

Part 4 Council Procedure Rules

Standing Orders of the Council

Contents

<u>Standing Order No.</u>	<u>Page</u>
1. Scope of these Standing Orders	5
2. Annual Meeting of the Council	6
3. Person Presiding at Meetings of the Council	7
4. Quorum and Duration of Meetings of the Council	8
5. Extraordinary Meeting of the Council	9
6. Order of Business at Ordinary Meetings of the Council	10
7. Confirmation of Council Minutes as a Correct Record	12
8. Presentation of Petitions to Meetings of the Council	13
9. Written Questions from Members at Meetings of the Council	13
10. Consideration of Section 41 Reports and Annual Reports at Meetings of the Council	16
11. Matters Requiring Consideration and Approval at Meeting of Council	17
12. Notices of Motion at Meetings of Council	18
13. Rules of Debate at Council Meetings	21
14. Voting at Meetings of the Council	29
15. Appointment of the Cabinet and Committees	30
Part II – Committees, Panels and Other For a	
16. Substitute Members	32
17. Ordinary Meetings of Committees	33
18. Persons Presiding at Meetings of Committees	33

19. Quorum of Committees	34
20. Committee Business Raised at Members' Request	36
21. Order of Business in Committees	37
22. Special Meetings of Committees	38
23. Arrangements for Officers to Act in Matters of Urgency	39
24. Reference-up of Decisions	40
25. Rules of Debate at Committee Meetings	41
26. Voting at Committee Meetings	46
27. Confirmation of Committee Minutes as a Correct Record	48
Part III – General Provisions	
28. Papers and Advice	48
29. Attendance Register	49
30. Observers at Meetings	49
31. Prevention of Disorderly Conduct	49
32. Members' Interests	51
33. Officers' Interests	51
34. Delegation of Powers to Chief Officers	52
35. Access to Documents, Information and Land	52
36. Public Disclosure of Information Relating to Council Employees	55
37. Common Seal of the Council	55
38. Appointment, Dismissal and Disciplinary Action Against Staff	56
39. Regulation of Proceedings and Business	57

Definitions

61

1. Scope of These Standing Orders

- (1) Only the Council can change or revoke these Standing Orders.
- (2) Council shall only consider a motion to change or revoke any of these Standing Orders upon receiving a written report from the Chief Executive and/or the Monitoring Officer.
- (3) Apart from this Standing Order, the other Standing Orders may be suspended during a meeting of the Council provided that either:-
 - (a) notice of intention to move such a suspension has been included in the agenda for the meeting;
 - (b) at least one half of the number of members present and voting of the Council support the suspension.
- (4) The ruling of the person presiding at any meeting to which these Standing Orders apply, concerning the interpretation or application of any of these Standing Orders, is final.

Part 1 – The Council

2. Annual Meeting of the Council

This Standing Order shall apply unless special or emergency circumstances prevail.

- (1) The Annual Meeting of the Council shall be held in Sandwell during May on a date and time to be determined by the Council. In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place on the third Tuesday in May, or such other day in the month of March, April or May that year as the Council may decide.
- (2) At the Annual Meeting, the Council shall:-
 - (a) elect members of the Council to the offices of Mayor and Deputy Mayor if those offices are vacant;
 - (b) elect a member to the office of Leader of the Council [if the Leader's term of office has expired or if that office is vacant, including following a resolution of the Council to remove the existing Leader from office];
 - (c) receive notice from the Leader of the Council of the members they have appointed to the executive, including their portfolio responsibilities, and the member to be appointed as the statutory Deputy Leader;
 - (d) receive the scheme of delegation of executive functions to officers as determined by the Leader of the Council and determine the scheme of non-executive delegations to officers;
 - (e) receive announcements from the person presiding and/or the Head of the Paid Service;
 - (f) receive and approve the minutes of the last meeting of the Council;

- (g) unless otherwise determined by Council, fix the dates and times of ordinary meetings of the Council for the municipal year;
- (h) decide on the following matters for the ensuing municipal year, subject to the relevant legislation relating to the appointment, constitution and political composition of committees:-
 - the size, membership, political composition of any committees, panels and fora to be established for the discharge of the Council's functions;
 - the appointment of voting and non-voting members to committees, panels and fora and the election of chairs and vice-chairs where necessary;
- (i) make appointments to any relevant outside bodies;
- (j) consider any additional business set out in the summons and agenda for the meeting.

3. Person Presiding at Meetings of the Council

- (1) The Mayor shall preside at meetings of the Council. In their absence, the Deputy Mayor shall preside at meetings of the Council.
- (2) In the absence of the Mayor and the Deputy Mayor, the Proper Officer shall invite Council to nominate a member to preside at that meeting.

Such a nomination, and any alternative nomination, shall be moved and seconded and voted on (see Standing Order No. 12). The member receiving the most votes shall be appointed to preside at that meeting of Council only

- (3) Any power of the Mayor/Deputy Mayor in relation to the conduct of a meeting of Council may be exercised by the person presiding at that meeting.

- (4) If debate arises about any nomination to preside at a meeting, the Proper Officer shall exercise the powers of the person presiding to regulate the debate and to maintain order at the meeting, until such time as a person is appointed to preside.
- (5) In the case of an equality of votes, the person presiding at any meeting of the Council, who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

4. Quorum and Duration of Meetings of the Council

- (1) 18 members who are eligible to vote shall form the quorum of Council. No business shall be transacted at any meeting of Council unless a quorum is present.
- (2) No meeting of Council shall commence unless there is a quorum present. If a meeting has not started within 30 minutes of the time specified on the summons and agenda, the meeting shall be postponed.

All business which would have been considered at that meeting shall stand referred to the next ordinary meeting of the Council, unless an extraordinary Council meeting is called to consider that business or the business is dealt with under the Council's urgency provisions.

- (3) If during any meeting of the Council, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for 30 minutes.
- (4) If, after 30 minutes, there is still no quorum present, the meeting shall be adjourned.

All business which has not been completed at such a meeting which has been adjourned, shall stand referred to the next ordinary meeting of Council, unless an extraordinary Council meeting is called to consider that business or the business is dealt with under the Council's urgency provisions.

(5) Duration of meeting

Any meeting that has lasted for 3 hours will adjourn immediately without debate. A motion to continue the meeting shall be moved no earlier than 30 minutes prior to the expiration of 3 hours and unless the majority of those present agree to suspend the standing order, the person presiding shall declare the meeting closed on expiry of the 3 hour period. Any remaining business will be considered at a time and date fixed by the person presiding. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

The following exemption applies to this rule

- a. statutory or other business on the agenda which, by law, must be transacted at any such meeting e.g. Council Tax Setting.
- b. matters of urgency
- c. extraordinary or special meetings

5. Extraordinary Meeting of the Council

(1) The following persons may request the Proper Officer to call a meeting of the Council in addition to the programme of ordinary meetings :-

- Council by resolution;
- the Mayor (or in their absence, the Deputy Mayor);
- the Proper Officer where they consider that it is necessary for Council to meet to determine an issue at any time;
- the Monitoring Officer;
- the Chief Finance Officer

- if any of the above are unable to act for any reason, or if the offices are vacant, the Leader of the Council may call an extraordinary meeting of Council at any time.
- a minimum of any five members of the Council may request the Mayor, or in their absence the Deputy Mayor of the Council, to call an extraordinary meeting of Council. Such a request must be in writing, include the proposed motion, identify the Proposer and Secunder and be signed by all the members concerned.

The Mayor or Deputy Mayor will provide a response in respect of the request within 7 days.

- (2) Once the Mayor or Deputy Mayor have agreed for an extraordinary meeting, the Proper Officer shall arrange for the extra-ordinary meeting to be held within 21 days of the receipt of the request made pursuant to Standing Order 5(1). If, after such a request has been made, and for whatever reason no meeting has been called within seven days, the members concerned shall inform the Proper Officer of their intention to call an extraordinary meeting of the Council, the business to be transacted and the date and time of the meeting.
- (3) An extraordinary meeting shall only be called to consider a specific matter or matters for which the Council has responsibility or which affect the Borough, or any part of it, or any of its citizens, or a number of them.

6. Order of Business At Ordinary Meetings of the Council

- (1) Ordinary meetings of the Council will take place in accordance with a programme of dates decided at the Council's Annual Meeting (unless otherwise determined earlier by Council).
- (2) As a general rule, the order of business shall be:-

- (a) at any meeting after the office of Mayor has become vacant, to elect a Mayor;
 - (b) at any meeting after the office of Deputy Mayor has become vacant, to appoint a Deputy Mayor;
 - (c) in the absence of both the Mayor and Deputy Mayor to appoint a person to preside at the meeting;
 - (d) to receive apologies for absence;
 - (e) to receive disclosures of interests by members and employees of the Council;
 - (f) to approve as a correct record, the minutes of previous meeting(s);
 - (g) to receive announcements from the person presiding and/or the Head of the Paid Service;
 - (h) any other item of business, not on the agenda, but which the person presiding is of the opinion should be considered at the meeting as a matter of urgency.
 - (i) to receive petitions under Standing Order 8;
 - (j) to consider written questions under Standing Order 9
 - (k) to consider any other specific items of business for determination included in the summons and agenda;
 - (l) to receive a highlight report from the Leader of the Council and/or Cabinet Portfolio Holders, committees and scrutiny boards and receive questions and answers on any of those reports;
 - (m) to consider notices of motion under Standing Order 8;
 - (n) to receive reports pursuant to standing order 11 (section 41 reports and annual reports);
 - (o) to receive a highlight report from Town Leads, Lead Performance Champion (Bi-annually).
- (3) With the exception of (a) to (g) above, the order of business can be varied:-
- (a) at the direction of the person presiding;
 - (b) by resolution of the Council. Such a motion will be moved, seconded and put to the vote without discussion.
- (4) Subject to any directions given by the Mayor (or in their absence the Deputy Mayor) the items of business for any meeting of the Council shall be arranged in such order as the Proper Officer thinks will ensure the effective transaction of business. The Proper Officer shall also be authorised to structure the agenda of Council

Meetings in accordance with any instructions given by the Council from time to time.

7. Confirmation of Council Minutes as a Correct Record

- (1) The person presiding shall put the question that the minutes submitted to the meeting be approved as a correct record.
- (2) No discussion shall take place on the minutes, except upon their accuracy. Any question of their accuracy shall be raised by notice of a motion seeking a specified amendment. If no such question is raised or, if it is raised then as soon as it is disposed of, the minutes shall be confirmed by Council either as a correct record or subject to amendment and signed by the person presiding.
- (3) Confirmation of any Council Minutes as a correct record under Standing Order 7(1) and 7(2) above, shall be considered at the next scheduled ordinary meeting of Council.

8. Presentation of Petitions to Meetings of the Council

- (1) Any relevant petition (including any debates relating thereto) shall be considered by Council in accordance with the Council's Petition Scheme.

9. Written Questions from Members at Meetings of the Council

- (1) Any member may give written notice of a question to be asked at a meeting of Council to any of the persons listed below
 - (a) the Mayor (or in their absence the person presiding);
 - (b) the Leader of the Council;
 - (c) any other member of the cabinet;
 - (d) any person appointed to preside at a committee or sub-committee;
 - (e) the member or members of the Council nominated pursuant to Section 41 of the Local Government Act

1985, on the discharge of the functions of any joint authority or any joint board of which the Council is a constituent authority;

- (f) a member appointed by the Council to an Outside Body (which shall include any trust or company);

Any written notice under this standing order shall be submitted to the Proper Officer no later than 12.00 midnight, 10 working days before the day of the meeting at which the question is to be asked, but not including the day of the meeting itself.

- (2) Every question under 10(1) above, must be relevant to some matter to which the Council has functions and responsibilities, or which affects all or part of the Borough, or its citizens.

Copies of all questions will be circulated to all members of the Council with the summons and agenda for the meeting. The questions received and accepted shall be listed on the agenda in order of receipt. Copies will also be available to the public attending the meeting.

- (3) A member can only submit one written question to each Council meeting.

- (4) The Proper Officer may reject a question if it

- fails to comply with the requirements of standing order 10(1) to 10(3);
- is or is substantially the same as a question that has been put at a meeting of the Council in the last six months;
- is or is substantially the same as a question that has already been submitted by a member to the same Council meeting;
- in the opinion of the Monitoring Officer is or is likely to be defamatory, and/or inflammatory, and/or frivolous and/or offensive;
- in the opinion of the Monitoring Officer is or is likely to expose the Council to significant legal challenge and/or claim;

- cannot be responded to without disclosing confidential information, information given in confidence, personal data, personal sensitive data or exempt information;
 - in the opinion of the Monitoring Officer is or is likely to contravene a court order/direction or otherwise undermine the ability of the Council to discharge its legal duties and responsibilities;
 - directly relates to the person asking the question, their personal circumstances, situation or any other matter which only directly affects them, their partners, their families and/or relatives;
 - may breach or cause to be breached, any direction given which relates to publicity, between a Notice of Election being issued and the date of that Election.
- (5) The Proper Officer will keep a record of each question submitted, which will be open to public inspection and retained for a period of 12 months. Details of all rejected questions will include the reasons for their rejection.
- (6) A member may withdraw a question they have submitted by giving written notice to the Proper Officer in accordance with standing order 10(1) above. That member shall then be entitled to give notice of an alternative question providing this is done within the timescales set out in this Standing Order.
- (7) In special circumstances, and providing it is not rejected under standing order 10(4), if the person presiding at the meeting considers that there is merit in a question(s) being asked although the required notice has not been given, they may permit the question(s) to be asked provided that the question is given to the Proper Officer not later than 12 noon on the day of the meeting.
- (8) Every question shall be asked as reproduced under Standing Order (10)2 and answered without discussion. The person to whom it was put may, however, seek clarification as to its meaning. The person to whom the question has been asked may decline to answer it.

- (9) Where the Member, having given notice of the question, is not present at the meeting, the person presiding will direct that a written response be provided.
- (10) A member asking a question under this Standing Order may, once their question has been responded to, ask one relevant supplementary question which must arise directly out of the original question, whether it is answered or not, or arising from the reply. The question must be put as a direct question and not preceded by a statement.

The person presiding at the meeting will determine if the supplementary question is valid in accordance with the criteria in paragraph (10) 4 above. The supplementary question shall otherwise be responded to without discussion. The person to whom it is asked may ask for clarification or further detail of the meaning of the question.

- (11) A response to a question or supplementary question may be given by the person to whom it has been asked, or by a person on their behalf, in the form of:-
- (a) a verbal response;
 - (b) a reference to information contained in a publication of the Council or other published work;
 - (c) a written response to the member asking the question.

10. Consideration of Section 41 Reports and Annual Reports at Meetings of Council

- (a) Members nominated pursuant to Section 41 of the Local Government Act 1985 to answer questions on the discharge of the functions of any joint authority or any joint board of which the Council is a constituent authority, and the Council's representative on the West Midlands Police and Crime Panel, will report to Council twice a year on matters of importance relating to the joint authority/board/ panel, and on any other occasion by exception.

Any member of the Council shall be entitled to ask questions of the relevant members on their report and Council may discuss matters arising from the reports and recommendations.

(b) Chairs of the following committees:

- Audit and Risk Assurance Committee
- Budget and Corporate Management Scrutiny Board (on behalf of all Scrutiny Boards)
- Ethical Standards and Member Development Committee
- Licensing Committee
- Planning Committee
- Corporate Parenting Board
- Sandwell Safeguarding Adult Board

will report annually on matters of importance relating to the area of responsibility.

If the Chair is not present at the meeting, the Chair may nominate another Member to deliver their report to Council.

Any member of the Council shall be entitled to ask questions of the relevant members on their report and the Council may discuss matters arising from the reports.

11. Matters requiring Consideration and Approval at Meetings of Council

(1) Council will undertake the following:

- (a) To receive recommendations in respect of the Council's Budget and Policy Framework;
- (b) To consider reports and determine recommendations from the Council's Executive, Committees, Boards, Panels and other fora;
- (c) To receive nomination(s) in respect of appointment(s) to Committees, Boards, Panels and other fora arising from in year vacancies (in accordance with the political proportionality rules, as applicable);

- (d) To receive nomination(s) in respect of appointment(s) to Outside Bodies (including any trust or company) arising from in year vacancies;
 - (e) To consider requests to bestow honorary titles and rights;
 - (f) To determine any requests for a dispensation in relation to the '6 month rule' under section 85, Local Government Act 1972 (as amended);
 - (g) To receive reports and recommendations from the Council's Statutory Officers and/or External Auditor;
 - (h) To consider and approve Charters and Protocols.
 - (i) Any other reports and recommendations considered necessary and/or urgent by the Chief Executive.
- (2) Members shall be allowed to move any motions which are relevant to the reports and recommendations under consideration.

12. Notices of Motion from Members at Council Meetings

- (1) With the exception of (13)² below, any member of the Council may give notice of not more than one motion for consideration at any ordinary meeting of the Council. Such a motion may be considered at the request of that member without prior reference to a committee, the Cabinet or a cabinet member.

Where a motion raised by a member under this Standing Order was deferred from a previous meeting, that member may still submit a further motion under (1) above

Where the motion seeks to remove the Leader of the Council from that office, the motion must be signed by at least 6 members of the Council, who must be present at the meeting and eligible to vote.

- (2) The Leader of the Council may give notice of more than one motion for consideration at any ordinary meeting of the Council.
- (3) Unless the person presiding at any meeting of the Council is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Council shall:-
 - (a) be given in writing and signed by the Proposer and Seconder of the motion;
 - (b) state the date of the Council meeting at which it is proposed to be moved;
 - (c) be delivered to the Proper Officer not later than 12 midnight on the tenth working day before the day of the Council meeting, but not including the day of the meeting itself.
- (4) Motions will be listed on the agenda in the order of which notice is received by the Proper Officer unless the member giving notice states in writing that they propose to move it to a later meeting or withdraw it.
- (5) The Proper Officer shall only accept a notice of motion which relates to those matters for which the Council has powers and duties and responsibility or which affect all or part of the Borough or its citizens, and shall keep a record of the date and time at which every motion is delivered to them. That record shall be open to inspection by the public for a period of 12 months.
- (6) A motion shall only be moved by the person who has submitted it or by another member nominated by them, in writing, prior to the commencement of the meeting.
- (7) Where a member has given notice of their intention to move a motion under this Standing Order, which relates to any matter which has already been determined by the Cabinet, Leader, a Cabinet Member, committee or an

officer acting under delegated powers, such a motion shall not seek to amend the decision

- (8) The mover of a motion, under this Standing Order, may speak in support of that motion for no more than 5 minutes.

At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply for not more than 3 minutes.

If an amendment to the motion is moved and seconded, the mover of the original motion shall have a right of reply on the amendment of not more than 3 minutes, but shall not otherwise speak on the amendment.

The Chair of Council will have the discretion to extend the length of time for speeches.

- (9) Where notice of a motion has been given and has been included on the agenda for a meeting of the Council, but the motion has not been moved and/or seconded (for whatever reason) that motion shall lapse.
- (10) Where a meeting of the Council is cancelled, postponed or adjourned to a later date under Standing Order 4, any unconsidered motions will be considered at the next meeting of the Council or at a later meeting selected by the member proposing the motion.
- (11) At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding 6 months or which has the same effect as one which has been rejected within that period unless:
- (a) it is a recommendation of the Cabinet, a cabinet member or a committee; or
 - (b) notice of such motion has been given by 18 members of the Council under Standing Order 13 (notices of motion).

Previous Decisions and Motions

- (12) At a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding 6 months or which has the same effect as one which has been rejected within that period unless:
- (a) it is a recommendation of the Cabinet, a cabinet member or a committee; or
 - (b) notice of such motion has been given by 18 members of the Council under Standing Order 13 (notices of motion).

13. Rules of Debate At Council Meetings

Speeches

- (1) While a member is speaking, the other members shall not speak, unless raising a point of order or a point of personal explanation.
- (2) Whenever, during a debate, the person presiding rises or issues a clear instruction of intent, members shall resume their seats, and the Council shall be silent.
- (3) If two or more members ask to speak, the person presiding shall determine the order in which they may address the Council.
- (4) When speaking, a member shall address the person presiding.
- (5) A member shall direct their speech to the matter under discussion, or to a personal explanation or a point of order.
- (6) No member shall speak for more than 3 minutes on any matter without the consent of the person presiding provided that:-

- (a) the mover of a motion, notice of which has been given under Standing Order 13, may speak in support of such a motion for no more than 5 minutes;
 - (b) no time limit shall be set on the length of speeches of those persons responding to questions under Standing Order 10 or on the members responding to questions under Standing Order 6.
- (7) A member who has already spoken on any motion shall not speak on that same motion again while it is the subject of debate, except:-
- (a) to speak once on an amendment moved by another member;
 - (b) if the motion has been amended since they last spoke, to move a further amendment;
 - (c) if their first speech was on an amendment moved by another member (whether or not the amendment was carried) but their wishes to speak on the main issue;
 - (d) in exercise of a right of reply (see paragraph (18) below);
 - (e) on a point of order or by way of personal explanation (see paragraph (19) below);
 - (f) where the person presiding is of the opinion that it would be prudent to provide an opportunity for clarification to be given or to allow the debate to proceed to an effective conclusion.

Motions Which May Be Moved During A Debate

- (8) When a motion is under debate, no other motion shall be moved except the following procedural motions:-
- (a) to amend the motion;
 - (b) to withdraw the motion;
 - (c) a closure motion;

- (d) a motion under Standing Order 32 (prevention of disorderly conduct);
- (e) a motion to exclude the public and press;
- (f) to not hear further from a named member or to exclude them from the meeting (see Standing Order 32).

Motions during the debate

- (9) A motion shall not be discussed unless it has been moved and seconded.
- (10) When seconding a motion, a member may reserve their speech until a later period of the debate by declaring their intention to do so.
- (11) The following motions may be moved at any meeting:-
 - (a) to elect a person to preside, in the absence of the Mayor and Deputy Mayor, for the duration of the meeting;
 - (b) relating to the accuracy of the minutes;
 - (c) to change the order of business (see Standing Order 6);
 - (d) to refer a matter to an appropriate body or individual;
 - (e) to establish a committee or appoint a member arising from an item on the agenda for the meeting;
 - (f) to receive reports or adopt recommendations of the Cabinet, cabinet members, committees or officers and any relevant resolutions;
 - (g) to extend the time limit for speeches;
 - (h) closure motions (see paragraph (15) below);

- (i) the suspension of Standing Orders without notice (see Standing Order 1(3));
 - (j) to exclude the public and press from a meeting where there is likely to be disclosure of exempt or confidential information;
 - (k) to give the consent of the Council where it is required by the Constitution;
 - (l) to prevent disorderly conduct (see Standing Order 32).
- (12) When any motion, notice of which has not been given in writing, has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.
- (13) With the consent of the meeting, signified without discussion, a member may:-
- (a) alter a motion of which they have given notice; or
 - (b) with the consent of the seconder, alter a motion which has been moved and seconded.
- (14) With the consent of the seconder (if they are still present) and of the meeting, signified without discussion, the mover of a motion may withdraw it. No member shall speak on a motion that is withdrawn.

Amendments to Motions

- (15) An amendment shall be relevant to the motion and shall either be:-
- (a) to refer the matter to the appropriate body or individual for consideration or reconsideration;
 - (b) to leave out words; or
 - (c) to insert or add other words;

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

- (16) An amendment shall not be discussed unless it has been moved and seconded.
- (17) When seconding an amendment, a member may reserve their speech until a later period of the debate by declaring their intention to do so.
- (18) No amendment shall be moved to an amendment.
- (19) When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to them before it is further discussed. Where the amendments are substantive in nature, unless exceptional, advance written notice of the amendment shall be given to the Chief Executive at least 6 hours before the start of the meeting.
- (20) With the consent of the seconder (if they are still present) and of the meeting, signified without discussion, the mover of an amendment may amend it or withdraw it. No member shall speak on an amendment that has been withdrawn.
- (21) The mover and seconder (in agreement) of the original motion may indicate to the person presiding that they are willing to accept an amendment (duly moved and seconded) during the debate. The person presiding shall invite the mover and seconder of the original motion to confirm their acceptance of the amendment. Once accepted there shall be no debate (or further debate) or vote on the amendment and the original motion shall stand amended and become the substantive motion.
- (22) Under normal circumstances, 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.

However, the person presiding may permit two or more amendments to be discussed together (but not voted

upon) if circumstances suggest that this course would facilitate the proper conduct of business, and may direct the order in which such amendments are to be put to the vote.

- (23) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Closure Motions

- (24) At the conclusion of a speech by a member on a motion before the Council, any other member may move, without comment, a motion:-
- (a) that the meeting proceed to the next business;
 - (b) that the matter be put to the vote
 - (c) to adjourn the debate or
 - (d) that the meeting is adjourned.
- (25) If the closure motion is seconded, then the person presiding shall proceed as follows:-
- (a) on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise their right of reply under paragraph (18) below, before the original motion is put to the vote;
 - (b) on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion their right of reply on that occasion.

If the meeting is not reconvened, the original motion or remaining business shall then stand referred as uncompleted business until the next ordinary meeting, unless arrangements have been made for an extraordinary meeting to consider that business or the business is dealt with as a matter of urgency.

- (c) Closure motions not seconded shall lapse.
- (26) If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, they may move from the Chair, that the matter be put to the vote.

Right of Reply

- (27) The mover of any motion has a right of reply, immediately before the motion is put to the vote. The mover shall speak for no more than 3 minutes.

If an amendment is moved and seconded, the mover of the original motion shall, have a right of reply at the close of the debate on the amendment, of not more than 3 minutes, but they shall not otherwise speak on the amendment.

The mover of an amendment shall have no right of reply to the debate on their amendment.

(For the purposes of this paragraph a person who moves an amendment is not moving a motion).

Points of Order or Personal Explanation

- (28) A member may ask to speak on a point of order or in personal explanation. The member must be allowed to put the point of order or personal explanation immediately and without interruption.

A point of order shall only relate to an alleged breach of a statutory provision, a Standing Order or procedural rule, which must be specifically identified. The member

raising it must also explain how they consider it has been broken.

A personal explanation shall be confined to some material part of a former speech by them in the current debate which may appear to have been misunderstood.

- (29) The ruling of the person presiding, on a point of order or on the admissibility of a personal explanation, shall be final and not open to discussion..

Consent of the Council

- (30) Where the consent of the Council is required for anything, that consent may be given either:-
- (a) by the person presiding asking the meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or
 - (b) if an objection is raised, or if the person presiding so chooses, by a motion moved, seconded and put to the meeting.

14. Voting at Meetings of the Council

- (1) Unless the Constitution requires otherwise, any matter will be decided upon by a simple majority of those members present in the room and eligible to vote at the time the question was put. The person presiding will take the vote by a show of hands or other means of showing a clear intention, or if there is no dissent clearly demonstrated, by the general affirmation of the meeting.
- (2) Immediately after any vote is taken and before the next business commences, any member may request the Proper Officer to record in the minutes of that meeting the way they voted (or abstained).
- (3) Immediately before any matter is put to the vote, any member may request that a named vote be taken. Such a request must be supported by at least five other voting

members, and all six members shall clearly signify their support of this request.

At the request for a named vote the Proper Officer shall individually call upon all voting members then present to provide a clear indication whether they wish to vote for or against the question then under debate or whether they wish to abstain from voting. A record shall be made in the minutes of that meeting of the way members voted.

(4) Decisions relating to Budget and Council Tax:

A named vote must be taken on any decision relating to the calculation of the budget requirement and the calculation of council tax and on any amendments proposed in relation thereto. The vote must be recorded in the minutes of the proceedings of the meeting, to include the names of the persons who cast a vote for the decision, against the decision or who abstained from voting.

(5) When a vote is required to appoint or elect members of the Council or other persons to positions to be filled by the authority:-

- (a) if no more than two nominations are received, the nominations to such positions shall be moved, seconded and determined in accordance with the motions and amendments procedure (see Standing Order No. 14);
- (b) if there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken.

The process will continue until there is a majority of votes for one person.

(6) In the case of an equality of votes on any motion, the person presiding at any meeting of the Council, who is also entitled to vote at that meeting, shall have a second

or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

15. Appointment of the Cabinet and Committees

- (1) The establishment and appointment of the Cabinet shall be in accordance with the requirements of Article 7 of the Constitution. In particular, the Leader of the Council will decide the number of members to comprise the Executive; and will appoint the Statutory Deputy Leader and any other Deputy Leader(s) and other elected members to serve on the Executive and their respective Portfolios.
- (2) Council shall make appointments to Committees, Boards, Panels, other Fora and Outside Bodies unless otherwise reserved for or to the Leader of the Council.
- (3) Following the receipt of a report from the Proper Officer, the Council may, at any time during the municipal year, make changes to the terms of reference, functions and political composition of any of its Committees, Boards, Panels, other fora.
- (4) Every Committees, Boards, Panels, other fora constituted by the Council shall continue in being, exercising the functions allocated to it, until such time as it is disestablished by the Council
- (4) Any person appointed to serve on a committee shall continue to serve on it until such time as their appointment to that committee is terminated or they resign, becomes disqualified from office or ceases to be a member of the Council for any reason.
- (5) Whenever the Council resolves, or is required by statute, Government or legal directive to review the allocation of seats on committees between political groups, the Proper Officer shall, as soon as practicable, submit a report to the Council showing what allocation of seats would, in their opinion, best meet the requirement for the allocation of seats on committees to be in proportion to the political composition of the Council.

- (6) Where the Proper Officer has been notified by a Political Group of a proposed change to the membership of a Committee, Board, Panel or other fora, (which is consistent with the rules of political proportionality) the Proper Officer shall make arrangements to report the change to the next Council meeting.
- (7) Unless an executive function, any other sub-committee/board/panel shall be appointed only with the prior approval of the Council.

Part II – Committees, Panels and Other Fora

16. Substitute Members

- (1) In cases where any political group has only one representative on a committee, panel, forum or board, that group shall be entitled to appoint a named substitute for the member concerned.
- (2) Where the appointment is to a body external to the Council, a substitute may only be appointed where the rules governing that organisation permit.
- (3) Unless otherwise provided for by statute or direction, the appointment of a substitute member is permitted for each and every member on a quasi-judicial body where it is important for that body to be of a prescribed size, to be representational of the make up of the Council or there is a need to comply with the requirements of any statutory requirement or Government guidance subject to meeting compulsory training requirements.
- (4) Substitute members may attend meetings in that capacity only:
 - (a) to take the place of the ordinary member for whom they are the designated substitute;
 - (b) where the ordinary member will be absent for the whole of the meeting except, in the case of a quasi-judicial body, where a member is required to

withdraw for, or cannot attend to hear a particular case, when substitution will be permitted;

- (c) after they or the member they are substituting for has provided the proper officer with notice of the substitution before the commencement of the meeting in question;
 - (d) where an adjourned meeting is reconvened and it is essential for that substitute member to continue to attend to comply with the spirit of natural justice. In such instances, the substantive member may not attend other than as an observer.
- (5) Substitute members will have all the same powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are the substitute.

17. Ordinary Meetings of Committees

- (1) Unless otherwise agreed in the preceding municipal year, the Council, at its Annual Meeting, shall fix the date, time and place of ordinary meetings of committees, panels or other fora as appropriate
- (2) If the date, time or place of an ordinary meeting of a committee, panel or other forum has not been fixed by the Council, then it may fix its own dates, times and venues.
- (3) The arrangements for any committee, board, panel or other fora can be altered at the discretion of the person appointed to preside, subject to consultation with the lead representative of the political groups on that committee, as far as practicable where the change is for a prolonged period

18. Persons Presiding At Meetings of Committees

- (1) Unless the Council makes an appointment itself, a committee shall elect, from amongst its membership, a person to preside at its meetings and a person to preside in their absence.

- (2) If both the appointed persons referred to in (1) above are absent, the committee shall choose, from amongst its membership, a person to preside at that meeting.
- (3) If it is necessary to choose a person to preside, the Proper Officer shall invite the committee to nominate a member to preside at that meeting.

Such a nomination and any amendments shall be moved and seconded and put to the vote (see Standing Order No. 27).

- (4) All legal powers in relation to the conduct of a meeting may be exercised by the person appointed to preside at that meeting.
- (5) If discussion arises about the appointment of a person to preside at a meeting, the Proper Officer shall regulate that discussion and maintain order at that meeting, until such time as a person is appointed to preside.
- (6) In the case of an equality of votes, a person presiding at any meeting of a committee who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.
- (7) The ruling of any person presiding at any meeting of a committee as to the interpretation or application of any of these Standing Orders shall not be challenged at that meeting.

19. Quorum of Committees

- (1) No business may be transacted at any meeting to which these Standing Orders apply unless a quorum is present.

The quorum is equal to one quarter of the total number of voting members or at least 2 voting members (whichever is the greater).

The exceptions to the above are:-

- in respect of the Ethical Standards & Member Development Committee and its sub-committees, where the quorum shall be 3 voting members of the committee/sub-committee;
 - any committee or sub-committee, or part thereof, held for the purposes of determining a quasi-judicial matter, where the quorum shall be at least 3 voting members of the committee/sub-committee.
- (2) No meeting shall commence unless there is a quorum present. If a meeting has not started within 30 minutes of the time specified on the agenda, the meeting shall be postponed.
- (3) If during any meeting of a committee, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for 15 minutes.

If after 15 minutes there is still no quorum, the meeting shall be adjourned to a date and time to be agreed by the person presiding.

- (4) If a meeting is not to be reconvened, all business which has not been completed at a meeting which has been postponed or adjourned shall stand referred to the next ordinary meeting, unless arrangements are made for a special meeting to consider that business or the business is dealt with as a matter of urgency.

Overview and Scrutiny Bodies

- (5) The following provisions shall apply in respect of overview and scrutiny bodies in place of (2) and (3) above.

In the event of a quorum not being obtained:-

- a) at the commencement of a meeting of an overview and scrutiny committee, or
- b) at any point during the meeting and at the discretion of the person presiding,

the meeting may continue for the purpose of examining the business before it, provided as follows:-

- (i) no formal decisions may be made whilst the meeting is inquorate;
- (ii) any recommendation, comment or advice by the members present to the Council, a cabinet member, other committees or other persons or bodies shall be qualified by a statement clearly indicating that the recommendation, comment or advice is not that of the full committee due to the meeting having been inquorate;
- (iii) any notes or minutes of the meeting shall clearly record that the meeting was inquorate or the point in the record of events at which the meeting became inquorate.

20. Committee Business Raised At Members' Request

- (1) Any member of a committee (whether voting or not) may give notice of not more than one item for consideration at any meeting of that committee.
- (2) Unless the person presiding at any meeting is of the opinion that an item should be considered as a matter of urgency, notice of every item proposed by a member of a committee for consideration at a meeting shall:-
 - (a) be given in writing and signed by the member concerned. This provision shall be applied to email communications provided by the member using a Council email account;
 - (b) state the name of the committee to which the item should be referred;
 - (c) be delivered to the Proper Officer at least 10 working days before the date of the next scheduled meeting of the committee concerned;

The Proper Officer shall arrange for the matter to be included on the agenda for that meeting.

- (3) The Proper Officer shall only accept matters which fall within the terms of reference of the committee concerned.
- (4) In the event of a meeting being cancelled, postponed or adjourned in accordance with the provisions of these Standing Orders; the business proposed for that meeting or the remaining business if the meeting has been adjourned, but in either case including any item proposed by a member for consideration at that meeting; shall stand over as uncompleted business until the next ordinary meeting, unless arrangements have been made to consider that business or the business is dealt with as a matter of urgency.

21. Order of Business in Committees

- (1) As a general rule the order of business shall be:-
 - (a) unless determined by the Council at its Annual Meeting, at the first ordinary meeting and at any other meeting after the office(s) have become vacant, to appoint a person to preside at meetings of the committee (and a person to preside in his or her absence);
 - (b) to appoint a person to preside at the meeting if both of the people appointed under (a) above are absent;
 - (c) to receive apologies for absence;
 - (d) disclosure of interests by members and employees of the Council;
 - (e) to approve, as a correct record, the minutes of the previous meeting(s);
 - (f) all items of business which have been, or are deemed to have been, referred to the committee by the Council, the Cabinet or by another committee;
 - (g) all reports submitted to the committee by the Head of Paid Service or any chief officer;

- (h) any items of business directed to be included by the Chair of the committee;
 - (l) any other item of business of which the requisite notice has been given to the Proper Officer by a member of the committee (whether voting or not);
 - (j) any other item of business, not on the agenda, but which the person presiding is of the opinion should be considered at the meeting as a matter of urgency.
- (2) With the exception of (a) to (e) above, the order of business can be varied:-
- (a) at the direction of the person presiding;
 - (b) by resolution of the committee;

The Chair may, without debate, withdraw items from the agenda if they deems it appropriate to do so, except:

- (a) for items included on an agenda under Standing Order 21 unless the member calling for the item to be included, consents to the withdrawal;
 - (b) where the item has been called in for scrutiny in accordance with Part 4 (Overview and Scrutiny Rules) of the Council's Constitution, unless the member calling in the item consents to the withdrawal.
- (3) Subject to any directions given by the person appointed to preside at a meeting of a committee, the items of business for that meeting shall be arranged in such order as the Proper Officer thinks will best ensure the effective transaction of business.

22. Special Meetings of Committees

- (1) The person appointed to preside at meetings of a committee or, in their absence, their deputy may call a special meeting of the committee at any time.

- (2) One quarter of the voting members of a committee, or any 2 voting members of that committee (whichever is the greater) may request that a special meeting is called.

Such a request must be in writing and must be signed by the members concerned. This provision shall be applied to email communications provided by the member using a Council email account;

- (3) If, after such a request has been made and for whatever reason no meeting has been called within 7 days of the request, the members concerned shall inform the Proper Officer of their intention to call a special meeting, the business to be transacted and the date and time of the meeting.

In determining the date and time of the meeting, the members must take account of the statutory timescales and requirements for the calling of meetings, contained in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended, and the consequent practical implications.

Within 7 days of the request, the Proper Officer shall arrange a suitable venue, issue the summons and agenda for the meeting and shall publish the necessary notices of the meeting.

- (4) A special meeting shall only be called to consider a matter which falls within the terms of reference of that committee.

23. Arrangements for Officers to Act in Matters of Urgency

- (1) The Leader of the Council and, unless the Council resolves otherwise, and with the exceptions listed below, every committee shall make arrangements for functions to be discharged in cases of urgency by delegation to a chief officer.

The exceptions to the above are functions undertaken by:-

- Ethical Standards & Member Development Committee;

- Audit & Risk Assurance Committee
 - Scrutiny Boards;
 - Chief Officer Terms and Conditions Committee
 - General Purposes and Arbitration Committee
- (2) Where a chief officer proposes to act on a matter of urgency, such action must be within approved Council policy. A chief officer proposing to act under these arrangements must:-
- (a) seek the agreement of the Proper Officer that they are satisfied that the matter in question constitutes a genuine matter of urgency, that all other avenues for the determination of the matter have been exhausted and that the urgency has not arisen due to a failure to finalise reports in time under normal procedures;
 - (b) seek the written agreement of the chair of the relevant scrutiny board or in their absence, the vice chair that they are satisfied that to delay the matter in question would prejudice the Council's or the public interest;
 - (c) consult the appropriate cabinet member or chair of the appropriate committee (or in their absence, vice-chair) on the action the chief officer proposes to take.
- (3) The chief officer concerned shall maintain a record of the urgent circumstances that make it necessary for action to be taken before the next ordinary meeting of the relevant committee concerned or before the appropriate cabinet member is able to take executive decisions in accordance with the Executive Procedure Rules and the Access to Information Procedure Rules contained in Part 4 of the Constitution.
- (4) Where action is taken under any such arrangement, a report of that action, including a note of the circumstances which made it necessary, must be reported to the next ordinary meeting of the appropriate committee(s) concerned or to the appropriate cabinet member as referred to in (3) above.

24. Reference-up of Decisions

- (1) Any committee may resolve to refer a matter to the Council, to the Cabinet or to another committee in accordance with the scheme of delegations as set out in the Constitution, provided that to do so does not compromise the necessary division of functions between the executive and overview and scrutiny.
- (2) This Standing Order shall not apply to the business of quasi-judicial bodies when they are considering individual matters before them. However, such bodies shall be required to refer any issues which are contrary to Council policy or do not fall within their terms of reference, in accordance with (1) above.

25. Rules of Debate at Committee Meetings

These rules of debate do not apply to fora at which individual decisions are being made by cabinet members. These shall be conducted in accordance with access to information requirements and otherwise in accordance with any protocols adopted by the Cabinet.

Speeches

- (1) While a member is speaking, the other members shall not speak, unless raising a point of order or a point of personal explanation.
- (2) Whenever the person presiding rises or issues a clear instruction of intent during a debate, members shall resume their seats and the committee shall be silent.
- (3) If two or more members ask to speak, the person presiding shall decide the order in which they may address the committee.
- (4) When speaking, a member shall address the person presiding.

- (5) A member shall direct their speech to the matter under discussion, or to a personal explanation or a point of order.

Motions

- (6) A motion shall not be discussed unless it has been moved and seconded except in a committee of nine members or less where motions do not need to be seconded.
- (7) When seconding a motion, a member may reserve their speech until a later period of the debate by declaring their intention to do so.
- (8) On consideration of a report or a recommendation from another committee or a chief officer, the adoption of the report or recommendation and any resolutions relevant to that adoption may be moved.
- (9) The following motions may be moved at any meeting at which they would be in order:
- (a) relating to the accuracy of the minutes;
 - (b) to change the order of business (see Standing Order 21 (2));
 - (c) closure motions (see paragraph (14) below);
 - (d) to exclude the public and press from a meeting where there is likely to be disclosure of exempt or confidential information;
 - (e) to give the consent of the committee where it is required by the Constitution;
 - (f) to prevent disorderly conduct (see Standing Order 33).
- (10) When any motion has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.

- (11) With the consent of the meeting, signified without discussion, a member may:
- (a) alter a motion which they has moved; or
 - (b) with the further consent of the seconder, alter a motion which has been moved and seconded;
- (12) With the consent of the seconder (if they are still present) and of the meeting, signified without discussion, the mover of a motion may withdraw it. No member shall speak on a motion which has been withdrawn.

Motions Which May Be Moved During a Debate

- (13) When a motion is under debate, no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) to withdraw the motion;
 - (c) a closure motion;
 - (d) a motion under Standing Order No. 33 (prevention of disorderly conduct);
 - (e) a motion to exclude the public.

Closure Motions

- (14) At the conclusion of a speech by a member on a motion before a committee, any member may move without comment, a motion:-
- that the meeting proceed to the next business;
 - that the matter be put to the vote;
 - that the meeting is adjourned.

If the closure motion is seconded, then the person presiding shall proceed as follows:

- (a) on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise their right of reply under paragraph (16) below, before the original motion is put to the vote;
- (b) on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion their right of reply on that occasion.

If the meeting is not reconvened, the original motion or remaining business shall then stand over as uncompleted business until the next ordinary meeting, unless arrangements have been made for a special meeting to consider that business or the business is dealt with as a matter of urgency.

- (15) If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, they may move, from the Chair, that the matter be put to the vote.

Right of Reply

- (16) The mover of any motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved and seconded, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but they shall not otherwise speak on the amendment.

The mover of an amendment shall have no right of reply to the debate on their amendment.

(For the purposes of this paragraph a person who moves an amendment is not moving a motion).

Points of Order or Personal Explanation

- (17) A member may ask to speak on a point of order or in personal explanation. The member must be allowed to put the point of order or personal explanation immediately and without interruption.

A point of order shall only relate to an alleged breach of a specified statutory provision or a specified Standing Order or procedural rule, and the way in which the member raising it considers that it has been broken.

A personal explanation shall be confined to some material part of a former speech by him/her in the current debate which may appear to have been misunderstood.

- (18) The ruling of the person presiding, on a point of order or on the admissibility of a personal explanation, shall be final and not challenged at that meeting.

Amendments to Motions

- (19) An amendment shall be relevant to the motion and shall either be:-

- (a) to refer the matter to the appropriate body or individual, another committee or a chief officer for consideration (or reconsideration);
- (b) to leave out words; or
- (c) to insert or add other words;

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

- (20) An amendment shall not be discussed unless it has been moved and seconded except in a committee of 9 members or less, where amendments do not need to be seconded.

- (21) When seconding an amendment, a member may reserve their speech until a later period of the debate by declaring their intention to do so.
- (22) No amendment shall be moved to an amendment.
- (23) When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.
- (24) With the consent of the seconder (if they are still present) and of the meeting, signified without discussion, the mover of an amendment may withdraw it. No member shall speak on an amendment that has been withdrawn.
- (25) Under normal circumstances, 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. However, the person presiding may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this course would facilitate the proper conduct of business, and may direct the order in which such amendments are to be put to the vote.
- (26) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Consent of the Committee

- (27) Where the consent of the committee is required for anything, that consent may be given either:-
 - (a) by the person presiding asking the meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or

- (b) if an objection is raised, or if the person presiding so chooses, by a motion moved, seconded and put to the meeting.

26. Voting at Committee Meetings

- (1) Unless the Constitution requires otherwise, any matter will be decided upon by a simple majority of those members present in the room and eligible to vote at the time the question was put. The person presiding will take the vote by a show of hands or other means of showing a clear intention, or if there is no dissent clearly demonstrated, by general the affirmation of the meeting.
- (2) Immediately after any vote is taken and before the next business is commenced, any member may request the Proper Officer to record in the minutes of that meeting the way they voted (or abstained).
- (3) Immediately before any matter is put to the vote, any member may request that a named vote be taken. Such a request must be supported by at least one third of the other voting members present, who must clearly signify their support of this request.

At the request for a named vote the Proper Officer shall individually call upon all voting members then present to provide a clear indication of whether they wish to vote for or against the question then under debate or whether they wish to abstain from voting. A record shall be made in the minutes of that meeting of the way members voted.

- (4) When a vote is required to appoint or elect members of the Council or other persons to positions to be filled by the authority -
 - (a) if no more than two nominations are received, the nominations to such positions shall be moved, seconded and determined in accordance with the motions and amendments procedure (see Standing Order 26);
 - (b) if there are more than two people nominated for any position to be filled and there is not a clear

majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

- (5) In the case of an equality of votes, the person presiding at any meeting of any committee who is also entitled to vote at that meeting shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

27. Confirmation of Committee Minutes as a Correct Record

- (1) The person presiding shall put the question that the minutes submitted to the meeting be approved as a correct record.
- (2) No discussion shall take place on the minutes, except upon their accuracy. Any question of their accuracy shall be raised by notice of a motion seeking a specified amendment. If no such question is raised or, if it is raised then as soon as it is disposed of, the minutes shall be confirmed by the committee either as a correct record or subject to amendment and signed in due course by the person presiding.

Part III – General Provisions

28. Papers and Advice

- (1) The Proper Officer shall be responsible for the distribution of the agenda and supporting documents for all Council, cabinet and committee meetings and also to cabinet members to enable them to take decisions in accordance with the Executive Procedure Rules.

Any questions regarding the entitlement of any person to receive such papers shall be determined by the Proper Officer.

- (2) At their request, the Cabinet, cabinet members and every committee shall give a chief officer who is concerned with the work of that body or person an opportunity to advise on any matter under consideration either in writing or orally.
- (3) If the Council considers a matter which has not previously been the subject of consideration or report by the Cabinet, a cabinet member or relevant committee, the person presiding shall ensure that the question is not put to the vote before any chief officer who has responsibilities relating to the matter or the Head of Paid Service has had the opportunity, if requested, to advise the Council orally.

29. Attendance Register

- (1) The Proper Officer shall keep an attendance register for meetings of the Council and each of its committees.
- (2) It is the responsibility of any member attending any meeting of the Council or a committee, either as a member of that committee or as an observer, to sign the attendance register for that meeting.

30. Observers At Meetings

- (1) The Leader of the Council and Deputy Leader/s of the Council may attend the whole of the proceedings of any meeting of any committee of which they are not a member. They may speak, but may not vote, at meetings of a committee of which they are not a voting member.
- (2) Any member of the Council may attend any meeting of a committee, to which they have not been appointed, to observe the public part of the proceedings of that committee. Members attending meetings as observers shall not be entitled to vote and shall only speak at such meetings:-
 - (a) on a matter relating to a motion of which they gave notice or seconded at a Council meeting and which has been referred to that committee;

- (b) with the agreement of the person presiding at that meeting.
- (3) A member's attendance as an observer during the confidential proceedings of any committee shall be at the discretion of the person presiding at that meeting, subject to that member satisfying the person presiding of their need to know and that their attendance does not breach a statutory or local requirement or code.

31. Prevention of Disorderly Conduct

- (1) If the person presiding is of the opinion that any member has misconducted or is misconducting themselves by persistently disregarding the ruling of the person presiding or by behaving irregularly, improperly or offensively or wilfully obstructing the conduct of business, they shall inform the meeting and may take the following course of action:-
- (a) the person presiding may move that the named member be not further heard. The motion shall be put and decided without comment. If it is carried the member named shall not speak further at that meeting;
 - (b) if the member continues to behave improperly, the person presiding may move that the named member shall leave the meeting. This motion shall not require to be seconded, but shall be put and decided without comment. If it is carried the member named shall forthwith leave the meeting;
 - (c) at any time, the person presiding may adjourn the meeting for an appropriate period.
- (2) If a member or members of the public interrupt the proceedings at any meeting, or in the event of a general disturbance at any meeting, the person presiding may take the following action as appropriate to the circumstances:-
- (a) warn the person(s) concerned;

- (b) order the person(s) to leave the room;
 - (c) order the person(s) to be removed from the room;
 - (d) adjourn the meeting for an appropriate period.
- (3) The provisions of this Standing Order are additional to any other powers which the person presiding may lawfully exercise.

32. Members' Interests

- (1) Members shall be required to declare interests in accordance with any relevant statutory provisions and the Members' Code of Conduct as set out in Part 5 of the Constitution.
- (2) Where a member has a disclosable pecuniary interest or pecuniary interest in the business of the authority they must withdraw from the room or chamber where the meeting considering the business is being held unless the member has obtained a dispensation from the authority's Standards Committee.
- (3) The requirements for members to disclose their interests shall apply equally to any co-opted members/persons appointed to discharge any functions in connection with a committee whether they have voting rights or not.
- (4) The Proper Officer shall be responsible for keeping a register of members' interests and making it open for public inspection during office hours and for publication on the authority's web site.

33. Officers' Interests

- (1) Officers shall be required to declare any interests in accordance with their terms and conditions of employment, any relevant statutory provisions, the Officers' Code of Conduct as set out in Part 5 of the Constitution and any other local provisions as may from time to time be approved and adopted by the Council.

- (2) Where any employee submits a written report to any meeting on any matter in which they has disclosed an interest, the report should contain a separate paragraph setting out those details of the nature of the interest.
- (3) If an employee advises any meeting verbally on any matter in which they has disclosed an interest, they should state the nature of the interest and this should be recorded in the minutes of that meeting.

34. Delegation of Powers to Chief Officers

- (1) The Proper Officer shall maintain a register of powers delegated to chief officers where such arrangements are made for an unspecified period or a specified period of more than six months. This register shall be open for inspection by the public during office hours.
- (2) A member of the Council may inspect any document relating to action taken by chief officers under delegated powers subject to any restrictions on access to information referred to in Standing Order 37.
- (3) Where a chief officer is given delegated authority to act on any matter, the Council, cabinet member or a committee may require that chief officer to submit reports as appropriate on the action they has taken under those arrangements.
- (4) Every chief officer shall be required to maintain a written record of the actions taken under their delegated powers as referred to in paragraph (1) above.

35. Access to Documents, Information and Land

- (1) In addition to their legal rights, but subject to certain restrictions, the following persons shall have access to information as follows:-
 - (a) any member of the Council may have access to any document held by the Council or any other information which it is necessary for the member to have access to for the proper discharge of their

function as a councillor, cabinet member or as a member of any committee;

- (b) any co-opted member of any committee may have access to any document or any other information held by the Council relating to a matter under consideration by a committee or sub-committee of which they are a member, which is necessary for that person to properly discharge their functions/duties as a member of that committee;
- (c) any employee of the Council may have access to any document or any other information held by the Council which is necessary for him/her to properly discharge their duties as an employee of the Council.

- (2) No Councillor, co-opted member of a committee or any employee of the Council shall be entitled to inspect any document or to have access to any information relating to a matter in which they has a personal or prejudicial interest other than that information that any other person would generally be able to access.

A person has a personal or prejudicial interest in a matter if, on the assumption that if they were a member of the Council, the interest would have to be declared at a meeting in accordance with the Member Code of Conduct set out in Part 5 of the Constitution.

- (3) A Councillor, co-opted member or an employee may be refused the right to inspect a document which, in the opinion of the Proper Officer, it is not necessary for them to inspect for the proper discharge of their functions as a councillor, cabinet member, member of a committee or as an employee, or if there is good reason why such access should be refused.
- (4) The Proper Officer shall be responsible for deciding whether any councillor, co-opted member or employee of the Council shall be entitled to inspect a document or have access to certain categories of information taking account of issues such as legislative access rights, "the need to know" and potential legal restrictions.

- (5) Access to information not in the form of a document need not be given where the cost of providing the information would be unreasonably high or in cases where the period of time required to provide the information would unreasonably disrupt the work of the Council.
- (6) Where a person exercises their right to inspect a document and the authority may lawfully make a copy of it, they shall be entitled to a copy on request, provided that:-
 - (a) a reasonable charge, at a level to be determined by the Council, may be made for the copy, unless the Proper Officer directs otherwise;
 - (b) a copy may be refused if the Proper Officer considers it impractical to make a copy.
- (7) If any councillor, co-opted member or employee is dissatisfied with any decision of an officer relating to access to information, they may refer the matter to the Monitoring Officer for consideration. This is additional to any other statutory rights which they may have in relation to access to information.
- (8) No member of the Council and no other member (whether voting or non voting) of a committee shall have any claim by virtue of their position:-
 - (a) to enter any land or buildings occupied by the authority to which the public do not have access or to which members of the Council do not regularly have access except with the permission of the chief officer responsible for the service of the Council for which the land or buildings are occupied;
 - (b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;
 - (c) to exercise any other power of the authority unless such power has been specifically delegated by the

Council to a member in their capacity as a cabinet member;

- (d) to issue any order with respect to any works which are being carried out by, or on behalf of the authority, or with respect to any goods or services which are being, or might be, purchased by the authority.
- (9) If a member of the Council or a co-opted member of a committee wishes to have access to land or buildings in the occupation of the Council to which the public or councillors do not regularly have access, they should apply to the chief officer responsible for the service area to which the request relates.

The chief officer shall determine the request and may attach such conditions as are necessary including that the member be accompanied by an employee.

36. Public Disclosure of Information Relating to Council Employees

If any question arises at any meeting about the appointment, promotion, dismissal, salary, superannuation or conditions of service or about the conduct of any named person employed by the Council, such a question shall not be the subject of discussion until it has been decided whether or not the public should be excluded from the meeting.

37. Common Seal of the Council

- (1) The Common Seal of the Council shall be kept by the Proper Officer in a safe place.
- (2) The Common Seal of the Council shall only be affixed to a document on the authority of:
 - (a) a resolution of the Council;
 - (b) a resolution of a committee which has been empowered by the Council to authorise the use of the Seal;

(c) a decision of the Council, the Cabinet, an authorised committee or chief officer, to do anything where it is necessary to affix the Common Seal to complete the action.

- (3) The affixing of the Common Seal shall be witnessed by the Proper Officer or by a deputy authorised by the Council.

An entry of every sealing of a document shall be made and numbered consecutively in a book kept for that purpose. The book should be signed by the person who has witnessed the affixing of the Seal.

- (4) In addition to any other person who may be authorised by resolution of the Council, the Proper Officer for the purposes of Section 234 of the Local Government Act 1972 relating to the authentication of documents shall be the Chief Executive or any other chief officer who may be specified in a resolution of the Council.

38. Appointment, Dismissal and Disciplinary Action Against Staff

- (1) Subject to paragraphs (2) and (3) below, the appointment, dismissal and taking disciplinary action against a member of staff must be carried out by the head of the paid service or by an officer nominated by them in accordance with the Part 4 Officer Employment Procedure Rules of the Council's Constitution.
- (2) Paragraph (1) shall not apply to the appointment, dismissal or taking of disciplinary action against a chief officer. In this circumstance, the Council will follow the processes set out in Part 4 Officer Employment Procedure Rules of the Council's Constitution.
- (3) No disciplinary action in respect of the Head of Paid Service, its Monitoring Officer or its Chief Finance Officer, except action described in paragraph (4), may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with Part 4 – Officer Employment Rules.

- (4) The action mentioned in paragraph (3) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

39. Regulation of Proceedings and Business

- (1) Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph (2).
- (2) Before the authority –
 - (a) amends the draft plan or strategy;
 - (b) approves, for the purpose of its submission to the Secretary of State or Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (c) adopts (with or without modification) the plan or strategy,

it must inform the executive leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- (3) Where the authority gives instructions in accordance with paragraph (2), it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may –
 - (a) submit a revision of the draft plan or strategy as amended by the executive (the “revised draft plan or strategy”), with the executive’s reasons for any

amendments made to the draft plan or strategy, to the authority for the authority's consideration; or

- (b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.
- (4) When the period specified by the authority, referred to in paragraph (3), has expired, the authority must, when –
- (a) amending the draft plan or strategy or, if there is one, the revised plan or strategy;
 - (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive's reasons for those amendments, any disagreement that the executive has with any of the authority's objections and the executive's reasons for that disagreement, which the executive leader submitted to the authority, or informed the authority of, within the period specified.

- (5) Subject to paragraph (9), where, before 8th February in any financial year, the authority's executive submits to the authority for its consideration in relation to the following financial year –
- (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 32 to 37 or 43 to 49, 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,

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph (6).

- (6) Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (5)(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the executive leader of any objections which it has to the executive's estimates or amounts and must give to him instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.
- (7) Where the authority gives instructions in accordance with paragraph (6), it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may –
 - (a) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
 - (b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.
- (8) When the period specified by the authority, referred to in paragraph (7), has expired, the authority must, when making calculations (where originally or by way of substitute) in accordance with the sections referred to in paragraph (5)(a),

or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account –

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the executive's reasons for those amendments;
- (c) any disagreement that the executive has with any of the authority's objections; and
- (d) the executive's reasons for that disagreement,

which the executive leader submitted to the authority, or informed the authority of, within the period specified.

- (9) Paragraphs (5) to (8) shall not apply in relation to –
 - (a) calculations or substitute calculations which an authority is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
 - (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

Definitions

- (1) The Interpretation Act 1978 applies to these Standing Orders as it applies for the interpretation of an Act of Parliament.
- (2) In these Standing Orders, unless the context otherwise demands or unless specified in (3) and (4) below, the following terms have the meanings listed below:-

"Council" or "authority"	Sandwell Metropolitan Borough Council.
"Committee"	- (a) Any body established by the Council under Section 102 of the Local Government Act 1972; (b) Any body established by the Council under Section 18 (area committees) and Section 21 (overview and scrutiny committees) of the Local Government Act 2000 (known as Scrutiny Boards, committees or panels); (c) Any sub-committee established by a committee referred to in (a) or (b) above; (d) Any committee established under other powers to the extent that there is no other statutory provision dealing with the conduct of its meetings; (e) Any other relevant fora
"Quasi-Judicial Committee"	- Any committee, sub-committee or panel which the Council may from time to time establish to determine matters where the rules of natural justice are required to be applied to the making of a decision and the maker of the decision is required to give prior notice to persons affected by it and afford them the opportunity to make representations.
Cabinet, Cabinet Member	- The cabinet executive, and a member of that body, as referred to in Part II of the Local Government Act 2000 (as

amended)

"Overview and Scrutiny Committee"	As defined in Part II of the Local Government Act 2000 (as amended) . Also referred to as a Scrutiny Panel.
"Member"	In relation to the Council - A duly elected member of the Council In relation to any committee, a person appointed as a member of that committee, whether entitled to vote or not.
"Leader of the Council"	- a person designated by a Council resolution.
"Meeting"	- a meeting of the Council, a committee or a sub-committee, panel or forum as the case may be.
"Person Presiding"	- The person entitled or appointed to preside at any meeting of the Council or a committee.
"Chief Officer"	- a statutory or non-statutory chief officer as defined in Section 2 of the Local Government and Housing Act 1989.
"Officer/Employee"	- a paid officer/employee of the authority
"Head of the Authority's Paid Service"	- The officer designated as such under Section 4 of the Local Government and Housing Act 1989.
"Monitoring Officer"	- The officer designated as such under Section 5 of the Local Government and Housing Act 1989 or if that person is unable to act owing to illness or absence, the person nominated as their deputy.
"Proper Officer"	- The Chief Executive or any other officer designated as such by the authority

- "without comment" - In relation to the moving, seconding or putting the motion
- "In writing" - Includes any documents and communications which are transmitted by fax, e-mail, or text.
- "working days" - Monday to Friday inclusive, excluding bank holidays or days on which the principal offices of the Council are generally closed to the public

(3) In relation to Standing Order 40:

- "the 1989 Act" - The Local Government and Housing Act 1989
- "the 2000 Act" - The Local Government Act 2000 (as amended)
- "disciplinary action" - Has the same meaning as in the Local Authorities (Standing Orders)(England) Regulations 2001;
- "executive" and "executive leader" - Have the same meaning as in Part II of the 2000 Act (as amended)
- "member of staff" - A person appointed to or holding a paid office or employment under the authority
- "proper officer" - An officer appointed by the authority for the purposes of the provisions in this Part
- "chief officer" - As defined in Part 4 Officer Employment Procedure Rules of the Council's Constitution
- "chief finance officer", "council manager", "disciplinary action", "head of" - Have the same meaning as in regulation 2 of the Local Authorities (Standing Orders)(England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those

the authority’s
paid service”
and “monitoring
officer” Regulations.

(4) In relation to Standing Order 41:-

“executive” and
“executive
leader” - Have the same meaning as in Part II of
the Local Government Act 2000 (as
amended)

“plan or
strategy” and
“working day” - Have the same meaning as in the Local
Authorities (Standing Orders)(England)
Regulations 2001

(5) Any reference in the Standing Orders to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of the Standing Order bearing that number.

(6) Any reference to a committee or sub-committee by name shall be substituted by the name of any successor committee or sub-committee as the Council may from time to time feel it appropriate to establish.