

T A N D R I D G E D I S T R I C T C O U N C I L	
REPORT TO COUNCIL - 7TH MAY 2020 - AGENDA ITEM 3	
PROPOSED AMENDMENTS TO STANDING ORDERS FOLLOWING THE 'CORONAVIRUS REGULATIONS 2020'	
Report of:	Lidia Harrison – Head of Legal Services and Monitoring Officer lharrison@tandridge.gov.uk
Purpose of Report:	To enable the Council to consider and approve amendments to Standing Orders and a protocol for those attending remote meetings. This is in light of recent legislation which disapplies certain other legislation and enables virtual / remote meetings.
Publication status:	Unrestricted
Recommendations:	That: A. subject to B below, the proposed revisions to Standing Orders, as summarised in section 3 and attached at Appendix A, be agreed; B. the operation of the revised Standing Orders be reviewed at the Full Council meeting on 22 nd October 2020; and C. the temporary ' <i>protocol for Members and Officers attending remote meetings</i> ', at Appendix B be agreed and incorporated within Part F of the Council's Constitution ('Codes, Schemes and Protocols) and any subsequent amendments to be made in consultation with all Political Group Leaders.
Appendices:	'A': proposed amendments to the Council's Standing Orders for meetings to reflect the new powers to conduct virtual meetings (page 8) 'B': a suggested temporary ' <i>protocol for Members and Officers attending remote meetings</i> ' (page 38)
Background papers defined by the Local Government (Access to Information) Act 1985: None	

1. Background

- 1.1 The *Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* ('the Regulations') came into force on the 4th April 2020.
- 1.2 Prior to the enactment of the Regulations, the legal position for local authorities in England and Wales as set out in the Local Government Act 1972 ('LGA') required councillors to be physically present at committee meetings in order to vote. The Regulations provide for various amendments to be made to the LGA until 7th May 2021.

- 1.3 The Regulations will therefore cease to apply after the 7th May 2021, although it is likely that, in due course, these provisions, or something like them, will be placed on a permanent footing. In the meantime, this report presents proposals for amending the Council's '*standing orders for meetings and general governance*' (hereafter referred to as 'Standing Orders'). For clarification, the Council's Standing Orders form part of its Constitution (Part B).
- 1.4 The intention is to retain the structure of the Standing Orders for now and to limit amendments to issues associated with the Regulations, including those concerning virtual meetings. This does not prevent any wider review of the Standing Orders, or the constitution as a whole, should that be required in the future.
2. New Regulations
- 2.1 The purpose of the Regulations is to provide a more flexible regime for Local Authority meetings to overcome the restrictions imposed by the coronavirus emergency. For example, the Regulations enable to the Council to:
- (i) dispense with an Annual Council meeting for 2020 if it wishes (agenda item 7 refers); and
 - (ii) hold virtual meetings, whereby attendees are not required to be in the same place and the venue need not be defined by a single physical location.
- 2.2 Regarding (ii) above, the conditions for a Member's 'remote attendance' are that s/he is able to:
- “(i) hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance;*
 - (i) hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and*
 - (ii) be so heard and, where practicable, be seen by any other members of the public attending the meeting.”*
- 2.3 The ability to hold virtual meetings is not constrained by existing standing orders. However, the Regulations invite councils (at Regulation 5(6)) to adopt new "*standing orders and any other rules ... about remote attendance at meetings*" which may include provision for:
- voting;
 - member and public access to documents; and
 - remote access of the public and press to meetings to enable them to attend or participate by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.
- 2.4 The Regulations make it clear that local authorities may allow remote attendance, whatever their constitutions might say. Nevertheless, in the case of this Council, there will be parts of the existing Standing Orders that may be difficult to interpret and apply in the light of the Regulations, hence, the need to revise / update them.

3. Proposed amendments to Standing Orders

3.1 The proposed changes are summarised in the table below:

SO No	Summary of proposed amendments.
1	<p>Meetings of the Council</p> <p>Acknowledgement that an Annual Meeting for 2020 is at the discretion of the council.</p> <p>Acknowledgement that, for as long as the Regulations remain in force, Council meetings may be held virtually.</p>
2 & 3	<p>Appointment of the Chairman and Vice-Chairman of Council</p> <p>Reference to '<u>an</u> Annual Council' ... as opposed to '<u>the</u>'</p>
8	<p>Motions and amendments which may be moved without notice at full Council meetings (15) and (16)</p> <p>Acknowledgement that:</p> <ul style="list-style-type: none"> • 'exclusion of the public' can either be via exclusion from the physical meeting place, if any, or by terminating remote access services; and • a motion that a Member 'leave the meeting' can entail either leaving the meeting place if physically present or by discontinuing remote access.
11 (3)	<p>Rules of debate for Council meetings</p> <p>'<i>Only one Member to stand at a time</i>' replaced with, '<i>Members wishing to speak</i>'. The method of how a Member should indicate his / her wish to speak can be at the discretion of the Chairman.</p>
11 (17)	<p>Points of Order / Personal Explanation</p> <p>Deletion of reference to Members having to stand up – replaced with a requirement to 'indicate' the s/he wishes to raise a point of order or personal explanation. The method of how a Member should so indicate can be at the discretion of the Chairman.</p>
11 (20)	<p>Respect for Chairman</p> <p>Deletion of references to 'rising', 'standing', 'sitting'.</p>
12	<p>Voting at Council</p> <p>Method of voting to be at the discretion of the Chairman to ensure that the outcome of any vote is beyond doubt and depending on whether all or some Members are participating remotely.</p> <p>A request for a recorded vote will still require the support of five other Members, but they will simply have to 'indicate' their support as opposed to having to 'stand'.</p>

SO No	Summary of proposed amendments.
	The method of voting for outside body appointments will not need to be by 'show of hands'.
14	<p>Committees (general)</p> <p>Acknowledgement that, for as long as the Regulations remain in force, committee meetings may be held virtually.</p>
15	<p>Committees – confidentiality of proceedings</p> <p>Acknowledgement that public access to meetings can be via webcasting and/or conferencing facilities and that 'exclusion' can include the termination of remote access services.</p>
18 and 20	<p>Appointment of Chairmen and Vice-Chairmen of Committees / Sub-Committees</p> <p>Acknowledgement that the Chairmen and Vice Chairmen for 2019/20 could continue in their posts throughout 2020/21.</p>
22	<p>Standing Orders to apply to Committees and Sub-Committees</p> <p>Deletion of reference to Members standing when speaking (this would no longer automatically apply to Council meetings so won't need to be disapplied for committees and sub-committees).</p>
23	<p>Attendance of non-committee members</p> <p>Acknowledgement that Members can attend remotely.</p>
24	<p>Voting at Committees and Sub-Committees</p> <p>Deletion of 'show of hands' the method to be at the discretion of the Chairman to ensure that the outcome of any vote is beyond doubt and depending on whether all or some Members are participating remotely.</p>
26	<p>Attendance at Council and Committee meetings</p> <p>No longer a need for Members to sign an attendance book.</p> <p>Inclusion of the three conditions for 'remote attendance' as specified by the Regulations.</p> <p>Removal of the requirement to produce an annual statement of attendance given the disproportionate amount of work required to present a meaningful, accurate analysis and the fact that the 2019/20 record will be distorted by the cancellation of meetings during the final cycle.</p>
27	<p>Disclosure of interests and participation at meetings</p> <p>Clarification that, when Members have to leave a meeting because they have a disclosable pecuniary interest, such withdrawal would include the suspension of remote access to virtual meetings.</p>

SO No	Summary of proposed amendments.
29	<p>Questions and representations at meetings</p> <p><u>Questions</u></p> <p>The deadline for submitting questions will still be 3 clear working days prior to the meeting. However, the questions would now be e-mailed to all Members by 6.00pm on the working day prior to the meeting (it seems reasonable for all Members to be made aware of questions submitted before the deadline, rather than having to wait until the meeting to hear them for the first time).</p> <p>Such questions will be relayed to the meeting either:</p> <ul style="list-style-type: none"> • by the individual concerned from within the meeting room, unless physical attendance by the public is prohibited for health & safety reasons; or • via a recording of the individual presenting the question, or by an officer reading out the question. <p><u>Representations at meetings of the Planning Committee</u></p> <p>The procedure for this is not currently captured within Standing Orders. It is suggested that this should now be rectified, especially given the need to clarify arrangements for virtual meetings. In the case of virtual meetings where the public are prohibited from attending at a physical meeting location for health & safety reasons, it is proposed that '3 minute' written representations be:</p> <ul style="list-style-type: none"> • required by noon on the day before the meeting and tested for compliance with the three-minute rule; and • relayed to the meeting either via a recording of the individual speaking in connection with a planning application, or by an officer reading out a statement on the individual's behalf. <p>Otherwise, representations can continue to be made from within the Council Chamber as at present.</p> <p>These provisions shall take precedence over the current Planning Protocol, which is now scheduled for review.</p> <p><u>Representations at other Committee meetings</u></p> <p>As at present but, when the public are prohibited from attending a physical meeting place for health & safety reasons, there is a provision for representations to be relayed to the meeting, either via a recording of a member of the public speaking, or an officer reading out a statement on that person's behalf.</p>
30	<p>Presentations of petitions at meetings</p> <p>As at present but, when the public are prohibited from attending a physical meeting place for health & safety reasons, there is a new provision for a supporting statement to be relayed to the meeting, either via a recording of a spokesperson speaking, or an officer reading out a statement on that person's behalf.</p>

SO No	Summary of proposed amendments.
31	<p>Disorderly conduct by Members</p> <p>Acknowledgement that motions to remove Members from meetings includes the termination of remote access and that repeated instances of misconduct at meetings (including via remote participation) may be addressed by the Monitoring Officer under the Code of Conduct.</p>
32	<p>Disturbance by the public</p> <p>Acknowledgement that, in the event of continued interruptions or general disturbance from members of the public participating remotely, such on-line access may be terminated.</p>

4. Temporary Protocol for Members and Officers attending remote meetings

- 4.1 It is recommended that the “Protocol” is a temporary addendum to the Standing Orders to enable the Council to hold meetings in accordance with the new Regulations. These are based on the “Model Protocol and Procedure Rules for Remote Meetings” which have been developed by the Association of Democratic Services Officers (“ADSO”) and Lawyers in Local Government (“LLG”).

5. Legal Implications

The Legal implications are covered in the main report.

6. Financial Implications

- 6.1 There are no financial implications as a result of adopting these arrangements for holding online meetings. However, if there are costs that are incurred from the practical application of the arrangements, these costs will be reported as necessary.

7. Equality impacts

- 7.1 Consideration of impacts under the Public Sector Equality Duty are as follows:

Questions	Answer
Do the proposals within this report have the potential to disadvantage or discriminate against different groups on the community?	No
What steps can be taken to mitigate any potential negative impact referred to above?	Not applicable

8. Data Protection impacts

- 8.1 Following the completion of a Data Protection Impact Assessment, consideration of potential data protection implications arising from this report are as follows:

Questions	Answer
Do the proposals within this report have the potential to contravene the Council's Privacy Notice?	No
Is so, what steps will be taken to mitigate the risks referred to above?	Not applicable

9. Climate Change

- 9.1 It is notable that holding remote meetings will, in particular reduce emissions from Councillor vehicle mileage.
- 9.2 Officers will not lose sight of the Council's climate change declaration during the pandemic, and Members should be assured that work will continue nonetheless.
- 9.3 However, where temporary measure will have a positive influence on our environmental impact, it is recommended that, before a return to business as usual, it be considered whether any positive changes can be retained.

10. Conclusion

- 10.1 Should the proposed amendments to Standing Orders be adopted, the provisions for virtual meetings will, in the absence of any further legislation, be temporary, and will only apply to meetings up until the 7th May 2021. In addition, remote access by Members to the Authority's Council and Committee meetings will be permitted, even after the current quarantine period has ended. The Council is currently reviewing various technical solutions to enable virtual meetings being held.
- 10.2 It is intended to review the operation of the revised Standing Orders at the Full Council meeting on 22nd October 2020.
- 10.3 The proposed adaptations to Standing Orders do not attempt to prescribe detailed rules about how Members should indicate their votes when participating remotely. This would be at the discretion of the relevant Chairman, depending on the circumstances of particular meetings. However, the suggested protocol at Appendix B seeks to provide some necessary rules of etiquette for virtual meetings. It also ensures the Council is able to make effective and transparent decisions during the Covid19 crisis in accordance with the various legal requirements now in place to manage the health crisis, including the provisions relating to the holding of virtual meetings.
- 10.4 With the exception of the proposal to dispense with the annual statement of Member attendances, the suggested amendments are restricted to issues associated with the Regulations.

----- end of report -----

**PART B OF THE COUNCIL'S CONSTITUTION
STANDING ORDERS FOR MEETINGS AND GENERAL GOVERNANCE
REVISIONS TO PROVIDE FOR VIRTUAL MEETINGS AND ASSOCIATED MATTERS**

PROCEDURES FOR COUNCIL MEETINGS

No. 1

MEETINGS OF THE COUNCIL

- (1) The convening of an Annual Meeting during 2020 is at the discretion of the Council by virtue of the *Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* (hereafter referred to as the 2020 Regulations). In future years, and subject to any subsequent legislation, ~~the Annual Meeting of the Council shall be held in the Council Offices, Oxsted (normally in May)~~ within three weeks of the District or County Council Elections to accord with the provisions of the Local Government Act 1972.
- (2) In addition to the Annual Meeting of the Council and any meetings convened by the Chairman or Members of the Council (SO 1 (3) below refers), meetings for the transaction of general business shall be held in each year on dates to be determined for the ensuing year by the Council.
- (3) Five Members of the Council may call for an extraordinary meeting of the Council in accordance with the requirements of Schedule 12 to the Local Government Act 1972 (Part 1, section 3)¹.
- (4) For as long as the 2020 Regulations remain in force, meetings may be held virtually, either in whole or in part, whereby:
- (i) the term 'meeting' is not limited to a meeting of persons all of whom, or any of whom, are present in the same place;
 - (ii) the 'meeting place' can include reference to more than one place, including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers;
 - (iii) 'open to the public' includes access to the meeting via remote means, including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means;

¹ LGA 1972, Schedule 12, Part 1, Section 3: "An extraordinary meeting of a principal council may be called at any time by the chairman of the council. If the chairman refuses to call an extraordinary meeting of a principal 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 chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council."

- (iv) Councillors are able to participate from remote locations and are deemed to be in attendance if they can:
- hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
 - hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - be so heard and, where practicable, be seen by any other members of the public attending the meeting.

No. 2

APPOINTMENT OF CHAIRMAN OF THE COUNCIL

The first business to be dealt with at ~~the~~ an Annual Meeting of the Council shall be the appointment of the Chairman for the ensuing year.

No. 3

APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL

After the appointment of the Chairman of the Council at ~~the~~ an Annual Meeting the next business to be dealt with shall be the appointment of a Vice-Chairman for the ensuing year.

No. 4

CHAIRMAN OF THE MEETING

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

No. 5

QUORUM OF COUNCIL

- (1) If, during any meeting of the Council, the Chairman, after counting the number of Members present, declares that there is not a quorum present, (11 in normal circumstances) the meeting shall stand adjourned.
- (2) The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or if s/he does not fix a time, to the next ordinary meeting of the Council. No business shall be transacted at an adjourned meeting except the unfinished business of the original meeting.

No. 6**ORDER OF BUSINESS**

- (1) Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every meeting of the Council shall be:-
- (a) To choose a person to preside if the Chairman and Vice-Chairman are absent.
 - (b) To deal with any business required by statute to be done before any other business.
 - (c) To approve as a correct record and sign the minutes of the last meeting of the Council.
 - (d) To deal with any business expressly required by statute to be done.
 - (e) Chairman's announcements.
 - (f) Declarations of Interest.
 - (g) To deal with questions under Standing Order No. 29(2) (not applicable to the Annual Meeting).
 - (h) To deal with petitions under Standing Order No. 30.
 - (i) To dispose of business remaining from the last meeting (if any).
 - (j) To receive and consider reports, minutes and recommendations of Committees.
 - (k) To authorise the sealing of documents.
 - (l) To consider motions in the order in which notice has been received.
 - (m) Other business, if any, specified in the summons.

Annual Policy Statement

- (2) The last business to be dealt with at the Annual Council shall be to receive from the leader(s) of the Administration (if they so wish) a policy statement covering the next municipal year. One spokesman for each of the Political Group(s) as defined by the Local Government & Housing Act 1989 not forming the Administration (if they so wish) will have the right to reply and a vote shall be taken. No speech is to last longer than 10 minutes.

Variation of Order of Business

- (3) Business falling under items (a), (b) or (c) of paragraph (1), shall not be displaced, but the order of the remaining business may be varied by:-
- (a) the Chairman at his / her discretion; or

- (b) a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

No. 7A

NOTICES OF FREE STANDING MOTIONS TO COUNCIL

- (1) Notice of every motion (other than a motion which under Standing Order No.8 may be moved without notice) shall be sent by e-mail, or submitted in writing to the Chief Executive or her nominated Officer by noon at least seven clear working days prior to the next meeting of the Council.

Motions to be set out in summons

- (2) The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order of receipt unless the Member giving such a notice intimated by email or in writing when giving it, that s/he proposed to move it at some later meeting, or has since withdrawn it in writing.

Motion not moved

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

Scope of motions

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

No. 7B

NOTICE OF AMENDMENTS TO FREE STANDING MOTIONS OR COMMITTEE / SUB-COMMITTEE RECOMMENDATIONS AT COUNCIL

- (1) Proposed amendments to a free standing motion (submitted under Standing Order 7A above) or a Committee / Sub-Committee recommendation to Council must be sent by email, or submitted in writing to the Chief Executive or her nominated Officer, by 5pm on the working day before the Council meeting in question.
- (2) Acceptance of such proposed amendments shall be at the discretion of the Chairman in accordance with Standing Order 11 (6), i.e.

“An amendment shall be relevant to the motion / recommendation and shall be either to:

- *refer the matter back to the Committee for reconsideration; or*
- *delete and/or add words*

... but ... shall not have the effect of negating the motion or recommendation before the Council.*

- (3) Any such proposed amendments submitted after the deadline specified in (1) above shall only be put to the Council meeting at the discretion of the Chairman.

*(*the term negating can include the effect of distorting a motion so that its original meaning is lost)*

No. 8

MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

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

- (1) Appointment of a Chairman of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) That an item of business specified in the summons has precedence.
- (4) Remission to a Committee
- (5) Appointment of a Committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.
- (6) Adoption of recommendations of Committees or officers and any consequent resolutions.
- (7) That leave be given to withdraw a motion.
- (8) Extending the time limit for speeches.
- (9) That the Council proceed to the next business.
- (10) That the question be now put.
- (11) That the debate be now adjourned.
- (12) That the Council do now adjourn.
- (13) Authorising the sealing of documents.
- (14) Suspending Standing Orders, in accordance with Standing Order No. 45.
- (15) A Motion under Section 100A (2) and (4) of the Local Government Act 1972 to exclude the public (either via exclusion from the physical meeting place, if any, or by terminating remote access services).
- (16) That a Member named under Standing Order No. 31 (Disorderly Conduct) be not further heard or leave the meeting (either by leaving the meeting place if physically present or by discontinuing remote access services-).
- (17) Giving consent of the Council where the consent of the Council is required by these Standing Orders.

No. 9

MINUTES

- (1) The Chairman shall put the question that the minutes of the meeting of the Council held on the ... day of..... be approved as a correct record.
- (2) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.
- (3) The minutes of the last meeting shall be approved at the next ordinary meeting.

No. 10

PRESENTATION OF COMMITTEE MINUTES

- (1) The minutes of a Committee shall be presented to the Council by the Chairman of the Committee (or in his / her absence by the Vice-Chairman, or some other Member of the Committee present at the meeting concerned) who shall move that the minutes be received and the recommendations contained therein (if any) be adopted. Such motions must be seconded.
- (2) The Chairman of the Council shall then read out the minute numbers in sequence.
- (3) If any Member wishes to speak on any item or to amend or oppose any recommendation contained therein, s/he shall do so when the appropriate minute number is called by the Chairman.
- (4) Where discussion of any minute takes place in this manner, and the minute contains a recommendation, such recommendation shall be considered as a separate motion, and the rules of debate as contained in Standing Order No.11 shall apply, save that the motion shall be deemed to have been moved by the Chairman of the relevant Committee and seconded.

No. 11

RULES OF DEBATE FOR COUNCIL MEETINGS

Motions and Amendments

- (1) 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. 7. It shall, if required by the Chairman, be put in writing and handed to the Chairman before it is further discussed or put to the meeting.

Secunder's Speech

- (2) A Member when seconding a motion or amendment may, if s/he then declares his / her intention to do so, reserve his / her speech until a later in the debate.

Only one Member to stand at a time Members wishing to speak

- (3) — A Member shall indicate his/ her wish to speak in the manner required by the Chairman. ~~when speaking shall stand and address the~~. If two or more Members indicate their wish to speak, the Chairman shall call on one to do so. While a Member is speaking, the other Members shall remain ~~seated silent~~, unless ~~rising~~ they raise ~~to~~ a point of order or speak in personal explanation.

Content and length of speeches

- (4) A Member shall direct his / her speech to the question under discussion or to a point of order or to a personal explanation. No speech shall exceed ten minutes in the case of a mover of a motion or the Chairman of a Committee in replying to a debate, and five minutes in all other cases including the mover of an amendment, except by consent of the Council.

When a Member may speak again

- (5) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
- (a) to speak once on an amendment moved by another Member;
 - (b) if the motion has been amended since s/he last spoke, to move a further amendment;
 - (c) if his / her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which s/he spoke was carried;
 - (d) in exercise of a right of reply given by paragraph (12) or (15) of this Standing Order;
 - (e) on a point of order; and
 - (f) by way of personal explanation.

Amendments to free standing motions and Committee / Sub-Committee recommendations (subject to the notice requirements of SO 7(B))

- (6) An amendment shall be relevant to the motion/recommendation and shall be either to:-
- (a) refer a subject of debate to a Committee for consideration or reconsideration;
 - (b) leave out words;
 - (c) leave out words and insert or add others;
 - (d) insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating* the motion or Committee / Sub-Committee recommendation before the Council.

*(*the term negating can include the effect of distorting a motion so that its original meaning is lost)*

- (7) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.
- (8) The Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.
- (9) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be 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.

Alteration to motion

- (10) A Member may with the consent of the Council signify without discussion -
 - (a) an alteration to a motion of which s/he has given notice, or
 - (b) with the further consent of his / her seconder the alteration of a motion which s/he has moved

if (in either case) the alteration is one which could be made as an amendment thereto.

Withdrawal of motion

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

Right of reply

- (12) The rights of reply at the close of a debate on a motion or Committee minute before any vote is as follows:-
 - (a) on any motion the mover of the motion
 - (b) on any amendment the mover of the original motion

(The mover of the amendment shall have no right of reply to the debate on his / her amendment).

- (13) Members exercising a right of reply shall confine themselves to answering previous speakers, and shall not introduce any new matter.

Motions which may be moved during debate (15) and (16) of this Standing Order also refer

- (14) When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend the motion
 - (b) to adjourn the meeting
 - (c) to adjourn the debate
 - (d) to proceed to the next business
 - (e) that the question be now put
 - (f) that a Member be not further heard
 - (g) by the Chairman under SO31(2) (Disorderly Conduct) that a Member leave the meeting
 - (h) under Section 100A(4) of the Local Government Act 1972 to exclude the public.

Closure motions

- (15) A Member may move without comment at the conclusion of a speech of another Member,

"that -

- (i) the Council proceed to the next business; or
- (ii) the question be now put; or
- (iii) the debate be now adjourned; or
- (iv) the Council do now adjourn"

on the seconding of which the Chairman shall proceed as follows:-

- (a) On a motion to proceed to the next business; unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to the next business;
- (b) On a motion that the question be now put; unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his / her right of reply under paragraph 12 of this Standing Order before putting his / her motion to the vote;
- (c) On a motion to adjourn the debate or the meeting; if in the Chairman's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chairman shall put the adjournment motion to the vote without giving the mover of the original motion his / her right of reply on that occasion.

- (16) The closure motions referred to above can only be moved once during the course of a debate.

Points of Order/Personal Explanation

- (17) A Member may ~~rise~~ indicate that s/he wishes to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the Member shall specify the standing order or statutory provision and the way in which s/he considers it has been broken.
- (18) A personal explanation shall be confined to some material part of a former speech by him / her which may appear to have been misunderstood in the present debate.
- (19) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chairman

- (20) Whenever the Chairman ~~raises~~ interjects during a debate, ~~a Member then standing shall resume his / her seat and~~ the Council shall be silent.

No. 12

VOTING

- (1) Subject to SOs ~~12(4) and~~ 12(6) below, the manner of voting at meetings of the Council shall be ~~by show of hands at the discretion of the~~ Chairman, ~~to ensure that the outcome of any vote is beyond doubt and depending on whether all or some of the Members are participating remotely via conferencing facilities.~~
- (2) In the event of an equality of votes, the Chairman shall have a casting vote.
- (3) Immediately after a vote is taken, any Member may request that the way in which s/he voted (or abstained) be recorded in the minutes.
- (4) Before a vote on any matter is taken, a Member may request that details be recorded in the minutes to show how each Member voted, or whether they abstained. For this to proceed, five other Members will be required to indicate their support ~~by standing~~.
- (5) In any event, at any meeting of the full Council at which a budget decision is made, the voting shall be recorded in the minutes. 'Budget decisions' for the purposes of this Standing Order shall mean any decision defined as such under the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2014.
- (6) Recorded votes required under (4) and (5) above shall be conducted by an appropriate Officer calling the name of each Member present who shall thereupon state whether they are voting 'for' 'against' or whether they wish to 'abstain'. The Officer shall record the voting and inform the Chairman of the result.

- (7) Where there are two persons nominated for any position to be filled by the Council, the Chairman shall conduct a vote by:
- asking Members to vote ~~(by a show of hands)~~ for the first nominee according to alphabetical order of surname; and
 - repeating the process for the other nominee, with the individual with the most votes being duly appointed.
- (8) Where there are three or more persons nominated for any position (or positions) to be filled by the Council, an appropriate Officer shall call the name of each Member present who shall thereupon state his / her preferred candidates. The officer shall record the votes cast for each person nominated and shall inform the Chairman of the result who will then confirm which Councillor has been appointed.

No. 13

COMMITTEES - APPOINTMENT OF

- (1) The Council shall at the Annual Meeting appoint Policy Committees and any other Committees which it is deemed necessary to appoint.
- (2) The Council may at any time appoint such other Committees as are necessary to carry out the work of the Council.
- (3) Subject to any statutory provision, the Council:-
- (i) shall not appoint any Member of a Committee to hold office later than the next Annual Meeting of the Council;
 - (ii) may at any time dissolve a Committee or alter its membership.
- (4) Committees may, in turn, appoint Sub-Committees in accordance with Standing Order 20.

COMMITTEE MEETINGS AND PROCEDURES

No. 14

COMMITTEES

- (1) The Policy Committees of the Council are:-
- Community Services Committee
 - Housing Committee
 - Planning Policy Committee
 - Strategy & Resources Committee

(2) The Regulatory/Statutory/Other Committees of the Council are:

Licensing Committee
 Overview & Scrutiny Committee
 Planning Committee
 Standards Committee

(3) For as long as the 2020 Regulations remain in force, committee and sub-committee meetings may be held virtually, as described in Standing Order 1(4).

No. 15

COMMITTEES - CONFIDENTIALITY OF PROCEEDINGS

- (1) Committee or Sub-Committee reports may be exempt from publication and shall be treated as confidential if:
- (i) their content falls within the descriptions of exempt information in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) (reproduced in (3) below); and
 - (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (2) Proceedings at Committee / Sub-Committee meetings shall be conducted in public (including by way of public access to webcasting and/or conferencing facilities) unless a Committee / Sub-Committee passes a resolution to exclude the press and public on the grounds referred to in (1) above (via exclusion from the physical meeting place, if any, or by terminating remote access to the meeting).
- (3) The definitions of exempt information detailed in Part 1 of Schedule 12A of the Act (referred to in (1) (i) above) are:
1. *Information relating to any individual.*
 2. *Information which is likely to reveal the identity of an individual (including the authority holding that information).*
 3. *Information relating to the financial or business affairs of any particular person (including the authority holding that information).*
 4. *Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.*
 5. *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

6. *Information which reveals that the authority proposes -*
- (a) *to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or*
 - (b) *to make an order or direction under any enactment*
7. *Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.*
- The following additional descriptions of exempt information also apply to meetings of Standards Committees /Standards Sub-Committees:*
- 7A. *Information which is subject to any obligation of confidentiality.*
 - 7B. *Information which relates in any way to matters concerning national security.*
 - 7C. *Information presented to a Standards Committee, or to a Sub-Committee of a Standards Committee, set up to consider any matter under regulations 13 or 16-20 of the Standards Committee (England) Regulations 2008 or referred under section 58(1)(c) of the Local Government Act 2000.*

Qualifications:

8. *Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:*
- (a) *the Companies Act 1985[3];*
 - (b) *the Friendly Societies Act 1974[4];*
 - (c) *the Friendly Societies Act 1992[5];*
 - (d) *the Industrial and Provident Societies Acts 1965 to 1978[6];*
 - (e) *the Building Societies Act 1986[7]; or*
 - (f) *the Charities Act 1993[8].*
9. *Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992[9].*
10. *Information which:*
- (a) *falls within any of paragraphs 1 to 7 above; and*
 - (b) *is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.*

No. 16**COMMITTEES' TERMS OF REFERENCE AND DELEGATION**

- (1) The statutory and other powers and duties of the Council shall be delegated to its Committees and any ad hoc Committee in accordance with the terms of reference of Committees as agreed by Council.
- (2) The Council may by resolution from time to time vary a Committee's Terms of Reference.
- (3) Subject to any statutory provision to the contrary, and to the exclusions and limitations specified in paragraphs (4) and (5) of this Standing Order, there shall be delegated to the respective Committees all the powers and duties of the Council specified in the above mentioned terms of reference, and in any resolution of the Council making a specified reference to a Committee.
- (4) There shall be excluded from the delegation to any Committee:-
 - (i) The power of raising money by tax or loan.
 - (ii) The power of incurring any expenditure or of taking any decision, which under Financial Regulations approved by the Council and operative at the time, requires the prior approval of the Council.
 - (iii) The power of taking any decision which, under Standing Orders regulating the business and proceedings of the Council or Standing Orders relating to Contracts approved by the Council and operative at the time, is required to be taken by the Council.
 - (iv) The enactment, alteration or revocation of any schemes, orders, rules, regulations or byelaws made by the Council under the provisions of any Act of Parliament.
 - (v) The appointment or dismissal of the Chief Executive.
- (5) The delegation to any Committee shall be subject to the following restrictions or conditions:-
 - (i) The Committee shall give effect to any resolution of the Council upon matters of principle or policy.
 - (ii) The Committee shall, where a matter
 - (a) involves or appears likely to involve a departure from an existing policy; or
 - (b) is a new policywhich would impact upon available resources, direct that its decision be submitted to the Council as a recommendation.

No. 17**COMMITTEE AND SUB-COMMITTEE BUSINESS**

- (1) Any Member of the Council may give notice of any item of business for consideration at any meeting of a Committee or Sub-Committee.
- (2) Items of business referred to in paragraph (1) above shall be sent by email, or given in writing to the Chief Executive or her nominated Officer at least 10 clear working days before the meeting.
- (3) If notice is given of any item of business which in the opinion of the Chief Executive is, potentially illegal, improper or not within the relevant terms of reference, the Chief Executive shall submit such notice to the Chairman of the Committee or Sub-Committee within whose terms of reference it falls and it shall not be accepted and placed on the agenda without that Chairman's sanction. Where an item of business is not accepted, the Chief Executive shall inform the Member in writing.

No. 18**COMMITTEES - APPOINTMENT OF CHAIRMANS, VICE-CHAIRMANS AND SUB-COMMITTEES**

- (1) At the conclusion of ~~the~~ an Annual Meeting of the Council, each Committee shall elect a Chairman and appoint a Vice-Chairman and Sub-Committees for the year. For each of these meetings the Chairman of the Council (or in his / her absence the Vice-Chairman of the Council) shall preside. In the absence (by virtue of the 2020 Regulations) of an Annual Meeting in 2020, the Chairmen and Vice-Chairmen for 2019/20 (subject to their on-going membership of the Council and the Committees / Sub-Committees concerned) may continue in their posts throughout 2020/21.
- (2) No member of the Council shall be Chairman of more than one Committee.
- (3) If other business needs to be transacted at these meetings, the Chairman or Vice-Chairman of the Council shall vacate the Chairman in favour of the appropriate newly elected Chairman of the Committee or in his / her absence the newly appointed Vice-Chairman of the Committee.
- (4) In the absence of the Chairman and Vice-Chairman from a meeting, the Committee shall elect one of its Members to preside at the meeting.

No. 19**COMMITTEES - SPECIAL MEETINGS**

The Chairman of a Committee may call a special meeting of the Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee (communicated by email, or given in writing to the Chief Executive or her nominated Officer) but in no case shall fewer than three Members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

No. 20**SUB-COMMITTEES**

- (1) Every Committee may appoint Sub-Committees for purposes to be specified by the Committee.
- (2) Subject to Standing Order 18(1) above, eEach Sub-Committee shall elect a Chairman at its first meeting of the Municipal Year.

No. 21**COMMITTEES AND SUB-COMMITTEES – SUBSTITUTES AND QUORUM**

- (1) Every Political Group may appoint a substitute Member for each Committee and Sub-Committee.
- (2) A substitute member of any Committee or Sub-Committee shall, in the absence of the appointed Member, be entitled to attend, speak and vote at the meeting but should the appointed Member arrive during the course of the proceedings, the substitute Member, after completion of the Item of business under consideration, subject to Standing Order No. 23, shall be required to withdraw from further participation.
- (3) The quorum for Committee and Sub-Committee meetings shall be:
 - at least one quarter of the membership of the Committee or Sub-Committee; or
 - three Members

...whichever is the greater number.

No. 22**STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES**

Subject to the following exceptions, the Standing Order of the Council headed "Rules of debate for Council meetings" (Standing Order No. 11) shall, with any necessary modification, apply to Committee and Sub-Committee meetings:

~~(i) — Members, when speaking, will not have to stand;~~

~~(ii)~~(i) Members may speak more than once during any debate; and

~~(iii)~~(ii) there be no automatic time limit for the length of speeches, although the Chairmen of relevant Committee / Sub-Committee meetings may curtail the length of Councillors' speeches to no more than five minutes if they consider it to be justified, having regard to the nature of the debate.

No.23

ATTENDANCE OF MEMBERS AT MEETINGS OF COMMITTEES AND SUB-COMMITTEES OF WHICH THEY ARE NOT MEMBERS

- (1) Any Councillors may attend meetings (either in person or remotely via conferencing facilities) of any Committee or Sub-Committee of which they are not members. However, in such cases, a Councillor must obtain the consent of the Chairman of the meeting concerned in order to speak.
- (2) In no circumstances shall Councillors vote on any matter before a Committee or Sub-Committee of which they are not members.

No. 24

VOTING AT COMMITTEES AND SUB-COMMITTEES

- ~~(1) Voting at a meeting of a Committee or Sub-Committee shall be by a show of hands.~~
- (1) The manner of voting at meetings of Committees and Sub-Committees shall be at the discretion of the Chairman, to ensure that the outcome of any vote is beyond doubt and depending on whether all or some of the Members are participating remotely via conferencing facilities.
- (2) In the event of an equality of votes, the Chairman shall have a casting vote.
- (3) Immediately after a vote is taken at a Committee or Sub-Committee meeting, any Member may request that the way in which s/he voted or abstained be recorded in the minutes of that meeting.

No. 25

MOVER OF MOTION - RIGHT OF ATTENDANCE AT MEETINGS OF COMMITTEES OR SUB-COMMITTEES

A Member of the Council who has moved a motion which has been referred to any Committee or Sub-Committee shall:-

- (i) have notice of the meeting of the Committee or Sub-Committee at which it is proposed to consider the motion;
- (ii) have the right to attend the meeting; and
- (iii) if s/he attends, have an opportunity of explaining the motion.

PROVISIONS RELATING TO BOTH COUNCIL AND COMMITTEES

No. 26

ATTENDANCES AT MEETINGS

- (1) ~~The clerk of the meeting or other appropriate officer shall record the names of every Member of the Council attending a meeting of the Council, or of any of its Committees or Sub-Committees, shall sign their names in the attendance book or sheet provided for that purpose.~~
- ~~(2) A statement of the attendance during the preceding municipal year of Members at Council, Committee and Sub-Committee meetings shall be prepared by the Chief Executive and circulated at the Annual Meeting.~~
- (2) The conditions for a Member's remote attendance are that s/he is able to:
- (i) hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance;
 - (ii) hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) be so heard and, where practicable, be seen by any other members of the public attending the meeting.

No. 27

DISCLOSURE OF INTERESTS AND PARTICIPATION AT MEETINGS

Members shall:

- (1) Disclose any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure, at meetings at which they are present and at which associated matters are considered;
- (2) Notify the Monitoring Officer of any interest not already registered but which is disclosed to a meeting under (1) above within 28 days of the disclosure; and
- (3) Not participate in any discussion or vote where they have a disclosable pecuniary interest in a matter and withdraw from the meeting, either by leaving the meeting room if physically present or by remote access being suspended, during consideration of the matter unless a dispensation has been granted.

No. 28

RESCISSION OF PRECEDING RESOLUTION

- (1) Unless a notice in pursuance of Standing Order No. 7 and bearing the names of at least one third of the Members of the Council is given it is not permissible to propose:
 - (a) a motion to rescind any resolution passed within the preceding six months; or
 - (b) a motion or amendment to the same effect as one which has been rejected within the preceding six months.
- (2) When following disposal by the Council of any motion/amendment referred to in (1) above it shall not be open to any Member to propose a similar motion / amendment within a further period of six months. For the purpose of this Standing Order, the Chief Executive or the Monitoring Officer shall determine what amounts to 'same effect' or 'similar'.
- (3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee.

No. 29

QUESTIONS AND REPRESENTATIONS AT MEETINGS
(other than petitions – Standing Order 30 refers)

Questions

- (1) A Member of the Council may ask the Chairman of a Committee any question regarding a Committee minute which is under consideration by the Council.
- (2) Subject to (i) to (x) below, a Councillor, or a person resident, working or studying in the District, may put a question to any meeting of the Council (other than the Annual Meeting) or a Committee on any matter in relation to which the Council / Committee has powers or duties or which affects the District:
- (i) such questions must be sent by e-mail or submitted in writing to the Chief Executive or her nominated Officer at least three clear working days prior to the meeting;
- (ii) the Chief Executive may, at her discretion, refuse to allow a question to be presented if she considers it to be offensive, excessively lengthy, outside the scope of this Standing Order, or on the same subject as another question or upon which a question has been answered in the previous three months;
- (iii) at Council meetings, the Chairman may request that the answer be given by the Chairman of a relevant Committee;
- (iv) at Committee meetings, the Chairman may request that the answer be given by another Member or an Officer;
- (v) questions from a person resident, working or studying in the District ~~may~~ shall be e-mailed to all Members by 6.00pm on the working day prior to the meeting and either: presented by the individual concerned;
- read out at the meeting by the individual concerned from within the meeting room; or,
 - if members of the public are not permitted to attend in person for health & safety reasons, the individuals concerned will be given the opportunity to pre-record their questions (such recordings to be facilitated by the Council, limited to the individual speaking to camera, without additional augmentations to promote their views) and for the recordings to be replayed at the meeting. Otherwise, such questions will be read out by the Chief Executive or her nominated officer, either from within a physical meeting place or from a remote location.
- ~~(v)~~(vi) the time allowed for questions and answers shall be ten minutes unless the Chairman deems that there are special circumstances for extending that period;
- ~~(vi)~~(vii) the questions shall be taken in the order that they were received by the Chief Executive or her nominated Officer;
- ~~(vii)~~(viii) such questions shall be dealt with at the beginning of the relevant meeting;

~~(viii)~~(ix) every question shall be put and answered without discussion;

~~(ix)~~(x) answers may take the form of:-

- (a) a direct oral answer; or
- (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (c) a written answer (copies of which shall be circulated to Members of the Council) where the reply to the question cannot conveniently be given orally.

(3) Representations at meetings of the Planning Committee

In the case of virtual meetings when members of the public are not permitted to attend in person for health & safety reasons:

- an objector;
- a representative of the relevant parish or village council; and
- the applicant or agent

... will be given the opportunity to pre-record their representations (such recordings to be facilitated by the Council, limited to the individual speaking to camera, without additional augmentations to promote his or her views) and for the recordings to be replayed at the meeting. Otherwise, such representations must be submitted in writing (including via e-mail) and read out at the meeting by the Chief Executive or her nominated representative, either from within a physical meeting place or from a remote location. In either case, the deadline for the receipt of such submissions shall be by noon on the working day before the meeting. The maximum time allowed for replaying or reading out each representation shall be three minutes. Such representations shall be tested for compliance with the three-minute rule and individuals will be asked to curtail their recordings if necessary.

In the case of non-virtual or part virtual meetings when members of the public are permitted to attend in person:

- an objector;
- a representative of the relevant parish or village council; and
- the applicant or agent

...may speak about a planning application from within the meeting room for up to three minutes each.

In either case, if more than one objector wishes to speak or have their representation recorded or read out, a single representative will normally be asked to speak or submit representations on behalf of fellow objectors. Professional agents may act on behalf of objectors. Supplementary written submissions, visual aids, hand-outs or other material will not be allowed. Representations should not seek to introduce new information or material not previously submitted with the application. This may result in the application being deferred for further consideration or public comment.

Where there is considerable public interest in an application and a number of objectors want to speak on particular and different aspects, the Chairman may allow additional speakers. In such circumstances, the applicant may be granted more time to respond at the Chairman's discretion.

All public speaking at the meeting is at the Chairman's discretion.

The provisions of this Standing Order shall take precedence over the Planning Protocol.

(4) Representations at other Committee meetings

Members of the public and other interested parties can make representations at meetings of any Policy Committee (or Sub-Committee thereof) or the Overview & Scrutiny Committee in connection with a particular agenda item. The maximum time allowed shall be three minutes per person. Unless the agenda already makes special provision for members of the public to participate at a particular meeting, such requests must be sent by email, or submitted in writing to the Chief Executive or her nominated Officer at least two working days prior to the Committee meeting in question. Acceptance of such requests, together with those received after the aforementioned deadline or at the meeting, shall be at the discretion of the Chairman of the relevant meeting, having due regard to the number of contributions, the potential for repetition of the subject matter and the likely length of the meeting.

Members of the public or interested parties can either:

- read out their representations at the meeting from within the meeting room; or
- when members of the public are not permitted to attend in person for health & safety reasons, they will be given the opportunity to pre-record their representations (such recordings to be facilitated by the council, limited to an individual speaking to camera, without additional augmentations to promote his or her views) and for the recordings to be replayed at the meeting. Otherwise, such representations will be read out by the Chief Executive or her nominated representative, either from within a physical meeting place or from a remote location. Such representations shall be tested for compliance with the three-minute rule and individuals will be asked to curtail their submissions if necessary.

No. 30

PRESENTATION OF PETITIONS TO MEETINGS OF THE COUNCIL AND ITS COMMITTEES (excluding the Planning and Licensing Committees)

- (1) This Standing Order applies to the presentation of petitions at meetings of:
- (i) the Council (other than the Annual Meeting); and
 - (ii) Committees (excluding the Planning and Licensing Committees).

- (2) Such petitions must be:
- (i) confined to matters which fall under the Authority's powers or duties or which specifically affect the whole or part of the District, but must not concern individual planning applications / enforcement matters / licensing decisions, or other matters where there is a statutory right of review or appeal. (Whilst members of the public may wish to organise petitions in respect of planning and licensing issues, these will be taken into account as part of the Council's separate decision making processes. For example, petitions about planning applications can be referred to by residents when addressing the Planning Committee as part of the public speaking arrangements specifically tailored for that Committee);
 - (ii) signed by at least ten persons living, working or studying in the area;
 - (iii) submitted at least ten clear working days before the relevant meeting to the Chief Executive or her nominated Officer, either via email, the Council's website (on-line format), or the delivery of a paper copy, together with notice of the intention to present it.
- (3) The Chief Executive must be satisfied that it would be appropriate for the petition to be presented (i.e. that the prayer of the petition does not exceed 300 words; does not contain offensive language; and that it otherwise complies with the requirements of this Standing Order).
- (4) Subject to (3) above, the presentation of petitions shall take place:-
- (i) at Council meetings (other than the Annual Meeting), in accordance with Standing Order 6; or
 - (ii) at Committee meetings specified in 1 (ii) above, immediately after the submission of questions by members of the public.
- (5) The presentation of a petition (to be by any one of the ten or more signatories specified in 2(ii) above or a Member of the Council) shall be in the form of a statement, limited to not more than three minutes, and shall be confined to ~~reading out, or summarising~~, the subject matter of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition. Spokespersons can either:
- read out their statements from within the meeting room; or
 - when members of the public are not permitted to attend in person for health & safety reasons, they will be given the opportunity to pre-record their statements and for the recordings (such recordings to be facilitated by the Council, limited to an individual speaking to camera, without additional augmentations to promote his or her views) to be replayed at the meeting. Otherwise, such statements will be read out by the Chief Executive or her nominated officer on behalf of the spokesperson, either from within a physical meeting place or from a remote location.

- (6) Regarding petitions presented to the Council itself, the Chairman of the Council:-
- (i) may, if s/he considers it convenient and conducive to the despatch of business, allow the subject matter to be dealt with at the meeting at which it is presented; or otherwise
 - (ii) shall refer the subject matter, without discussion, to the relevant Committee or Sub-Committee for consideration.
- (7) Regarding petitions presented to a Committee:-
- (i) the Chairman of the Committee may, if s/he considers it convenient and conducive to the despatch of business, allow the subject matter to be dealt with at the meeting at which it is presented; or otherwise
 - (ii) the subject matter shall stand referred, without discussion, either to the next ordinary meeting of the Committee or appropriate Sub-Committee.
- (8) Petitions shall be presented in the order in which notice of them is received by the Chief Executive or her nominated Officer.
- (9) Notwithstanding the provisions of this Standing Order, it is acknowledged that any person may, if s/he so wishes, present a petition to the Council out of meeting.

No. 31

DISORDERLY CONDUCT - MEMBERS

- (1) If at any meeting of the Council, a Committee, or Sub-Committee, any Member of the Council, in the opinion of the Chairman misconducts him/herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the meeting, the Chairman or any other Member may move "that the Member named be not further heard", and the motion if seconded shall be put and determined without further discussion.

Continuing misconduct by a named Member

- (2) If the Member named continues his / her misconduct after a motion under the foregoing paragraph has been carried, the Chairman may :-

EITHER

Move "That the Member named do leave the meeting" in which case the motion shall be put and determined without seconding or discussion (if carried, the named Member shall be asked to leave the meeting place if physically present or, in the case of virtual participation, the Chairman shall order the termination of the Member's on-line access).

OR

Adjourn the meeting for such period, as s/he in her/his discretion considers expedient.

General disturbance

- (3) In the event of general disturbance which, in the opinion of the Chairman, makes it impossible to conduct business, s/he may adjourn the meeting without question for whatever period s/he considers appropriate.

Code of Conduct

- (4) In the event of repeated misconduct by a Member at meetings (including via remote participation) the Monitoring Officer may address the behaviour under the Code of Conduct.

No. 32

DISTURBANCE BY THE PUBLIC

- (1) The Chairman shall warn any member of the public who interrupts the proceedings at any meeting. If the individual continues the interruption, the Chairman may order his / her removal from the Council Chamber or, in the case of virtual participation, the termination of his / her on-line access. In the event of general disturbance in any part of the Chamber open to the public, the Chairman shall order that part to be cleared. Similarly, in event of general disturbance from members of the public participating remotely, the Chairman may order all such public access to be terminated.
- (2) The Chairman may adjourn the meeting as per SO 31(3) above.

MEMBERS AND STAFF

No. 33

GENERAL URGENCY PROVISION

Notwithstanding anything in this Constitution, the Chief Executive and other Chief Officers shall be authorised to take decisions on the grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or the Council. A matter can be deemed urgent if, in the reasonable opinion of the Chief Officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision making body in sufficient time to take the decision.

The Chief Officer concerned shall also:

- advise and seek the views of the Political Group Leaders and the Chairman of the appropriate Committee at the earliest opportunity; and
- report the matter to next scheduled meeting of the appropriate Committee.

No. 34**PECUNIARY INTERESTS OF OFFICERS**

If an Officer has a direct or indirect pecuniary interest in a contract which the Council has entered into, or proposes to enter into, he /she shall make arrangements for the interest to be recorded within an electronic register maintained by the Chief Executive for this purpose.

No. 35**MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

If any question arises at a meeting of the Council, Committee or Sub-Committee to which Section 100A(4) of the Local Government Act 1972 applies as to the appointment, promotion, dismissal, salary, superannuation or condition of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Committee or Sub-Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972 shall be exercised.

No. 36**CANVASSING OF AND TESTIMONIALS BY MEMBERS**

- (1) Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council may disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.
- (2) A 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 a candidate's ability, experience, or character for submission to the Council with an application for appointment.
- (3) A Member of the Council shall inform the Chief Executive of any Officer canvassing them directly or indirectly for any favour relating to their employment. The Chief Executive will consider the appropriate course of action to be taken against that Officer.

No. 37**APPLICANTS FOR EMPLOYMENT VACANCIES WHO ARE RELATIVES OR PARTNERS OF MEMBERS OR OFFICERS**

- (1) A candidate for any appointment by the Council who is a relative or partner of anyone known to be a Member or officer of the Council shall, when making an application, disclose that relationship. A candidate who fails to disclose such a relationship may be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. If a Member or officer is a relative or partner of anyone known to be such a candidate, they must disclose this to the HR Lead Specialist.
- (2) The purport of this Standing Order shall be included in any form of application.

No. 38**FILLING OF VACANCIES**

All vacancies, unless they are to be filled by promotion or transfer, shall be advertised on a relevant website. Consideration may be given to advertising in a relevant newspaper or a journal or an agency/consultancy as well where the best opportunity lies for reaching prospective applicants except where determined by the appropriate Committee. If, within six months of the filling of a vacancy which has been advertised, a similar vacancy occurs, one of the former applicants may be appointed.

NOTE:

- (i) The appointment of Local Authority staff generally is dealt with under Sections 112 to 119 of the Local Government Act 1972.
- (ii) The appointment of the Chief Executive and other Chief Officers are covered in Standing Order No. 39.

No. 39**APPOINTMENT OF CHIEF OFFICERS**

(i.e. those who will serve on the Corporate Management Team and the Monitoring Officer)

- (1) Where the Council proposes to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among existing staff, the Chief Executive shall:-
 - (i) draw up a statement specifying -
 - (a) the duties of the post; and
 - (b) any qualifications / qualities to be sought in the person to be appointed;
 - (ii) invite applications by public advertisement; and
 - (iii) provide a copy of the statement referred to in paragraph (i) above to any person on request.
- (2) Where a post has been advertised as provided in paragraph 1 (ii) above, the Chief Officer Sub-Committee will interview all qualified applicants for the post or a short list of qualified applicants. Such short-listing will be undertaken by the Sub-Committee where the appointment in question is for the post of Chief Executive. For other Chief Officer appointments, short-listing will be undertaken by the Chief Executive.
- (3) Where no qualified person has applied, further applications shall be invited in accordance with paragraph 1 (ii).
- (4) An appointment to the post of Chief Executive shall be made by the Council.
- (5) Appointments to other Chief Officer posts will be dealt with by the Chief Officer Sub-Committee which is empowered to make an appointment and report its decision to the next meeting of the Council.

No. 40

DISCIPLINARY ACTION AGAINST CHIEF OFFICERS

- (1) Subject to (2) below, the Chief Officer Sub-Committee shall deal with disciplinary matters relating to the Chief Executive and other Chief Officers.
- (2) In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, any recommendation of the Sub-Committee to dismiss the Chief Executive, Monitoring Officer or the Chief Finance Officer(Section 151 Officer) must be referred to full Council following a disciplinary hearing by an independent advisory panel.
- (3) Should a Chief Officer be suspended for the purpose of investigating alleged misconduct, any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

No. 41

INSPECTION OF LANDS, PREMISES, ETC.

Unless specifically authorised to do so by the Council or a Committee, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his / her Membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.

No. 42

POLITICALLY RESTRICTED POSTS

The following posts have been listed in accordance with Subsection (1) of Section 2 of the Local Government and Housing Act 1989:

1. Specified Posts

Chief Executive
Interim Executive Head of Corporate Resources
Interim Executive Head of Communities
Interim Chief Planning Officer
Chief Finance Officer(Section 151 Officer)
Lead Legal Specialist (Monitoring Officer)

2. Posts included by virtue of Subsection (3) of Section 2 of the Local Government and Housing Act 1989 (giving advice to the Authority and speaking to the press on a regular basis on behalf of the Authority):

Head of Communications and Customer Experience
 Communications and Customer Experience Specialists x 2
 Head of Corporate Policy, Projects and Performance
 Lead Democratic Specialist
 Democratic Specialist
 Legal Specialist
 Head of Strategic Asset Management
 Locality Services Manager
 Case Services Manager
 Specialist Services Manager

No. 43

RECOGNITION OF POLITICAL GROUPS

Political Groups will be provided with:

- (i) The use of the Council Chamber and/or Committee Rooms in the Council Offices for the consideration of matters connected with the functions of the Local Authority.
- (ii) Council / Committee items and other relevant documentation via the Council's Member despatch system; and
- (iii) Copying facilities.

GENERAL MATTERS

No. 44

INTERPRETATION OF STANDING ORDERS

- (1) The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. The Chairman may call upon the Chief Executive to give advice at Council meetings on any matter.
- (2) This Standing Order shall also apply with any necessary modification to the ruling of the Chairman at any Committee or Sub-Committee meeting.

No. 45

SUSPENSION OF STANDING ORDERS

- (1) Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders (other than Standing Orders 12 (3) and (5) which are mandatory) may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend Standing Orders shall not be moved without notice in Council (i.e. under Standing Order No. 8) or Committee unless there shall be present at least one-half of the whole number of the members of the Council or Committee.

No. 46**CONSTITUTION - COPIES TO BE GIVEN TO MEMBERS AND AMENDMENTS**

- (1) A printed copy of the Constitution shall be given to each newly elected Member of the Council.
- (2) Power to make significant revisions to the Constitution is reserved for the Council (including upon consideration of recommendations from the Strategy & Resources Committee (subject to other Policy Committees being able to make recommendations direct to Council about proposed changes to their Terms of Reference). Subject to the matter being reported on the Delegated Action List, minor and consequential amendments can be made by the Chief Executive.

No. 47**LOCAL CODE OF CONDUCT**

All Members of the Council must familiarise themselves with the contents of the Local Code of Conduct, a copy of which forms part of the Council's Constitution.

No. 48**CUSTODY OF SEAL**

The Common Seal of the Council shall be kept in a safe place in the custody of the Lead Legal Specialist.

No. 49**INSPECTION OF DOCUMENTS**

In addition to the rights given to Members by Section 100F (Rights of Access to Documents) of the Local Government Act 1972, a Member of the Council may also establish the need to know and hence a right to inspect any document in the Council's possession on an approach to the Chief Executive.

NOTES

- (i) References in these Standing Orders to the feminine / masculine genders are interchangeable. References to the singular shall also include the plural and vice-versa.
- (ii) A clear working day means any day from Mondays to Fridays inclusive but specifically excludes Public and Bank Holidays and weekends.
- (iii) In respect of the decision making process and by virtue of Minute 541 (94/95), the Council has accepted the general principle that a decision, once taken, should not be changed at the same Council/Committee/Sub-Committee meeting.

APPENDIX B**APPENDIX B****TANDRIDGE DISTRICT COUNCIL - TEMPORARY VIRTUAL MEETING PROTOCOL
FOR COUNCIL, COMMITTEE AND SUB-COMMITTEE MEETINGS****1.0 INTRODUCTION**

- 1.1 Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 make provision for remote attendance at, and remote access to Council meetings held on or before 7 May 2021.
- 1.2 The Regulations enable the Council to hold meetings without all, or any, of the Members being physically present in a room. They allow for remote meetings through electronic and digital means at virtual locations using video and telephone conferencing, live webcast and live interactive streaming.
- 1.3 The “place” at which the meeting may be held may be a council building, or where the organiser of the meeting is located, or an electronic, digital or virtual location, a web address or a conference call telephone number or could be a number of these combined. The meeting may also be held in a meeting room or Council Chamber with a proportion of the membership and any participating public additionally attending remotely.
- 1.4 In order for Members to be able to attend meetings of the Council remotely, they need not be physically present, provided they are able to hear and be heard (and where practicable, see and be seen by) other Members and members of the public attending remotely or in person.
- 1.5 This Protocol is intended to be a living document and any minor amendments will be amended as and when required by the Monitoring Officer. Any further relevant regulations issued under the Coronavirus Act 2020 (in so far as they may impact on virtual meetings) or further guidance and advice issued by the Government or changes proposed by Members will in the first instance be amended by the Monitoring Officer in conjunction with all Political Group Leaders and then considered by Full Council.

2.0 MEETINGS OF COUNCIL, COMMITTEES AND SUB-COMMITTEES

- 2.1 The meeting link with meeting ID and password will be set up prior to the Committee or Council meeting and members of the public and press who are entitled to attend must contact the Clerk or other relevant support officer (section 4 refers) to this effect by email.
- 2.2 Where health advice and the law permits, and if there are no adverse IT implications, Members may choose to meet in the Council building in-person, with or without an Officer present in the same room. Subject to those provisos, Members can either attend the meeting in person (exercising suitable physical distancing) or join remotely. Alternatively, all Members, officers and members of the public and press invited to do so may join remotely.
- 2.3 Meetings may be livestreamed and /or recorded for members of the public and the media to watch – with the exception of confidential items – which will be discussed in private as usual.

3.0 THE CHAIRMAN'S ROLE

- 3.1 The Chairman will normally confirm at the outset of each meeting and at any reconvening of a meeting that they can see and hear all participating members. The Chairman or an Officer may perform a "roll call" of all Members present.
- 3.2 Once the "roll-call" has been completed, all attendees, other than the Chairman and key support Officers, must be muted.
- 3.3 The Chairman will, at the beginning of the meeting, explain the protocol for Member and public participation. The Chairman can decide a practical protocol for management of the debate and decision-making e.g. the way the vote is taken by Members. Such a protocol can be amended from time to time and does not require Council approval for any change.
- 3.4 Similar to hosting a physical meeting when Members get stuck in traffic, there will be occasions when a Member encounters a technical issue that cannot be resolved in time for the start of the meeting. Within a timely manner before the issue causes a distraction, the Chairman will decide if the meeting should go ahead without the Member.
- 3.6 The meeting will still be chaired in the normal manner. If Members speak over others, or if there is a time delay and matters are not heard, the Chairman will ask Members/ speakers to repeat, and to speak in turn.
- 3.7 The Chairman will follow the rules set out in the Standing Orders when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.
- 3.8 The Chairman's ruling during the debate will be final.

4.0 OFFICER SUPPORT

- 4.1 Virtual meetings shall be serviced by one or more officers performing various support functions, including the roles traditionally undertaken by a committee clerk and other duties to ensure the IT runs as smoothly as possible.
- 4.2 The attendance of those Members at the meeting will be recorded by the Clerk or other support officer.
- 4.3 The Clerk or other support officer might have a greater input to guide the meeting to the next item, as some Members may not have access to an agenda for the duration of the meeting (if they do not have a printer).
- 4.4 Members are requested to use any 'chat function' which might be available to alert the Clerk or other appropriate officer if they encounter difficulties during the meeting (e.g. struggling to hear the debate). If the 'chat function' cannot be used, such messages to officers should be sent via other channels (contact details to be notified in advance of the meeting).

5.0 BEFORE THE MEETING

- 5.1 If it is a Member's first online meeting using the remote meeting software, then the Member should ask for a meeting dry run to make sure that s/he is comfortable using the software.
- 5.2 It may be helpful to have a secondary messaging function, such as WhatsApp for example, set up to be able to communicate between group members. However, Members need to make sure any notifications are silenced so they do not disturb the meeting.
- 5.3 It will assist the meeting if those Members who wish to speak on a particular item could indicate their wish to speak to the Chairman and to the Clerk in advance of the start of the meeting where possible. Political groups are also encouraged to co-ordinate this activity where possible in respect of Council and other meetings likely to result in a high number of requests to speak.
- 5.4 Members need to remember that remote meetings could be viewed by members of the public, as we are already used to with our webcasting facility. Please make sure this is taken into consideration when preparing for the meeting.
- 5.5 Members should optimise their remote location area before the meeting as this will be visible during the meeting. Members need to consider what is in the background if they are unable to blur it. Members also need to consider the lighting in their room as participating in a video conference from a dimly lit room makes it difficult for other participants to see you.

6.0 ETIQUETTE FOR JOINING AND PARTICIPATING IN THE MEETING

- 6.1 Members are encouraged to join the meeting promptly (i.e. at least fifteen minutes before the scheduled start time) in order to resolve any issues with joining and avoid disrupting the meeting.
- 6.2 Members should type their name on joining the meeting in full, e.g., "Cllr Joanne Smith" (where the conferencing platform enables this).
- 6.3 Microphones should be muted when not speaking. This is done in order to reduce feedback and background noise.
- 6.4 Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and Members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- 6.5 Distractions make a significant impact during a remote meeting. To reduce potential distractions and stay engaged, Members should turn off or silence their phone (if you are not using it to call in). If you're connecting on your computer, close down all other apps and browser windows to eliminate notifications.
- 6.6 As this is a formal meeting, Members should be aware that interruptions e.g. family members moving around in the background, pets, phones ringing etc, will be distracting and potentially disruptive to the proceedings.

- 6.7 Once the meeting begins, Members should keep their eyes on their webcam – not on themselves. It may not feel natural at first but looking at your face on your computer screen while you're speaking limits eye contact and reduces feelings of engagement among other participants.

6.8 The chat facility must not be used for private conversations between Members.

- 6.9 Members wishing to speak should indicate their wish to do so in the manner prescribed by the Chairman.
- 6.10 Only one person may speak at any one time and, unless raising a point of order or speaking in personal explanation, Members should not interrupt others.
- 6.11 Just before they speak, Members should unmute their microphone and activate the video-feed (if available or unless speaking to a diagram, presentation slide or drawing).
- 6.12 When you speak, the Chairman may ask you to state your name for the benefit of those who might not be able to see you. Members should avoid rustling papers etc in the background when talking.
- 6.13 When referring to a specific report, page, or slide, mention the report, page, or slide so that all Members have a clear understanding of what is being discussed at all times.
- 6.14 If you have to leave the meeting, let the Clerk or appropriate support officer know via the chat facility and notify them when you are back. Any Member returning is asked not to interrupt (e.g. please don't announce your return).

7.0 VOTING

- 7.1 When the Chairman is satisfied that there has been sufficient debate and (if the rules of the meeting require) there is a proposer and seconder for the item being discussed he/she will progress to a decision.
- 7.2 The method of voting will be at the direction of the Chairman to ensure that the outcome is beyond doubt.

8.0 QUORUM

- 8.1 The normal quorum requirements for meetings as set out in the Council's Standing Orders will also apply to a remote meeting.
- 8.2 In the event of any apparent failure of the video, telephone or conferencing connection, the Chairman should immediately determine if the meeting is still quorate:
- if it is, then the business of the meeting will continue; or
 - if there is no quorum, then the meeting shall adjourn for a period specified by the Chairman, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.

9. PART 2 REPORTS AND DEBATE

- 9.1 There are times when meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings when such items are being discussed. Any Member in remote attendance could be in breach of the Council’s Code of Conduct who fails to disclose that there are other persons present who may be able to see and/or hear the meeting if they are not entitled to do that.
- 9.2 If there are members of the public and press listening to the open part of the meeting, then the Chairman will remove those participants from the meeting at the appropriate time. Before this happens, the members of public and press must be made aware why they are being removed from the meeting.
- 9.3 It would be good practice to turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

10.0 DECLARATION OF INTERESTS

- 10.1 Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Clerk or other relevant support officer who will arrange for the relevant Member to re-join the meeting at the appropriate time.

11.0 AFTER THE MEETING

- 11.1 Participants should leave the meeting by activating the relevant “end meeting” function of the conferencing software. The Chairman or the Officer can also end the meeting for all participants. Minutes of the meeting will be published on the Council’s website in the usual manner.