Board that requires the decision of the Council shall be presented to the Council by the Leader of the Council or the relevant portfolio holder in the Cabinet and the Chairman or some other Member of a Committee or Board who shall move that the report be received and adopted and the motion shall be duly seconded. This provision shall also apply to recommendations made to Council which are contained in the minutes of the Committee or Board which are not reported as a separate item or report to Council. It shall then be competent for any Member to move an amendment or amendments in accordance with Standing Order No.14 to any particular item or items of the report.
- (2) The Council shall receive, for information, the minutes and decisions of Committees and Boards. Members may ask questions of the Chairman of such Committees and Board on any matter contained in the minutes/decision notices. Where possible, such questions shall be made in accordance with Rule 8(1)(a), however, questions not presented in accordance with Rule 8(1)(a) may be asked where it is expedient to do so (note: the time limit to questions as specified in 8(11) shall not apply to SO18(2)).

19. DISORDERLY CONDUCT

- (1) If, at a meeting, any Member of the Council, in the opinion of the Mayor notified to the Council, misconduct himself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, it shall be competent for the Mayor or any Member to move 'that the Member named is not further heard', or 'that the Member named leaves the meeting' and the motion, if seconded, shall be put and voted upon without discussion.
- (2) If, after such a motion has been carried the misconduct or conduct is continued and 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 may, without question put, adjourn or suspend the sitting of the Council for such period as the Mayor shall consider appropriate.
- (3) If a Member of the public interrupts the proceedings at any meeting the Mayor may, after warning, order his removal from the Council Chamber and adjourn the meeting until the removal has taken place.

20. CHANGES TO COUNCIL DECISIONS

- (1) No motion to change a Council decision or that of a Committee or Board of the Council within the next six months from the date of the Council decision, and no motion or amendment to the same effect as one which had been defeated within the last six months, shall be proposed, unless the notice is given under Standing Order No.6 with the names of at least thirteen Members of the Council. When any such motion 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.

21. VOTING

- (1) All questions coming or arising before the Council shall be decided by a majority of the Members present and voting at a meeting of the Council.
- (2) In the case of an equality of votes the Mayor shall have a second or casting vote.
- (3) The mode of voting shall ordinarily be by a show of hands but the mode may be varied by the decision of the Council.
- (4) Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

22. VOTING ON APPOINTMENT

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

23. MOTIONS ON EXPENDITURE

Any motion which is moved which if carried would materially increase the expenditure upon any service which is an executive function or is a service under the management of any Committee or Board or would have the effect of reducing the revenue to the Council, or would involve capital expenditure, shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council, and the Cabinet or any Committee or Board affected by such a motion shall consider whether it desires to report and make recommendations thereon.

24. ADMISSION OF THE PUBLIC TO MEETINGS

- (1) All meetings of the Council, Cabinet and Committees, Boards and Task and Finish Groups are open to the public. The Council, Committees or Boards and Sub-Committees may by resolution exclude the public from a meeting (whether during the whole or part of the proceedings) on the grounds that there would be

disclosure to them of exempt information as defined in the Local Government Act 1972.

- (2) Subject to the provisions of Standing Orders Nos.19 and 45 an elected Member of the Council shall not be entitled to remain in a meeting of any Committee or Board or Sub-Committee of which he is not a Member when the public have been excluded, except by invitation of the Chairman and the approval of the Committee or Board or Sub-Committee.

- 24(A)** Any Member who has a “disclosable pecuniary interest” in any matter considered at a meeting is required to leave the meeting room (including the public gallery) while any discussion or voting on the matter takes place.

25. INTERESTS OF OFFICERS IN CONTRACTS

The Chief Executive shall keep a record of any notice given by an Officer of the Council under Section 117 of the Local Government Act, 1972, of a pecuniary interest in a contract and the record shall be open during office hours for the inspection by any Member of the Council or the public.

26. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS FOR STAFF APPOINTMENTS

- (1) Canvassing of Members of the Council, the Cabinet or any Committee or Board of the Council directly or indirectly for any appointment to paid employment under the Council shall disqualify the candidate for such appointment.
- (2) A Member of the Council shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion, but this paragraph of this Standing Order shall not preclude a Member (if requested by the applicant and referred to on the application form as a referee) from giving a written reference of a candidate's ability, experience or character, for submission to the Council with an application for appointment.

27. RELATIVES OF MEMBERS OR OFFICERS

- (1) Candidates for any appointment under the Council shall, when making application, disclose in writing on the application form, whether to their knowledge they are related to any Member or Senior Officer of the Council. A candidate who fails so to do shall be disqualified from such appointment and if appointed shall be liable to dismissal without notice.
- (2) Persons shall be deemed to be related if they are a spouse, civil partner, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the these persons; and "partner" means a member of a couple who live together.

28. FILLING OF VACANCIES

All vacancies to be filled within the appointment of the Council shall be publicly advertised. Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy having the same job description, person specification and competencies occurs, one of the former applicants may be appointed without re-advertisement.

29. CUSTODY OF COMMON SEAL

The Common Seal of the Council shall be kept in a safe place, the keys of which shall be kept by the Chief Executive or nominee.

30. SEALING OF DOCUMENTS

- (1) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council, the Cabinet Portfolio Holder or Chairman of a Committee or Board to which the Council have delegated their powers in this behalf.
- (2) A resolution of the Council (or a decision by or on behalf of the Cabinet or of a Committee or Board where that Committee or Board has the power) authorising any matter, shall be a sufficient authority for sealing any documents necessary to give effect to the resolution.
- (3) The Seal shall be witnessed by the Chief Executive or such other person appointed for the purpose by the Council and an entry of the sealing of every document shall be made and consecutively numbered in a record kept by the Chief Executive or nominee for that purpose and shall be signed by the person who shall have witnessed the Seal.

31. SIGNATURE OF DOCUMENTS, NOTICES, ETC.

The Chief Executive shall be the Proper Officer for the purposes of, and in accordance with, the provisions of Section 234 of the Local Government Act 1972.

32. CHIEF EXECUTIVE

The Chief Executive of the Council shall, either personally or by a deputed assistant, have access at all times to all records (including those in electronic format), documents or books of any kind whatsoever under the control of any Officer of the Council and relating to the business of the Council and any Officer of the Council shall supply as soon as practicable to the Chief Executive or his deputed assistant any information required in connection with the work or duties of the Council. The Chief Executive will act, at all times, as the Council's duly authorised agent in any proceedings or actions which the Council may desire to take in connection with any of their duties.

33. INSPECTION OF DOCUMENTS

- (1) A Member of the Council, may, in that capacity and for the purposes of his duty as such Member but not otherwise, inspect any document in the possession or under the control of the Council which:
 - (a) has been considered by the Council, the Cabinet, a Committee, Board, Task and Finish Group or a Sub-Committee; or
 - (b) relates to any business to be transacted at any meeting of the Council, the Cabinet, a Committee, Board, Task and Finish Group or Sub-Committee unless it appears to the Chief Executive that any such document discloses exempt information of a description which Section 100F of the Local Government Act 1972 does not require to be open for inspection by a Member of the Council; or
 - (c) by law is open to inspection.
- (2) A Member of the Council shall on request be supplied with a copy of any document open to inspection under this Standing Order.
- (3) A Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or which he is required to disclose in the Register of Members' Interests, and this Standing Order shall not preclude the Chief Executive from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.⁵

34. VISIT AND INSPECTION OF PREMISES AND LAND

No Member of the Council, in his capacity as Councillor, except the Mayor, a member of the Cabinet or the Chairman of the responsible Committee or Board, shall have the right without prior invitation to visit or inspect premises or land owned by the Council except with the prior consent of the Chairman of the responsible Committee or Board, unless the premises or land are, at the time of the visit or inspection, open to the public, or in the case of Council houses, with the permission of the tenant.

35. SUBSTITUTE MEMBERS OF COMMITTEES OR BOARDS

- (1) A Member of a Committee, Board, Task and Finish Group or Sub-Committee may nominate a Member of the Council to act as his substitute for a particular meeting, who in the absence of the Member from any meeting of a Committee or Board or Sub-Committee shall be entitled to attend, speak and vote at the meeting.
- (2) A Member may revoke the nomination of a substitute before the start of the meeting for which the substitution is made. Once the meeting has started such revocation can not be made before the end of that meeting, including any

⁵ This standing order to be subject to review in the light of the requirements of the Model Code of Conduct.

adjourned meeting. Where the nominating Member is a chairman or vice chairman of a Committee or Board, Task and Finish Group or sub-committee, the substitute shall not be able to act in that capacity.

- (3) The nominating or revocation of a substitute shall be in writing specifying the Committee or Board or Sub-Committee to which it relates and signed by the nominating Member and shall except in the case of an emergency preventing earlier delivery be delivered to the Chief Executive at least 2 hours before the start of the meeting.
- (4) No member of the Cabinet shall attend a meeting of an Overview and Scrutiny Board as a substitute.

36. LIST OF COMMITTEES AND BOARDS⁶

- (1) The following Committees and Boards shall be the Standing Bodies of the Council and shall consist of the number of Members respectively set out opposite such Committee or Board, such Members to be Members of the Council except where otherwise stated:

Scrutiny Boards	Number
Overview and Scrutiny Management Board	9
Education Children and Young People (Including 13 Members of the Council, 2 persons appointed by the Council as voting Members on the nomination of the representative bodies of the Church of England and Roman Catholic Church respectively and 2 persons appointed by the Council being representatives of parent-governors).	17
Healthier Communities Scrutiny Board	9
Economic Development and Regeneration Scrutiny Board	9
Neighbourhood Services Scrutiny Board	9
Call In Committee	7
No member of the Cabinet may be a member of a Scrutiny Board	
Other Committees	
Governance	9
Planning	9
Licensing	11
Appeals	5

⁶ As approved at the Annual Meeting held on 15th May 2007

Standards (Including 5 Members of the Council, four independent persons appointed by the Council and five representatives of parish councils).	14
Audit (3 Members of the Council and an Independent Chairman)	4
Remuneration Committee	8

37. COMMITTEE OR BOARD MINUTES

- (1) A Member of the Council may address the Council on any part of the proceedings of any Committee or Board if such Member, before 12.00 noon on the day preceding the day of the Council meeting, has given notice to the Chief Executive of his intention so to speak. He may speak for four minutes and although the Chairman of the Committee or Board concerned may decline to reply to a Member so speaking, nevertheless the Chairman concerned may reply if he so wishes. No other Member of the Council may speak on such an occasion.
- (2) No matter printed in the 'In Private' part of the minutes of a Committee or Board shall be discussed in the public part of the Council Meeting unless the Chairman (or some other Member of that Committee or Board who has moved the report of a Committee or Board under Standing Order 18) indicates his agreement and the Member requesting such matter to be discussed in public has given notice to the Chief Executive not later than 12.00 noon on the day preceding the day of the Council Meeting.
- (3) No matter printed in the minutes of a Committee or Board shall be open for debate at the Council meeting unless the Chairman (or some other Member of that Committee or Board who has moved the report of a Committee or Board under Standing Order 18)) indicates his agreement and the Member requesting such matter to be open for debate has given notice to the Chief Executive not later than 12.00 noon on the day preceding the day of the Council Meeting.

This Standing Order shall not apply to the Chairman of a Committee or Board in relation to the Minutes of his own Committee or Board.

38. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF COMMITTEES AND BOARDS

Every Committee or Board shall, at its first meeting after the Annual Meeting of the Council, before proceeding to any other business, elect the Chairman and appoint the Vice-Chairman for the year. If the Chairman and Vice-Chairman are absent from a meeting, the other Members of the Committee or Board present at that meeting must appoint a Chairman for that meeting.

39. MEETINGS OF COMMITTEES AND BOARDS

The Chief Executive shall summon every Committee or Board within a reasonable period of the time of its appointment and afterwards at such

periodical times as the Committee or Board or the Council may direct and at any other time on the requisition of the Chairman of the Committee or Board or any two of its Members. Every Committee or Board meeting shall be summoned by at least five clear days notice, except in the case of emergency, when the Chief Executive shall consult the Chairman of the Committee or Board and give such notice as may be possible.

40. SUB-COMMITTEES AND TASK AND FINISH GROUPS

- (1) An Overview and Scrutiny Board may appoint task and finish groups (which, **with the agreement of all members of the appointing Board**, need not be politically balanced) and working groups as it considers necessary and may include Members who are not members of the appointing Board.
- (2) No other Committee appointed by the Council may appoint a Standing Sub-Committee without the approval of the Council. Except where Executive Powers in any matter are delegated to a Sub-Committee by the Council, no act of a Sub-Committee shall have effect until approved by the parent Committee in cases where Executive Powers have been delegated to the Committee by the Council and in all other cases until approved by the Council.
- (3) A Sub-Committee appointed in accordance with Standing Order 40(2) shall be comprised of Members of the appointing Committee.

41. QUORUM OF COMMITTEES, BOARDS AND TASK AND FINISH GROUPS

Not less than one third of the elected Members shall form a quorum of all Committees, Boards, Task and Finish Groups and Sub-Committees. The quorum is the minimum number of members who are required to be present to enable decisions to be made.

42. VOTING IN COMMITTEES, BOARDS AND TASK AND FINISH GROUPS

- (1) All questions in Committee or at a Board or Task and Finish Group shall be determined by a show of hands by a majority of the Members of the Committee, Board or Task and Finish Group present and voting, unless the Committee, Board or Task and Finish Group directs some other method of voting in any particular instance.
- (2) Where immediately after a vote is taken at a meeting of a Committee or Board or Sub-Committee or Board any Member of the Committee or Board or Sub-Committee so requires there shall be recorded in the Minutes of the proceedings of the meeting whether that person cast his vote for the question or against the question or whether he abstained from voting.

43. STANDING ORDERS TO APPLY TO COMMITTEES, BOARDS AND TASK AND FINISH GROUPS

The provisions of Standing Orders Nos.9, 12, 14 (except those parts which relate to standing and speaking more than once) shall apply to meetings of Committees, Boards and Sub-Committees.

44. DIRECTIONS TO COMMITTEES, BOARDS AND TASK AND FINISH GROUPS

- (1) A Member of the Council desiring to raise any special business in a Committee or a Board shall inform the Chief Executive of the subject matter thereof by giving at least seven clear days notice in writing prior to the day of the meeting.
- (2) A matter not on the Agenda for a Committee or Board or for which no notice has been given under paragraph (1) above, shall not be raised by any Member other than the Chairman of the Committee or Board as a matter of great urgency by reason of special circumstances and with the consent of the majority of the Members of the Committee or Board present.

45. ATTENDANCE AT MEETINGS OF COMMITTEE, BOARDS AND TASK AND FINISH GROUPS⁷

- (1) No Member of the Council shall be entitled to attend as a participant in the public session of a meeting of any Committee, Board, Task and Finish Group or Sub-Committee of which he is not a Member unless his attendance at such a meeting has been previously approved. A Member may address a meeting of any Committee, Board, Task and Finish Group or Sub-Committee with the agreement of the meeting.
- (2) Members permitted to attend a meeting of a Committee, Board, Task and Finish Group or Sub-Committee of which they are not Members shall not, except with the leave of the Committee, Board, Task and Finish Group or Sub-Committee, take part in the deliberations of such Committee, Board, Task and Finish Group or Sub-Committee, and shall not vote. Furthermore, non Members of the Committee or Board or Sub-Committee shall sit apart from Members so as to avoid confusion in the counting of votes.
- (3) A Member of the Council who has proposed a motion which has been referred by the Council to any Committee or Board shall have notice of the meeting of the Committee or Board at which it is proposed to consider the motion and if he attends shall have an opportunity of explaining it, but shall not vote.
- (4) The Mayor may attend any meeting of a Committee or Board or a Sub-Committee and may speak on any item of business but shall not vote.
- (5) This Standing Order shall not apply to enable a member to address any meeting of a committee, board, task and finish group or sub-committee in circumstances where the member is required to declare a personal and prejudicial interest in a matter under discussion provided that a member shall be able to exercise speaking rights for the purpose of making representations, answering questions or giving evidence relating to the business of any committee, board, task and finish group or sub-committee in circumstances where the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

⁷ Attendance at meetings of the Cabinet are governed by the Cabinet Procedure Rules.

46. APPOINTMENT OF CHIEF OFFICERS

Appointments of Chief Officers shall be in accordance with Standing Order 47 and the procedures and protocols approved by the Council for that purpose.

47. STAFF

(1) In this Standing Order –

"the 1989 Act" means the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

"Cabinet" and Leader of the Council shall have the same meaning as "executive" and executive leader" in Part II of the 2000 Act;

"member of staff" means a person appointed to or holding a paid office or employment under the Council; and

"proper officer" means an officer appointed by the Council for the purposes of the provisions in this Part.

(2) Subject to paragraphs (3) and (7), the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the Council's paid service or by an officer nominated by him.

(3) Paragraph (2) shall not apply to the appointment or dismissal of, or disciplinary action⁸ against-

(a) the officer designated as the head of the Council's paid service;

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

(4) (1) Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment or dismissal of an officer designated as the head of the Council's paid service, the Council must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

⁸ See Standing Order 48

(2) Where a committee or a sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the Cabinet must be a member of that committee or sub-committee.

(5) (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until –

(a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment

(b) the proper officer has notified every member of the Cabinet of the Council of –

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

(iii) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and

(c) either –

(i) the Leader of the Council has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;

(ii) the proper officer has notified the appointor that no objection was received by him within that period from the Leader of the Council; or

(iii) the appointor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

(6) (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until –

- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the Cabinet of the Council of –
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and
- (c) either –
 - (i) the Leader of the Council has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the Leader of the Council;or

the dismissor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

- (7) Nothing in paragraph (2) shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:
 - (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
 - (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

48. DISCIPLINARY ACTION

- (1) No disciplinary action (within the meaning of the Local Authorities (Standing Orders) (England) Regulations 2001 in respect of the head of the Council's paid service designated under Section 4(1) of the Local Government and Housing Act 1989 ("the 1989 Act") (unless he is also a council manager of the Council), its monitoring officer designated under Section 5(1) of the 1989 Act or its chief finance officer designated as having responsibility under section 151 of the Local Government Act 1972 or section, except action described in paragraph (2) (which relates to suspension for the purpose of investigating alleged misconduct), may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities

(Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

- (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 must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

49. VARIATION AND REVOCATION OF STANDING ORDERS

Any motion to change these Standing Orders shall, when proposed and seconded, stand adjourned without discussion, to receive the advice of the Solicitor to the Council and Monitoring Officer at the next ordinary meeting of the Governance Committee.

50. SUSPENSION OF STANDING ORDERS

- (1) Subject to paragraph (2) below, any of the preceding Standing Orders may be suspended so far as regards any specific business at the meeting where its suspension is moved, and two-thirds of the Members present and voting support the motion to suspend.
- (2) A motion to suspend Standing Orders can be moved under Standing Order No.7 - that is without notice of motion given in pursuance of Standing Order No.6 - where there is one-half of the whole number of the Members of the Council present (26 Members).
- (3) Where a Committee or the Leader of the Council recommends the suspension of a Standing Order in its Report to the Council such Standing Order shall be suspended on the adoption of the recommendation.

51. INTERPRETATION OF STANDING ORDERS

- (1) The Mayor's decision on the construction of these Standing Orders and on any question of Order not provided for by these Standing Orders shall be final.
- (2) A reference to "working days" means any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday in England or a day appointed for public thanksgiving or mourning.
- (3) A reference to "clear days" shall mean ordinary days including the "working days as defined in (2) above.
- (4) In these Rules of Procedure (Standing Orders), unless the contrary intention appears, words importing the masculine gender include the feminine.
- (5) A reference to a "Board" shall be a reference to an Overview and Scrutiny Board.

52. REVIEW

These Standing Orders will be reviewed by the Council annually.

(These Standing Orders were approved by the Council on 16th April 2002 to apply from 14th May 2002).

These Standing Orders include changes to Scrutiny Boards made at the Annual Meeting on 21st June 2004 (See Standing Order 36).

Revisions made on 10th May 2005 to update Committee Membership numbers and appointment of Licensing Committee.

Revisions made on 16th May 2006 to update new names of Scrutiny Boards.

Revisions made on 15th May 2007 to update new names of Boards and Committees.

Amendments made 10th July 2007 to Standing Orders 12 and 45.

Amendments made 20th May 2008 to Standing Orders 5, 8 and 36.

Amendments made 12th May 2009 to Standing Orders 3 and 21

Amendments made January 2010 to Standing Order 2

Amendments made October 2010 to SO 13 (Petitions)