

**STANDING ORDERS FOR MEETINGS AND GENERAL GOVERNANCE –  
RECOMMENDED SHOWN WITH TRACKED CHANGES**

**PROCEDURES FOR FULL COUNCIL MEETINGS**

**No. 1**

**MEETINGS OF THE COUNCIL**

- (1) Subject to any subsequent legislation to the contrary, the Annual Meeting of the Council shall be held 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 Chair 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)<sup>1</sup>.

**No. 2**

**APPOINTMENT OF CHAIR OF THE COUNCIL**

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

**No. 3**

**APPOINTMENT OF VICE-CHAIR OF THE COUNCIL**

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

**No. 4**

**CHAIR OF THE MEETING**

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

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<sup>1</sup> 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.”

## No. 5

### QUORUM OF COUNCIL

- (1) If, during any meeting of the Council, the Chair, 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 Chair 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 FOR COUNCIL MEETINGS

- (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 Chair and Vice-Chair are absent.
  - (b) Declarations of Interest
  - (~~cb~~) To deal with any business required by statute to be done before any other business.
  - (~~de~~) To approve as a correct record and sign the minutes of the last meeting of the Council.
  - (~~ed~~) To deal with any business expressly required by statute to be done.
  - (~~fe~~) Chair's announcements.
  - (f) Declarations of Interest.
  - (g) To deal with questions under Standing Order No. 30, beginning with 'Questions from residents and others studying in the District' followed by 'Questions from Councillors' (not applicable to the Annual Meeting).
  - (h) To deal with petitions under Standing Order No. 31.
  - (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 Chair 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.7**

### **NOTICE AND SCOPE 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 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.

(5) Unless supported by one-third of the Members of the Council, it is not permissible to propose a further free-standing motion under this Standing Order:

(a) to rescind any resolution in respect of a Standing Order 7 motion passed by Full Council during the previous six months; or

(a)(b) to the same effect as a Standing Order 7 motion which has been rejected by Full Council within the previous six months

## No. 8

### 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 7 above) or a Committee / Sub-Committee recommendation to Council must be sent by email, or submitted in writing to the Chief Executive or nominated Officer, by 5pm on the working day before the Council meeting in question.~~

Proposals to:

- (i) amend a free-standing motion submitted under Standing Order 7 above
- (ii) amend a Committee / Sub-Committee recommendation to Council
- (iii) refer a 'resolved item' back to a Committee (which shall be deemed an amendment to the motion to receive the 'minutes and report' of the associated Committee meeting)

... must be sent by email, or submitted in writing to Democratic Services 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 Chair in accordance with Standing Order 12 (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 Chair.

## No. 9

### MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

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

- (1) Appointment of a Chair of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) ~~That an item of business specified in the summons has precedence.~~
- (4) ~~Remission-Referral of a free-standing motion (under Standing Order 7) 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~~ a vote shall now be taken.
- (11) ~~To That the debate be now~~ adjourned the debate.
- (12) ~~To That the Council do now~~ adjourn the meeting.
- (13) ~~Authorising the sealing of documents.~~
- (14) Suspending Standing Orders, in accordance with Standing Order No. 48.
- (15) A Motion under Section 100A (2) and (4) of the Local Government Act 1972 to exclude the public.
- (16) That a Member named under Standing Order No. 33(Disorderly Conduct) be not further heard or leave the meeting.
- (17) ~~Giving consent of the Council where the consent of the Council is required by these Standing Orders.~~

## No. 10

### MINUTES

- (1) The Chair 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 Chair shall sign the minutes.
- (3) The minutes of the last meeting shall be approved at the next ordinary meeting.

## No. 11

### PRESENTATION OF COMMITTEE MINUTES AT COUNCIL

- (1) The minutes of a Committee shall be presented to the Council by the Chair of the Committee, or in the Chair's absence by:
  - the ~~1<sup>st</sup>~~ Vice-Chair; or
  - ~~a 2<sup>nd</sup> Vice-Chair (if such a post exists) if the 1<sup>st</sup> Vice-Chair is absent; or~~
  - another member of the Committee if ~~neither the 1<sup>st</sup> nor a 2<sup>nd</sup> Vice Chair~~ is also absent are present

who shall move that the minutes be received and the recommendations contained therein (if any) be adopted. Such motions must be seconded.

- (2) Unless any Members wish to speak under clauses (3) and (54) below, the Council shall receive the minutes (and adopt any recommendations as the case may be) en-bloc.
- (3) Any Member wishing to speak on any committee minute must notify the Chief Executive Democratic Services or nominated officer by email or in writing by 5pm on the working day before the Council meeting in question.
- (4) Any later requests to speak under (3) above shall only be determined at the discretion of the Chair.
- (4)(5) Once a Member speaks to a Committee minute by virtue of 11(3) or 11(4) above, the Chair shall open the debate to any other Members who may then also wish to speak.
- (5)(6) The Chair may refuse to allow questions from Members on specific Committee minutes on the grounds that the same or similar question has already been asked during the 'questions from Councillors' agenda item.
- (76) Where discussion of any minute takes place and the minute contains recommendations, such recommendations shall be considered as ~~a~~ separate motions, and the rules of debate as contained in Standing Order No.12 shall apply, save that the motion shall be deemed to have been moved by the Chair of the relevant Committee and seconded in accordance with 11(1) above.

## No. 12

### 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 by Members physically present in the meeting room, and unless notice has already been given in accordance with Standing Order Nos. 7 and 8. It shall, if required by the Chair, be put in writing and handed to the Chair 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.

#### Members wishing to speak (Standing Order 11 also refers)

- (3) A Member shall indicate his/ her wish to speak in the manner required by the Chair. If two or more Members indicate their wish to speak, the Chair shall call on one to do so. While a Member is speaking, the other Members shall remain silent, unless they raise 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 Chair 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 8)**

- (6) An amendment shall be relevant to the motion/recommendation and shall either:-
- (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) Subject to (8) below. 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 Chair 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 a valid an-amendment thereto- in accordance with Standing Order 12(6) above.

### **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 (parts (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) to proceed to a votethat the question be now put
  - (f) that a Member be not further heard
  - (g) by the Chair under SO33(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, closure motions to:

~~"that-~~

- (i) ~~the Council~~ proceed to the next business; or
- (ii) require a vote to be taken now ~~the question be now put~~; or
- (iii) ~~the debate be now~~ adjourned the debate; or
- (iv) ~~the Council do now~~ adjourn the meeting".

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

- (a) On a motion to proceed to the next business; unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair 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 to proceed to a vote, ~~that the question be now put~~; unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the ~~vote the aforesaid~~ motion to the vote 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 Chair's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chair 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 indicate that s/he wishes to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith immediately. 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 Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

## Respect for Chair

- (20) Whenever the Chair interjects during a debate, the Council shall be silent.

## No. 13

### VOTING AT FULL COUNCIL MEETINGS

- (1) Subject to SO 13(6) below, the manner of voting at meetings of the Council shall be at the discretion of the Chair, to ensure that the outcome of any vote is beyond doubt. Only Members physically present in the meeting room shall be entitled to vote.
- (2) In the event of an equality of votes, the Chair 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 (physically present in the meeting room) 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 (physically present in the meeting room) will be required to indicate their support.
- (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 Chair of the result.
- (7) Where there are two persons nominated for any position to be filled by the Council, the Chair 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 Chair of the result who will then confirm which Councillor has been appointed.

## No. 14

### COMMITTEES - APPOINTMENT OF

- (1) The Council shall at the Annual Meeting, appoint Policy Committees (Standing Order 15 refers) and any other Committees which it is deemed necessary to appoint (such appointments shall be confined to determining Committees' terms of reference; their size; and the allocation of seats to political groups).

- (2) ~~Full The~~ Council may, at any time, similarly appoint such other Committees as are necessary to carry out the work of the Council.
- (3) Subject to any statutory provision, ~~the Full~~ 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, amend a Committee's terms of reference, or alter a Committee's membership in so far as its size or allocation of seats to political groups are concerned.
- (4) Committees may, in turn, appoint Sub-Committees and Working Groups in accordance with Standing Order 21.
- (5) Subject to (6) below, the appointment of Members to committee seats shall be determined by political groups and noted by Full Council at the earliest opportunity.
- (6) Political Group Leaders may, from time to time, change their Members (including substitutes) in respect of the Committee seats allocated to their Groups by submitting written notice to the Chief Executive or nominated representative. Such changes will become effective for the next meeting of the respective Committee, provided that the required notice is received at least seven clear working days prior to the meeting in question.

## **COMMITTEE MEETINGS AND PROCEDURES**

### **No. 15**

#### **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:
- Audit & Scrutiny Committee
  - Licensing Committee
  - Planning Committee
  - Standards Committee

**No. 16**

**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 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. 17**

### **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 Full 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 policy... which would impact upon available resources, direct that its decision be submitted to the Council as a recommendation.
  - (iii) Committee resolutions are subject to the call-in procedure in Part F of the Constitution.

## No. 18

### 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 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 Chair 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 Chair's sanction. Where an item of business is not accepted, the Chief Executive shall inform the Member in writing.

## No. 19

### COMMITTEES - APPOINTMENT OF CHAIRS, VICE-CHAIRS, ~~AND SUB-COMMITTEES~~ AND WORKING GROUPS

- (1) At the conclusion of an Annual Meeting of the Council, each Committee shall meet to elect a Chair and ~~appoint~~ a Vice-Chair ~~(and a second Vice-Chair if Full Council so requires, in which case the posts shall be designated '1<sup>st</sup> Vice-Chair' and '2<sup>nd</sup> Vice-Chair')~~ and any Sub-Committees and Working Groups for the year. For each of these meetings, the Chair of the Council (or in his / her absence the Vice-Chair of the Council) shall preside.
- (2) If ~~other any urgent~~ business needs to be transacted at a Committee meeting immediately following Annual Council, the Chair or Vice-Chair of the Council shall vacate the Chair in favour of:
  - (i) the newly elected Chair of the ~~appropriate~~ Committee; or
  - (ii) the newly elected Vice-Chair of the appropriate Committee if the Chair of the Committee is absent; or (if two Vice-Chair have been appointed to the appropriate committee, the Member appointed to the '1<sup>st</sup> Vice-Chair' position shall preside, or, in his/her absence, the Member appointed to the '2<sup>nd</sup> Vice-Chair' position shall preside)
  - (iii) another member of the Committee, to be appointed by the Committee to take the chair for the business concerned, if both the newly elected Chair and Vice Chair are absent.
- (3) No member of the Council shall be Chair of more than one Committee.
- ~~(4) A Committee may, if required, create a 2<sup>nd</sup> Vice-Chair position during the course of a Municipal Year.~~
- ~~(54)~~ At ~~a other~~ Committee meetings, in the absence of the Chair:
  - (i) ~~the if one~~ Vice-Chair ~~has been appointed, he / she~~ shall preside; or
  - ~~(ii) if two Vice-Chairs have been appointed, the holder of the 1<sup>st</sup> Vice-Chair position shall preside or, in his / her absence, the holder of the 2<sup>nd</sup> Vice-Chair position~~
  - (iii) if the Vice-Chair ~~or both Vice-Chairs are~~ is absent, the Committee shall elect one of its other members to preside.

## No. 20

### COMMITTEES - SPECIAL MEETINGS

The Chair 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 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. 21

### **SUB-COMMITTEES AND WORKING GROUPS**

- (1) Every Committee may appoint Sub-Committees and Working Groups for purposes to be specified by the Committee. Such appointments shall be confined to determining Sub-Committees' and Working Groups' terms of reference; their size; and the allocation of seats to political groups. Subject to (3) below, the appointment of Members to Sub-Committee and Working Group seats shall be determined by Political Groups and noted by the parent Committee at the earliest opportunity.
- (2) ~~Subject to Standing Order 19(1), e~~Each Sub-Committee and Working Group shall elect a Chair at its first meeting of the Municipal Year.
- ~~(3)~~ Political Group Leaders may, from time to time, change their principal Members in respect of the Sub-Committee and Working Group seats allocated to their Groups by submitting written notice to the Chief Executive or nominated representative. Such changes will become effective for the next meeting of the respective Sub-Committee or Working Group, provided that, in the case of Sub-Committees, the required notice is received at least seven clear working days prior to the meeting in question.
- ~~(4)~~ Unlike Sub-Committees, Working Groups have no decision-making powers and can only make recommendations to their parent Committees.
- ~~(5)~~ Unless there are practicable reasons not to do so, parent Committees shall endeavour to make their Working Groups politically balanced.
- ~~(6)~~ Other procedural arrangements for Working Group meetings, if not already prescribed by the parent Committee or specified elsewhere within the Constitution, shall be at the discretion of the Chair.

## No. 22

### **COMMITTEES AND SUB-COMMITTEES – SUBSTITUTES AND QUORUM**

- (1) Every Political Group may appoint a two named substitute Members for each Committee by submitting written notice to the Chief Executive or nominated representative (Standing Order 14(6) also refers). Such appointments, or changes to existing appointments, will become effective for the next meeting of the respective Committee, provided that the required notice is received at least 7 clear working days prior to the meeting in question.
- (2) Committees may allow for more than one substitute to be appointed (by Political Groups) to their Sub-Committees, including arrangements where a principal Member can be replaced, at any time prior to a meeting, by any Councillor serving on the parent Committee or any Councillor from the wider Council membership if deemed appropriate.
- (3) 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. Should the appointed Member arrive during the course of the proceedings, the substitute Member, after completion of the item of business under consideration, may remain in the meeting and, subject to the consent of the Chair (Standing Order No. 24), may speak to subsequent items but shall not vote.
- (4) The quorum for Committee and Sub-Committee meetings shall be the greater of:
  - one quarter of the membership of the Committee or Sub-Committee; or
  - three Members

## No. 23

### 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. 12) shall, with any necessary modification, apply to Committee and Sub-Committee meetings:

- (i) Members may speak more than once during any debate;
- (ii) there be no automatic time limit for the length of speeches, although the Chairs 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; and
- (iii) proposers and seconders of motions must be members of the relevant Committee or Sub-Committee.

## No. 24

### ATTENDANCE OF MEMBERS AT MEETINGS OF COMMITTEES, ~~AND SUB-COMMITTEES~~ AND WORKING GROUPS OF WHICH THEY ARE NOT MEMBERS

- (1) Any Councillors may attend meetings of any Committee or Sub-Committee of which they are not members. However, in such cases, a Councillor must obtain the consent of the Chair of the meeting concerned in order to speak.
- (2) Attendance and participation at Working Group meetings by Councillors who are not members of the Working Group shall be at the discretion of the Chair.
- (32) In no circumstances shall Councillors vote or propose / second motions at meetings of or ~~any matter before~~ a Committee, ~~or~~ Sub-Committee or Working Group of which they are not members.

## No. 25

### VOTING AT COMMITTEES, ~~AND SUB-COMMITTEES~~ AND WORKING GROUPS

- (1) In the case of Committee and Sub-Committee meetings, only the Members (of the respective Committee / Sub-Committee) physically present in the meeting room shall be entitled to vote.
- (2) The manner of voting ~~at meetings of Committees and Sub-Committees~~ shall be at the discretion of the Chair, to ensure that the outcome of any vote is beyond doubt.
- (32) In the event of an equality of votes, the Chair shall have a casting vote.
- (43) 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. 26**

**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 FULL COUNCIL  
AND COMMITTEES**

**No. 27**

**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.

**No. 28**

**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 during consideration of the matter unless a dispensation has been granted.

**~~No. 29~~**

**~~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. 30

### QUESTIONS AT MEETINGS

- (1) Subject to (i) to (xiii) below, a Councillor, or a person resident, working or studying in the District, may put a question to the Leader or a Committee Chair at any meeting of the Council (other than the Annual Meeting) or to the Chair presiding at a Committee meeting on any matter in relation to which the Council / Committee has powers or duties or which affects the District:
- (i) such questions must be received by e-mail or in writing to ~~the Chief Executive or nominated Officer~~ Democratic Services by 5pm on the second working day prior to the day of the meeting;
- (ii) the Chief Executive may, at her / his discretion, refuse to allow a question to be presented if s/he 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) subject to (ii) above, questions shall be e-mailed to all Members by 6.00pm on the working day prior to the meeting and either:
- read out at the meeting by the individual concerned, either from within the physical meeting room or remotely via audio/visual conferencing facilities; or
  - 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 nominated officer, either from within a physical meeting place or from a remote location;
- (iv) the maximum total time periods allowed for questions shall normally be as follows and can only be extended at the discretion of the Chair:
- 1 hour for Council meetings; and
  - 10 minutes for Committee meetings
- (v) the questions shall be taken in the order that they were received by ~~the Chief Executive~~ Democratic Services or nominated Officer, subject to questions from residents and others working or studying in the District being dealt with first, followed by questions from Members;

- (vi) such questions shall be dealt with at the beginning of the relevant meeting;
- (vii) at Full Council meetings, the Chair may request that the answer be given by another Member of the Administration (e.g. if the Member to whom a question is directed is absent or if the Chair considers that, in any event, it would be more appropriate for another Member to respond);
- (viii) at Committee meetings, the Chair may request that the answer be given by another Member of the Administration or an Officer;
- (ix) at the meeting, subject to the person asking the question being present (whether 'in person' or remotely) the Chair will ask them if the response answers their concern or if they wish to ask a supplementary question (if a supplementary question is asked, it must arise from the reply given);
- (x) at Full Council meetings, the person asking the question shall be allowed to ask a second supplementary question (if a second supplementary question is asked, it must arise from the reply given to the original or first supplementary question);
- (xi) at Full Council meetings Members who respond to original questions may nominate another Member(s) to respond to supplementary questions;
- (xii) at Committee meetings, those responding to original questions may nominate another Member(s) or Officer(s) to respond to supplementary questions;
- (xiii) answers to both original and supplementary questions 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;

(xiv) both the questions and responses in respect of Standing Order 30(1) shall be recorded in the minutes of the relevant Full Council or Committee meeting

- (2) Subject to the notice requirements of Standing Order 11(3), a Member of the Council may also ask the Chair of a Committee any question regarding a Committee minute which is under consideration by the Council.

No. ~~34~~ 29

**REPRESENTATIONS AT MEETINGS**  
(other than petitions – Standing Order 32 refers)

(1) Representations at meetings of the Planning Committee

- 1.1
- 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 ,or remotely via audio/visual conferencing facilities, for up to three minutes each. Speakers must pre-register with Democratic Services by 4.30pm on the day before the Committee meeting.

- 1.2 Alternatively, such speakers 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 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.

- 1.3 **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.

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

1.5 Where an application straddles one or more Parish boundaries, each Parish Council will be allowed to speak for three minutes.

- 1.6 All public speaking at the meeting is at the Chair's discretion.

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

(2) Representations at other Committee meetings

2.1 Members of the public and other interested parties can make representations at meetings of any Policy Committee (or Sub-Committee thereof) or the Audit & 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 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 Chair 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, either from within the physical meeting room, or remotely via audio/visual conferencing facilities; or
- 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 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. 32**

**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 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 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 ~~at from within~~ the meeting, ~~from~~ either from within the physical meeting room, or remotely via audio/visual conferencing facilities; or
  - 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 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 Chair 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 Chair 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 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. 33

### 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 Chair misconducts him/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the meeting, the Chair 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 Chair 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

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 Chair, makes it impossible to conduct business, s/he may adjourn the meeting without question for whatever period s/he considers appropriate.

## No. 34

### DISTURBANCE BY THE PUBLIC

- (1) The Chair shall warn any member of the public who interrupts the proceedings at any meeting. If the individual continues the interruption, the Chair may order his / her removal from the meeting venue. In the event of general disturbance in any part of the meeting venue open to the public, the Chair shall order that part to be cleared. Similarly, in event of general disturbance from members of the public participating remotely, the Chair may order all such public access to be terminated.
- (2) The Chair may adjourn the meeting as per SO 33(3) above.

## MEMBERS AND STAFF

### No. 35

#### GENERAL URGENCY PROVISION

Notwithstanding anything in this Constitution, the Chief Executive and other Extended Management Team (EMT) members 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 Management Team-EMT member 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 EMT Management Team member concerned shall also:

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

### No. 36

#### 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. 37

#### 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. 38

#### 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. 39**

#### **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 Human Resources. -Lead Specialist.~~
- (2) The purport of this Standing Order shall be included in any form of application.

### **No. 40**

#### **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. 41.

### **No. 41**

#### **APPOINTMENT OF CHIEF OFFICERS (i.e. those who will serve on the Management Team)**

- (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~~may 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. 42**

#### **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. 43**

#### **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. 44

### 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  
Deputy Chief Executive  
Director of Resources  
Head of Legal & Democratic Services (Monitoring Officer)  
Chief Planning Officer  
Head of Policy and Communications  
Head of Assets and Regeneration  
Transformation Programme Director  
Head of Housing  
Head of Environment  
Head of Building Control  
Head of Communities  
Building Control Business Manager

**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):

The list of the posts concerned is currently under review.

## No. 45

### 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.~~

## No. 46

### REQUIREMENTS FOR OFFICERS TO CONSULT WITH MEMBERS

Throughout Financial Regulations, the Scheme of Delegation and the Planning Protocol (parts C, E and F of the Constitution) requirements for officers having to consult Members shall be interpreted as follows:

- (i) if the Council is in a state of no overall control (i.e. where no single political group or a coalition of groups has an absolute majority of seats) such consultation shall be with the Leaders, or their nominated representatives, of political groups comprising eight or more Councillors; or

- (ii) if a single political group or a coalition of groups forming the Administration has an absolute majority of seats, such consultation shall be solely with the Leader(s) of the Council or his / her / their nominated representative(s).

## **GENERAL MATTERS**

### **No. 47**

#### **INTERPRETATION OF STANDING ORDERS**

- (1) The ruling of the Chair 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 Chair 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 Chair at any Committee or Sub-Committee meeting.

### **No. 48**

#### **SUSPENSION OF STANDING ORDERS**

- (1) Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders (other than Standing Orders 13 (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. 9) or Committee unless there shall be present at least one-half of the whole number of the members of the Council or Committee.

### **No. 49**

#### **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. 50**

### **LOCAL CODE OF CONDUCT FOR MEMBERS**

- (1) 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.
- (2) Each Member shall provide an annual signed undertaking to abide by the 7 'Nolan Principles of public life' (listed below) while serving as a Councillor:
  - selflessness
  - integrity
  - objectivity
  - accountability
  - openness
  - honesty
  - leadership.

## **No. 51**

### **CUSTODY OF SEAL**

The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal and Monitoring Officer.

## **No. 52**

### **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.