

# Part 4(a) – Council Procedure Rules (“Standing Orders”)

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# Part 4(a) – Council Procedure Rules (“Standing Orders”)

## **NOTE:**

***THE CONSTITUTION AND TERMS OF REFERENCE OF COMMITTEES ETC, DELEGATIONS TO OFFICERS, CONTRACTS PROCEDURE RULES, FINANCIAL PROCEDURE RULES AND OFFICER EMPLOYMENT PROCEDURE RULES SHALL BE DEEMED TO FORM PART OF AND BE INCORPORATED IN THESE STANDING ORDERS.***

### **1. Meetings of the Council**

- 1.1** The Annual Meeting of the Council shall be held on the third Thursday in May or such other day as the Council may from time to time determine.
- 1.2** There shall be not less than five other ordinary meetings of the Council in each Municipal Year on such dates as the Council may determine.
- 1.3** The annual and ordinary meetings of the Council shall be held in the Council Chamber, Southend-on-Sea, or at such other place as the Mayor, or in his / her absence the Deputy Mayor, shall determine and, except where the Council otherwise resolves, shall commence as follows:

Annual Meeting	3.30pm
Ordinary Meetings	6.30pm

- 1.4** Meetings convened for a special purpose shall be held at a time and place to be determined by the Mayor, or in his / her absence the Deputy Mayor in consultation with the Chief Executive.
- 1.5** Except in the case of an extraordinary meeting convened on a requisition by Councillors pursuant to paragraph 3(2) of Schedule 12 to the Local Government Act 1972, the Chief Executive may (subject in the case of the annual meeting to the provisions of paragraph 1(2) of the 12th Schedule to the Local Government Act 1972) in consultation with the Mayor:
- (a)** alter the date of the holding of the annual meeting or the date or time of any ordinary or extraordinary meeting of the Council;
  - (b)** cancel an extraordinary meeting if, after consulting with the leaders of the political groups the Chief Executive is satisfied that the reason for holding the meeting no longer exists or has been overtaken by events;
  - (c)** any reference to the Chief Executive in this Standing Order 1.5 shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his or her absence.

### **1.6 Quorum**

- (a)** The Council shall not carry out any business at its meetings unless at least one quarter of the total number of Councillors are present.
- (b)** If no quorum is present 15 minutes after the start time or it becomes inquorate during the course of a meeting the Council meeting shall be adjourned. Outstanding business will be held over to a time fixed by the Mayor (or in his / her absence the Deputy Mayor or other person presiding) or to the next Council meeting.

## 1.7 Duration of Meetings

- (a) Upon the hour of **10 pm** having been reached without the completion of all the business on the agenda, then the Council can decide by a majority of all Councillors present to continue for one hour only until **11 pm**, subject to (d) below (special procedures relating to the Annual Budget Setting Meeting of Council);

### (b) Meeting Closes at 10 p.m - Procedure

If the Council decides not to continue beyond 10 pm then the following procedure shall apply:

(i) Item under discussion:

Any Councillor speaking at 10 pm shall be permitted to conclude their speech. No other Councillor can speak and there will be no summing up.

The Mayor will then call for the vote which will be taken in the usual way without any further debate (including dealing with any amendments).

(ii) Remaining business

- Notices of Motion and Petitions will stand referred to the Cabinet/Cabinet Committee or relevant Scrutiny Committee(s) as appropriate.
- Opposition Business will be deferred to the next Council meeting where it will have priority on the agenda.
- If there are any other motions, recommendations, minutes or other matters on the agenda that have not been dealt with by 10 p.m they are deemed to be formally moved and seconded (together with any amendments). No speeches will be allowed on these items. The vote will be taken in the usual way, save that minutes (other than Black-Lined Minutes) will be taken en bloc.

(iii) During the processes referred to in (i) and (ii) above:

- If there is a requisition for a named vote (or the law requires a named vote), such vote will be taken immediately; and
- The only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to (or referred back to) an appropriate body or individual for decision or report

### (c) Meeting Extended to 11 pm - Procedure

If the Council decides to continue for a further hour until 11 pm then the following procedures will apply:

(i) The remaining business will be dealt with in the following order:

- Black-Lined Minutes (as defined in Standing Order 7.1)
- Reserved Minutes and Tabled Minutes (as defined in Standing Order 7.1) and other minutes for noting. (These will all be dealt with in the order in the Minute Book).
- Officer reports to Council.
- Petitions.
- Notices of Motion.
- Opposition Business.

- (ii) If the Council has still not have completed all the business by 11 pm then at that point the same procedures shall operate as set out in (b) above (subject to the substitution of 11 pm for 10 pm).

**(d) Annual Budget Setting Meeting (ABSM) - Procedure**

The procedures set out in (a), (b) and (c) above shall not apply to the ABSM.

Upon the hour of 11 pm having been reached without the completion of all the business on the agenda then the ABSM shall stand adjourned to a later date (fixed by the Mayor in consultation with the Chief Executive) unless the majority of Councillors present decide to proceed with the business remaining on the agenda.

**2. Procedure at Council**

**2.1** A warning bell may be rung two minutes prior to:

- (a) the commencement of a Council Meeting;
- (b) its resumption after an adjournment;

**2.2** The Macebearer shall call the Council to order in anticipation of the Mayor's entrance.

**2.3** After the entry of the Mayor, the Chief Executive and the Mayor's Chaplain the doors of the Council Chamber shall be closed and shall remain closed until after the saying of prayers.

**2.4** The entrance and exit of the Mayor shall be announced on each occasion. The Mayor shall enter and leave the Council Chamber preceded by the Macebearer and all persons present shall stand.

**2.5 (a)** Subject to Standing Order 2.6, a Cabinet Member or Chair shall deal with the following from his / her place in the Council Chamber:

- (i) reply to any written questions under Standing Order 6; and
- (ii) move the minutes, submit the reports, deal with any questions or comments and any matters that have been referred up under Standing Order 39 and then sum up.

**(b)** In the event of relevant Cabinet Member or Chair being absent or having deputed some other person to move a minute or submit a report in accordance with Standing Order 7.6, then he / she (or other person called upon by the Mayor) shall follow the same procedure as set out in (a) above.

**2.6** In the case of Question Time (Standing Order 6), and questions relating to a called-in minute of a Scrutiny Committee, the Cabinet Member whose portfolio covers the area concerned shall reply from his / her place in the Council Chamber in accordance with Standing Orders 6 and 7.5 respectively.

The Cabinet Member shall also sum up at the end of any debate on the matter concerned from his / her place in the Council Chamber in accordance with Standing Order 7.7.

**3. Annual Council – Appointment of Mayor, Deputy Mayor and the Leader of the Council**

**3.1** The Mayor shall be elected annually by the Council from among the Councillors.

**3.2** The Mayor, unless he / she resigns or becomes disqualified, shall continue in office until his / her successor becomes entitled to act as Mayor.

**3.3** During his / her term of office the Mayor shall continue to be a member of the Council notwithstanding the provisions relating to the retirement of Councillors.

**3.4** The election of the Mayor shall be the first business transacted at the Council's annual meeting.

**3.5** In the case of an equality of votes the Mayor shall have a casting vote in addition to any other vote he / she may have.

- 3.6** At the Council's Annual meeting a Deputy Mayor shall also be appointed and the person so appointed shall, unless he / she resigns or becomes disqualified, hold office until immediately after the election of a Mayor at the next Annual meeting.
- 3.7** At a meeting of the Council the Mayor, if present, shall preside.
- 3.8** If the Mayor is absent from a meeting of the Council, or if he / she is unable to act or the office of Mayor is vacant, then the Deputy Mayor shall preside.
- 3.9** If the Mayor and Deputy Mayor are both absent or unable to preside, then another Councillor chosen by the Councillors shall preside.
- 3.10** Any power or duty assigned to the Mayor in relation to the conduct of a meeting may be exercised by the Deputy Mayor or other Councillor presiding at the meeting.
- 3.11** The Mayor shall not be a member of either the Cabinet or a Scrutiny Committee.
- 3.12** The Deputy Mayor shall not be a member of the Cabinet, but may be a member of a Scrutiny Committee.
- 3.13** At the Annual Meeting, the Council shall also appoint the Leader of the Council, if this needs to be dealt with. Details of the Leader's term of office are set out in **Part 2 – Article 7.03**.

#### **4. Order of Business at Council**

- 4.1** Except as otherwise provided by paragraph (2) of this Standing Order the order of business at every meeting of the Council shall be:
- (a) to choose a person to preside if the Mayor and Deputy Mayor are absent;
  - (b) to deal with any business required by statute;
  - (c) unless the meeting is an Extraordinary Meeting, to approve as a correct record the Minutes of the last Ordinary Meeting of the Council;
  - (d) to receive such communications as the Mayor may desire to lay before the Council;
  - (e) to answer questions asked pursuant to Standing Order 6;
  - (f) to dispose of business (if any) remaining from the last meeting, in accordance with Standing Order 1.7;
  - (g) to deal with any petitions in accordance with Standing Order 15;
  - (h) to consider the Minutes and receive the Reports of the Cabinet and Committees. Also to consider the recommendations of Cabinet / Committees in respect of Black-Lined Minutes as defined in Standing Order 7.1.  
  
The Black-Lined Minutes will be considered in the order they appear in the Council minute book provided that where the same matter has been considered at Cabinet and a Scrutiny Committee (or more than one Scrutiny Committee) then there will be a single debate on the last Scrutiny minute relating to that matter (see Standing Order 7.5(c));
  - (i) to consider notices of motion under Standing Order 8.1 in the order in which they have been received;
  - (j) Opposition Business (Standing Order 19).
- 4.2** Business falling under (a), (b) or (c) of sub-paragraph (1) above shall not be displaced but subject thereto the foregoing order of business may be varied:
- (a) by the Mayor at his discretion, or
  - (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## 5. Council Minutes

- 5.1 The Mayor shall put the question "that the Minutes of the meeting of the Council held on the ..... day of ..... be approved as a correct record".
- 5.2 No discussion shall take place upon the Minutes except upon their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the Minutes.

## 6. Question Time

### 6A. Question Time at Council Meetings

6A.1 Prior to the consideration of the Minutes and receipt of the Reports of the Cabinet and Committees at all ordinary meetings of the Council, there shall be two periods of time for questions each of which shall not exceed 30 minutes.

6A.2 The first period shall be for questions by members of the public. The procedure in relation to such questions shall be as follows:

- (a) A person resident in Southend may, if the question has been submitted in writing to the Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 5 clear working days<sup>1</sup> before the date of the meeting of the Council ask the relevant Cabinet Member any question relating to the business of the Council whether or not included in the proceedings of the Cabinet or Committees before the Council.
- (b) The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.
- (c) If the person asking the question is present at the meeting he shall be given the opportunity of putting the question and the relevant Cabinet Member shall respond. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- (d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.
- (e) Not more than two questions may be asked by any one person at any one meeting.
- (f) Questions and answers summarised if the Chief Executive thinks appropriate, shall be included in the minutes.

6A.3 The second period shall be for questions by Councillors. The procedure for Councillors' questions shall be as follows:

- (a) A Councillor may ask the relevant Cabinet Member any question relating to the business of the Council whether or not included in the proceedings of the Cabinet or Committees before the Council:-

Provided that:

<sup>1</sup> "Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting.

- (i) Notice thereof in writing signed by the Councillor is delivered to the Chief Executive or his representative not later than 5 clear working days<sup>1</sup> before the date of the meeting.
  - (ii) The number of questions which may be asked by any Councillor at any one meeting shall be limited to two; and
  - (iii) Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity.
- (b) The first question put by a Councillor and the answer shall be taken as read. However, if a Councillor does not wish to ask a supplementary question then his or her first question may be dealt with orally.
  - (c) No discussion shall take place on any question or answer.
  - (d) Not more than one supplementary question may be asked on any written question and only the Councillor who asked the original question can ask a supplementary question.
  - (e) Where a written question is addressed to a Cabinet Member and the desired information is contained in any of the Council's publications, it shall be deemed a sufficient reply if the publication containing the information is indicated.
  - (f) Where the reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if the answer is circulated to Councillors.
  - (g) If the Councillor asking the question is not present at the meeting, the question and answer shall be circulated in writing to Councillors and sent to the questioner.
  - (h) No motion shall be moved following the answer to any question save as provided for in Standing Order 9.

#### **6B. Question Time at Meetings of Scrutiny Committees and the Health & Wellbeing Board**

Immediately following the item "Approval of Minutes" there shall be a period not exceeding 15 minutes for questions by members of the public at each meeting of the Scrutiny Committees and the Health & Wellbeing Board. The procedure in relation to such questions shall be as follows:

- (a) A person resident in Southend may, if the question has been submitted in writing to the Chief Executive at the Civic Centre, Victoria Avenue, Southend-on-Sea not later than 2 clear working days<sup>1</sup> before the date of any Scrutiny Committee / Health & Wellbeing Board, ask any question relating to the business of the Committee / Board, provided that if it is a special meeting of the Committee / Board the question must relate to business included in the agenda for that meeting. In the case of a Scrutiny Committee the relevant Cabinet Member shall respond. In the case of the Health & Wellbeing Board the Chair or as appropriate a member of the Board shall respond.
- (b) The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.
- (c) If the person asking the question is present at the meeting he / she shall be given the opportunity of putting the question which will then be responded to. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- (d) If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Councillors and sent to the questioner.
- (e) Not more than two questions may be asked by any one person at any one meeting.

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<sup>1</sup> "Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting.

- (f) Questions and answers, precised if the Chief Executive thinks appropriate, shall be included in the minutes.

#### **6C. Public Participation in Respect of Planning Applications**

- (a) If a planning application is to be determined by the Development Control Committee, then if an objector wishes to address the Committee in respect of that application, he / she must give written notice of that request by 12.00 noon on the last working day before the relevant meeting.
- (b) An applicant or supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
- (c) Speakers will be limited to three minutes and only one speaker for and one speaker against the planning application will be permitted to address the relevant meeting. Local groups / organisations (or their representatives) will not be afforded the opportunity to address the Committee in respect of a planning application.
- (d) Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined.
- (e) Where more than one person wants to speak for or against a planning application, then a spokesperson must be appointed. Where a spokesperson cannot be agreed, then the Chair will decide who shall speak. Where more than one person wants to respond in support of a planning application then the applicant has priority.
- (f) An objector or applicant / supporter may be represented by an agent at the Committee.
- (g) Once an objector has given the requisite notice to speak on a planning application which is to be determined by the Committee then the applicant will be notified of the fact and the date and time of the relevant meeting and be afforded the opportunity to address that meeting in response.

#### **6D. Public Participation in Respect of Traffic Regulation Orders<sup>1</sup>**

- (a) Where objections have been received to an advertised Traffic Regulation Order and are being considered by the Traffic Regulations Working Party an objector may address the Working Party in person in respect of that Traffic Regulation Order. He / she must give written notice of that request by 12:00 noon on the last working day before the relevant meeting of the Working Party.
- (b) A supporter will only be allowed to address the relevant meeting if an objector is being given the opportunity to do so.
- (c) Where more than one person wants to speak for or against a Traffic Regulation Order then a spokesperson must be appointed. Where a spokesperson cannot be agreed then the Chair will decide who shall speak.
- (d) Speakers will be limited to a maximum period of 3 minutes and only 1 speaker for and one speaker against the proposed Traffic Regulation Order will be permitted to address the meeting.
- (e) Speakers will not be allowed to ask a supplementary question or make a supplementary statement and will not be cross-examined. The Chair may however seek clarification of any points made by any speaker.
- (f) The use of visual aids will not be permitted and copies of speakers' comments and / or additional written information cannot be circulated at the meeting.

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<sup>1</sup> **Note:** This section relates only to those objections to Traffic Regulation Orders which are not regulated under the requirements of section 10 of the Local Authorities' Traffic Orders (Procedure) (England) Regulations 2012.



## **6E. Public Participation in Respect of Exceptional Circumstances PVX Applications**

- (a) When an exceptional circumstances PVX application is being considered by the Traffic Regulations Working Party, the applicant or their appointed representative may attend that part of the meeting only to present their application in person to the Working Party.
- (b) The applicant or their appointed representative will be limited to a maximum period of 3 minutes to make their oral presentation.
- (c) The use of visual aids will not be permitted and copies of speakers' comments and / or additional written information cannot be circulated at the meeting.
- (d) Upon completion of the oral presentation, the applicant or their appointed representative will be required to withdraw from the meeting whilst the application is being considered and then determined by the Cabinet Committee. The applicant will be notified of the decision in writing.

## **7. Cabinet & Committee Minutes – Procedure for Submission to Council**

### **7.1 Definitions**

In this Standing Order the expressions set out below shall have the following meanings:

#### Reserved Minutes

Those minutes reserved by a Councillor for debate at Council in accordance with SO.7.4.

#### Tabled Minutes

Those minutes not included in the Minute Book, but circulated at a Council meeting and which are automatically available for debate.

#### Black-Lined Minutes

Those minutes in the Minute Book marked with parallel black lines against the recommendation, which are automatically available for debate. Black-Lined Minutes comprise:

- Minutes relating to Council Functions as defined in **Part 2 – Article 4**.
- Minutes referred up to Council under SO.39.

#### Committee

Any Committee, including a Sub-Committee.

### **7.2 Order of Minutes Taken**

Black-Lined Minutes will be dealt with before the other minutes in the Council minute book.

The Black-Lined Minutes will be dealt with in the order they appear in the Council minute book, provided that where the same matter has been considered at Cabinet and a Scrutiny Committee (or more than one Scrutiny Committee) then there will be a single debate on the last scrutiny minute relating to that matter.

Once the Black-Lined Minutes have been dealt with, the other minutes (including Reserved Minutes and Tabled Minutes) will then be dealt with in the order they appear in the Council minute book.

### **7.3 Moving the Minutes**

- (a) In respect of each Cabinet, the Mayor shall refer to it by its title and the minutes shall be moved and seconded (normally by the Leader and Deputy-Leader respectively) for adoption or noting as appropriate.
- (b) In respect of each Committee, the Mayor shall refer to it by its title and the minutes shall be moved and seconded (normally by the Chair and Vice-Chair respectively) for adoption or noting as appropriate.

#### 7.4 Reservation of Minutes

- (a) Subject to (b) below a Councillor may request the reservation of any minute for debate by sending an e-mail to [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk) not later than noon on the day of the Council meeting, quoting the minute number. Such minutes are referred to as "Reserved Minutes".

**Note:** By reserving a Cabinet minute, any corresponding Scrutiny Committee minute shall automatically be reserved and vice versa.

**Note:** Councillors do not need to reserve Black-Lined Minutes or Tabled Minutes which are automatically available for debate.

- (b) A minute of a Scrutiny Committee in respect of a pre-Cabinet scrutiny item (i.e. any item intended for Cabinet but not previously considered by Cabinet) cannot be reserved for debate at Council unless it was referred up under SO 39.
- (c) Matters on the Council agenda other than minutes of meetings do not need to be reserved and will automatically be available for debate.

#### 7.5 Questions and Comments on Black-Lined Minutes, Reserved Minutes and Tabled Minutes

- (a) The Mayor will invite questions on Black-Lined Minutes, Reserved Minutes and Tabled Minutes, but not any other minutes.
- Councillors shall be entitled to ask not more than two questions in respect of any such minute.
  - In the case of questions relating to Cabinet business (including a called-in minute to a Scrutiny Committee), the Cabinet Member whose portfolio covers the area concerned shall reply.
  - In the case of questions relating to other minutes of a Scrutiny Committee and questions relating to minutes of any other Committee, the Chair shall reply.
- (b) After all questions have been dealt with in respect of a Black-Lined Minute, Reserved Minute or Tabled Minute, then Councillors shall be entitled to:
- Make a comment on the minute concerned (for the avoidance of doubt a Councillor may make a comment even if he or she has not asked any questions) and / or
  - Move a motion in accordance with SO.7.6.
- (c) When going through Cabinet minutes pursuant to (a) and (b) above, the Mayor will pass by any minute which has a corresponding Scrutiny Committee minute since the matter will be dealt with when that Scrutiny Committee minute is reached. Similarly when going through the Scrutiny Committee minutes the Mayor will only refer to a minute which has been to more than one Scrutiny Committee, when the last Scrutiny Committee minute is reached in the Minute Book.

#### 7.6 Motions in respect of Black-Lined Minutes, Reserved Minutes and Tabled Minutes

- (a) Black-Lined Minutes relating to Council Functions

The following motions can be moved:

- To accept the Cabinet or Committee's recommendations;
- To refer the matter back; or
- To amend the Cabinet or Committee's recommendations, provided the amendment is not ultra vires, irrelevant or vexatious.

(b) Black-Lined Minutes referred up to Council under SO.39

The following motions can be moved:

- To note the Cabinet or Committee's recommendations; or
- To refer the matter back.

**Note:** Such minutes invariably relate to "executive matters" and so the Council does not have a free hand to reject the recommendations or to make a different decision – see paragraph 15g of the Scrutiny Procedure Rules in **Part 4(e)**.

(c) Reserved Minutes & Tabled Minutes (which are not Black-Lined Minutes)

No Motion shall be permitted except as to accuracy, since the Cabinet or Committee decision will already have been completed. In particular a motion to reject a minute is not permitted.

## 7.7 Summing Up

The relevant Cabinet Member in the case of Cabinet business (including a called-in minute to a Scrutiny Committee) or otherwise the Chair of the relevant Scrutiny or other Committee at which a minute arose, (or any Councillor who was present at that meeting and who has been deputed by the Chair or called upon by the Mayor to move the minute) shall sum up at the end of the debate, subject to the closure procedures in Standing Order 1.7.

## 7.8 Deemed Approval of Minutes which are not Black-Lined Minutes, Reserved Minutes or Tabled Minutes

In the case of minutes which are not Black-Lined Minutes, Reserved Minutes or Tabled Minutes, these shall be deemed to be approved by the Council without debate.

## 8. Notices of Motion

**8.1** Except as provided by Standing Order 9, every notice of motion shall be in writing, signed by the Councillor giving the notice, and received at least 9 clear working days<sup>1</sup> before the date of the next meeting of the Council, at the office of the Chief Executive by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every Councillor provided that no Councillor shall have more than two Notices of Motion at any one time.

**8.2** The Chief Executive shall insert in the summons for every meeting of the Council all notices of motion duly given in the order in which they have been received, unless the Councillor giving such a notice has, when giving it, intimated in writing that he proposes to move it at some later meeting or has withdrawn it in writing.

**8.3** If a motion, notice of which is thus specified in the summons, be not moved, or moved but not seconded, it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

**8.4** Motions of which notice has been duly given, shall be formally moved and seconded and shall thereupon stand referred to the appropriate Scrutiny Committee(s) or Cabinet / Cabinet Committee (as appropriate) for consideration and report who shall invite the mover and seconder of the motion in question to attend the meeting of the Scrutiny Committee(s) at which the motion is considered and afford them an opportunity of explaining and commenting on the motion.

**8.5** Notwithstanding paragraph (4) of this Standing Order the Mayor may if he considers it convenient and conducive to the despatch of business, allow such motion to be dealt with at the meeting at which it is brought forward in which case the procedure to be followed shall be that set out in Standing Order 10.

**8.6** Every notice of motion shall be relevant to some question over which the Council have power, or which affects the Borough.

**8.7** Notices of Motion cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

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<sup>1</sup> "Clear working days" exclude Saturday, Sunday, Bank Holidays, the day the Notice is given and the day of the meeting.

## 9. Motions Which May be Moved Without Notice at Meetings of the Council

The following motions may be moved without notice:

- (a) Appointment of a Chair of the meeting at which the motion is made.
- (b) Motion relating to closure, adjournment, order of business or next business.
- (c) Reference back to a Committee or Cabinet (as the case may be).
- (d) Any appropriate motion relating to a matter referred up to the Council for decision under Standing Order 39.
- (e) Motion relating to the accuracy of a Minute.
- (f) That leave be given to withdraw a motion.
- (g) Amendments to motion. (Subject to Standing Order (10.6)
- (h) Extending the time limit for speeches.
- (i) That an item of business specified in the summons have precedence.
- (j) Suspending one or more Standing Orders.
- (k) To exclude the public under the appropriate Statutory provisions.
- (l) That a Councillor named under Standing Order 11 be not further heard or do leave the meeting.
- (m) Giving consent of the Council where the consent of the Council is required by these Standing Orders.

## 10. Rules of Debate

### 10.1 Motions and Amendments

- (a) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (b) Once an amendment to a Minute has been proposed and seconded, then the rules of debate in this Standing Order 10 apply and the provision for questions in Standing Order 7.4 are inapplicable.
- (c) Motions on Minutes, which are contrary to the recommendation of the Cabinet or Committee shall be treated as an amendment. Therefore, the relevant Cabinet Member / Chair shall have the right of reply under Standing Order 10.10.
- (d) Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him / her before it is discussed. The Mayor may also require an amendment to be written down and handed to him / her before it is discussed.
- (e) Where a formal amendment to the **Budget proposals** is to be submitted to the Council's Annual Budget Setting Meeting (ABSM) then at least 48 hours prior to the meeting, that proposed amendment shall be submitted to and discussed in confidence with the Strategic Director (Finance & Resources), pursuant to Budget & Policy Framework Procedure Rule 7: The Strategic Director (Finance & Resources) will confirm in writing that the proposed amendment will not produce an unbalanced or unsound budget, if he is satisfied that this is the case.

Such a formal amendment, setting out the details in clear terms (and in a form which the Strategic Director (Finance & Resources) has confirmed in writing would not produce an unbalanced or unsound Budget) must be submitted in writing to the Chief Executive by 6:30 pm on the day before the ABSM and will be publicly available.

## **10.2 Reservation of right to speak**

A Councillor when seconding a motion or an amendment may, if he then declares his intention to do so, reserve his speech until the debate has concluded, save for the right of reply of the Proposer of the original motion under Standing Order 10.10.

## **10.3 Only one Councillor to stand at a time**

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

## **10.4 Content and length of speeches**

- (a) A Councillor shall direct his speech to the question under discussion or to a personal explanation or to a point of order.
- (b) Unless the Council otherwise approves, no speech shall exceed **4 minutes** (save that the Leader and other Group Leaders are not time-limited when making their budget contributions at the Annual Budget Setting Meeting (ABSM)).

## **10.5 When a Councillor may speak again**

A Councillor shall not speak more than once on any motion or amendment except:

- (a) in exercise of the right of reply given under paragraph (10) of this Standing Order;
- (b) on a point of order; or
- (c) by way of personal explanation.

## **10.6 Amendments to Motions**

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

- (i) to leave out words;
- (ii) to leave out words and insert or add words;
- (iii) to insert or add words;

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

- (iv) to refer a matter back for reconsideration

- (b) If an amendment be rejected or a motion that the minute the subject of debate be referred back be not carried, other amendments may be moved on the original motion.

If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

- (c) A further amendment shall not be moved until the Council shall have disposed of the amendment previously moved.

- (d) A Councillor may, with the consent of the Council signified without discussion:

- (i) alter a motion of which he has given notice provided that if the notice of motion was signed by a seconder the consent of the seconder shall also be required;
- (ii) with the further consent of his seconder alter a motion which he has moved;

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

## 10.7 Withdrawal of Motion

A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any Councillor to speak upon it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.

## 10.8 Motions which may be moved during debates

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

- (a) To amend the motion (subject to Standing Order 10.6).
- (b) To postpone consideration of the motion.
- (c) To adjourn the meeting.
- (d) To adjourn the debate.
- (e) To proceed to the next business.
- (f) That the question be now put.
- (g) That a Councillor be not further heard.
- (h) That a Councillor do leave the meeting.
- (i) That the subject of debate be referred back to a Committee or Cabinet.
- (j) To exclude the public under the appropriate Statutory provisions.
- (k) On the hour of 10pm being reached "that the Council continues for one hour to 11pm" (or in the case of the ABSM "that the Council do proceed with the business remaining on the agenda") - see Standing Order 1.7.

## 10.9 Closure Motions

A Councillor who has not spoken on the question before the Council may at the conclusion of the subject of a speech of another Councillor, move without comment (provided he has not previously moved to the same effect whilst the same question is under consideration) "that the question now be put", "that the debate now be adjourned", "that the Council proceed to the next business", or "that the Council be now adjourned", on the seconding of which the Mayor shall proceed as follows:

- (a) on a motion to proceed to the next business:  
  
unless in his opinion the matter before the meeting has been insufficiently discussed he shall first give the mover of the original motion a right of reply and then put to the vote the motion to proceed to the next business.
- (b) on a motion that the question be now put:  
  
unless in his opinion the matter before the meeting has been insufficiently discussed he shall first put to the vote that the motion be now put, and if it is passed give the mover of the original motion his right of reply before putting the motion to the vote.
- (c) on a motion to adjourn the debate or on a motion that the Council be adjourned:  
  
If, in his opinion, the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.

#### **10.10 Right of Reply**

- The proposer of an original motion shall have a right of reply at the close of the debate on the motion immediately before it is put to the vote or in the circumstances specified in Standing Order 10.9. (For the avoidance of doubt when minutes are submitted to the Council, the proposer of the original motion shall be the relevant Cabinet Member (in the case of Cabinet minutes) or the Chair (in the case of Committee minutes)).
- If an amendment is proposed the proposer of the original motion shall also be entitled to reply at the close of the debate upon the amendment.
- A Councillor exercising a right of reply shall not introduce a new matter.
- Subject to Standing Order 10.9 after every reply to which this Standing Order refers, a decision shall be taken without further discussion.
- The mover of an amendment or motion other than an original motion shall not have a right of reply.

#### **10.11 Number of Speeches**

The Mayor may at any time upon being satisfied that any motion has been fully debated by the Council, require that "the vote now be put" but before the vote is taken the proposer of an original motion shall be entitled to exercise his right of reply given under paragraph (10) of this Standing Order.

#### **10.12 Points of Order and Personal Explanations**

A Councillor may rise to a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of Standing Orders or statutory provision and the Councillor shall specify the Standing Orders or statutory provision and the way in which he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him / her at the same meeting which may have been misunderstood.

#### **10.13 Rulings of the Mayor and Respect for the Chair**

- (a) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (b) Whenever the Mayor rises during a debate a Councillor then speaking or standing shall resume his seat and the Council shall be silent.

### **11. Disorderly Conduct and Suspension of Sitting**

- 11.1** If at a meeting any Councillor in the opinion of the Mayor, misconducts himself / herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by obstructing the business of the Council, it shall be competent for the Mayor or a Councillor to move "That the Councillor named be not further heard" or "That the Councillor named do leave the meeting", in either case for the remainder of the meeting or for such less period as may be specified in the motion, and the motion if seconded shall be put and determined without discussion.
- 11.2** If after such a motion under paragraph (1) of this Standing Order has been carried, the Councillor named fails to observe the Council's decision, the Mayor may, without question put, give such directions as he may consider appropriate for the removal of the Councillor and restoration of order, and in addition if need be suspend the sitting of the Council for such period as he in his discretion shall consider expedient.
- 11.3** In the event of serious disorder or of persistent disregard of the authority of the Mayor, the Mayor may, without prejudice to any other powers vested in him direct that the meeting be suspended.

## **12. Voting**

Every question shall normally be determined by a show of hands, subject to the following exceptions:

- (a) On the request of any Councillor supported by six other Councillors who signify their support by rising in their places before the vote is taken, the voting on such question shall be by word of mouth and shall be recorded in the minutes of the meeting so as to how each Councillor present and voting gave their vote or abstained from voting; and
- (b) The mechanism for recording voting as set out in (a) above shall apply automatically in the case of any decision relating to the budget or Council Tax at the Annual Budget Setting Meeting.

## **13. Voting on Appointments**

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

## **14. Rescission of Preceding Resolution**

- 14.1 (a) It shall not be open to any Councillor to propose any motion the effect of which is to rescind or otherwise seek to review or amend any resolution of the Council relating to any major or overall policy passed within the preceding six months nor when any such motion has been disposed of by the Council shall it be open to any Councillor to propose a similar motion within a further six months.
  - (b) For the purposes of this Standing Order the Mayor's decision as to whether a resolution of the Council relates to any major or overall policy matter shall be final.
  - (c) The foregoing sub-paragraphs of this Standing Order shall not prevent the Cabinet, a Scrutiny Committee or other Committee at any time recommending to the Council any rescission, review or amendment of any major or overall policy or matter previously the subject matter of a resolution by the Council.
- 14.2 Subject to paragraph (1) of this Standing Order no motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been negated within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 8 bear the names of at least twenty-one Councillors. When any such motion has been disposed of by the Council, it shall not be open to any Councillor to propose a similar motion within a further six months. This Standing Order shall not apply to motions moved in pursuance of a report or recommendation of a Committee.

## **15. Presentation of Petitions**

- 15.1 At the meeting of the Council any Councillor may present a petition, signed by persons other than Councillors. The Councillor presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- 15.2 All petitions must be received by the Committee Section (email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)) at least 12 clear working days before the meeting either in paper or electronic form (created through the use of the Council's online e-petitions facility).
- 15.3 A petition can be presented at Council if:
  - (a) It contains the signatories and addresses of anyone who lives, works or studies in the Borough (including under 18s);
  - (b) It is relevant to some matter in relation to which the Council has functions, or which affects the area of the Council, or part of it, or the inhabitants of the area or some of them; and
  - (c) It asks for action to be taken or ceased.



- 15.4** A petition shall not be presented at Council if:
- (a) It is submitted in connection with a planning or licensing decision or any matter where there is a statutory right of appeal or review. Such petitions will be dealt with under the relevant statutory provisions;
  - (b) It relates to a matter which is currently the subject of a formal public consultation process being undertaken by the Council;
  - (c) It criticises the conduct of a named individual;
  - (d) It is vexatious or abusive or otherwise inappropriate; or
  - (e) It is an electronic petition which has not been created using the Council's online e-petitions facility.
- 15.5** The presentation of the petition shall be limited to not more than one minute and shall be confined to reading out, or summarising the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Councillor thinks fit.
- 15.6** Petitions shall be presented in the order in which notice of them is received by the Committee Section.
- 15.7** The Council shall refer petitions signed by 25 or more persons to the Cabinet, Cabinet Committee or relevant Scrutiny Committee as it thinks fit. The Council shall refer petitions signed by less than 25 persons to the Chief Executive or relevant Deputy Chief Executive for response as appropriate.

## **16. Admission of the Public to Meetings**

- 16.1** Although meetings of the Council shall be open to the public as provided by statute (subject to the power to exclude by resolution the public during the whole or part of the proceedings in certain circumstances) the public shall not be admitted in excess of the number which the public accommodation can safely contain.
- 16.2** If any member of the public interrupts the proceedings at a meeting of the Council the Mayor may, after warning, order his removal from the meeting and in the event of further interruption, or in the event of disorderly conduct or other misbehaviour at a meeting of the Council the Mayor may order the public accommodation to be cleared of all members of the public.
- 16.3** In accordance with the provisions of the Openness of Local Government Bodies Regulations 2014, any person attending a Council meeting which is open to the public, may report on proceedings and publish or disseminate the results. "Reporting" includes filming and providing comments on proceedings and the 2014 Regulations allow for a wide range of methods including social media.

## **17. Power to Exclude the Public**

- 17.1** The Council may resolve to exclude the public from a meeting in accordance with statute.
- 17.2** The Standing Orders of the Council as to Rules of Debate and the Standing Orders as to Interest of Councillors in Contracts and Other Matters shall apply to meetings of the Council while the public are so excluded.

## **18. Motions Affecting Persons Employed by the Council**

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the appropriate statutory resolution to exclude the public from the meeting has been passed.

## **19. Opposition Business at Council**

- 19.1** This Standing Order applies where there is a majority group on the Council or there is a Joint Administration.
- 19.2** A minority group (not forming part of a Joint Administration) may require, by a notice in writing given to the Chief Executive not later than the latest time for the receipt of notices of motion for that meeting, that any one item of business be placed on the agenda for any meeting of the Council and this shall be treated as opposition business. In addition the minority group must give notice in writing to the Chief Executive at least 24 hours before the Council meeting of any motion which they propose to move at the end of the debate.
- 19.3** Where the Chief Executive receives more than one such notice for any meeting, he or she shall decide which notice shall be effective so as to ensure that as far as possible each minority group's share of such notices which are effective fairly reflects the relative sizes of those groups in the period since the last annual meeting of the Council.
- 19.4** The Chief Executive shall indicate on the agenda which (if any) item of business is to be treated as opposition business and not more than 45 minutes shall be spent on such business. The normal rules of debate shall apply and for the avoidance of doubt there shall be no provision for questions.
- 19.5** Opposition business cannot relate to a matter which is currently the subject of a formal public consultation process being undertaken by the Council.

## **20. Interest of Councillors in Contracts and Other Matters**

- (a)** A Councillor with a Disclosable Pecuniary Interest, other pecuniary interest or non-pecuniary interest (as defined in the Member's Code of Conduct in **Part 5(a)**) in a matter who attends a meeting of the Authority at which the matter is considered, must disclose the existence and nature of the interest at the commencement of the meeting, or as soon as the interest becomes apparent.
- (b)** If the interest is a Disclosable Pecuniary Interest or other pecuniary interest then the Councillor must withdraw from the room where the meeting is being held whenever it becomes apparent that the matter is being considered, unless he or she has obtained a dispensation.
- (c)** If the interest is a non-pecuniary interest, then the Councillor must withdraw from the room where the meeting is being held if that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest or may give rise to a perception of conflict of interest or bias.

## **21. Interest of Officers in Contracts**

The Council's Strategic Director (Transformation) shall keep a central electronic register of all declarations of interest by employees pursuant to the Employee Code of Conduct in **Part 5(c)** and the Declarations of Interest Policy and this will include any disclosure by officers of interests in contracts under S.117 of the Local Government Act 1972. The central electronic register will be open to public inspection in respect of the entries of the Chief Officers.

## **22. Canvassing of Councillors and Officers and Recommendations by Councillors**

- 22.1** Canvassing of any Councillor or Officer of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate for such appointment. The purport of this paragraph of the Standing Orders shall be included in every form of application.
- 22.2** A Councillor shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion but this paragraph of this Standing Order shall not preclude a Councillor from giving a written testimonial of a candidate's ability, experience or character, for submission to the Council with an application for appointment.

## **23. Relatives of Councillors or Officers**

See the Officer Employment Procedure Rules, in **Part 4(h)** of the Constitution.

## **24. Filling of Vacant Offices and Disciplinary Action**

See the Officer Employment Procedure Rules, in **Part 4(h)** of the Constitution.

## **25. Common Seal**

The Common Seal of the Council shall be kept in a safe place in the custody of the Chief Executive.

## **26. Sealing of Documents**

**26.1** The Common Seal of the Council shall not be affixed to any document unless the sealing is required to implement any decision of the Council, the Cabinet, a Committee or an Officer exercising delegated powers.

**26.2** The Common Seal shall be attested by the Chief Executive or the Strategic Director (Legal & Democratic Services), or either of the two Assistant Directors of Legal Services - and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person who shall have attested the seal

provided that:

- (i) for the purpose of signing of urgent stock transfers, in the absence of the above, the Strategic Director (Finance & Resources) be authorised to sign in his own name; and
- (ii) that for the purpose of issuing stock certificates, the Common Seal may be imprinted thereon when such certificates are printed and may be attested by Chief Executive or Strategic Director (Finance & Resources) alone and in that event the requirement that any entry of every sealing of such certificates shall be made in the said book shall not apply.

## **27. Signing of Documents**

**27.1** Where any document will be a necessary step in legal proceedings or any transaction on behalf of the Council it shall, unless any enactment requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such proceedings or transaction, be signed by the Chief Executive or the Strategic Director (Legal & Democratic Services), or either of the two Assistant Directors of Legal Services.

**27.2** In addition the Strategic Director (Finance & Resources) shall have authority to sign any document relating to a financial transaction on behalf of the Council subject to the same proviso as contained in Standing Order 27.1.

## **28. Inspection of Documents**

**28.1** A Councillor may for the purpose of his duty as such Councillor, but not otherwise, inspect any document which has been considered by:

- (a) the Council;
- (b) any Committee, or

- (c) an Officer acting under delegated powers and if copies are available shall on request be supplied for the like purposes with a copy of such document. Provided that a Councillor shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which he has a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest as defined in the Member's Code of Conduct in **Part 5(a)** and that this Standing Order shall not preclude the Chief Executive from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client or which by reason of the confidential nature of the document he or she is of the opinion should not be divulged.

**28.2** All Minutes and any document kept by an Officer as a record of the exercise of delegated powers noted in the Minutes in accordance with Standing Order 46 shall be open for the inspection of any Councillor during office hours.

## **29. Inspection of Lands and Premises**

Unless specifically authorised to do so by the Council or a Committee, a Councillor shall not claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

## **30. Authorisation of Work**

A Councillor shall not issue any order with respect to any work which is being carried out by or on behalf of the Council.

## **31. Substitute Councillors**

**31.1** Each political group may nominate any number of its members to be appointed by the Council to act as Substitute Councillors on each Committee in the circumstances set out below.

**31.2** A member of a Committee shall, if he / she wishes a Substitute Councillor to attend a meeting of that Committee in his / her place, give the Chief Executive written notice by sending an e-mail to [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk) no later than 3 hours before the time fixed for the meeting that he / she is unable to attend and that the Substitute Councillor named in the substitution notice will attend in his / her place.

If a Councillor is indisposed, then he or she may give written notice to the Chief Executive that for a specified period of time his or her Group Leader will deal with the appointment of Substitute Councillors on his / her behalf. In such circumstances the specified Group Leader shall be able to serve substitution notices on behalf of the Councillor concerned in accordance with the general rule stated above.

**31.3** The effect of such substitution shall be that the Councillor giving the notice shall cease to be a member of that Committee for the duration of that meeting and for the duration of any adjournment of it, and that the Substitute Councillor shall be a full member of the Committee for the same period. If a Councillor for whom a substitute has been notified in accordance with sub-paragraph (2) above and not revoked subsequently attends any part of the relevant meeting he / she shall do so as an observer only, but may be permitted to speak in accordance with Standing Order 37(2).

**31.4** A substitution notice given in respect of any meeting may be revoked by notice in writing given to the Chief Executive by the Councillor who gave the original notice at any time up to the time for receipt of a substitution notice as prescribed in sub-paragraph (2) above.

**31.5** The Chief Executive shall give notice of Committee meetings in the usual way to all members of the Committee and to all Substitute Councillors.

**31.6** These arrangements shall apply in the same way in respect of Sub-Committees, Working Parties, Forums, Panels, and other bodies but not the Cabinet or Cabinet Committee which are regulated by 31.7.

- 31.7 The Leader shall appoint a substitute for each of the Cabinet Members in order to cover his / her portfolio in the event he or she is absent or disqualified for whatever reason. All the substitutes shall be drawn from amongst the other Cabinet Members. The same arrangements will apply to Cabinet Members in the Cabinet Committee.

## 32. Decision Making by Cabinet Committees and Other Bodies

The arrangements for the discharge of the Council's functions by Cabinet, Committees and other bodies shall be as set out in the Constitution.

## 33. Appointments at Special Council Following Annual Council

The Council at a Special Meeting (to be held as soon as possible after its Annual Meeting) shall;

- (a) resolve which Committees and Sub-Committees shall be established, determine the terms of reference of each body and the number of members (voting and non-voting) that each consists of; and make appointments to those bodies for the Municipal Year and the appointment of substitutes.

**Note:**

- (i) The Council may at any time amend decisions taken or appointments made under this provision (including dissolving or altering the membership of a Committee or Sub-Committee) provided that due notice has been given on the agenda and in accordance with the Local Authorities (Political Group) Regulations 1990.
- (ii) Apart from Licensing Sub-Committees and a Sub-Committee of the Standards Committee it is not intended that there be any Sub-Committees established by the Council, but the Council reserves the right so to do. No Committee shall establish a Sub-Committee.
- (b) resolve which Working Parties, Forums, Panels and other bodies shall be established, determine the terms of reference of each body and the number of members (voting and non-voting) that each consists of, and make appointments to the said bodies for the Municipal Year and the appointment of substitutes (with the exception of Scrutiny Working Parties / Panels where these matters are dealt with by the relevant Scrutiny Committee).
- (c) appoint the Chair and Vice Chair of all Committees, Sub-Committees, Working Parties, Forums, Panels and other bodies for the Municipal Year (with the exception of Scrutiny Working Parties / Panels where these matters are dealt with by the relevant Scrutiny Committee and Cabinet Working Parties where Standing Order 36.4 applies).

**Note:**

- (i) Every Chair and Vice Chair shall be an elected Councillor.
- (ii) In the event of the death or resignation of a Chair or any other disabling event, the Council shall appoint a new Chair for the remainder of the Municipal Year at its next meeting.
- (iii) In the absence of the Chair at a meeting of a Committee, the Vice Chair shall act and have a second or casting vote. In the absence of both, a Chair may be appointed by the Councillors present to act at that meeting and he or she shall have a second or casting vote.
- (d) make appointments to Outside Bodies unless the appointment is an executive function or has been delegated by the Council.
- (e) agree a timetable of meetings for all Committees etc. for the Municipal Year.

## **34. Meetings of the Cabinet**

**34.1** In respect of any meeting of the Cabinet:

- (a) The meeting shall be summoned by the Chief Executive.
- (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the digest of Cabinet proposals and the subsequent Cabinet minutes in accordance with the arrangements set out in the Constitution (see paragraph 15 of the Scrutiny Procedure Rules in **Part 4(e)**).
- (c) Every agenda shall be approved by the Chief Executive and shall where applicable be set out in two parts:
  - Part 1 – Those items to be discussed in public, and
  - Part 2 – Those items in respect of which, in the opinion of the Chief Executive, the meeting is not likely to be open to the public.

**34.2** In this Standing Order 34 any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his / her absence.

## **35. Meetings of Committees and Working Parties, etc**

**35.1** In respect of any meeting of the Council, a Committee, Working Party, Forum, Panel or other body:

- (a) The meeting shall be summoned by the Chief Executive.
- (b) The Chief Executive shall be represented at the meeting and shall be responsible for the preparation of the Minutes of the meeting.
- (c) Every agenda shall be approved by the Chief Executive and shall (where applicable) be set out in two parts:
  - Part I – Those items to be discussed in public, and
  - Part II – Those items in respect of which, in the opinion of the Chief Executive, the meeting is likely not to be open to the public.
- (d) Subject to (c) above, every Councillor shall be entitled to require an item of business to be placed on the agenda of any meeting of a Committee, Sub-Committee or Working Party, provided:
  - It is relevant to the business of that Committee, Sub-Committee or Working Party;
  - The Councillor has been unable to resolve the matter through normal channels; and
  - Written notice is given to the Chief Executive at least nine clear days (of which Sunday may be one) before the meeting.

On receipt of such a valid notice the Chief Executive will ensure that the item is included on the next available agenda, but no report shall be prepared unless, exceptionally, the Chief Executive deems this appropriate.

**35.2** The Chief Executive may summon a special meeting of a Committee at any time or on the requisition in writing of the Chair or of a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.

**35.3** The Chief Executive with the agreement of the Chair (or in his absence the Vice-Chair) of any Committee may:

- (a) alter the date or time of any Ordinary or Extraordinary Meeting of a Committee; or
- (b) cancel an Extraordinary Meeting of a Committee if, after consulting the Chair or, in his absence the Vice-Chair, both of them are agreed that the reason for convening the Extraordinary Meeting no longer exists or has been overtaken by events;

provided that the date and time of an Extraordinary Meeting of a Committee convened on a requisition by the Chair or of a quarter of the members of the Committee shall not be changed nor shall such a meeting be cancelled otherwise than in addition to the consultation referred to above at the written request of the Chair or of all of the Councillors requisitioning the meeting as the case may be.

**35.4** In this Standing Order any reference to the Chief Executive shall include a reference to any officer nominated in writing to the leaders of the political groups by the Chief Executive to act in his/her absence.

## **36. Working Parties**

**36.1** There shall be 2 types of working party:

- Those that report exclusively to the Executive (“Cabinet Working Parties”)
- Those that report to the Council (“Council Working Parties”)

### **Cabinet Working Parties**

**36.2** A Cabinet Working Party may comprise any Councillor apart from the Mayor and Deputy Mayor.

**36.3** Each Cabinet Working Party shall be appointed by the Council and shall include at least 3 Councillors. They may also include Officers and Co-opted Members in appropriate cases.

**36.4** Each Cabinet Working Party shall be chaired by the Leader or such other Cabinet Member as the Leader shall appoint. A Vice-Chair will be elected at the first meeting in each municipal year.

**36.5** Cabinet Working Parties shall report directly and exclusively to the Cabinet and shall act in an advisory capacity only.

### **Council Working Parties**

**36.6** Each Council Working Party shall include at least 3 Councillors. They may also include Officers and Co-opted Members in appropriate cases.

**36.7** With the exception of Scrutiny Working Parties / Panels which will be drawn from the membership of the parent Committee (and report to that parent Committee):

- Each Council Working Party shall be appointed by the Council.
- The Council will appoint the Chair and Vice-Chair of all Council Working Parties.
- A Council Working Party may comprise any Councillors, (except that a Cabinet Member shall not be a member of a Working Party which reports to or through a Scrutiny Committee) together with Co-opted Members and Officers.
- Council Working Parties shall report to the Council, either directly or through a Committee.

## **37. Attendance at Cabinet, Committee & Working Party Meetings by Councillors of the Council**

### **Cabinet**

**37.1** A Councillor may attend a meeting of the Cabinet, but will only be entitled to speak on an item if he / she:

- (a) is a Cabinet Member; or
- (b) has been permitted by the Cabinet to speak.

And for the avoidance of doubt only a Cabinet Member is permitted to vote on any item.

### **Committees and Sub-Committees**

**37.2** Subject to the interest rules in the Code of Conduct (**Part 5(a)**) and the provisos set out in (a) and (b) below, a Councillor may attend a meeting of any Committee or Sub-Committee, but will only be entitled to speak on an item if he / she:

- (a) is a member of the Committee or Sub-Committee (or duly appointed substitute); or
- (b) has been permitted by the Committee or Sub-Committee to speak; or
- (c) has placed the item on the agenda under Standing Order 35.1(d) (but calling in an item is not sufficient); or
- (d) is the proposer or seconder of a Notice of Motion which has been referred to a Scrutiny Committee under Standing Order 8.4.

And for the avoidance of doubt, only a member of the relevant Committee or Sub-Committee is permitted to vote on any item.

### **Provisos**

- (a) A Councillor may not attend a meeting of a Committee / Sub-Committee meeting in private, to deal with employment issues and appeals, education appeals and housing allocation policy appeals unless he / she is a member of that Committee / Sub-Committee, a duly appointed substitute for that meeting or has a legal right to attend.
- (c) A Councillor who attends a Committee or Sub-Committee, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Committee / Sub-Committee members and shall only be entitled to speak for a maximum of 5 minutes on any item.

### **Working Parties, Panels & Forums Meeting in Public**

**37.3** Subject to the interest rules in the Code of Conduct (**Part 5(a)**) and the proviso set out below, a Councillor may attend a meeting of any Working Party / Panel / Forum meeting in public, but will only be entitled to speak on an item if he / she:

- (a) is a member of the Working Party / Panel / Forum (or duly appointed substitute); or
- (b) has been permitted by the Working Party / Panel / Forum to speak; or
- (c) has placed the item on the agenda under Standing Order 35.1(d)

And for the avoidance of doubt, only a member of the relevant Working Party / Panel / Forum is permitted to vote on any item.



## **Proviso**

A Councillor who attends a Working Party / Panel / Forum, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members and shall only be entitled to speak for a maximum of 5 minutes on any item.

## **Working Parties, Panels & Forums Meeting in Private**

- 37.4** Subject to the interest rules in the Code of Conduct (**Part 5(a)**) and the proviso set out below, a Councillor may attend a meeting of a Working Party / Panel / Forum meeting in private but only if he / she:
- (a) is a member of the Working Party / Panel / Forum; or
  - (b) has been permitted by the Working Party / Panel / Forum to attend (and the right to speak is also at the body's discretion); or
  - (c) has placed an item on the agenda under Standing Order 35.1(d), in which case the Councillor can be present for that item and shall have the right to speak; or
  - (d) can demonstrate a 'need to know' in respect of an item, in which case the Councillor can be present for that item, but has no right to speak.

And for the avoidance of doubt, only a member of a Working Party / Panel / Forum is permitted to vote on any item.

## **Proviso**

A Councillor who attends a Working Party / Panel / Forum, of which he or she is neither a member nor a duly appointed substitute, should sit apart from Working Party / Panel / Forum members and shall only be entitled to speak for a maximum of 5 minutes on any item.

## **The Mayor**

- 37.5** The Mayor shall be entitled to attend any Committee or Sub-Committee (subject to the provisos in 37.2 above) and shall be entitled to speak but not vote.

## **38. Quorum at Committees, Working Parties, etc.**

- 38.1** Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the total number of Councillors of the Committee are present, subject to not less than 3 Councillors being present in any case.
- 38.2** The Quorum in respect of the Cabinet, Working Parties, Forums, Panels and other bodies shall be as set out in the Constitution and Terms of Reference of Cabinet, Committees etc. (**Part 3 – Schedule 2**).

## **39. Reference Up of Decisions**

- 39.1** This Standing Order applies where arrangements have been made for the discharge of a function of the authority by a Committee and the operation of such arrangements is now referred to as "the use of delegated powers". For the avoidance of doubt the procedure in this Standing Order applies to the Scrutiny Committees when considering called-in matters.
- 39.2** Where a Committee has made a decision by the use of delegated powers and not fewer than the number of voting members as represents the smallest political group on the relevant Committee, immediately after the question has been put to the vote, ask that the provisions of this Standing Order should be applied, the decision shall be of no effect, but shall be treated as a recommendation to the Council provided that all those Councillors asking for reference up must be members of the Committee.
- 39.3** This Standing Order shall not apply to any decision:
- (a) of the Development Control Committee; or
  - (b) of a committee which has, under an obligation arising from the nature of the business to be transacted, heard representations from persons other than Councillors and those appointed by the authority to discharge a function in connection with the Committee; or
  - (c) which concerns the appointment, discipline or dismissal of a member of the authority's staff.

**39.4** The reference up provisions in 39.1, 39.2 and 39.3 are in addition to the various requirements under Standing Orders and the law for certain matters to be referred to the Council for decision.

#### **40. Voting in Cabinet, Committees, Working Parties, Forums, Panels and Other Bodies**

**40.1** All questions in Cabinet, Committee, Working Party, Forums, Panels and other bodies shall be determined by a show of hands by a majority of the members of the Cabinet, Committee, Working Party, Forum, Panel or Body present and voting but on the request of any member, supported in the case of a Cabinet or Committee by three other members and in the case of a Working Party, Forum, Panel or body by one other member who signify their support before the vote is taken, the voting on such question shall be by word of mouth and shall be recorded so as to show how each member present and voting gave his vote or abstained from voting.

**40.2** Where immediately after a vote is taken by a show of hands, if any member so requires there shall be recorded in the Minutes of the proceedings of that meeting how that member gave his vote or whether he abstained from voting.

#### **41. Proceedings to be Confidential**

**41.1** All agendas, reports and other documents and all proceedings of the Cabinet, Committees, Working Parties, Forums, Panels and other bodies shall be treated as confidential unless and until they become public in the ordinary course of the Council's business, or are authorised to be communicated to and are available for publication by the press or other news media in accordance with the Council's policy.

**41.2** No Councillor or employee of the Council shall disclose any other matter which is of a confidential character in the affairs of the Council unless expressly authorised so to do by the Council, the Cabinet, a Committee, Working Party, Forum, Panel or other body as the case may be.

**41.3** Nothing in this Standing Order shall preclude an employee of the Council while carrying out the instructions of a Committee from obtaining information or undertaking negotiations or discussions.

#### **42. Standing Orders to be given to Councillors**

A copy of these Standing Orders shall be provided to each Councillor by the Chief Executive, upon delivery to him / her of the Councillors' declaration of acceptance of office.

#### **43. Standing Orders to apply to Cabinet, Committees, etc**

The following Standing Orders of the Council shall also apply to Cabinet, Committees, etc. as indicated.

6B. Question Time (Scrutiny Committees and Health & Wellbeing Board only).

6C. Public Participation in respect of planning applications (Development Control Committee only).

10. Rules of Debate except those parts which relate to standing (10.3), length of speeches (10.4(b)), speaking more than once (10.5) and proceeding beyond 10pm (10.8(k)) (Cabinet & Committees).

11. Disorderly conduct (Cabinet and Committees).

13. Voting on appointments (Cabinet and Committees).

16. Admission of the public to meetings (Cabinet and Committees).

17. Power to exclude the public (Cabinet and Committees).

18. Motions affecting persons employed by the Council (Cabinet and Committees).

- 20. Interest of Councillors in contracts and other matters (Cabinet, Committees, Working Parties, etc).
  - 31. Substitute Councillors (Cabinet, Committees and Working Parties, etc).
  - 32. Decision making by Cabinet, Committees and other bodies (Cabinet and Committees).
  - 34. Meetings of the Cabinet (Cabinet only).
  - 35. Meetings of Committees and Working Parties etc. (Committees, Working Parties etc).
  - 37. Attendance at Cabinet, Committees and Working Parties by Councillors (Cabinet, Committees and Working Parties).
  - 38. Quorum at Committees, Working Parties etc. (Cabinet, Committees, Working Parties, etc).
  - 39. Reference Up of Decisions (Committees only – although 39.4 applies to the Cabinet).
  - 40. Voting in Cabinet, Committees, Working Parties, Forums, Panels and other bodies (Cabinet, Committees, Working Parties, etc).
  - 41. Proceedings to be confidential (Cabinet, Committees, Working Parties, etc).
- Contract Procedure Rules (Cabinet, Committees, Working Parties, etc).

#### **44. Limitation of Business at Cabinet, Committees and Sub-Committees**

- 44.1** Any matter raised by a Councillor or an Officer which is not specified in the Agenda for the meeting, may not be dealt with unless the Chair considers that it should be dealt with as a matter of urgency and states the reasons for that decision.
- 44.2** Upon the hour of **10.00pm** having been reached, unless the Committee shall decide by a simple majority to proceed with the consideration of the business remaining on the Agenda, the meeting shall deal with the matter under discussion and dispose of any item which the Chair shall decide to be urgent. The remaining non-urgent items shall stand adjourned to the next ordinary meeting of the Committee or to a further meeting to be held on such day and at such time as the Committee shall determine.

#### **45. Public Notices and Advertisements**

All public notices and advertisements issued by the Council or any Committee thereof shall be published as appropriate in the name of (a) the Mayor or (b) the Chief Executive.

#### **46. Urgent Action by Officers<sup>1</sup>**

- 46.1** Subject to the provisions of:
  - (a) these Standing Orders and the Financial Procedure Rules in **Part 4(f)**;
  - (b) the Constitution and Terms of Reference of Cabinet, Committees etc, in **Part 3 – Schedule 2**; and
  - (c) any statutory provision reserving a decision on any matter to the Council, Cabinet or a Committee

the Chief Executive, the two Deputy Chief Executives the three Strategic Directors and all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during such times as the Cabinet or Committee is in recess; provided that:

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<sup>1</sup> S.O.46 permits urgent action by specified Officers in relation to matters within the Terms of Reference of the Cabinet or Committees and which will normally be taken by the Cabinet or Committee as the case may be. In contrast the provision in paragraph 1.1 of the Executive Procedure Rules in Part 4 is designed to cover the situation where for whatever reason an executive function has been omitted from the Scheme of Delegation to Officers in **Part 3, Schedule 3**.

- (i) there is no conflict with the Council's Policy Framework or Budget (unless the relevant urgency procedures in the Budget and Policy Framework Rules in **Part 4(c)** are followed);
- (ii) no key decision is involved or if it is a key decision, the matter is contained in the Forward Plan (or the general exception or special urgency provisions in the Access to Information Procedure Rules in **Part 4(b)** are satisfied); and
- (iii) in the case of matters falling within the terms of reference of a Committee the officer shall first consult with the Chair or in his / her absence the Vice Chair; and a report of the matter so dealt with shall be made to the next ordinary meeting of the Committee; or

in the case of all other matters the Officer shall first consult with the Cabinet Member(s) holding the portfolio(s) relevant to the subject matter or in his / her absence the duly appointed substitute; and a report of the matter so dealt with shall be made to the next ordinary meeting of the Cabinet.

**46.2** The consultation referred to in paragraph (1) of this Standing Order should be in writing and record the reasons for each decision, any alternative options, a record of any conflict of interest by the officer or Councillor and a note of any dispensation granted in respect of such interest. Where this is not practicable then a written record of the consultation must be given to the Chair or Cabinet Member(s) as soon as possible after the consultation.

**46.3** In the event of a Director not being available for whatever reason, the next most appropriate senior officer in the department shall be authorised to take action under this Standing Order.

## **47. Variation and Revocation of Standing Orders**

A motion to vary or revoke these Standing Orders shall stand adjourned without discussion to the next ordinary meeting of the Council, when it shall consider the matter together with a report from the Cabinet or such Committee, body or individual as the Council shall direct.

## **48. Suspension of Standing Orders**

**48.1** In respect of business at Council meetings, any Standing Order, except those of statutory effect, may be suspended on a motion which may be moved without notice, provided at least one half of the whole number of Councillors are present; otherwise no motion of such effect shall be moved without notice of motion in pursuant to Standing Order 8.

**48.2** At meetings of the Cabinet, Committees, Working Parties, Forums, Panels and other bodies Standing Orders shall not be suspended.