CONSTITUTION OF THE BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

Part 4

STANDING ORDERS

RULES OF PROCEDURE FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

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STANDING ORDERS

PROCEDURAL RULES

FOR THE CONDUCT OF THE COUNCIL'S BUSINESS

STANDING ORDER: DEFINITIONS

1. The Interpretation Act, 1978 shall apply to the interpretation of these standing orders as it applies to the interpretation of an Act of Parliament.

2. In these Standing Orders, unless the context otherwise demands, the following terms have the meaning assigned to them:

"Access Regulations" means the Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012

"Appropriate Executive Member" means one or more Executive Member(s) acting under powers delegated to them or who appear(s) most nearly to have responsibility for the services or policy areas to which the matter in hand relates.

"Cabinet" means the Leader of the Council and members of the Council appointed by the Leader to be its Executive under Section 9c of the 2000 Act and, except where the context otherwise admits, includes:

(i) any Committee of the Cabinet; and
(ii) the appropriate Portfolio Holder

"Call in period" means the period of five clear working days after the day that the Record of Decisions of the Executive or of an Executive Member is sent to Members of the Council within which a Member can ask for a decision of the Executive or the Executive Member to be reviewed in accordance with Standing Order 12.

"Chair" means the Member appointed as chair of a Council Body or in their absence the Vice-Chair.

"Chief Executive" means the Chief Executive or any officer authorised by the Chief Executive to act in their capacity in relation these Standing Orders.

"Chief Finance Officer" means the officer responsible for the proper administration of the Council's financial affairs under Section 151 of the 1972 Act.

"Chief Officer" means:

(a) For the purpose of Part 5 of the Standing Orders (Appointment and Discipline of Staff):

(i) The Chief Executive
(ii) The Head of Paid Service
(iii) The Chief Finance Officer
(iv) The Monitoring Officer

(v) A statutory chief officer and a non statutory chief officer as mentioned in Section 2 of the 1989 Act.

Any reference to the appointment or purported appointment of a Chief Officer includes a reference to the engagement or purported engagement of an officer under a contract of employment; and

(b) In any other case, a statutory on non-statutory Chief Officer as mentioned in Section 2 of the 1989 Act.

“Constitution” means the Council’s constitution adopted under section 9B of the Local Government Act 2000.

“Consultation Procedure” means the procedure by which Chief Officers may consult with one or more specified members before exercising a delegated power or duty, in accordance with the Scheme of delegation.

“Council” means The Borough Council of King's Lynn and West Norfolk and unless the context otherwise states shall apply equally to the Cabinet, any Portfolio members or Committee or Board of the Council.

“Council Body” means a body of the Council whose meetings are subject to public access under the Local Government Act 1972 or the Local Government Act 2000.

“Council Procedure Rules” means the Council Procedure Rules within the Constitution which set out the rules of procedure relating to Full Council.

“Disciplinary Action” means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council be recorded on the officers personal file and includes any proposal for dismissal of an officer for any reason other than early retirement, redundancy or ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

“Employee” means an employee of the authority or a paid officer of the authority.

“Executive Functions” means all of the function and duties of the Council other than those specifically reserved to the Council for approval or specifically delegated to a Committee (whether by resolution of the council or operation of law) or to an Officer.

“Forward Plan” means the plan maintained by the Council under Regulation 9of the Access Regulations, which contains details of key decisions (within the meaning of those Regulations) to be made over the ensuing four months.

“Full Council” means the Council Body made up of all Members of the Council.

“Full Council Meeting” means the meetings of the Full Council as set out in the Council Procedure Rules.

“Head of the Authority’s Paid Service” means the person designated as such under section 4 of the 1989 Act..

“Leader of a Political Group” means the leader of a political group as defined in the Local Government (Committees etc) Regulations 1990.

“Leader of the Council” means the Executive Leader of the Council for the purposes of the Local Government Act 2000 and includes the Deputy Leader, if appointed, where the Leader of the Council is for any reason unable to act.

“Mayor” includes a reference to the Deputy Mayor where for any reason the Mayor is unable to act and, where applicable, to the Person Presiding.

“Meeting” means the meeting of a Council Body

“Member” means in relation to the Council, a member of the Council; and in relation to any Committee or Sub-Committee, a person appointed as a Member of that Committee or Sub Committee, whether or not entitled to vote; but shall not include any person who is a member of the Council only by virtue of Section 3(3) or Section 5(2) of the 1972 Act (Mayor and Deputy Mayor to remain members until replaced).

“Monitoring Officer” means the officer designated under Section 5(1) of the 1989 Act.

“Number of Members” means, in relation to the Council, the number of persons who may act at the time in question as Members of the Council; and in relation to a committee or the executive, the number of persons who may act at the time in question as voting members of that body.

“Openness Regulations” means The Openness of Local Government Bodies Regulations 2014

“Scrutiny and Overview Committee” means a Committee appointed by Council under Section 9F of the 2000 Act

“Person Presiding” means the Mayor or Chair, as the case may be, or other person entitled, or appointed, to take the chair at any meeting,

“Petition” means a formal request to the Council signed by not less than 250 persons relating to a matter within the jurisdiction or sphere of influence of the Council.

“Political Group” means a political group as defined in the Local Government (Committees etc.) Regulations 1990.

“Portfolio Holder” means the Cabinet Member where delegated responsibilities cover the matter under consideration

“Portfolio Holder” means any member of the Cabinet also known as the Executive, including The Leader of the Council.

“Proposer” means the person that moves a motion including its recommendations and including amendments.

“Regulatory Council Body” means Planning Committee, Licensing Committee, Licensing and Appeals Board and hearings/interview of the Appointments Board/Investigation and Disciplinary Panel and Standards Committee.

“Resolution” means decision of a decision-making Council Body

“Seconder” means the person that seconds a motion from a Proposer.

“Standing Orders” these standing orders adopted as part of the Constitution

“Standards Committee” is the Committee appointed by the Council for the purposed of Sections 53 and 54 of the 2000 Act.

“Supervising Chief Officer” means the Chief Officer or any other officer nominated by them in writing who has the responsibility for the performance of a particular Contract.

“The 1972 Act” means the Local Government Act 1972.

“The 1989 Act” means the Local Government and Housing Act 1989.

“The 2000 Act” means the Local Government Act 2000.

“Without Comment” means in relation to the moving, seconding or putting of a motion, without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Person Presiding) the effect of adopting the motion.

3. Where a notice or any other papers are to be sent or otherwise addressed to a Member under these Standing Orders or any enactment, they shall be sent to that Member’s Council email address save where exceptions are agreed by the Chief Executive.

4. For all purposes of these Standing Orders, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

4.1 “open to inspection” shall include for these and all other purposes as being published on the Council’s website; and

4.2 to be published, posted or made available at offices of the Authority shall include publication on the Council’s website.

1 Application of Standing Orders

Extracts from the statutes

Subject to the provisions of the 1972 Act, a local authority may make Standing Orders for the regulation of their proceedings and business and may vary or revoke any such orders.
(Local Government Act 1972, Sch 12, par 42)

Standing Orders may be made as respects any committee of a local authority by that authority or as respects a joint committee of two or more local authorities by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including a sub-committee)
(Local Government Act 1972 s 106)

The Secretary of State may by regulations require relevant authorities subject to such variation as may be authorised by the regulations

(a) to incorporate such provision as may be prescribed in the regulations in Standing Orders for regulating their proceedings and business; and

(b) to make or refrain from making such other modifications of such Standing Orders as may be so prescribed.
(Local Government and Housing Act 1989 s 20 (1)).

1.1 These Standing Orders shall be used to regulate the conduct of any Meeting of a Council Body, plus Informal Working Groups and executive delegated decisions.

1.2 The ruling of the Person Presiding at any meeting as to the construction or application of any of these Standing Orders shall not be challenged at that meeting.

1.3 Where any of these Standing Orders provides for, or requires, the giving of notice in writing to any person, such notice may be given by e-mail.

2 Suspension of Standing Orders

2.1 The ruling of the Person Presiding at any meeting as to the construction or application of any of these Standing Orders shall not be challenged at that meeting.

2.2 Subject to paragraph 2.3 of this Standing Order, Standing Orders other than this one and any Standing Order that is a mandatory statutory requirement may be suspended.

2.3 Standing Orders shall only be suspended in exceptional circumstances if a motion to suspend is moved and supported by a majority of the members who are present at any meeting of the Council or a meeting at which the motion is moved.

2.4 If any motion to suspend any Standing Orders is passed then, unless Council expressly determines otherwise, those Standing Orders shall remain suspended only until the completion of the item of business that immediately follows the motion to suspend.

2.5 The proposer and seconder of any motion to suspend any Standing Orders shall be minuted and the Standards Committee may require them to explain their reasons.

3 Amendment to Standing Orders

3.1 Standing Orders may be amended only by a meeting of the Council after consideration by the Cabinet and to the extent permitted by any Act of Parliament.

4 Meetings of the Council

Extracts from the Statute

A principal council may in every year hold such meetings as they may determine. Those meetings shall be held at such hour and on such days as the council may determine (Local Government Act 1972, sch 12, para 2)

Meetings of a principal council shall be held at such place, either within or without their area as they may direct. (Local Government Act 1972, sch 12, para 4)

A member of the executive…..may not be elected as the Chair or vice-Chair of the Council.
(Local Government Act 1972, ss 3 and 5)

4.1 Meetings of the Full Council shall be conducted in accordance with these Standing Orders and the Council Procedure Rules except to the extent that they are suspended under the procedure that is set out by Standing Order 2.

5 The chairing of meetings

Extracts from Statutes

At a meeting of a principal council the Chair, if present, shall preside.

If the Chair is absent from a meeting of a principal council, then

(a) except in Greater London, the vice-Chair of the council, if present, shall preside…..If,

(b) in the case of a principal council outside Greater London, both the Chair and vice Chair of the council are absent from a meeting of the council;….

Another Member of the Council, chosen by the members of the Council present shall preside.
(Local Government Act 1972, Sch 12, para. 5)

5.1 Any power or duty of the Mayor in relation to the conduct of the meeting may be exercised by the person presiding at the meeting.

5.2 If either or both of the Chair and Vice Chair of a Meeting or a Task Group are absent from a meeting of such a Body, the members of that Body who are present at the meeting shall elect a member to act as Chair and/or a Vice Chair for that meeting before any other business is transacted.

5.3 The Chair and Vice Chair of a Task Group may be appointed by the meeting which established it, in default of which they will be appointed at the first meeting of the Task Group by its members.

6 Quorum

Extracts from the Statute

(Subject to the following provision), no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.
(Local Government Act 1972, Sch 12, para 6)

Where more than one third of the members of a local authority 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 authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority,
(Local Government Act 1972, Sch 12, para 45)

6.1 Any Meeting shall be quorate providing that:

6.1.1 at least one quarter of the total number of Members of the Council Body that is meeting are present; and

6.1.2 in any event, at least three Members of the Council Body that is meeting are present.

6.2 If, during any Meeting, the Chair, after causing the number of Members present to be counted, declares that there is not a quorum present (as defined in Standing Order 6.1 above), the Meeting shall stand adjourned for fifteen minutes.

6.3 If, after the adjournment of a Meeting for fifteen minutes under Standing Order 6.2 above, the Chair after again causing the number of Members Present to be counted, declares that there is still no quorum, the Meeting shall end for the reason of being non-quorate.

6.4 Notwithstanding any provision in these standing orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a Meeting brought to an end under the previous paragraph, and which has not been completed before the Meeting is brought to an end, shall be postponed to the next meeting of the Council, whether ordinary or extraordinary, insofar as allowed by law.

7 Business which may be transacted at any meeting

7.1 Except as provided by paragraph 7.2 of this Standing Order, notice of the business to be transacted at a meeting shall be given to all Members of the Council at least five days before the date of the meeting (not including the day on which the notice is sent to each Member and the day of the meeting).

7.2 Items of business may be considered at a meeting notwithstanding that five clear days' notice of that business has not been given if, in the opinion of the Chair of the meeting, special circumstances exist which require that the item should be considered as a matter of urgency and the meeting, without debate, consents.

7.3 Whenever business is transacted in accordance with Standing Order 7.2, the Chair of the Meeting shall be required to specify the special circumstances that require the item to be considered as a matter of urgency, and those matters shall be recorded in full in the minutes of the meeting.

8 Order of Council business

NOT USED

9 Public question time and petitions at meetings of the Council

NOT USED

10 Debates involving interested organisations on matters of interest to the wider community of the Borough

10.1 The Council may promote a debate on a matter of interest to the wider community of the Borough involving the participation of representatives of other organisations under a procedure that will be determined by the Council from time to time.

11 Questioning of the Chairs of Council bodies and members of the Cabinet

NOT USED

12 The calling-in of Cabinet recommendations and executive decisions

12.1 Any Cabinet decision, or Cabinet recommendation to the Council, delegated Cabinet Member's decision or officer delegated decision, may be presented for call-in to the Corporate Performance Panel.

12.2 In this Standing Order, what applies to a recommendation or decision applies to a part of one.

12.3 No recommendation or decision shall be called-in unless: (i) at least four members of the Council give notice in writing to the Chief Executive of their desire to effect a call-in; and (ii) such notice:

(a) is supported by each Member who desires to call-in a recommendation or decision; and

(b) is delivered to the Chief Executive before twelve noon of the fifth working day after the one on which the recommendation or decision was published; and

(c) specifies the recommendation or decision, or part thereof, which it is intended should be the matter of a call-in; and

(d) specifies the ground(s) upon which it is desired to call-in any matter under this Standing Order.

12.4 Provided the Chief Executive is satisfied that a notice of call-in complies with paragraph 12.3, they will then determine whether or not the call-in is sufficiently valid to pass to the Corporate Performance Panel for consideration (in the absence of the Chief Executive this responsibility will fall to the Council's Monitoring Officer). In assessing the validity of the call-in, regard shall be had to the following:

(a) Is the decision against a declared policy or budget provision of the Council?

(b) Is the decision contrary to the views of a key partner authority to the Borough?

(c) Has a relevant, material matter been overlooked or not been considered in reaching the decision?

(d) Have the views of Members requesting the call-in been fairly taken into account in arriving at the decision, so making a call-in unnecessary?

(e) Is the decision likely to cause distress, harm or significant concern to a local community or to prejudice individuals within it?

(f) Is the matter one which has already been subject to consultation or debate with relevant interested parties so making further debate through Scrutiny unnecessary?

(g) Is the advice contrary to the advice of the relevant professional institution?

(h) Is there clear evidence of a breach of procedure?

12.5 If the Chief Executive (or Monitoring Officer) subsequently determines not to advance the call-in, they will promptly inform the proposer and supporters of the call-in of their decision and the reasons for it.

12.6 If it is determined that the call-in is sufficiently valid (in accordance with paragraph 12.4 above) then the Chief Executive (or Monitoring Officer) will direct the Scrutiny Officer to promptly e-mail a summary of the call-in to the Chair of the Corporate Performance Panel.

12.7 Once formal notification of a valid call-in has been received, the Chair of the Corporate Performance Panel shall request that any additional information, if required beyond that contained within the report supporting the recommendation(s) / decision(s), be suitably collated to facilitate meaningful consideration of the matter by the Corporate Performance Panel. This information should be appropriately distributed in advance of the Committee meeting at which the call-in is to be considered and debated in accordance with Standing Order 15.

12.8 Upon conclusion of the debate the Corporate Performance Panel will decide upon one of the following two courses of action:

(a) support the Cabinet/Cabinet Member's/ officer's recommendation(s) or decision(s). In this case the recommendation(s) or decision(s) will, respectively, be free to pass to Council as they originally stood, or, be available for immediate implementation; or,

(b) uphold the call-in.

12.9 If the Panel upholds the call-in it may then take one of three courses of action:

(a) report to Council, Cabinet or the relevant Cabinet Member or officer requesting that the Cabinet/Cabinet Member's/officer amend or substitute the recommendation(s) or decision(s); or,

(b) if the issue is considered urgent or straightforward, formulate a counter-recommendation or amendment; or,

(c) investigate the matter further at another meeting within thirty working days (beginning with the day after the issue of the notification of the call-in) and then follow the same process as set out above (12.8-12.10)

12.10 The Cabinet/Cabinet Member/officer may amend, substitute or withdraw any recommendation or decision in respect of any matter that has been called-in under paragraph 12.3 of this Standing Order.

12.11 Decisions or recommendations that are amended or substituted in advance of the call-in being considered will then be subject to a renewed call-in period as if the decision/recommendation had been made for the first time. However, if the original proposers of the call-in still wish to call-in the recommendation or decision, after amendment or substitution by the Cabinet/Cabinet Member/officer, the Chief Executive will make a decision as to whether the matter may be considered/debated at the originally scheduled meeting or whether a new call-in process/schedule will need to be instigated.

12.12 No decision of the Cabinet/Cabinet Member/officer that is called in under paragraph 12.3 of this Standing Order shall be acted upon (even if it is amended, substituted or withdrawn) until the call-in is either ended by the Corporate Performance Panel or approved by the Council.

12.13 When the Corporate Performance Panel resolves that a call-in shall be ended, the recommendation or decision (as amended or substituted) shall proceed as if no call-in had been made.

12.14 If the Corporate Performance Panel:-

(a) does not end a call-in within 30 days from the date of the decision which has been called in (and the recommendation or decision remains in dispute); or

(b) refers a call-in directly to Council under paragraph 12, the Council shall determine whether to approve the recommendation or decision that has been called-in or to revoke, vary, amend and/or remit it back to the Cabinet/Cabinet Member/officer for further consideration.

12.15 **Urgent Decisions**

If the Cabinet is proposing to take a Key Decision as an Urgent Decision – and therefore not subject to call in – No such recommendation or decision shall be called-in if the Leader of the Council, after first obtaining notice in writing that the recommendation or decision proposed must be acted on urgently; and that failure to do so would substantially prejudice the interests of the residents of the Borough or the Borough itself; obtains agreement from the Chair of the Corporate Performance Panel, or in his absence the Vice Chair of Corporate Performance Panel, or in their absence the Mayor and in the absence of the Mayor, the Deputy Mayor, that the matter must be acted on urgently without the availability of call in. The Leader of the Council shall report quarterly to Council details of any decisions acted on urgently in the preceding quarter. NB: Non Key Decision Urgent Decisions may be taken without this process providing the reasons for it are given by the Chair or decision maker.
(Regulations 10 and 11 of the Access Regulations).

12.16 Any matter which is a function of the Cabinet and has been exercised by one or more Cabinet Members, may, subject to clause 12.3, be called in provided that the matter, once determined, may not subsequently be called in once the initial decision has been made and the call-in process has expired (regardless of whether or not the matter was called-in) unless in the opinion of the Chief Executive on the advice of the Monitoring Officer, the matter has substantially changed since it was first decided.

12.17 Key Decisions

Subject to Standing Order 12.16 no key decision may be taken unless:-

(a) notice of the proposed key decision has been published in the Forward Decision List

(b) At least 28 clear days have elapsed since the publication of the notice of key decisions

(c) Notice of the meeting or intended decision making has been given

(d) Five working days following the making of the decision have elapsed and no call-in has been received in accordance with standing order 12.3 above

(Local Authority (Executive Arrangements)(Meetings and Access to Information) England Regs 2012)

12.18 General Exception for the Key Decision Requirements

If a matter which is likely to be a key decision has not been included in the Forward Plan, the decision may still be taken if:

(a) the Chief Executive has informed the Chair of The Corporate Performance Panel, in writing, by notice, of the matter upon which the decision is to be made;

(b) Notice is given of the details of the decision to be made and the reasons why it is impracticable to give 28 days notice.

(c) at least five clear days have elapsed between notice being given and the decision being taken.

13 Motions and amendments that may be moved without notice

13.1 Motions and amendments may be moved and applications made without notice provided that they relate to:-

(a) the appointment of a temporary Chair of a meeting which has none present.

(b) the accuracy of a minute.

(c) the order of item(s) of business.

(d) the referral of any matter to another meeting for consideration and/or determination..

(e) the appointment of members that arises from any item of business at a meeting.

(f) a recommendation to Council.

(g) permission to withdraw a motion or amendment.

(h) permission to extend the length of a speech.

(i) the amendment of a motion.

(j) any procedural motion under Standing Order 15.

(k) a motion to suspend any Standing Orders under Standing Order 2.

(l) a motion to exclude the press and public under section 100A and Schedule 12A of the Local Government Act 1972.

(m) a motion proposing that a Member, whom it names for disorderly conduct under Standing Order 25, be not further heard or do leave the meeting.

(n) a motion that authorises the exercise of any statutory duty or power which in the opinion of the Council ought to be exercised as a matter of urgency.

(o) a motion to obtain any consent of the Council that may be required under these Standing Orders.

(p) the referral of any matter to a specified Council Body for consideration and/or determination under Standing Order 14.6 (b)

14 Notices of motions which can only be moved with notice

NOT USED

15 Rules of debate

A - Moving and disposing of motions and amendments

15.1 In these Standing Orders “the substantive motion” means any motion under debate that appears on the agenda or arises from it.

15.2 The debate of a motion shall begin by the substantive motion being proposed and seconded and no motion shall be debated unless and until it has been proposed and seconded.

15.3 However, when a report contains more than one recommendation, members of the reporting body shall move and second the adoption of all of them. The Member proposing the adoption of the report may assign any of their rights of reply to other members of that Body nominated by them. Otherwise it will be debated normally.

15.4 Any Member who desires to propose an amendment to a substantive motion which has been seconded shall then propose their amendment, but no amendment to a motion shall be debated further until it has been proposed and seconded.

15.5 An amendment to a substantive motion, including one that has been amended, shall not introduce a new issue and shall be limited to omitting words from, adding words to, or substituting words in the substantive motion; and it shall not have the effect of negating the substantive motion.

15.6 If an amendment under paragraph 15.5 of this Standing Order is seconded, the amendment shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed. No amendment shall be moved to an amendment.

15.7 If an amendment is passed the motion (as amended) shall become the substantive motion.

15.8 The Person Presiding shall not permit a further amendment to be moved or debated until a preceding amendment has been dealt with.

15.9 After all amendments have been dealt with, the substantive motion (incorporating any amendments which have been passed) shall be debated until no other Member wishes to speak or a procedural motion curtailing debate is passed.

15.10 A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Council (which shall be given without debate) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

B-The conduct of Members during debate

15.11 If two or more members wish to speak at once, the Mayor/Chair shall call on one to speak.

15.12 Members shall speak only once about the motion or the amendment which is then under debate with the exception of the Planning Committee where a Member seeks to raise a new point

15.13 No speech shall exceed five minutes except with the consent of the Council.

15.14 A Member who moves a motion may make the following speeches:-

(a) to open the debate on the substantive motion; and,

(b) to exercise a right of reply at the close of the debate on the substantive motion; and,

(c) to exercise a right of reply at the close of any debate on any amendment to the substantive motion.

15.15 A person other than the mover of a motion may make the following speeches:-

(a) to second, or speak on, the substantive motion; and

(b) to speak on any amendment (including proposing or seconding an amendment).

A Member, who seconds a motion or an amendment by stating that they are doing so formally, remains eligible to speak later in the debate.

15.16 A Member who moves an amendment (including any amendment which becomes part of a substantive motion) has no right of reply at the end of the debate on that amendment (or at the end of the debate on the substantive motion).

15.17 The Mayor/Chair shall call the attention of the Council to continued irrelevance, tedious repetition, or where a question is being asked, failure to put the question expediently and may disallow, re-direct or postpone consideration of any matter raised under these Standing Orders.

C- Special procedural motions for ending a debate or meeting

15.18 While a motion is being debated, no other motion (other than an amendment) shall be proposed except for any of the following motions which vary normal procedure:-

(a) a motion “that the question now be put”, which, if passed, will curtail the debate and cause a vote to be held on the motion or amendment under consideration;

(b) a motion “that the Council proceed to next business”, which, if passed, will cause the meeting to proceed to the next item of business without completing the item under debate;

(c) a motion to “adjourn the debate”, which, if passed, postpones further debate on the motion under consideration to a later date as the Mayor or Chair shall direct.

(d) a motion “that the meeting be adjourned”, which, if passed, will result in the meeting being adjourned and any matter that is being debated, but has not been voted on when this motion is passed, being considered at a later date as the Mayor or Chair shall direct.

15.19 Any of the procedural motions listed in paragraph 15.18 of these Standing Orders:-

(a) shall be voted on without debate.

(b) may be disallowed by the Chair if they consider the motion to have been moved prematurely so that, if passed, it would operate to curtail proper debate.

15.20 A motion “that the question now be put” may only be moved by a Member who has not spoken previously on the item of business that would be affected. If such a motion is passed, before any “question” is put to the vote as a consequence, the Chair shall invite the member whose substantive motion would be affected to reply to the debate before their motion is put to the vote.

15.21 A motion “that the Council proceeds to next business” may only be moved by a Member who has not spoken previously on the item of business that would be affected. Before that procedural motion is put to the vote, the Chair shall invite only the Member whose motion or amendment would be left undecided to speak on the procedural motion.

15.22 A Member may raise a point of order if they become aware of any breach of these Standing Orders, the Council's Constitution or the law. This must specify which Standing Order, or provision in the Council's Constitution has been breached or the point of law that has arisen. The ruling of the Chair of a meeting on a point of order, or as to the conduct of the meeting of the Council or a Council Body or subsidiary body, shall not be challenged during that meeting.

15.23 A Member may raise and pursue a point of personal explanation if, and only so far as, it is necessary to remedy any manifest misunderstanding by a speaker of any part of a statement they have made on the matter under debate.

D- Disorderly conduct by Members of the Council

15.24 A Member who persistently disregards the ruling of the Chair of any Meeting, or who behaves irregularly, improperly, or offensively, or who willfully obstructs the business of any such Meeting, shall be guilty of disorderly conduct.

15.25 If a motion under paragraph 13.1(m) of these Standing Orders is put and passed in a meeting, any Member who is so named shall not be heard further in any debate during the remainder of that meeting.

15.26 If a Member does not comply with a motion that is passed under paragraph 15.25 of this Standing Order, the Chair of the meeting shall:-

(a) if the motion was for the Member not to be further heard, move "that the Member do leave the meeting" and that motion shall be put and determined without being seconded and without debate; or,

(b) ask the member to leave the meeting room for the remainder of the meeting, or

(c) adjourn the meeting for such period as they think fit.

15.27 If a Member does not comply with any motion that is passed under paragraph 15.26(a) or (b) of this Standing Order, or continues to disrupt a meeting that reconvenes after a motion under paragraph 15.26(c) has been passed, the Chair may order such action as is necessary to be taken to secure the removal of that Member from the meeting and prevent their re-entry.

15.28 The Chair of the meeting shall report to the Standards Committee any motion that is passed under paragraphs 13.1(m) or 15.26 and any action occurring under paragraph 15.27 of these Standing Orders.

E- Disorderly conduct in meetings by members of the public

15.29 No Member of the public shall interrupt proceedings, behave in a disorderly manner or breach the Protocol relating to the Openness Regulations during a meeting.

15.30 Any member of the public who interrupts a meeting behaves in a disorderly manner or breaches the Protocol relating to the Openness Regulations shall be warned by the Chair of the meeting to stop that behaviour and, if they do not, the Chair may, without any motion being put or seconded or debated:-

(a) Adjourn the meeting for as long as they consider necessary; and/or,

(b) Order such action as is necessary to be taken to remove the offending person from the meeting and prevent their re-entry.

F- General disturbance of any meeting

15.31 The Chair of any meeting may adjourn that meeting, for as long as they consider necessary, without any motion being put or seconded and without debate if, in their opinion, the behaviour of persons who are present (whether Members of the Council or not) makes it impossible to carry on business in an orderly manner.

15.32 Where the Chair of any meeting invokes this Standing Order because of the conduct of any Member of the Council, they may report the matter to the Standards Committee.

G - Call-in debating procedure

15.33 On receiving valid notice of a call-in under Standing Order 12, the Corporate Performance Panel should follow the steps outlined below (a-f) in debating the subject matter:

(a) The Proposer of the call-in and their supporters address the Corporate Performance Panel about the call-in and why it should be upheld;

(b) The Panel Members receive a submission from the relevant Portfolio Holder;

(c) The Panel Members receive submissions from Officers;

(d) The Panel Members receive submissions from members and, at the discretion of the Chair, other interested parties.

(e) The Panel debates the call-in (in accordance with this Standing Order) during which they may question or seek further information from any of the four parties referred to in (a), (b), (c) and (d) above.

(f) The Proposer shall exercise a right of reply after the debate.

15.34 Following the debate, the Panel will decide (in Accordance with Standing Order 12) either to support the Cabinet/Officer's/Cabinet Member's recommendation(s)/decision(s), or, to uphold the call-in.

H – General applicability of rules of debate

15.35 These rules of debate may be applied to meetings of Council Bodies, including Task Groups but excluding the Licensing Committee, the Licensing and Appeals Board and their sub-committees, to the extent that the Chair of that meeting considers appropriate.

16 The minuting of meetings

Extracts from the Statutes

Minutes of the proceedings of a meeting of a local authority shall….be drawn up….and signed at the same or next suitable meeting of the authority by the Chair, and any minute purporting to be so signed shall be received in evidence without further proof.

Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been

made and signed in accordance with (these provisions) shall be deemed to have been duly qualified.

For the purposes of (the foregoing provisions) the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under Section 29 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.
(Local Government Act, 1972, sch 12 para 41(1), (3) and (4))

Until the contrary is proved, where a minute of any meeting of [a committee of local authority (including a joint committee) or a sub-committee of any such committee] has been made and signed in accordance with these provisions, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.
(Local Government Act, 1972 sch 12 para 44(2))
(Note: see also Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000)

16.1 In accordance with paragraph 8.2 of these Standing Orders, the Mayor or the Chair of any meeting shall put the question, "do Members agree that the minutes of the previous meeting be approved as a correct record"

16.2 There shall be no discussion about the minutes, except on a motion under paragraph 13.1(b) of these Standing Orders, which shall be confined solely to the question of whether the minute has been recorded accurately.

16.3 In the absence of any motion under Standing Order 13.1(b), or as soon as any such motion has been decided, the Mayor or the Chair of any Meeting shall sign the minutes as a true record of the business transacted at the previous meeting.

16.4 The minutes of an Extraordinary Meeting of the Council shall be approved and signed at the next Ordinary Meeting of the Council.

16.5 The minutes of all meetings shall be made available to every Member of the Council, and the signed copies of all such minutes shall be bound together in a book and retained by the Chief Executive as a public record.

17 Voting

Extracts from the statutes

Subject to the provisions of any enactment ….all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.

Subject to those provisions, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.
(Local Government Act 1972, Sch 12 para 39)

[The foregoing provisions] shall apply in relation to a committee of a local authority (including a joint committee) or a sub committee of such a committee as they apply in relation to a local authority. (Local Government Act 1972, sch 12, para 44)

17.1 All matters on which a vote is taken shall be decided by the majority of the Members present at a Meeting and voting on them except that, where there is an equality of votes, the Chair may give a casting vote irrespective of whether or not they voted in the first instance,

17.2 Except as provided by paragraph 17.3 of this Standing Order any vote shall be determined by a show of hands.

17.3 With the support of at least 3 other Members, and by indicating to the Chair of a meeting immediately before a vote on any matter is taken, a Member of the Council may require that the vote be recorded to show whether each Member present voted for or against the motion or abstained from voting - provided that when, in the opinion of the Chair of that meeting, a recorded vote under this Standing Order is demanded frivolously or vexatiously, the Chair may put the question of whether the vote should be recorded to the meeting without it being seconded or debated; and this Standing Order may not be invoked on such a vote.

17.4 Immediately after a vote on any matter, a Member may require that the way in which they voted on that matter is recorded in the minutes of the meeting.

17.5 Where a vote is required on a motion to appoint or elect to a position and there are more candidates than positions, then for each position the clerk shall announce the name of the candidates and shall then invite each member present to indicate their chosen candidate. At the end of the process the Clerk shall announce the number of voters for each candidate and the one with the most votes shall be appointed.

18 Signing of the attendance book

NOT USED

19 Rescinding a preceding resolution

19.1 No motion to or which would have the effect to rescind or reverse a resolution of the Council shall be considered by the Council, within a period of six months from the date of that resolution, unless it is moved in accordance with Standing Order 14 and the notice of motion is supported in writing by at least seventeen Members of the Council or one third of the number of members of the meeting who made the resolution, whichever is the lower number.

19.2 The “resolutions” covered by paragraph 19.1 of this Standing Order include decisions in respect of any notice of motion, or any amendment of a notice of motion (whether or not such motion or amendment was passed), as well as any other decision taken in exercise of the Council’s functions.

19.3 Once a motion has been moved with the support required in 19.1, no further motion shall be introduced by that means, in respect of substantially the same subject matter, for a period of six months from the day when the motion was moved.

19.4 This Standing Order shall not apply to matters that are called in under Standing Order 12.

20 Interests of Members and Officers in contracts and other matters

Extracts from the Statutes

s.117(1) Local Government Act 1972 – Disclosures by Officers of interest in contracts

(1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been , or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

20.1 A Member of the Council who is present at a Meeting and has any interest pursuant to the Council's code of conduct in a matter that is the subject of consideration by the Meeting shall declare the nature of that interest with an explanation at the start of the Meeting or at the earliest available opportunity and if that interest is a disclosable pecuniary interest shall withdraw from the Meeting including from the public gallery while the matter is under consideration unless a dispensation has been granted to that Member by the Council's Standards Committee. For the avoidance of doubt, it is the responsibility of individual Members to determine whether or not they have an interest. Failure to declare is a breach of the Council's Code of Conduct and may result in a referral to the Councils Standards Committee.

20.2 The Monitoring Officer shall maintain a Register of Member's Disclosable Pecuniary Interests. This shall be open to inspection by any member of the public and published on the Council's website.

20.3 The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice of interest given by an employee of the Council under section 117 of the 1972 Act or paragraph (1). The book shall, during ordinary office hours of the authority, be open for inspection by any member.

20.4 Where an officer submits a report to a meeting on a matter in which they have declared an interest under section 117 of the 1972 Act or Paragraph (1), they shall state that such declaration has been, made and give brief details of it, in a separate paragraph at the commencement of the report.

20.5 Where any officer advises orally a meeting on a contract, grant, proposed contract or other matter and has declared an interest in the matter, whether under the requirements on section 117 of the 1972 Act, or of paragraph (1), they shall remind the meeting orally of that interest, and the reminder shall be recorded in the minutes of the meeting.

21 Canvassing of and recommendations by Members

21.1 Canvassing of Members of the Council, directly or indirectly, with regard to any appointment by the Council, shall disqualify the candidate concerned from that appointment; and it shall be the duty of any Member of the Council so canvassed to report that fact to the Chief Executive. The essence of this paragraph of this Standing Order shall be included in every advertisement inviting application for appointments and in every form of application.

21.2 A Member of the Council shall not solicit, for any person, any appointment to the Council's employment, 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.

22 Relatives of Members or Officers

22.1 An applicant for any appointment by the Council, who knows that they are related to any Member or senior Officer of the Council, shall inform the Chief Executive of such a relationship when making their application.

22.2 An applicant who fails to disclose such a relationship shall be disqualified from appointment and, if appointed, shall be liable to dismissal without notice. Every Member and senior Officer of the Council shall disclose any relationship, known to them to exist between them and any person they know is an applicant for an appointment by the Council, to the Chief Executive.

22.3 The essence of this Standing Order shall be included in every form of application.

22.4 For the purposes of this Standing Order, “senior Officer” means an Officer graded on Performance Grades SM1-4 and 5 and 6; and “relationship” means being their partner or their own or their partner’s parents, grandparents, children, grandchildren, brothers, sisters, uncles or aunts, nephews or nieces.

23 Staff establishment and the filling of vacancies

23.1 All vacancies, unless they are to be filled by promotion or transfer from within the Council, or unless the Council determines otherwise, shall be publicly advertised and filled by open competition arising from that advertisement.

23.2 No step shall be taken to advertise or fill a vacancy for any post designated as that of a chief officer (as defined in the Local Authority (Standing Orders) Regulations 1993) until such time as the Cabinet has determined whether that post is necessary.

23.3 When the Council proposes to appoint such a chief officer, and it is not proposed to appoint that person from a pool limited to officers who are employed by the Council, the Council shall:-

(a) cause to be prepared, a statement specifying the duties attaching to that post and any qualification or qualities required of any person who desires to be appointed to it;

(b) cause arrangements to be made for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) cause arrangements to be made for a copy of the statement mentioned in paragraph 23.3(a) of this Standing Order to be sent to any person who requests a copy of it.

23.4 When a post has been advertised in accordance with this Standing Order, the authority shall invite all qualified applicants for the post to attend for interview, or select a short list of such qualified applicants and invite all those included on the short list to attend for interview.

23.5 When no qualified person has applied to fill a vacancy in the opinion of the Chief Officer in which a vacancy has been advertised (or, if a vacancy is for an Chief Officer or more senior officer, in the opinion of the Appointments Board), the Council shall make further arrangements for the advertisement of the post in accordance with this Standing Order.

23.6 Every appointment to a second tier officer post or one more shall be made by the Appointments Board or a panel of the Board, except the Head of Paid Service which shall be made by the whole Board and shall then be immediately notified to all Members of the Cabinet, each of whom shall have a time

limited opportunity to object which if exercised shall halt the appointment procedure where upon a special meeting of the Cabinet shall be convened to determine the next steps.

23.7 The Officer Employment Rules (required by Article 12.10) are those parts of Standing Orders 20 – 24 which relate to employees.

23.8 The posts designated as chief officers (as required by Article 12.02) shall be those indicated in Part 7 of the Constitution.

24 Dismissal

24.1 In the following paragraphs of this Standing Order:

(a) "the 2011 Act" means the Localism Act 2011;

(b) "chief finance officer" , "disciplinary action" , "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

(c) "independent person" means a person appointed under section 28(7) of the 2011 Act;

(d) "relevant independent person" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

(e) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;

(f) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(g) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(h) "relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

24.2 A relevant officer may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

24.3 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

24.4 Subject to paragraph 24.5 of this Standing Order the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 24.3 of this Standing Order in accordance with the following priority order:

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

24.5 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 24.4 of this Standing Order but may do so.

24.6 The authority must appoint any Panel at least 20 working days before the relevant meeting.

24.7 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:

(a) any advice, views or recommendations of the Panel;

(b) the conclusions of any investigation into the proposed dismissal; and

(c) any representations from the relevant officer.

24.8 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

24.9 Councillors will not be involved in the dismissal of any Officer below Chief Officer except where such involvement is necessary (e.g. as a witness) for any investigation or inquiry into alleged misconduct; the Council's disciplinary procedures allow a right of appeal to an independent senior officer of the Council in respect of dismissals.

25 Custody of the Seal

25.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Legal Services Manager or such other Officer designated for the purpose by them.

26 Sealing of documents

26.1 The Common Seal of the Council shall not be affixed to any document unless either [i] the sealing has been expressly authorised by a decision of the Council (Cabinet, Cabinet Member or Officer to whom, the Council has delegated that power) - or [ii] it is necessary to give effect to such a decision of the Council or one made by its delegated authority.

26.2 The Common Seal shall be attested by the Legal Services Manager or an officer authorised by them, except that the Mayor or Deputy and the Chief Executive may additionally attest any document that is executed for special civic or ceremonial occasions.

26.3 A record of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed or initialed by the Officer sealing the document.

27 Authentication of documents for legal proceedings

27.1 Where production of any document will be a necessary step in legal proceedings on behalf of the Council, it shall be signed by the Legal Services Manager unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

28 Inspection of documents

Extracts from Statutes

The Access to Information rules which apply to Council meetings and committees of the Council in executive and alternative arrangement constitutions are set out in section 100A-H and schedule 12A of the Local Government Act 1972

28.1 Every Report will set out a list of those documents (called background Papers) relating to the subject matter of the report which in the opinion of the author:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of a political advisor.

28.2 Subject to paragraph 30.3 of these Standing Orders, a Member of the Council may inspect any document that is within the possession, power or control of the Council provided it is reasonably necessary for the discharge of their duty; and they shall, if they so request, be provided with a copy of any document that they are entitled to inspect.

(a) Members shall be entitled to see all documents relied on by the Cabinet acting together or as Cabinet Members, once a decision has been made, unless the Monitoring Officer is satisfied that the disclosure of a document would disclose exempt information of a type which may be excluded at law.

(b) Members of a Policy Review and Development Panel may, in addition to rights contained in (a) above be entitled to a copy of any document in the possession or control of the Cabinet that contain material relating to business transacted at a private meeting, a public meeting, a decision made or a key decision made by an officer under delegated powers.

28.3
(a) Public inspection of background papers:
The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

(b) Summary of Public's Rights:
A written summary of the public's rights to attend meetings, report on proceedings and publish results (all in accordance with the Openness Regulations) and to inspect and copy documents must be kept and available to the public at the Council Offices.

(c) Exclusion of access by the public to reports:
If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which relate to items during which, the meeting is not likely to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

29 **Membership and constitution of Council bodies**

Extracts from the statutes

Neither—

(a) a local authority executive, nor

(b) a committee of a local authority executive,

is to be regarded as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies

(Section 9GC Local Government Act 2000)

The chair and the vice-chair of the Borough Council shall, unless they resign or become disqualified, continue on office until their successors become entitled to act as chair and vice-chair of the Borough Council, as appropriate.

During their terms of office, the chair and the vice-chair of the Borough Council shall continue to be a member of the council notwithstanding the provisions of the Local Government Act 1972 relating to the retirement of councilors

(Section 3 and 5 Local Government Act 1972)

29.1 The Annual Meeting of the Council shall appoint the Chair and Vice Chair and each member of the following Bodies with the exception of :

- It shall appoint the Leader of the Council and Chair of Cabinet for a four year period at the first Annual meeting following the Borough Council elections. The Leader of the Council will then appoint the Vice-Chair and Cabinet on an annual basis.

- The Vice Chairs of the Policy Review and Development Panels and Audit Committee will be appointed by the Body at its first meeting of the Municipal year

<u>Scrutiny and Overview Bodies</u>

Policy Review and Development Panels:	Up to 12 members
Corporate Performance Panel	Politically proportional with Vice-Chairs appointed by the Panel
Regeneration and Development **Environment and Community**	

<u>Cabinet and Boards</u>

Cabinet	up to 10 Members (Leader of the Council is appointed for a four year period at the first Annual Council meeting following the Borough Council elections) (*Local Government and Public Involvement in Health Act 2007).* Neither the Cabinet nor any Committee appointed by the Cabinet are required to be Proportional.
Appointments Board	9 Members (Politically Proportional)

Audit Committee	5 Members (Politically Proportional) plus up to 2 non-voting independent co-opted members.
Planning Committee	13 Members (Politically Proportional)
Licensing and Appeals Committee	13 Members (Politically Proportional)
Licensing Committee	13 Members (Politically Proportional)
Standards Committee	7 Members (Politically Proportional) (plus up to 2 non-voting Parish representatives and one Independent Person selected from a pool of up to 3 co-optees)
Electoral Arrangements Committee	11 Members (Politically Proportional)

29.2 No Member of the Council shall retain any appointment beyond the next Annual Meeting of the Council unless re-appointed to that Body at the next Annual Meeting (with the exception of the Leader, Chair and Vice-Chair of the Council as set out above).

29.2A In the event the Chair of a Council Body (excluding Council and Cabinet) resigns or the Chair is otherwise permanently vacated, the Council may appoint a new Chair before the next Annual Meeting.

29.2B Full Council may resolve at any time to:

i) Remove any Member (including the Chair) from a Council Body.
ii) Remove and (where relevant) replace a Chair/Vice Chair of a Council Body.

pursuant to a recommendation from the Standards Committee or its sub-committee, following a finding of breach of the Member Code of Conduct.

Task Groups

29.3 The Council, Cabinet and any Policy Review and Development Panel may establish temporary Task Groups to undertake, and report back on, work within the remit of the body that established them.

29.4
(a) Members of Task Groups will be appointed having regard to political balance unless the leaders of each registered political group agree that this rule be disapplied.

(b) Group nominations for Task Groups membership will be made to the Chief Executive who is authorised to appoint them.

29.5 Task Groups shall in law be Committees of the Council. The terms of reference of Task Groups shall be specified by the body appointing them as shall their duration or the event on which they shall cease to meet.

29.6 If a Task Group appointed by the Council or Cabinet or a Policy Review and Development Panel is to do any of the following things, these may be specified in its terms of reference:-

(a) have a Councillor membership other than six,

(b) have non-members of the Council as non-voting members,

(c) commission research, or

(d) be able to define the scope of its own work.

29.7 When any scrutiny and overview body is considering the performance or proposals of a person, or of a body which included any of its members; such person or members shall not take part in that consideration in the capacity of members of the scrutiny body.

29.8 **Informal Working Groups (scrutiny and overview function**)

For the avoidance of doubt, Informal Working Groups are not formal Council Bodies or Task Groups. They are solely chosen, controlled by, and report directly back to their respective Policy Review and Development Panels. Political proportionality or issues of vacancies and substitutions should not be an issue.

Any work undertaken through Informal Working Groups should only be regarded as approved duties, with respect to traveling expenses, with the prior approval of the respective Panel's Chair.

29.9 Any formal meeting of a Council Body, including Task Groups and Informal Working Groups, shall be attended, supported and recorded by a proper Officer of the Council

30 Access to Information and Meetings

30.1 Business shall be transacted by the Council and Council Bodies in public unless they resolve to consider in private any matter that is confidential or any information which is exempt within the meaning of Schedule 12A of Part I of the Local Government Act 1972. Officers holding statutory appointments as set out in Standing Order 35 are entitled to attend any meeting of the Cabinet.

30.2 Agenda, reports and other documents of Council bodies shall be held in confidence by Members and Officers of the Council until they are published by the authority of the Chief Executive. Notice shall be given at least five clear days in advance of any meeting by posting details of the meeting at King's Court, Chapel Street, King's Lynn and wherever possible on the Council's website www.west-norfolk.gov.uk Late or additional reports which are available for public inspection shall be available to the press and public at the same time it becomes available to members.

30.3 No Member or Officer shall ever disclose documents or the contents of documents that are "exempt" or contain confidential information, as defined by paragraph 30.1 of this Standing Order, to any person who is not a Member or an Officer of the Council other than with the permission in writing of the Monitoring Officer

30.4 If any matter that is raised at a meeting of the Council or a Council Body or subsidiary body when meeting in public, involves the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any identifiable person currently or formerly employed by the Council; that matter shall not be further discussed until the meeting has determined whether the public should be excluded.

30.5 **Record of individual decision**

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive or an officer, they will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

30.6 **Special Urgency**

If the general exception rule is impracticable, the decision can be taken if the decision maker has received the permission of the Chair of the Corporate Performance Panel or, if they are unable to act, the Mayor or Deputy Mayor, and a notice has been published stating that a decision is urgent and the reasons why it cannot reasonably be deferred.

31 Special Meetings

31.1 A special meeting of a Council Body, including Cabinet and any Committee, Task Group, Panel and Informal Working Group:-

(a) may be called by the Chair of that meeting at any time; and

(b) shall be called on notice being given in writing to the Chief Executive by a quarter of the members of that meeting stating that they desire a meeting.

31.2 The Chief Executive shall summon each relevant Member to a Special Meeting, under paragraph 31.1 of this Standing Order, with a notice served at least five days before the date of the meeting (not including the day on which the notice is sent to each Member and the day of the meeting) which shall set out the business to be considered, and no business other than that mentioned in the notice shall be considered at that meeting.

32 Vacancies and substitutions on Council bodies and task groups

32.1 The Chief Executive shall appoint a Member, nominated by a political group to fill a casual vacancy that falls to be filled by that particular political group, provided the leader of that group has:-

(a) consulted with the Members of the group; and,

(b) communicated the name of the person nominated to the Chief Executive and/or the Democratic Services Office; and,

(c) the Member nominated under paragraph 32.1(b) is not precluded from being a member of that Council Body or Task Group by any rule of law or of the Council.

32.2 Subject to the following conditions, when a Member is unable to attend any meeting, a substitute registered in the same political group as the nominating political group may attend in their place.

(a) The substitutes will be temporary members, appointed by the Chief Executive on the authority of the Council, and the member substituted for will be suspended from the relevant membership for the period of substitution. Once commenced, the substitution shall continue throughout the meeting and throughout consideration of any item of its business which is adjourned.

(b) The Democratic Services Officer must be notified in writing by the Member who will be absent or by the Leader of their political group. Unless the reason for the absence arises too late to permit this (in

which case the maximum notice possible must be given), this notification shall be given at least 24 hours before the meeting.

32.3 Whenever appointments of Members are not made on the first occasion when they might be, the Chief Executive shall make such appointments on the basis of balloting members of the body entitled to make the appointment. If the vacancy falls within the proportion of places due to a particular political group, balloting shall initially be restricted to the members of that political group. Only if that fails to fill a vacancy, will a further ballot be conducted open to relevant Members of all political groups or none.

33 Duration of Council meetings

33.1 Unless the majority of Members present vote for the Meeting to continue, any Meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary Meeting.

33.2 The motion for voting to continue a Meeting at 33.1 above shall be for an extension of the duration of the Meeting for a period of one hour, unless the Chair proposes a different period of time. Upon the expiry of this or any other extension, the Meeting shall adjourn immediately unless the majority of Members vote for a further extension of the Meeting. Any such motion to further extend the duration of the Meeting beyond the first extension shall be limited to no more than one hour, as determined by the Chair.

34A Rights of non-members to attend meetings of Council bodies

34A.1 Every Member of the Council shall have the right:

(a) to attend any meeting of a Council body plus Informal Working Groups;

(b) to speak at any meeting of a Council body plus Informal Working Groups, except, for the purposes of this Standing Order:

(i) The Licensing Committee, the Licensing and Appeals Board, Standards Committee Panel Hearings, Appointments Board Interviews and Investigatory and Disciplinary Committee Hearings

(ii) In the case of Planning Committee:

- The Ward Member(s) for the relevant application/item can speak; and/or
- at the discretion of the Chair of the Planning Committee, other Members can speak provided that two days clear notice shall be given of any intention to speak on an application/item along with a brief summary of what they intend to say.

With the exception of Planning Committee, a Member shall inform Democratic Services and the Chair by 12 noon on the day of the meeting, or by 5pm the day before if it is a morning meeting of their intention to attend and/or speak, as appropriate, specifying on what items they wish to be heard.

34A.2 Any Member of the Council speaking at a meeting of a Council body, including Task Groups, under this Standing Order must, in any event, conclude what they wish to say in relation to the issue or issues under consideration prior to any decision being taken on that issue or issues. Any Member speaking under this rule may speak for up to five minutes on each agenda item, with Chairs discretion applied where appropriate.

34A.3 The minutes of the Meeting shall record the name of any Member of the Council who is present at the meeting under this Standing Order together with any item on which they spoke.

34A.4 For the purposes of this Standing Order the right to speak at:

(a) Cabinet is limited only to a right to make a statement, subject to the discretion of the Chair;

(b) Scrutiny and Overview Bodies includes the right to ask questions;

(c) Any other Council Bodies, including Task Groups and Informal Working Groups, includes the right to contribute to the debate of the item on which they wish to be heard.

34B Committee Members attending remotely under Standing Order 34

34B.1 Constituted Members of a Committee that are unable to attend under Standing Order 34 can either:

(a) Send a substitute who has their full rights physically in the meeting, or
(b) Attend virtually online, and whilst they can participate in the debate they will not be able to vote.

34B.2 A notice period is not required in this regard, as it is recognised that the need to send a substitute can occur late in the day, however it is requested where an absence is known in advance notice is provided and the Member actively seeks a substitute.

35 Statutory appointments

35.1 The following posts shall be designated for the purposes of Article 12.02 of this Constitution, sections 113 to 115 of the Local Government Finance Act 1988 and sections 4, 5 and 6 of the Local Government and Housing Act 1989 and shall be held by separate individual officers.

(a) The Head of the Paid Service

(b) The Monitoring Officer.

(c) The Chief Financial Officer

36 Recording or broadcasting meetings

36.1 The Openness Regulations require that any person attending a meeting open to the public (including Councillors) must, as far as is practicable, be afforded reasonable facilities for reporting (whether by filming, photographing or audio recording) and may use any communication method (including social network methods) to publish or otherwise share the results of their reporting activities.

36.2 “Reporting” means
- filming, photographing or making an audio recording of proceedings
- using any other means for enabling a person who is not present to see or hear proceedings at a meeting as it takes place or later
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

36.3 The Council is not required to permit oral reporting or commentary at a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.

36.4 The Council has published and adopted a Protocol relating to the adoption and operation of the

Openness Regulations and this can be viewed at the end of this Constitution (Appendix 2)

37 Approval of draft plans, strategies, estimates and amounts submitted to the Council by the Cabinet

Extracts from the statutes

"plan or strategy" means—

(a) a plan or strategy of a description specified in column (1) of the table in Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (functions not to be the sole responsibility of an authority's executive), as amended from time to time;

(b) a plan or strategy for the control of a relevant authority's borrowing or capital expenditure; or

(c) any other plan or strategy whose adoption or approval is, by virtue of regulation 5(1) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (discharge of executive functions by authorities) as amended from time to time, a matter for determination by a relevant authority;

(Local Authorities (Standing Orders) (England) Regulations 2001 Regulation 2)

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992;

(b) estimates of other amounts to be used for the purposes of such a calculation;

(c) estimates of such a calculation; or

(d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

(Local Authorities (Standing Orders) (England) Regulations 2001 Para 6, Part 2, Schedule 2)

37.1 Where the Cabinet submits a:-

(a) plan or strategy prescribed by the Local Authorities (Standing Orders) (England) Regulations 2001 ("the regulations") to the Council for approval by the Council; or

(b) any estimate or amount prescribed under Paragraph 6 of Part II of Schedule 2 to the regulations and the Council wishes to amend, approve or adopt the plan or strategy, or object to any estimate or amount, it must inform the Leader of the Council of any objections to the plan or strategy or estimate or amount.

37.2 Where an objection is received under this standing order the Cabinet must consider the objection within such period as shall be specified by the Council (being not less than 5 working days beginning with the date that the Leader received the objection) and the Leader of the Council may either amend the plan or strategy or a revision of the estimates or amounts or inform the Council of the reasons why the Cabinet disagrees with the Council's objections.

37.3 The Council must take account of the amendments made by the Cabinet to a plan or strategy and any reasons why the Cabinet disagrees with the Council's objections when it amends, approves or adopts a plan or strategy or before it makes a calculation in accordance with sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 or issues a precept under Chapter IV of Part 1

of that Act.

38 Decisions by Cabinet Members

38.1 Wherever a decision is to be made by a Cabinet Member, a report must be produced in writing setting out all of the required information before any decision can be taken.

38.2 A copy of the report with a note must be sent to the Democratic Services Manager, Management Team and The Monitoring Officer, 5 clear days before the date on which the decisions is to be taken. The report will then be placed on the intranet/internet or otherwise made available to members of the Council and unless confidential or exempt to members of the public.

38.3 The Cabinet Member can either attend the Council Offices and make the decision on the given day, or may return the completed form, signed off, to the Head of Service responsible via the email system, a copy should also be sent to the Democratic Services Manager.

38.4 The decision may be wholly within the Cabinet Members decision making powers, or part of all may be a recommendation to Council. This must be made clear in the report. Recommendations to Council will then be placed on the next Council Agenda and moved by the Leader at Council.

38.5 A Cabinet Member may decide to refer the matter to a full meeting of Cabinet for decision. In which case the matter will be placed on the agenda of the next ordinary meeting of Cabinet.

38.6 Once a Cabinet Member has made a decision it will be placed on the intranet and made available for call-in in accordance with Standing Order 12. Members will be notified that a decision has been taken.

APPENDIX 1

DIAGRAM TO SHOW THE STAGES OF MOTION, AMENDMENT AND DECISION

(1) **MOTION** moved and seconded

↓

(2) **DEBATE ON MOTION**

↓ ⟶ ⟶ ⟶ **NO AMENDMENT** move to (6)

(3) **AMENDMENT** moved and seconded

↓

(4) **DEBATE ON AMENDMENT**

↓
when debate finishes
↓

(5) **MOVER OF ORIGINAL MOTION INVITED TO**
REPLY TO DEBATE ON AMENDMENT

↓
VOTE ON AMENDMENT

↓ **IF CARRIED -** MOTION AS AMENDED IS OPEN FOR DEBATE

↓ **IF LOST -** ORIGINAL MOTION IS OPEN FOR DEBATE

(Any number of amendments can be moved and dispensed with in the way **ONE AT A TIME**)

↓

(6) **DEBATE**

↓

(7) **WHEN DEBATE FINISHED MOVER OF ORIGINAL MOTION (1) TO REPLY TO DEBATE**

↓

(8) **VOTE ON MOTION (ORIGINAL OR AS AMENDED)**

↓

IF CARRIED – DECISION

IF LOST - NO DECISION – Matter open for further proposal or stands as a **NO DECISION** item.

IF EQUALITY OF VOTES - NO DECISION

An amendment will not be valid if it is a direct negative or if it introduces a new issue unrelated to the terms of the motion.

Appendix B

Protocol for Reporting and Commentating on public Council Meetings
Agreed at 27 November 2014 Council

I. Introduction.

(a). By virtue of the Openness of Local Government Bodies Regulations 2014 ("the Openness Regulations"), members of the public are entitled to report on meetings of the Council, the Executive and all other Committees and meetings to which the public have access.

(b). Reporting is not permitted where the public have been excluded from a particular meeting, or part of a meeting as permitted by law (for example to protect confidential information) and other restrictions apply to protect those individuals who do not wish to be recorded.

(c). For the purposes of the Openness Regulations, "reporting" means:

- filming, photographing or making an audio recording of the proceedings of the meeting.

- using any other means for enabling persons not present at the meeting to see or hear proceedings at a meeting as it takes place

- reporting or providing commentary on proceedings at a meeting orally or in writing, so that a report or commentary is available as the meeting takes place or later if the person is not present (note however that in accordance with paragraph 2.(d)(iii) below there is to be no **oral** reporting or commentary on a meeting as it takes place by a person present at the meeting).

(d). Any person attending a meeting (including Councillors) must, so far as is practicable, be afforded reasonable facilities for reporting and may use any communication method (eg the Internet), including social media sites such as Facebook or Twitter , to publish, post or otherwise share the results of their reporting activities. Subject to this Protocol, publication and dissemination may take place in the meeting or afterwards.

2. The Protocol.

The following Protocol sets out how reporting and commentating will be managed by the Borough Council of Kings Lynn and West Norfolk ("the Council").

(a). Although there is no requirement so to do, it would be very helpful to the Council if persons wishing to record proceedings (or any part thereof) would notify the Councils Democratic Services Team (telephone number) in advance of the meeting. That will assist the Council to make reasonable arrangements to accommodate the requirements of those wishing to record.

(b). At the start of the meeting, the Chair will remind all present that recordings may be made in accordance with the Openness Regulations.

(c). The Chair will make it clear that whilst the Council respects the right to record and communicate, the right must be exercised reasonably and having regard to the need for the orderly conduct of business at the meeting.

(d). To ensure that this objective is achieved, the following criteria will be adopted:

(i). Persons should remain seated whilst they are recording. Walking around the meeting room whilst recording will not be permitted.

(ii). If other members of the public present express a wish not to be filmed or photographed whilst they are speaking, this request should be respected.

(iii) **No oral reporting or commentary of the meeting be permitted on the meeting as it takes place by any person who is present at the meeting.** This restriction is imposed to avoid noise which could otherwise disrupt the meeting.

(iv) If in the opinion of the Chair, any other behaviour or activity is taking place which in their opinion is preventing the orderly conduct of business at the meeting (for example, the use of flash photography), the Chair will exercise their discretion to adjourn the meeting.

(v) To avoid the possibility of accidents, the Council will not permit the use of electric sockets for electronic equipment

(e). Persons recording are reminded that the right to record whole (or part) of a meeting, extends only to those meetings (or part thereof) that the public are entitled to attend. If the public is lawfully excluded from the meeting at any stage (for example because confidential information is being discussed), the right to record immediately comes to an end for the whole of the period that the meeting is in “private” session.