

## **APPENDIX 5**

### **STANDING ORDERS RELATING TO CONDUCT OF COUNCIL BUSINESS**

#### Standing Order

1. Meetings of the Council
2. Matters for the Annual Council
3. Selection of Councillors on Committees and Outside Bodies
4. Quorum
5. Order of Business
6. Notices of Motion or Proposals
7. Motions and Amendments which may be Moved without Notice
8. Questions
9. Call In
10. Minutes
11. Rules of Debate for Council Meetings
12. Motions Affecting Persons Employed by the Council
13. Disorderly Conduct
14. Disturbance by Members of the Public
15. Revocation of Preceding Resolutions, Motions Proposals or Amendments
16. Voting
17. Calling Extraordinary Meetings
18. Voting on Appointments
19. Absence from Meetings

20. Interest of Members in Contracts and other matters
21. Interest of Officers in Contracts
22. Canvassing of and Recommendations by Members & Officers
23. Relatives of Members or Officers
24. Staff Establishment and Filling of Vacancies
25. Custody of Seal
26. Sealing of Documents
27. Authentication of Documents for Legal Proceedings
28. Inspection of Documents
29. Inspection of Lands, Premises, etc.
30. Appointment of Forums and Panels, Boards and Committees
31. Constitution of Forums and Panels, Boards and Committees
32. Appointment of Chair/Vice- Chair of Forums and Panels, Boards and Committees
33. Executive Board
34. Policy and Performance Boards
35. Special Meetings of Forums and Panels, Boards and Committees
36. Resolution/Items Relating to Business
37. Quorum of Forums and Panels, Boards and Committees
38. Voting in Forums and Panels, Boards and Committees
39. Standing Orders in Relation to Forums and Panels, Boards and Committees.
40. Mover of Motion or Proposal may attend Panel, Board or Committee

41. Matters Delegated to Forums and Panels, Boards and Committees
42. Financial Administration
43. Variation and Revocation of Standing Orders
44. Suspension of Standing Orders
45. Standing Orders to be given to Members
46. Interpretation of Standing Orders
47. Co-opted Members
48. Smoking
49. Frequency of Meetings
50. Length of Meetings

## STANDING ORDERS

### 1. Meetings of the Council

#### Annual Meeting

The annual meeting of the Council and other meetings of the Council shall be held at such places, on such dates and at such times as may be fixed by the Council.

NOTE: The Local Government Act 1972 Schedule 12 Part 1 provides

- (1) That the annual meeting of a principal Council shall be held -
  - (a) in a year of ordinary elections of Councillors, the annual meeting will take place between eight and twenty-one days immediately following the day of retirement of the outgoing Councillors.
  - (b) in any other year on such day in the month of March, April or May as the Council may fix.

### 2. Matters for the Annual Meeting

The annual meeting will:

- (1) elect a person to preside if the Mayor is not present;
- (2) elect the Mayor and Deputy Mayor for the ensuing year;
- (3) approve the minutes of the last meeting;
- (4) receive any announcements from the Mayor and/or head of the paid service;
- (5) elect the Leader;
- (6) agree the number of Members to be appointed by the Leader to the Executive Board
- (7) appoint the 6 Policy and Performance Boards and such other committees as the Council considers appropriate;
- (8) agree the scheme of delegation (or such part of it the constitution determines it is for the Council to agree); and
- (9) consider any business set out in the notice convening the meeting.

### 3. Selection of Councillors on Boards, Committees and Outside Bodies

At the annual meeting, the Council meeting will

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference of those committees;
- (iii) decide the allocation of seats (and substitutes) to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee; and
- (v) appoint to those committees.

The Council will receive nominations of Councillors to serve on outside bodies, and appoint to those outside bodies, annually (not necessarily at the Annual Meeting).

### 4. Quorum

If during any meeting of the Council the Mayor, after counting the number of Members present declares that there is not a quorum present, the meeting shall stand adjourned.

The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if s/he does not fix a time, to the next ordinary meeting of the Council.

(NOTE: The quorum prescribed by the Local Government Act, 1972, is normally one quarter of the whole number of Members of the Council and will be 14 for the Halton Borough Council).

### 5. Order of Business

- (1) Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every meeting of the Council shall be:-
  - (a) To choose a person to preside if the Mayor and Deputy Mayor be absent. Any person elected to chair a Council meeting shall have the same powers as the Mayor in conducting the meeting.
  - (b) To deal with any business required by statute to be done before any other business.
  - (c) To approve as a correct record and sign the minutes of the last meeting and any other outstanding meetings of the Council, provided that, if a copy has been circulated to each Member of the Council not later than the date of issue of the summons to attend the meeting, they shall be taken as read.

- (d) To deal with any business expressly required by statute to be done.
  - (e) Mayor's announcements.
  - (f) To dispose of business (if any) remaining from the last meeting.
  - (g) Leader's Report
  - (h) To consider the minutes of the Executive Board.
  - (i) To deal with any questions of the Executive Board in accordance with standing order 8.
  - (j) To receive reports about and receive questions and answers on the business of joint arrangements and external organisations.
  - (k) To deal with any matters requiring a decision by Council (including call-in matters)
  - (l) To deal with issues referred by Policy and Performance Boards and Committees in their Minutes
  - (m) To deal with any motions or proposals from individual Members in accordance with Standing Order 6. The motions or proposals to be dealt with in the order in which they have been received.
- (2) Business falling under items (a) (b) or (c) of paragraph 1, shall not be displaced but subject thereto the foregoing order of business may be varied.
- (a) by the Mayor at his direction (exercised either at or prior to the meeting)
  - (b) 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.

(NOTE: Section 4(1) of the Local Government Act, 1972 provides that the election of the Mayor shall be the first business transacted at the annual meeting of a principal Council).

## 6. Notices of motion or proposal

(1) Notice of every motion or proposal, other than a motion which under Standing Order 7 may be moved without notice, shall be given in writing signed by the Mover and Secunder of the Motion giving the notice and delivered, at least seven clear working days before the next meeting of the Council, at the office of the Chief Executive. The Chief Executive shall date and number the notices in the order which they are received and enter them into a register, which shall be open to inspection by every Member of the Council.

#### Motions or proposals to be set out in summons

(2) The Chief Executive shall set out in the summons for every meeting of the Council all motions and proposals of which notice has been duly given in the order in which they have been received, unless the Member giving such notice intimated in writing, when giving it, that he proposed to move it at some later meeting, or has since withdrawn it in writing.

#### Motion or proposal not moved

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

#### Automatic reference to Panel, Board or Committee

(4) If the subject matter of any motion of which notice has been duly given comes within the province of any Panel, Board or Committee or Committees it shall, without introductory speeches by the mover or seconder upon being moved and seconded, stand referred without discussion to such Panel, Board or Committee or Committees, or to such other Panel, Board or Committee or Committees as the Council may determine, for consideration and report.

Provided that the Mayor may, if s/he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

#### Scope of Motions

(5) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.

#### 7. 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) Referral to a Panel, Board or Committee.
- (5) Appointment of a Panel, Board or Committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.

- (6) Adoption of reports and recommendations of Forums and Panels, Boards, Committees or Officers and any consequent resolutions.
- (7) That leave be given to withdraw a motion.
- (8) Amendments to motions.
- (9) That the Council proceeds to the next business.
- (10) That the question be now put.
- (11) That the debate be now adjourned.
- (12) That the Council do now adjourn.
- (13) Suspending Standing Orders, in accordance with Standing Order No. 45.
- (14) Motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.
- (15) That a Member named under Standing Order 13 be not further heard or do leave the meeting.
- (16) Inviting a Member to remain under Standing Order 20 (Disclosable Pecuniary Interest or Disclosable Other Interest).
- (17) Giving consent of the Council where the consent of the Council is required by these Standing Orders.

## 8. Questions

- (1) If a Member of the Council wishes to ask a question at the meeting of the Council on the business of a particular panel, board or Committee which is not covered in any minutes or agenda before the Council meeting s/he shall give notice in writing to the Chief Executive by 4 p.m. on the day preceding the Council meeting.
- (2) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
- (3) An answer may take the form of:-
  - (a) a direct oral answer; or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or

- (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.
- (4) Questions on the discharge of the functions of the Police and Crime Commissioner may be asked by Members of the Council at a meeting of the Council. Notice of every question must be submitted in writing signed by the Member and delivered at least seven working days before the next meeting of the Council, to the Chief Executive.
- (5) Questions submitted under (4) above shall be put and answered without discussion. Any answer may take the form of:-
  - (a) a direct oral answer; or
  - (b) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council.

## 9. Call in

Any matter decided by the Executive Board may be called in not later than 5 working days after the publication of the Minutes of the Executive Board which decided the matter. At least ten Members of the Council or five Members of the relevant Policy and Performance Board with responsibility for the matter decided by the Executive Board must apply in writing to the Chief Executive on the requisite form for the matter to be called in. Any matter called in must be considered at the next meeting of the Council which will have power to affirm or reject the decision. If rejected, the Council may refer the decision back to the Executive Board for further consideration. The call-in procedure can only be used once in relation to any particular decision. Once the procedure has been used and a decision confirmed or rejected by the Council, the decision cannot be re-considered.

Once a call-in application is made it cannot be withdrawn after the expiry of the call-in period, namely, after five working days following the publication of the Minutes of the Executive Board which decided the matter, unless the notice of withdrawal is signed by the same people who signed the call-in notice. Prior to the expiry of the 5 working day period, a signature to a call-in application can be withdrawn at any time. Any notice of withdrawal will only take effect if it is in writing to the Chief Executive. If a signature is withdrawn prior to the expiry of the 5 working day period, the proposer will be advised and will need to obtain an alternative signature and notify the Chief Executive within the five day period.

The call- in procedure only applies to the Executive Board.

Decisions requiring immediate action and so specified in the minutes of the Executive Board are excluded from 'call-in'.

## Procedure when a Call-in is received

- (1) Notification of call-in received on the requisite form.
- (2) The Chief Executive will confirm that the call-in is valid (i.e. is correctly signed by the required number of signatories, is a decision made by the Executive Board and was not excluded from the call-in procedure on the grounds of urgency).
- (3) Call-in item included on the next Council Summons; the following details will be included:
  - the name of the proposer;
  - the name of the seconder; and
  - the reason for call-in.
- (4) Call-in item is considered by Council as detailed in the 'Rules for Debate for Call-in'. Council can either affirm or reject the original resolution or can send it back for re-consideration by the original decision-making body (i.e. Executive Board).
- (5) Decision of Council is implemented.

## Rules of Debate for Call-in

- (1) A call-in shall not be discussed unless it has been proposed and seconded.
- (2) The Proposer shall have a maximum of five minutes to address Members to explain his reasons for the call-in.
- (3) A Member, when seconding the call-in may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (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 to a point of order or in personal explanation.
- (5) A Member shall direct his speech to the call-in under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Council, which shall be signified without discussion.
- (6) The Chair of the relevant decision making body or the relevant Portfolio which is the subject of the call-in, has the right to speak on the matter for a maximum of five minutes.

- (7) Finally, the Proposer of the call-in shall have a right to reply to a maximum of five minutes.

## 10. Minutes

- (1) The Mayor shall put the question that the minutes of the meeting of the Council held on the day be approved as a correct record.
- (2) No discussion shall take place upon the minutes, except upon their accuracy, 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 Mayor shall sign the minutes.
- (3) Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (Extraordinary Meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (Signing of Minutes) of that Schedule.

## 11. Rules of Debate for Council Meetings

- (1) Motions, Proposals and Amendments

A motion, proposal or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 6 it shall, if required by the Mayor, be put in writing and handed to the Mayor before it is further discussed or put to the meeting.

- (2) Seconders' Speech

A Member when seconding a motion or amendment may, if s/he then declare his/her intention to do so, reserve his/her speech until a later period of the debate.

- (3) Only One Member to Stand at a Time

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 to a point of order or in personal explanation.

- (4) Content and Length of Speeches

A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. Except in the case of a mover of a motion, when moving the motion, or when the Leader of the Council addresses the Council or makes statements to the Council on important and policy matters,

no speech shall exceed five minutes except by consent of the Council, which shall be signified without discussion.

(5) When a Member may Speak Again

A Member who has spoken on any motion shall not speak again whilst it is the subject of a 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 (11) or (13) of this Standing Order;
- (e) on a point of order;
- (f) by way of personal explanation.

(6) Amendments to Motions

An amendment shall be relevant to the motion and shall be -

- (a) to refer a subject of debate to a Panel, Board or Committee for consideration or reconsideration; and/or
- (b) to leave out words; and/or
- (c) to leave out words and insert or add others; and/or
- (d) to insert or add words

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

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

(8) 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

(9) A Member may, with the consent of the Council signified without discussion -

- (a) alter a motion of which s/he has given notice; or
- (b) with the further consent of his/her seconder alter a motion which s/he has moved.

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

## (10) Withdrawal of Motion

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

## (11) Right of Reply

The mover of a motion has a right to 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 a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

## (12) Motions which may be Moved during Debate

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

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) that a Member be not further heard;
- (g) by the Mayor under SO13(2) that a Member do leave the meeting.
- (h) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public and the press.

### (13) Closure Motions

A Member may move without comment at the conclusion of a speech of another Member. 'That the Council proceeds to the next business', 'That the question be now put', 'That the debate be now adjourned' or 'That the Council do now adjourn', on the seconding of which the Mayor shall proceed as follows-

- (a) on a motion to proceed to next business; unless in his/her opinion the matter before the meeting has been insufficiently discussed, s/he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business.
- (b) on a motion that the question be now put; unless in his/her opinion the matter before the meeting has been insufficiently discussed, s/he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his/her right of reply under paragraph 11 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 his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion s/he shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

### (14) Points of Order

A Member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken. 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.

(15) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion

(16) Respect for the Chair

Whenever the Mayor rises during a debate a Member then standing shall resume his/her seat and the Council shall be silent.

## 12. Motions Affecting Persons Employed by the Council

If any question arises at a meeting of the Council or of a Committee thereof to which Section 100A(4) of the Local Government Act 1972 applies as to the appointment, promotion, dismissal, salary, superannuation or conditions 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 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.

13. Disorderly Conduct

(1) If at a meeting any Member of the Council, in the opinion of the Mayor notified to the Council, misconduct himself/herself by persistently disregarding the ruling of the Chair 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 named be not further heard', and the motion if seconded shall be put and determined without discussion.

(2) Continuing Misconduct by a Named Member

If the Member named continues his/her 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 s/he in his/her discretion shall consider expedient.

(3) General Disturbance

In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power rested in him/her may without question put, adjourn the meeting of the Council for such period as s/he in his/her discretion shall consider expedient.

14. Disturbance by Members of the Public

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

15. Revocation of Preceding Resolutions, Motions, Proposals or Amendments

(1) No motion to revoke any resolution passed within the preceding six months shall be proposed unless the notice thereof, given in pursuance of Standing Order 6, bears the names of at least five Members of the Council.

(2) The above Standing Order 15 (1) also applies to any motion or amendment to the same effect as one which has been rejected within the preceding six months.

(3) When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.

This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Panel, Board or Committee as to decisions taken by a Panel, Board or Committee in the ordinary course of their business.

## 16. Voting

(1) The Mayor shall in the first instance take the votes by asking those Members of the Council in favour of a motion or amendment to say 'aye' and those to the contrary to say 'no' the Mayor stating afterwards whether the 'ayes' or the 'noes' in his/her opinion are in the majority, and in cases where the Mayor's decision is not challenged the same shall be final, but in all cases where the Mayor's decision is challenged then the votes shall be taken in one of the following ways:-

(a) by show of hands; or

(b) on the requisition of any nine Members of the Council made before the vote is taken the voting shall be by roll call and shall be recorded so as to show how each Member present and voting, gave his/her vote. The name of any Member present and not voting shall also be recorded.

(2) Where immediately after a vote is taken at a meeting of the Council any Member of the Council so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether s/he abstained from voting.

(3) In the case of decisions on the Budget, setting Council Tax or issuing Precepts, there shall be a recorded vote in any event. Voting shall be by roll call and shall be recorded to show how each Member present and voting gave his/her vote. The name of any Member present and not voting shall also be recorded.\*

\*As required by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

## 17. Calling Extraordinary Meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

1. the Council by resolution
2. the Mayor
3. the Monitoring Officer

4. any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

18. Voting on Appointments

Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a 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. In the case of an equality of votes for two or more candidates the Mayor shall have a second or casting vote.

19. Absence from Meetings

In the event of any Member being prevented from attendance at any meeting of the Council or at any meetings of any Board, Panel or Committee by reason of his engagement on business of the Council elsewhere, and who shall notify in writing the fact thereof to the Chief Executive, his/her explanation of non-attendance shall be recorded and his/her attendances regarded as unaffected by his absence.

20. Interest of Members in Contracts and Other Matters

If any Member of the Council has a Disclosable Pecuniary Interest or a Disclosable Other Interest they shall comply with the Members' Code of Conduct set out in Chapter 5 of the Council's Constitution.

21. Interest of Officers in Contracts

The Chief Executive shall record in a book to be kept for the purpose particulars of any notice given by an Officer of the Council under the Local Government Act, 2000, of an interest in a contract and the book shall be open during office hours to the inspection of any Member of the Council.

22. Canvassing of and Recommendations by Members and Officers

(1) Canvassing of Members and Officers of the Council or any Panel, Board or Committee of the Council directly or indirectly for any appointment with the Council shall disqualify the candidates concerned for that appointment.

Attention shall be drawn to this Standing Order 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.

23. Relatives of Members or Officers

(1) A candidate for any appointment with the Council who knows that s/he is related to any Member or employee of the Council, shall when making application or being considered, disclose that relationship to the Chief Executive.

A candidate who fails to disclose such relationship shall be disqualified for the appointment and if appointed, shall be liable to dismissal without notice.

Every Member and employee of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/herself and any person whom s/he knows is a candidate for any appointment under the Council.

(2) Attention shall be drawn to this Standing Order in any form of application.

(3) For the purpose of this Standing Order, a relative shall be deemed to mean that such persons are related if they are husband and wife or co-habitee if either of them or the spouse, or co-habitee of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse or co-habitee of the other.

24. Staff Establishment and Filling of Vacancies

(1) All vacancies unless they are to be filled by promotion or transfer, shall be publicly advertised except where the Director (Legal and Democratic Services) in consultation with the Executive Board Member for Resources otherwise determines.

Provided that where, within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs in an office in the appointment of the Council, an appointment may be made of one of the former applicants.

(2) A vacancy to be filled in an office of Senior Officer, which is not to be filled by promotion or transfer shall be advertised in one or more newspapers or journals circulating primarily among persons who may be expected to possess the necessary qualifications for the office.

The procedures governing appointments and disciplinary action contained within Local Authorities (Standing Orders) (England) Regulations 2001 are incorporated into this Standing Order.

25. Custody of Seal

The Common Seal of the Council shall be kept in a safe place in the custody of the Director (Legal and Democratic Services).

26. Sealing of Documents

(1) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of the Executive Board but a resolution of the Council or Executive Board authorising the acceptance of any tender, purchase, sale, letting or taking of any property, issue of any stock, presentation of any petition, memorial or address, making of any rate or contract, or any other matter or thing shall be a sufficient authority for sealing any documents necessary to give effect to the resolution.

(2) The Seal shall be attested by the Director (Legal and Democratic Services) or such other person appointed by him/her for the purpose and an entry of the sealing of every document shall be made and consecutively numbered in a book kept for that purpose and shall be signed by the person who shall have attested the Seal.

27. Authentication of Documents for Legal Proceedings

Where any document will be a necessary step in Legal proceedings on behalf of the Council it shall be signed by the Director (Legal and Democratic Services) or such other Officer who may, from time to time, be designated in writing by the Director (Legal and Democratic Services), unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

28. Inspection of Documents

(1) A Member of the Council may, for purposes of his/her duty as such Member but not otherwise, on application to the Chief Executive inspect any document which has been considered by a Panel, Board or Committee or by the Council.

Provided that a Member shall not knowingly inspect any document relating to a matter in which s/he is professionally interested or in which s/he has directly or indirectly any personal and prejudicial interest within the meaning of the Code of Conduct for Members and that this Standing Order shall not preclude the Chief Executive from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

(2) All reports made or minutes kept by any Panel, Board or Committee shall, as soon as the action is concluded on the matter to which such reports or minutes relate, be open for the inspection of any Member of the Council.

(3) The rights referred to in the previous sub-clauses 1(1) and (2) shall be additional to those rights conferred on members by Section 100(F) of the Local Government Act 1972.

29. Inspection of Lands, Premises, Etc.

Unless specifically authorised to do so by the Council, Panel, Board or 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 have the power or duty to inspect or enter.

30. Appointment of Forums and Panels, Boards and Committees

(1) The Council shall at the annual meeting appoint such Forums and Panels, Boards and Committees as they are required to appoint by or under any statute or under Standing Order No. 31 and may at any time appoint such other Forums and Panels, Boards or Committees as are necessary to carry out the work of the Council but, subject to any statutory provision-

- (i) shall not appoint any Member to a Panel, Board or Committee so as to hold office later than the next annual meeting of the Council.
- (ii) may at any time dissolve a Panel, Board or Committee or alter its membership.

(2) The Executive Board acting as the Council Selection Committee, shall report to the annual meeting of the Council as to the formation and duties of the Forums and Panels, Boards and Committees for the ensuing year, and as to whether or not any amendments or alterations are desirable or necessary in the Standing Orders of the Council.

(3) Upon a vacancy occurring in any Panel, Board or Committee of the Council, such vacancy shall be reported to the Council by the Executive Board together with a recommendation by the Executive Board as to the name of the Member proposed to fill the vacancy.

(4) The Leader of each of the political parties may, at any time, give notice in writing to the Chief Executive to change their representation on any Panel Board or Committee of the Council, specifying the date on which the change is to be effected which shall not be earlier than six clear working days after the day on which the notice is given. Every change shall be reported to the next meeting of the Council for information.

(5) The Council shall, as necessary, appoint one of its Members as Leader of the Council, subject to the terms of office as referred to in Article 7 of this Constitution, and shall appoint one of its Members as Deputy Leader for the Municipal Year. The appointments shall be subject to a recommendation from the Executive Board acting as Selection Committee.

31. Constitution of Forums and Panels, Boards and Committees

(1) The following Forums and Panels, Boards and Committees shall be the Standing Committees of the Council:-

	<u>Membership</u>
Council	56 (quorum 14)
Executive Board	10 (quorum 5)
Health and Wellbeing Board	25 (see note)
Schools Forum	(See note) (quorum 40%)
Development Management Committee	11 (quorum 5)
Appeals Panel	Drawn from Corporate PPB Composition 3 (quorum 2 or such number statutorily required)
Corporate and Inclusion Policy and Performance Board	11 (quorum 5)
Health and Social Care Policy and Performance Board	11 (quorum 5)
Local Economy Policy and Performance Board	11 (quorum 5)
Children, Young People and Families Policy and Performance Board	11 (quorum 5)
Housing and Safer Policy and Performance Board	11 (quorum 5)
Environment and Regeneration Policy and Performance Board	11 (quorum 5)
Audit and Governance Board	*11 (quorum 5)
Appointments Committee	6 (quorum 3)
Mayoral Committee	5 (quorum 3)
Regulatory Committee	11 (quorum 5)
Regulatory Sub-Committees	3 (quorum 2)
Taxi Licensing Sub-Committee	3 (quorum 2)
Independent Persons Panel	3 (quorum 2) (See note)

**Note:**

**Health and Wellbeing Board** – the meeting shall be quorate provided at least 50% of all members are present. This should include the Chair or Vice Chair and at least one Officer of the PCT and one Officer of the Local Authority. Where a Board is not quorate, business may proceed but decisions will need to be ratified.

**Schools Forum** – must have Schools Members, Academy Members and Non-Schools Members; Schools and Academy Members together must number at least two-thirds of the total membership of the Schools Forum and the balance between Primary, Secondary and Academies Members must be broadly proportionate to the pupil numbers in each category. The meeting shall be

quorate provided at least 40% of the total current membership is present. Where a Forum is not quorate, the meeting can respond to authority consultation and give views to the authority.

**Independent Persons Panel** – comprises two of the Independent Persons appointed under Section 28(7) of the Localism Act 2011 (to advise on Member conduct allegations) by the Council. If there are fewer than two such persons, independent persons appointed by another authority may be appointed. The Panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:-

- (a) An Independent Person who has been appointed by the authority and who is a local government elector in the Council's area;
- (b) Any other Independent Person who has been appointed by the authority;
- (c) An Independent Person who has been appointed by another authority or authorities.

(\*NB Membership may include up to two Executive Board Members).

32. Appointment of Chair/Vice-Chair of Forums and Panels, Boards and Committees.

The Executive Board, acting as the Council's Selection Committee, shall appoint the Chair and Vice-Chair of Forums and Panels, Boards or Committees for the ensuing year and report thereon to the Annual Meeting of the Council.

33. Executive Board

Executive Board Members cannot serve on Policy and Performance Boards. Subject to the Members' Code of Conduct they may attend Policy and Performance Board meetings and have the right to speak but they may not vote. Executive Board Members can only be removed by Council upon a vote of the Council. The decision will be by a two thirds majority of those present at the Council meeting.

34. Policy and Performance Boards shall have the power:

- (1) To request individual Executive Board Members to attend Board meetings or answer questions and to explain proposals or action falling within the remit of their portfolios. Any such request for attendance will be notified to the appropriate Executive Board Member/s and a date agreed for attendance with the relevant Chair of the Policy and Performance Board. The relevant Council Officer shall initially clarify the reason for the attendance request and provide any further clarification to the Executive Board Member.
- (2) To request papers and/or attendance of council officers at board meetings subject to any statutory requirements and the provisions of the Council's Access to Information protocol. The relevant Director will decide which if

any other officers other than him/herself will attend. Any request for papers will have due regard to the Access to Information protocol.

- (3) The Policy and Performance Boards may invite other persons to attend meetings.
- (4) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive Board.
- (5) To make reports or recommendations to the authority or the Executive Board with respect to the discharge of any functions which are the responsibility of the Executive Board.
- (6) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive Board.
- (7) To make reports or recommendations to the authority or the Executive Board with respect to the discharge of any functions which are not the responsibility of the Executive Board.
- (8) To make reports or recommendations to the authority or the Executive Board on matters which affect the authority's area or the inhabitants of that area.

These powers include, in respect of a decision made but not implemented, the power to recommend that the decision be reconsidered by the person who made it.

Minority parties are entitled to specify a total of 3 items which should be included in the annual programme of Performance Reviews drawn up by each Policy and Performance Board.

(9) Public Question Time

- (i) A total of 30 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Policy and Performance Boards.
- (ii) Members of the public can ask questions on any matter relating to the agenda.
- (iii) Members of the public can ask questions. Written notice of questions must be given by 4.00 pm on the working day prior to the date of the meeting to the Principal Committee Services Officer. At any one meeting no person/organisation may submit more than one question.
- (iv) One supplementary question (relating to the original question) may be asked by the questioner which may or may not be answered at the meeting.

(v) The chair or proper officer may reject a question if it:-

- Is not about a matter for which the local authority has a responsibility or which affects the Borough;
- Is defamatory, frivolous, offensive, abusive or racist;
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information.

(vi) In the interests of natural justice, public questions cannot relate to a planning or licensing application or to any matter which is not dealt with in the public part of a meeting.

(vii) The Chairperson will ask for people to indicate that they wish to ask a question.

(viii) **PLEASE NOTE** that the maximum amount of time each questioner will be allowed is 3 minutes.

(ix) If you do not receive a response at the meeting, a Council Officer will ask for your name and address and make sure that you receive a written response.

Please bear in mind that public question time lasts for a maximum of 30 minutes. To help in making the most of this opportunity to speak:-

- Please keep your questions as concise as possible.
- Please do not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.
- Please note public question time is not intended for debate – issues raised will be responded to either at the meeting or in writing at a later date.

(N.B. Public Speaking on Planning applications has also been introduced for all Development Management Committee meetings – See Appendix 6).

### 35. Special Meetings of Forums and Panels, Boards and Committees

The Chair of a Panel, Board or Committee may call a special meeting at any time. A special meeting shall also be called on the requisition of at least five members of the Panel, Board or Committee, delivered in writing to the Chief Executive. The summons to the special meeting shall set out the business to be considered thereat.

### 36. Resolution/Items Relating to Business

No resolutions or items relating to business other than that set out in the summons shall be taken at a meeting of the Executive Board, Policy and Performance Board Committee or Panel unless the consent of the Chair has been obtained for an item to be considered at that meeting because of its urgent nature and the reasons for urgency shall be set out in the Minutes of the meeting.

37. Quorum of Forums and Panels, Board and Committees

(1) Business shall not be transacted at any Panel, Board or Committee unless the quorum shown in Standing Order 31 is present.

(2) If on any occasion a quorum as required under sub-paragraph (1) hereof is not present after fifteen minutes from the time appointed for the commencement of the business of a summoned Panel, Board or Committee, no meeting of the Panel, Board or Committee concerned shall then be held.

38. Voting in Forums and Panels, Boards and Committees

Voting at a meeting of a Panel, Board or Committee shall be by show of hands.

39. Standing Orders in Relation to Forums and Panels, Boards or Committees

Standing Orders 16(2) and 20 shall, with any necessary modification, apply to Panel, Board or Committee meetings, save that paragraph 16(2) shall not apply to the Regulatory Committee.

In all other cases, unless the context suggests otherwise, Standing Orders shall not apply to Panel, Board or Committee meetings, unless the Chair of the Panel, Board or Committee concerned rules that it is convenient and conducive to the dispatch of business that the Council's Standing Orders shall apply.

40. Mover of Motion or proposal may Attend Panel, Board or Committee

A Member of the Council who has moved a motion or proposal which has been referred to any Panel, Board or Committee shall have notice of the meeting of the Panel, Board or Committee at which it is proposed to consider the motion. S/he shall have the right to attend the meeting and if s/he attends shall have an opportunity of explaining the motion.

41. Matters Delegated to Forums and Panels, Boards or Committees

Any matter delegated to a Panel, Board or Committee which, in the opinion of three Members of that Panel, Board or Committee involves a change in policy of the Council, or is otherwise of sufficient importance shall, upon a ruling by the Chair to that effect, be excluded from the powers of delegation and be the subject of a recommendation to the Executive Board.

42. Financial Administration

Every Panel, Board or Committee and Officer of the Council shall conform with the financial arrangements made by the Council under the provisions of Section 151 of the Local Government Act, 1972.

43. Variation and Revocation of Standing Orders

Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and shall be the subject of a report by the Executive Board to the Council.

44. Suspension of Standing Orders

(1) Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders 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 (i.e. under Standing Order No. 7) unless there shall be present at least one-half of the whole number of the Members of the Council.

45. Standing Orders to be Given to Members

A printed copy of these Standing Orders shall be given to each Member of the Council by the Chief Executive upon delivery to him/her of the Members' declaration of acceptance of office on the Member being first elected to Council.

46. Interpretation of Standing Orders

The ruling of the Mayor as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

47. Co-opted Members

(1) Co-opted Members of Boards, Forums and Panels or Committees (whether or not Members of the Council) shall not count towards the quorum of the relevant Panel, Board or Committees.

(2) Co-opted Members on Policy and Performance Boards shall not have voting rights except as required by statute.

(3) The voting rights of co-opted Members to Forums and Panels, Boards and Committees other than Policy and Performance Boards shall be determined by the Council.

(4) The seats on the Panel, Board or Committees of the Council which are allocated to co-opted Members shall not count towards the calculations for political balance unless they carry voting rights and are allocated to a political group.

(5) Co-optees shall be nominated by the relevant Policy and Performance Board and their appointment subject to approval by the Executive Board and Full Council. On the appointment of each co-optee the length of service of each co-optee shall be specified and may only be extended with Council approval.

(6) Co-opted members shall not have the power to exercise the right of "call in" in accordance with SO 9.

48. Smoking

Smoking is prohibited during all Council, Panel, Board or Committee meetings.

49. Frequency of meetings

(a) Subject to SO 35, and insofar as the calendar practically allows, the frequency of meetings of Council, Forums and Panels, Boards and Committees is as follows:

(1) Council	5 times per year (and/or as required)
(2) Executive Board	at least 10 times per year
(3) Policy and Performance Boards	Four times per year
(4) Audit and Governance Board	Four times per year
(5) Development Management Committee	Monthly
(6) Appeals Panel	as required
(7) Appointments Committee	as required
(8) Mayoral Committee	as required
(9) Regulatory Committee	Five times per year (and/or as required)
(10) Schools Forum	Four times per year (and/or as required)
(11) Health and Wellbeing Board	Four times per year

(b) This Standing Order is without prejudice to the right of the Chair of all Panel, Board or Committee meetings to dispense with or set different dates for any scheduled meetings prior to the issue of the summons relating to such meetings.

50. Length of Meetings

All meetings of Policy and Performance Boards will not continue beyond 9.00 p.m.