

THE CONSTITUTION

PART 4 – RULES OF PROCEDURE

COUNCIL PROCEDURE RULES (STANDING ORDERS)

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CONSTITUTION - PART 4 - RULES OF PROCEDURE

COUNCIL PROCEDURE RULES (STANDING ORDERS)

(last revised December 2014)(updated Jun 2018)

1. MEETINGS OF THE COUNCIL

(1) IN A YEAR WHEN THERE IS AN ORDINARY ELECTION OF COUNCILLORS, THE ANNUAL MEETING WILL TAKE PLACE WITHIN 21 DAYS OF THE RETIREMENT OF THE OUTGOING COUNCILLORS. In any other year, the annual meeting will take place in May at such time and place as the Council may fix.

LGA 1972
Sch 12
para 41

(2) THE ANNUAL MEETING WILL:

(i) ELECT THE MAYOR THE COUNCIL;

(ii) ELECT THE DEPUTY MAYOR;

(iii) APPROVE THE MINUTES OF THE LAST MEETING OF THE COUNCIL;

(iv) receive any announcements from the Mayor;

(v) ELECT THE LEADER;

(vi) accept the number of members to be appointed to the Cabinet and formally appoint the members of the cabinet proposed by the Leader;

(vii) appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);

(viii) consider any business set out in the notice convening the meeting.

(ix) decide the allocation of seats on Committees and Sub-Committees to political groups in accordance with the political balance rules; and receive nominations of councillors to serve

on each committee and outside body; and

(x) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

LGA 1972
Sch 12
para 2

(3) MEETINGS FOR THE TRANSACTION OF GENERAL BUSINESS OF THE COUNCIL SHALL BE HELD IN EACH YEAR AT 5.30 PM AT THE CIVIC CENTRE, ST LUKE'S AVENUE, HARROGATE, ON DATES FIXED BY THE COUNCIL OR SUCH OTHER TIME AND PLACE AS MAY BE FIXED BY THE COUNCIL. REFERENCES IN THESE STANDING ORDERS TO THE PRINCIPAL OFFICE MEANS THE OFFICE AT ST LUKE'S AVENUE.

(4) THE PROPER OFFICER WILL GIVE NOTICE TO THE PUBLIC OF THE TIME AND PLACE OF ANY MEETING in accordance with the access to information rules. AT LEAST FIVE CLEAR DAYS BEFORE A MEETING, THE PROPER OFFICER WILL SEND A SUMMONS SIGNED BY HIM OR HER BY POST TO EVERY MEMBER OF THE COUNCIL OR LEAVE IT AT THEIR USUAL PLACE OF RESIDENCE. THE SUMMONS WILL GIVE THE DATE, TIME AND PLACE OF EACH MEETING AND SPECIFY THE BUSINESS TO BE TRANSACTED, AND WILL BE ACCOMPANIED BY SUCH REPORTS AS ARE AVAILABLE.

2. EXTRAORDINARY MEETINGS OF THE COUNCIL

LGA 1972
Sch 12
Para 3

(1) THE MAYOR MAY AT ANY TIME CALL AN EXTRAORDINARY MEETING OF THE COUNCIL

(2) No Extraordinary Meeting shall be called unless it is proposed to transact at the Meeting business which, in accordance with the relevant enactments and these Standing Orders falls within the powers and functions of the Council or which affects the area of the Council or part of it, or its inhabitants, or some of them.

(3) IF THE MAYOR:-

(A) REFUSES TO CALL AN EXTRAORDINARY MEETING OF THE COUNCIL, AFTER A REQUISITION FOR THAT PURPOSE, SIGNED BY FIVE MEMBERS OF COUNCIL, HAS BEEN PRESENTED TO THE PROPER OFFICER; OR

(B) FAILS TO CALL SUCH A MEETING WITHIN 7 DAYS AFTER SUCH A REQUISITION;

THEN, IN EITHER CASE, ANY FIVE MEMBERS MAY

REQUIRE THE PROPER OFFICER TO CALL SUCH A MEETING.

3. MAYOR

- LGA 1972
S.3(1) (1) THE MAYOR SHALL BE ELECTED ANNUALLY BY THE COUNCIL FROM AMONG THE COUNCILLORS
- LGA
S3 (1A) (2) NO MEMBER OF THE EXECUTIVE MAY BE ELECTED AS MAYOR
- LGA 1972
S.3(2) (3) UNLESS THE MAYOR RESIGNS OR BECOMES DISQUALIFIED THE HOLDER OF THAT OFFICE SHALL CONTINUE IN OFFICE UNTIL A SUCCESSOR BECOMES ENTITLED TO ACT.
- LGA 1972
S. 3(3) (4) DURING THE TERM OF OFFICE THE MAYOR SHALL CONTINUE TO BE A MEMBER OF THE COUNCIL NOTWITHSTANDING THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 RELATING TO THE RETIREMENT OF COUNCILLORS
- LGA 1972
S.4(4) (5) THE ELECTION OF THE MAYOR SHALL BE THE FIRST BUSINESS TRANSACTED AT THE ANNUAL MEETING OF THE COUNCIL
- (6) Wherever in these standing orders the Mayor is referred to then at a meeting other than Council where the standing order applies the reference is to the person presiding at that meeting.

4. DEPUTY MAYOR

- LGA 1972
S.5(1) (1) THE COUNCIL SHALL APPOINT A MEMBER OF THE COUNCIL TO BE DEPUTY MAYOR OF THE COUNCIL
- LGA 1972
S.5(2) (2) UNLESS THE DEPUTY MAYOR RESIGNS OR BECOMES DISQUALIFIED, THE HOLDER SHALL CONTINUE IN THAT OFFICE UNTIL IMMEDIATELY AFTER THE ELECTION OF A MAYOR AT THE NEXT ANNUAL MEETING OF THE COUNCIL AND DURING THAT TIME SHALL CONTINUE TO BE A MEMBER OF THE COUNCIL NOTWITHSTANDING THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 RELATING TO THE RETIREMENT OF COUNCILLORS.
- LGA 1972
S.5(3) (3) SUBJECT TO THESE STANDING ORDERS, ANYTHING AUTHORISED OR REQUIRED TO BE DONE BY,

TO OR BEFORE THE MAYOR MAY BE DONE BY, TO OR BEFORE THE DEPUTY MAYOR IN THE ABSENCE OF THE MAYOR

5. PRESIDING AT MEETINGS

LGA 1972
Sch 12
Para 5

- (1) AT A MEETING OF THE COUNCIL THE MAYOR, IF PRESENT, SHALL PRESIDE
- (2) IF THE MAYOR IS ABSENT FROM A MEETING OF THE COUNCIL, THE DEPUTY MAYOR OF THE COUNCIL, IF PRESENT, SHALL PRESIDE
- (3) IF BOTH THE MAYOR AND DEPUTY MAYOR ARE ABSENT FROM A MEETING OF THE COUNCIL ANOTHER MEMBER OF THE COUNCIL CHOSEN BY THE MEMBERS OF THE COUNCIL, EXCEPT A MEMBER OF THE EXECUTIVE, SHALL PRESIDE FOR THAT MEETING
- (4)(i) If it is necessary to choose a Member of the Council to preside in the absence of the Mayor and Deputy Mayor the Proper Officer shall call for a Member of the Council to move that a Member of the Council, named by that Member, shall take the Chair.
- (ii) If discussion arises on that motion, the Proper Officer shall exercise the powers of the person presiding in order to regulate the discussion, and to maintain order at the meeting.
- (iii) The Motion, and any amendments, shall be put to the Meetings in accordance with Standing Order No 17 (Voting on Appointments)
- (5) Any power or duty of the Mayor in relation to the conduct of a Council Meeting may be exercised by the person presiding at the Meeting.

6. REMOVAL OF LEADER

- (1) A motion to remove the Leader of the Council from that position must be by Notice of Motion under Standing Order 10.
- (2) In a debate to remove the Leader the standard rules of debate will not apply and the Leader of the Council shall be entitled to speak last. The mover of the motion shall be entitled to a second or closing speech immediately before the Leader of the Council.

(3) The vote required to remove the Leader is a simple majority of those Members present and voting at the meeting. The Leader is entitled to vote on the motion.

Cabinet
Members
removable
by Leader
only

(4) No other Cabinet Member may be removed by the Council even by a motion of no confidence or other request for their removal duly passed by the Council. A Cabinet Member may be removed only by the Leader of the Council.

7. QUORUM

LGA 1972
Sch 12
para 6

(1) SUBJECT TO PARAGRAPH (2) BELOW, NO BUSINESS SHALL BE TRANSACTED AT A MEETING OF THE COUNCIL UNLESS AT LEAST ONE QUARTER OF THE WHOLE NUMBER OF MEMBERS OF THE COUNCIL IS PRESENT

LGA 1972
Sch 12
para 45

(2) WHERE MORE THAN ONE THIRD OF THE MEMBERS OF THE COUNCIL BECOME DISQUALIFIED AT THE SAME TIME, THEN, UNTIL THE NUMBER OF MEMBERS IN OFFICE IS INCREASED TO NOT LESS THAN TWO THIRDS OF THE WHOLE NUMBER OF MEMBERS OF THE COUNCIL, THE QUORUM OF THE COUNCIL SHALL BE DETERMINED BY REFERENCE TO THE NUMBER OF MEMBERS OF THE COUNCIL REMAINING QUALIFIED INSTEAD OF BY REFERENCE TO THE WHOLE NUMBER OF MEMBERS OF THE COUNCIL.

(3)(i) If during any meeting of the Council the Mayor after counting the number of Members present, declares that there is not a quorum, the meeting shall adjourn immediately.

(ii) The consideration of any remaining business shall be adjourned to a date fixed by the Mayor when the meeting is adjourned, or, if one is not fixed, then to the next ordinary meeting of the Council.

8. 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:-

- (i) to choose a person to preside if the Mayor and Deputy Mayor be absent;
- (ii) to deal with any business required by statute to be done before any other business;

- (iii) to approve as a correct record and sign the Minutes of the last meeting of the Council;
- (iv) to hear the Mayor's announcements;
- (v) to receive petitions as referred to in Standing Order 26;
- (vi) to deal with Public Question Time as referred to in Standing Order 27;
- (vii) to deal with Members' Questions as referred to in Standing Order 12;
- (viii) to receive any apology required by a Standards Panel of General Purposes Committee to be made to Council
- (ix) to dispose of business (if any) remaining from the last meeting;
- (x) to receive and consider memoranda of report from Overview and Scrutiny Committees, reports from Cabinet Members and minutes and recommendations of Committees, the Cabinet or a Cabinet Member
- (xi) to receive and consider a report from the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988;
- (xii) to receive and consider a report of the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989;
- (xiii) to consider, and/or refer as appropriate, motions in the order in which notice has been received under Standing Order 10;
- (xiv) other business, specified in the summons including urgent business within Standing Order 9;

Variation of order of business

- (2) Business falling under items (i), (ii) or (iii) of paragraph (1) shall not be displaced but otherwise the foregoing order of business may be varied,
- (i) at the discretion of the Mayor;
 - (ii) where all the Group Leaders, or Deputies in their absence, have agreed in advance of the Council Meeting in order to deal with major issues;
 - (iii) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion

9. OTHER BUSINESS

LGA 1972
Section
100B(4)

- (1) NO ITEM OF "OTHER BUSINESS" MAY BE RAISED AT ANY MEETING OF THE COUNCIL, THE CABINET OR COMMITTEE UNLESS BY REASON OF SPECIAL CIRCUMSTANCES, WHICH SHALL BE SPECIFIED IN THE

MINUTES OF THE MEETING, AND ALSO THAT THE MAYOR IS OF THE OPINION THAT THE ITEM SHOULD BE CONSIDERED AT THE MEETING AS A MATTER OF URGENCY

(2) No Member may present a matter for consideration under this Standing Order:-
(i) at any Special Meeting of the Council or a Committee convened to deal with specific business; or

(ii) in the circumstances where a Member would have been prohibited under Standing Order 15 from raising that same matter on a Notice of Motion to the Council under Standing Order 10.

(3) Any decision of the Mayor upon any of the matters referred to in this Standing Order shall be final.

(4) IF THE MAYOR IS OF THE OPINION THAT AN URGENT ITEM OF BUSINESS HAS ARISEN AND MUST BE DEALT WITH AT A MEETING THEN AT THE COMMENCEMENT OF THE MEETING THE MAYOR SHALL ADVISE THE MEETING OF THE EXISTENCE OF THE NEW ITEM OF BUSINESS AND INDICATE AT WHAT POINT IN THE MEETING IT WILL BE CONSIDERED.

10. NOTICES OF MOTION

Time for Submission	(1) Notice of every motion, other than a motion which under Standing Orders 8 and 11 may be moved without notice, shall be given in writing, signed by the Member or Members of the Council giving the notice, and delivered, at least eight clear days, including Saturdays, Sundays and Bank Holidays, before the next meeting of the Council at the office of the Proper Officer by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every Member of the Council.
Limit	(2) No Member shall submit more than one Notice of Motion for any meeting
Motions to be set out in Summons	(3) The Proper Officer shall set out in the Summons for every Meeting of the Council all Motions of which Notice has been duly given, in the order in which they have been received, unless the Member giving such a notice has intimated in writing, when giving it, that it was to be moved at some later meeting, or unless it has since been withdrawn in writing.
Motion not	(4) If a motion to be considered at the Council Meeting and

moved

set out in the summons be not moved by one or more of the Members who gave notice or by some other Member on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn.

(5) If a notice of motion requests the Council to refer a matter set out in the notice to overview and scrutiny for investigation and report then:-

(i) the Council will consider the request at the Council meeting;

(ii) no debate of the matter to be referred for investigation and report by overview and scrutiny will be permitted;

(iii) the debate at the Council meeting will relate only to whether the reference to overview and scrutiny should be made.

Automatic
reference to
Committee
or
appropriate
Cabinet
Member

(6)(a) If the subject matter of any motion of which notice has been duly given comes within the province of any Committee or Cabinet Member it shall, without any supporting speeches, stand referred without discussion to the appropriate Committee or Cabinet Member for consideration and report.

(b) On the return of the Motion to the next ordinary meeting of Council the appropriate Committee Chair or Cabinet Member shall present a written response. Upon this being moved and seconded the mover of the Motion shall be allowed to speak for up to three minutes on their motion and the response. The Mayor shall have discretion as to whether any further discussion is required and its extent and duration before proceeding to a vote on acceptance, rejection or rejection in part of the proposed response.

(c) The Mayor in consultation with the Proper Officer, will indicate on the agenda paper whether the motion is to be debated at that meeting or referred to a Committee or Cabinet Member.

(d) Subject to clause (e) below the Mayor shall have a discretion to decide not to refer a matter to Committee or Cabinet Member if the Mayor considers it expedient and appropriate, both to the consideration of the matter proposed and the proper despatch of the Council's business, for the matter to be dealt with at the Council meeting.

(e) Any motion the Council considers which, if carried, would materially increase the expenditure upon any service or reduce the revenue of or involve capital expenditure upon any service shall when proposed and seconded stand adjourned

without discussion to the Cabinet which shall report back to the Council. The Mayor has no discretion in relation to matters which stand referred under this part of this Standing Order

(f) Notwithstanding the provisions of this Standing Order (Number 10(6)(a-e) at each ordinary meeting of the Council one political group shall be entitled to require that a specified Notice of Motion of its choice shall be debated at full Council. A Notice of Motion so specified shall not be capable of amendment until it has been moved and seconded at the meeting.

(g) The right to specify such a Notice of motion shall be as follows:-

1 st Ordinary meeting	:	Largest Minority Group
2 nd Ordinary meeting	:	Majority Group
3 rd Ordinary meeting	:	Third largest group
4 th Ordinary meeting	:	Largest Minority Group
5 th Ordinary meeting	:	Majority Group

(h) In the event that there are more than three political groupings the Leaders of the third largest and smaller groups will be expected to seek agreement on a joint Notice of Motion.

(i) If agreement is not possible, then the larger of the two or more groups will be able to specify the Notice of Motion to be debated at Council,

(j) In the event of political groups being of equal size the order shall be selected by lots with the groups subsequently taking turns in selecting the Notice of Motion to be debated.

(k) Notwithstanding the provisions of these Standing Orders relating to amendments and/or rules of debate no amendment to a Notice of Motion properly submitted under Standing Order 10(6)(f) above shall be permitted until the Mayor is satisfied that the original motion has been sufficiently debated.

(l) Should any political group decline or fail to give notice to the Head of Legal and Governance as to the Notice of Motion specified for debate at full Council the right to select a Notice of Motion shall not be transferable.

Scope of
Motions

(7) Every Motion shall be relevant to some matter in relation to which the Council has powers or functions or which particularly affects the area of the Council or part of it, or its wider community leadership role, or particularly affects its inhabitants, or some of them.

(8) Every Motion should be so drafted as to specify the

action which the Council is being recommended to take and should be sufficiently clear for the Proper Officer to advise the Mayor as to whether the issue falls within this Standing Order and within the remit of any of the Council's Committees or of a Cabinet Member

Right of
Mover and
Seconders

(9) When any motion stands referred to a Council Committee, or Cabinet Member having been moved and seconded previously in accordance with paragraph (5) above then

- (i) the mover and seconder of the motion shall have the right to attend that Committee when the matter is to be debated and to speak to that Notice of Motion at the Committee but not to vote unless also a member of the Committee; or
- (ii) the mover and seconder shall have the right to discuss their motion with the relevant Cabinet Member for no longer than 30 minutes, at a convenient time, before the Cabinet Member reports to Cabinet or Council as appropriate;

Notice of
Amendment

(10) (a) Notice of amendment of a notice of motion appearing on the agenda for a Council meeting must be given to the Proper Officer not later than 24 hours before the meeting. A notice of further amendment can only be given at the Council meeting where it arises out of an amendment of which 24 hours notice has been given under this part of this standing order.

(b) Where notice of amendment is given to a notice of motion which then stands referred to Committee or a Cabinet Member, then the Member giving notice as proposed mover of the amendment shall be entitled to attend the meeting either of Committee or with the Cabinet Member and speak to their proposed notice of amendment. Any proposed seconder of any amendment to a notice of motion shall have no right to speak at Committee (unless they are a member of the Committee) or to discuss the matter with the Cabinet Member.

(c) Where the notice of motion and amendment are to be discussed with a Cabinet Member the time allowed for the discussion of the notice of motion shall be extended by five minutes for each notice of amendment.

(11) All notices of motion shall be referred back to the next ordinary meeting of Council with the recommendations of the Committee, the relevant Cabinet Member or the Cabinet.

11. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions and amendments may be moved without

notice:-

- (1) Appointment of a Member to chair the meeting if necessary.
- (2) Motions relating to the accuracy of the non-delegated minutes.
- (3) To change the order of business in the agenda.
- (4) Remission to a Committee or Cabinet.
- (5) Appointment of or to a Committee occasioned by an item mentioned in the summons to the meeting.
- (6) Adoption of reports and 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) To proceed to the next business.
- (10) That the question be now put.
- (11) That the debate be now adjourned.
- (12) That the meeting do now adjourn.
- (13) To suspend a particular Standing Order when it is within the Council's power to do so.
- (14) Motion to exclude the public and press in accordance with the Access to Information Rules.
- (15) That a Member named under Standing Order 14 be not further heard or do leave the meeting.
- (16) Giving consent of the Council where the consent of the Council is required by the Constitution.

12. ACCOUNTABILITY OF THE EXECUTIVE AND COMMITTEE CHAIRS

- (1) This Standing Order shall apply to all meetings of the Council, except the Annual Meeting, Extraordinary Meetings and those convened to consider the adoption of the budget.
- (2) A Member of the Council may, without notice, ask a

Cabinet Member or a Chair of a Committee any question, on any matter falling within the purview of that Committee or Cabinet Portfolio, together with a short supplementary question on the same subject.

(3) A Member may choose to provide advance notice of at least 48 hours before the commencement of the meeting to the Head of Legal and Governance for those questions seeking a detailed response.

(4) The Member questioned must provide a verbal response and may choose to provide a fuller written reply, a copy of which shall be made available to all Members of the Council. In the event of the relevant Cabinet Member not being present, the Leader shall respond to the question or nominate a Cabinet Member to do so.

(5) If the Leader believes that he or another member of the Cabinet should more appropriately answer the question he shall indicate this immediately after the question is put and the response will then be made by the person nominated by the Leader.

(6) If a question is submitted in advance and the committee Chair is absent, the Vice-Chair shall respond to the question. If both are absent the question shall either stand referred to the next meeting or a written response made after the meeting in accordance with the wishes of the Member asking the question and paragraph (11) below.

(7) Any policy or spending initiative announced in response to a question shall be subject to the decision and approval process required under the Constitution of the Council.

(8) No Member may ask more than one question, together with a short supplementary question on the same subject, unless the Mayor is satisfied that there are no remaining questions from any Members who have not yet spoken.

(9) Questions for which 48 hours written notice have been received will be dealt with first. Thereafter, the Mayor shall determine the order of questioning, at his discretion, as far as possible in the order indicated but subject to the need to ensure a reasonable balance across the political groups and independent Members of the Council.

(10) A short written summary of objectives for each portfolio for the municipal year, together with the achievements against those objectives, shall be circulated with the summons for the first and last ordinary meetings of the Council municipal year

respectively and shall be open for questions under this Standing Order.

(11) Question time shall, subject to the discretion of the Mayor, be limited to forty-five minutes. A maximum of thirty minutes will be allowed for responses to written questions, following which, or upon all written questions receiving a reply, the Mayor shall then invite verbal questions for the remainder of the period.

(12) Any written questions remaining shall, subject to the wish of the Member concerned, either be answered in writing by the Member to whom it has been addressed or it shall be referred to the next ordinary meeting of the Council. If more than one question is referred they shall be included on the next Council agenda in the order received.

13. RULES OF DEBATE FOR COUNCIL MEETINGS

Time Limit
for Debates

(1) No single item of business before an ordinary Meeting of the Council shall, once moved and formally seconded, be debated for a period in excess of thirty minutes unless in the opinion of the Mayor the item before the Meeting has been insufficiently discussed.

Motions and
Amendments

(2) (a) (i) No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
(ii) Unless notice of the motion has already been given, the chair may require it to be written down and handed to him/her before it is discussed.
(b) An amendment to Committee or Cabinet recommendations shall not be discussed unless it has been proposed and seconded and subject to (d) below notice has been given in accordance with (c) below and it is before the Council for a decision to be made;
(c) At each ordinary meeting of the Council, the relevant Chair or representative will move that the recommendations of their Committee be laid before Council. When they have been seconded, the recommendations shall be available for amendment provided notice of the intended amendment has been given, in writing, to the Proper Officer of the Council not later than 24 hours before the Council Meeting, except where the amendment proposed is a further and consequential amendment to an amendment which has been proposed and seconded in accordance with this Standing Order;

- (d) The notice requirement in paragraph (c) above will not apply:-
- (i) to recommendations circulated after the Council Agenda has been despatched;
 - (ii) to minutes which envisage a further report to that Council meeting; and
 - (iii) where an Officer reports without prior notice on a non-delegated item and the effect of that report is to amend the recommendation(s) before the Council Meeting.

Secunder's
Speech

- (3) A Member, when seconding a motion or amendment shall declare any intention to reserve their speech until a later period of the debate if they so intend.

- (4) A Member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call on one to speak, the other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising on a point of order or in personal explanation.

Content and
length of
Speech

- (5) Each Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order. The speech of a mover of a motion or amendment shall not exceed seven minutes except by consent of the Council. No other speech shall exceed four minutes except:-

- (i) by consent of the Council; or
- (ii) where the Leaders of the Political Groups on the Council are agreed in advance of the Council Meeting and only then where Committee Chairs, Cabinet Members or Leaders of Political Groups are speaking to major issues.

- (6) In the case of paragraph 5 (a) and/or 5(b) of this Standing Order being agreed, paragraph (1) of this Standing Order will not apply.

When a
Member may
speak again

- (7) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
- (i) to speak once on an amendment moved by another Member;
 - (ii) if the motion has been amended since that Member last spoke, to move a further amendment;

- (iii) if the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which the Member spoke was carried;
- (iv) in exercise of a right of reply given by paragraph (13) or (15) of this Standing Order;
- (v) on a point of order;
- (vi) by way of personal explanation.

Amendments
to Motions

- (8) An amendment shall be relevant to the motion and shall be:-
- (i) to refer a subject of debate to a Committee or the Cabinet or a Cabinet Member for consideration or re-consideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others;
 - (iv) to insert or add words;
provided that such omission, insertion or addition of words shall not have the effect of negating the motion before the Council

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

(b) notice of further amendment may be given during the debate on an amendment but the subsequent amendment shall not be moved at that time unless the Mayor so directs

(10) (a) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

(b) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of
Motion

- (11) A Member may, with the consent of the Council, signified without discussion:-
- (i) alter a motion of which notice has been given by that Member; or
 - (ii) with the further consent of the seconder alter a motion which the Member has moved if (in either case) the alteration is one which could be made

as an amendment.

Withdrawal
of Motion

(12) A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council, which shall be signified without discussion. No Member may speak upon the original motion after the mover has asked permission for its withdrawal, unless such permission has been refused.

Right of
Reply

(13) The mover of a motion has the right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have the right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on the amendment.

Motions
which may
be moved
during
debate

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

- (i) to withdraw the motion
- (ii) to amend the motion;
- (iii) to adjourn the meeting;
- (iv) to adjourn the debate;
- (v) to proceed to the next business;
- (vi) that the question be now put;
- (vii) that a Member be not further heard;
- (viii) by the Mayor under Standing Order 14 that a member do leave the meeting;
- (ix) a motion to exclude the public and press in accordance with the Access to Information Rules.

Closure
Motions

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

“That to proceed to the next business”

“That the question be now put”

“That the debate be now adjourned” or

“That the meeting do now adjourn”

(a) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(b) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, the procedural motion will be put to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the original motion to the vote.

(c) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Points of Order (16) (a) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith.
(b) 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 it is alleged to have been broken.
(c) A personal explanation shall be confined to some material part of an earlier speech of the Member in the same debate which appears to have been misunderstood.
(d) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chair (17) Whenever the Mayor stands during a debate the Member then standing shall resume their seat and the Council shall be silent.

14. DISORDERLY CONDUCT

(1) If at a meeting any Member of the Council, in the opinion of the Mayor notified to the Council, misconducts himself by persistently disregarding the ruling of the Mayor or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move "That the Member (naming him/her) be not further heard", and the motion, if seconded, shall be put and determined without discussion.

Misconduct by a Member (2) If the Member named continues their misconduct after a motion under the foregoing paragraph has been carried the Mayor shall:-

either move "That the Member named do leave the meeting", in which case the motion shall be put and determined without seconding or discussion;
or adjourn the meeting of the Council for such period as the Mayor shall consider expedient.

General Disturbance (3) In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, in addition to any other power vested in that Office, the Mayor may adjourn the meeting of the Council for an appropriate period without a motion being moved to effect an adjournment.

(4) If a member of the public interrupts the proceedings at any meeting the Mayor shall give due warning of the power of

removal. If any person continues to interrupt the Mayor shall order their removal from the Meeting Room. In case of general disturbance in any part of the room open to the public the Mayor shall order that part to be cleared.

(5) Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or this standing order.

15. RECISSION OF PREVIOUS RESOLUTION

(1) A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the total number of members.

(2) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the total number of members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

(3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee or the Cabinet.

16. VOTING

LGA 1972
Sch 12
Para 39

LGA 1972
s.4

(1) UNLESS THIS CONSTITUTION PROVIDES OTHERWISE, ANY MATTER WILL BE DECIDED BY A SIMPLE MAJORITY OF THOSE MEMBERS VOTING AND PRESENT IN THE ROOM AT THE TIME THE QUESTION WAS PUT. The Mayor shall declare the result and shall (subject to paragraph (4) below) have absolute discretion as to whether to require formal counting and recording of the vote.

(2)(i) IF THERE ARE EQUAL NUMBERS OF VOTES FOR AND AGAINST, THE CHAIR WILL HAVE A SECOND OR CASTING VOTE. There will be no restriction on how the chairman chooses to exercise a casting vote.

(ii) IF AT THE ANNUAL MEETING OF THE COUNCIL THE MAYOR HAS CEASED TO BE A MEMBER OF THE COUNCIL HE SHALL ONLY BE ENTITLED TO GIVE A CASTING VOTE IN THE EVENT OF AN EQUALITY OF VOTES IN THE ELECTION OF THE NEW MAYOR.

(3) Unless a recorded vote is demanded under paragraph

(4) below the Mayor will take the vote by show of hands or by the use of the electronic voting equipment, when available. The electronic voting system will be used whenever possible for all meetings of the Council and Planning Committee which take place in the Council Chamber.

(4) On the requisition of any Member of the Council made before the vote is taken and supported by one quarter of the Members present, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against the question or abstained from voting. The electronic voting system will be used whenever possible to record how each Member present gave their vote for the purposes of a recorded vote.

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(5) WHERE IMMEDIATELY AFTER A VOTE IS TAKEN AT ANY MEETING ANY MEMBER SO REQUIRES, THERE SHALL BE RECORDED IN THE MINUTES OF THAT MEETING WHETHER THAT MEMBER CAST A VOTE FOR OR AGAINST THE QUESTION OR ABSTAINED FROM VOTING.

(6) A RECORDED VOTE, IN ACCORDANCE WITH PARAGRAPH (4) ABOVE, SHALL BE TAKEN ON ALL DECISIONS (INCLUDING AMENDMENTS SOUGHT TO THOSE DECISIONS) IN RELATION TO THE ADOPTION OF THE BUDGET OR THE SETTING OF THE COUNCIL TAX BY THE COUNCIL.

17. VOTING ON APPOINTMENTS

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

18. VARIATION AND REVOCATION OF STANDING ORDERS

Any motion to add to, vary or revoke these Standing Orders, other than those printed in capital letters shall when proposed and seconded stand adjourned without discussion to the next meeting of the General Purposes Committee. Where any proposal which would have the effect of varying or revoking Standing Orders has been considered and recommended by General Purposes Committee, it shall, if approved, take effect from the next Ordinary meeting of the Council. Standing Orders in capital letters reflect primary or secondary legislation the substance of which cannot be varied or changed.

19. RECORD OF ATTENDANCES

LGA 1972
Sch 12
Para 40

(1) THE NAMES OF THE MEMBERS PRESENT AT A MEETING OF A LOCAL AUTHORITY SHALL BE RECORDED.

(2) Every Member of the Council attending a meeting of the Council, or any of its Committees of which they are a member, shall sign the attendance book or sheet provided for that purpose before the conclusion of every meeting they attend.

20. MINUTES

LGA 1972
Sch. 12
Para 41

(1) MINUTES OF THE PROCEEDINGS OF A MEETING OF THE COUNCIL SHALL, SUBJECT TO PARAGRAPH (2) BELOW, BE DRAWN UP AND ENTERED IN A BOOK KEPT FOR THAT PURPOSE AND SHALL BE SIGNED AT THE SAME OR NEXT FOLLOWING MEETING OF THE COUNCIL BY THE PERSON PRESIDING.

(2) WHERE IN RELATION TO ANY MEETING OF THE AUTHORITY THE NEXT SUCH MEETING IS AN EXTRAORDINARY MEETING THEN THE NEXT ORDINARY MEETING OF THE COUNCIL SHALL BE TREATED AS A SUITABLE MEETING FOR THE PURPOSES OF PARAGRAPH (1) ABOVE.

(3) THE MINUTES OF THE PROCEEDINGS OF MEETINGS OF THE COUNCIL MAY BE RECORDED ON LOOSE LEAVES CONSECUTIVELY NUMBERED, THE MINUTES OF THE PROCEEDINGS OF ANY MEETING SHALL BE SIGNED AND EACH LEAF COMPRISING THOSE MINUTES INITIALLED BY THE PERSON PRESIDING AT THE SAME OR NEXT FOLLOWING MEETING OF THE COUNCIL.

(4) The Mayor shall put the question that the minutes of the previous meeting of the Council be taken as read and approved as a correct record.

(5) 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 any is raised then as soon as it has been disposed of, the Mayor shall sign the Minutes.

21. QUORUM OF COMMITTEES AND SUB-COMMITTEES

Except where authorised by a statute or ordered by the Council, no business shall be transacted at a meeting of any Committee or Sub-Committee unless at least one quarter of the whole number of the Committee is present and in any case not less than three members.

22. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

(1) As well as allocating seats on committees and sub-committees, the Council will allocate seats in the same manner for substitute members. For each committee or sub-committee, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee. In the case of Planning a group may offer a seat or seats to another political group.

(2) Subject to any legal or constitutional requirement to the contrary if none of the named substitutes are able to attend (or they are already acting as a substitute) then a substitute may be sought from the remaining members of the group.

(3) Substitute members will have the powers and duties of any ordinary member of the committee and will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

(4) Substitute members may attend meetings:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notifying the proper officer before the start of the meeting, of the intended substitution.
- (iv) where they have received any appropriate training.

23. STANDING ORDERS TO APPLY TO OTHER MEETINGS

These Standing Orders shall apply to public meetings of the Cabinet all committees and sub-committees of the Council with amendment appropriate to the circumstances except that the following shall not apply:

of SO 13, paragraphs - 2(c), 2(d), (4), (5), (6), (7), (13) and SO 26; SOs 15 and 16(4) shall not apply to meetings of development control committees.

Any references to “the Mayor” shall apply to the person presiding at the meeting to which the Standing Order is relevant.

24. PLANNING TRAINING

(1) Any Member selected for service on the Development Control Committees (“the Committees”) and any substitute Member for any of those Committees.

(i) shall attend a training course on planning law and practice for Members within 3 months of first nomination to that Committee; and

(ii) shall attend at least one annual update training course on planning law and practice issues by 31 December each year.

(2) Any Member who has not attended such a training course within the timetable set out in SO24(1) shall automatically cease to be a member of the Committees and the General Purposes Committee shall appoint a replacement at its next meeting. The Member who has become disentitled shall not be re-selected to serve on Planning Committee for the remainder of the municipal year.

(3) Once a Member becomes disentitled to serve on any of the Committees under this Standing Order a substitute member shall attend any relevant meeting of the Committees until a replacement is selected for the vacant seat on the Committee.

25. COOPTED AND APPOINTED MEMBERS

(1) No coopted member of any Committee of the Council shall be appointed to preside at a meeting.

(2) No person other than a Member of the Council shall be appointed to serve on the Cabinet.

(3) Coopted and appointed members are members only of the Committees or Sub-Committees onto which they have been coopted and are not otherwise Members of the Council.

(4) The Constitution will apply to coopted and appointed members as it applies to elected Members of the Council, where relevant, but with any appropriate amendment or variation necessary to cover their position. In particular, the Members' Code of Conduct shall apply to coopted and appointed members as it applies to elected Members of the Council.

(5) The entitlement to all papers and to attendance at all meetings conferred by the Constitution shall only extend to elected Members of the Council except that:-

(i) Duly elected Members of another local authority, entitled by law to be coopted onto a Committee or Sub-Committee of the Council, who are so coopted, shall be entitled to receive all papers and attend all meetings of the relevant Committee or Sub-Committee unless, in the opinion of the Proper Officer, a matter coming before the Committee discloses a conflict of interest between the interests of the Council and the interests of the local authority of which the coopted member is a Member. In that event, the Committee or Sub-Committee may by resolution exclude the coopted member from the meeting and any resolution to accept the recommendation of the Proper Officer and deal with such a matter in exempt session will also exclude the coopted member from the meeting and from access to the reports and minutes.

(ii) Coopted and appointed members shall be entitled to all papers issued to the Committee onto which they have been coopted or appointed and all information relevant to its deliberations and shall remain in the meeting during the discussion of exempt information unless it is otherwise inappropriate by law or under Standing Orders because of a declarable interest.

26. PUBLIC ARRANGEMENTS - PETITIONS

(1) This Standing Order shall apply to all meetings of Council, except the Annual Meeting.

(2) A person being a registered local government elector for the area of the Authority may, at the appointed time during the meeting, present a petition about any matter on which the Council has power to act.

(3) The petition must contain at least ten signatures of persons over the age of sixteen.

(4) Details of each petition to be submitted to Council

should be put in writing and delivered to the Proper Officer no later than 24 hours before the commencement of the meeting of the Council

(5) Only one person may speak to a petition and such speech shall not exceed five minutes, inclusive of the reading of the substance of the petition or other reference to it. At the conclusion of the speech the petition shall stand referred without discussion to the appropriate Cabinet Member or Committee Chairman.

(6) The Petitioner shall be invited by the Proper Officer to attend and speak for up to five minutes at the relevant Committee meeting if a petition has been so referred. Where a petition has been referred to a Cabinet Member then that Member shall invite the Petitioner to speak briefly to their petition.

27. PUBLIC ARRANGEMENTS - QUESTIONS

(1) This Standing Order applies to all meetings of Council, except the Annual Meeting and all Committees except Development Control Committees, Boards of the Licensing Committee and HIC Board.

(2)(i) A registered local government elector for the area of the authority may at the appointed time during a meeting ask a relevant question about any matter on which the Council, the executive or a committee has power to act.

(ii) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation. Related questions will be treated as one question; asked together and answered as one question.

(3)(i) A question may only be asked if notice has been given by sending the question in writing or by electronic mail to the Head of Legal and Governance:-

(a) at least 48 hours before the commencement of the meeting.

(ii) Each question must give the name and address of the questioner.

(iii) Each question will be entered in a book kept for that purpose in order of receipt.

(4)(i) The proper officer may reject a question if:-

- (a) it is not about a matter for which the local authority has a responsibility or which affects the borough; or
 - (b) it is defamatory, frivolous or offensive; or
 - (c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (d) it requires the disclosure of confidential or exempt information.
- (ii) The question will be dealt with at the relevant committee, or Council meeting. Questions to the Cabinet will be dealt with at Council meetings
- (5)(i) Questions received will be tabled at the relevant meeting. Each question shall be read out or referred to at the meeting only by the person signing it.
- (ii) At Council it shall be directed by the Mayor to the Chair of the Committee or the Cabinet Member. At Committee it will be answered by the Chair. The relevant Member may answer verbally and may undertake to provide a prompt fuller written reply.
- (6) All questions shall be put and answered without discussion.
- (7) Public question time shall be limited so that no further question shall be put after 15 minutes from the commencement of the first question, notwithstanding that not all questions may be able to be dealt with at the meeting. Any questions remaining shall be answered in writing by the appropriate Chair or Cabinet Member as will any questions not put, because of the non attendance of the questioner, or not answered, because of non attendance of the Member.
- (8) If a matter has been dealt with by the relevant Committee or by Council then a similar question will not be permitted at a subsequent meeting of either the Committee or Council until a period of six months has elapsed.
- (9) Any background paper(s) or briefing note(s) relied upon by the Member in responding to a public question shall, upon request, be provided to the Questioner.

28. DISCLOSABLE PECUNIARY INTERESTS AND DISPENSATIONS

- (1) Any Member or Co-opted Member with a disclosable

pecuniary interest in any matter to be considered, or being considered at a meeting must declare that they have a disclosable pecuniary interest in the matter.

(2) If the interest is not entered in the Authority's register the Member or Co-opted Member must disclose the nature of the interest to the meeting and notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

(3) Subject to paragraph 28(6) below the Member or Co-opted Member may not:-

- (a) Participate, or participate further, in any discussion of the matter at the meeting, or
- (b) Participate in any vote, or further vote, taken on the matter at the meeting.

(4) Subject to paragraph 28(6) below the Member or Co-opted Member with a disclosable pecuniary interest, whether a member of the Committee or not, shall leave the meeting during any discussion, or further consideration or voting on the matter in which they have a disclosable interest.

(5) If the nature of the interest is such that the Member or Co-opted Member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead the Member or Co-opted Member, or a person connected with the Member or Co-opted Member, being subject to violence or intimidation the declaration of the existence of an interest rather than its nature shall be declared.

(6) Either the responsible Committee or the Monitoring Officer acting under delegated powers may grant a dispensation, on receipt of a written request, relieving the Member or Co-opted Member from either or both of the restrictions set out in paragraph 28(3)(a) or (b) above in cases described in the dispensation.

(7) Dispensations may be granted by the responsible Committee in all the circumstances described in paragraphs (a) to (e) below and by the Monitoring Officer or Deputy Monitoring Officer in absence in respect of paragraphs (a) (b) and (d) if it/they:-

- (a) Consider that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as

to impede the transaction of the business.

- (b) Consider that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- (c) Consider that granting the dispensation is in the interests of persons living in the Authority's area.
- (d) Consider that without the dispensation each member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the Authority's Executive, or
- (e) Consider that it is otherwise appropriate to grant a dispensation.

(8) A dispensation under this Standing Order must specify the period for which it has effect and the period specified may not exceed four years.