

## APPENDIX B

***Part 4A - Meeting Procedure Rules*****Section 1 – County Council Procedure Rules****STANDING ORDER 1**  
***Meetings of the County Council*****Annual Council Meetings**

- (1) The annual meeting of the Council shall be held:-
- (a) in the year of the ordinary election of councillors to the Council, **within 21 days of** the election;
  - (b) in any other year, on any Wednesday in May.

**Ordinary Council Meetings**

- (2) In addition to the annual meeting of the Council and any meetings convened by the Chairman or by members of the Council, meetings for the transaction of general business shall be held on such days as may be determined by the Council at its annual meeting on the recommendation of the Executive provided that a date so determined may be varied by the Executive.\*

**Extraordinary Council Meetings**

- (3) **An extraordinary meeting of the Council may be called at any time by:**
- (a) **the Council by resolution;**
  - (b) **the Chairman of the Council;**
  - (c) **the Monitoring Officer or the Head of Paid Service;**
  - (d) **any five members of the Council if they have signed a requisition presented to the Chairman of the Council and the Chairman has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.**

### **Time and Place of meetings**

- (4) Unless the Council otherwise determines, all meetings of the Council shall be held at 2.00 p.m. other than a meeting on a Saturday which shall be held at 10.00 a.m. provided that the time may be varied by the Chairman following consultation with Group Leaders.

### **Notice of and Summons to Meetings**

- (5) The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her by electronic mail to every Member. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

*[Note - In these Standing Orders "ordinary meeting" means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chairman or by members of the Council.]*

## **STANDING ORDER 2**

### ***Chairman and Vice Chairman of the meeting***

#### **Election**

- (1) The Chairman and Vice Chairman of the Council will be elected by the Council annually in accordance with Standing Order 25. The Chairman will, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as Chairman.
- (2) Any Member of the Council will be eligible for appointment as Chairman or Vice-Chairman except for Members of the Cabinet and Cabinet Support Members.
- (3) The Chairman is elected by the whole County Council to perform the function of regulating and controlling the proceedings of Council meetings in a fair manner, ensuring that the rights of all Members, regardless of political opinion, are observed. The Chairman has a broader role in terms of engaging with the people of Leicestershire and promoting and enhancing the civic life of the County. Once elected, the Chairman must ensure that they distance themselves from the political arena during their term of office.

### Chairing a meeting

- (4) Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- (5) **The Vice Chairman will preside at a meeting in the absence of the Chairman.**
- (6) **If both the Chairman and Vice Chairman are absent then, as the first item of business, one of the members present must be appointed to preside over the meeting subject to paragraph (7) below.**
- (7) **If the Chairman, or the Vice Chairman at a meeting from which the Chairman is absent, arrives after the meeting has started, they will preside over the meeting after any question under discussion on their arrival has been disposed of (not before).**

### STANDING ORDER 3

#### *Quorum*

- (1) The quorum of a meeting will be one quarter of the whole number of members.
- (2) If during any meeting of the Council the Chairman after counting the number of members present declares that there is not a quorum present the meeting shall stand adjourned. **Unless a quorum can be established within 15 minutes and the meeting resumed** consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if he or she does not fix a time, to the next ordinary meeting of the Council.

### STANDING ORDER 4

#### *Order of business*

Except as otherwise provided by Standing Order 5 or as required in law, the order of business at ordinary meetings of the Council shall be:-

- (1) to choose a person to preside if the Chairman and Vice-Chairman are absent;
- (2) Chairman's announcements;
- (3) to receive the report of the Returning Officer;
- (4) to confirm the minutes of the last meeting of the Council;
- (5) **to receive any declarations of interest;**

- (6) to answer questions asked under Standing Order 7 (Questions from elected members);
- (7) to dispose of business (if any) remaining from the last meeting;
- (8) to receive Position Statements under Standing Order 8 (Position Statements);
- (9) to consider reports of the Executive, the Scrutiny Commission (the "Commission"), the scrutiny committees, the Development Control and Regulatory Board, the Constitution Committee, the Corporate Governance Committee and the Local Pension Committee;
- (10) to agree a programme of ordinary meetings of the Council for the year;**
- (11) to appoint the Leader and such Cabinet Support Members as the Council considers appropriate;
- (12) to determine the allocation of committee places to political groups to ensure so far as is practicable that the rules relating to political balance are met;
- (13) to appoint members of the Commission, boards and committees **and Chairmen of the scrutiny committees;**
- (15) to consider motions in the order in which notice has been received;
- (16) any other business, if any, specified in the summons.

***[Note: Any in-year changes to membership of the Commission, boards or committees will be made via Council's delegation to the Chief Executive to make such changes. Any in-year changes to the charring arrangements for scrutiny committees and any other board or committee will be made by the relevant committee.]***

#### **STANDING ORDER 5** ***Variation of order of business***

- (1) Subject to paragraph (2) below, the order of business at a meeting may be varied:-
  - (a) by the Chairman at his or her discretion; or
  - (b) by a resolution passed at that meeting. A motion to vary the order of business shall be moved and seconded formally and put without discussion.

- (2) Business falling under items (1), (3) and (4) of Standing Order 4 shall not be displaced.

### **STANDING ORDER 6**

#### ***Minutes***

- (1) **Minutes of the last Council meeting must be confirmed at the next ordinary meeting of the Council where possible. There is no requirement to sign the minutes of a previous ordinary meeting at an extraordinary meeting.**
- (2) Approval of the minutes of a previous meeting will be moved by the Chairman.
- (3) No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
- (4) If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

### **STANDING ORDER 7**

#### ***Questions from Elected Members***

#### **Questions with notice**

- (1) At a meeting of the Council a member may ask the Chairman of the Council, the Leader, any designated member of the Executive, or the Chairman of the Commission, a board or a committee, any question relating to the business of the Council or of the Executive or which relates to a matter affecting the County. The term “designated member” means any member of the Executive which the Executive from time to time may specify as such for the purposes of this Standing Order.
- (2) The text of any question shall be submitted in writing to the Chief Executive not less than five clear days before the meeting at which the member proposes to ask the question subject to paragraph (3) of this Standing Order (urgent business).
- (3) The chairman of the meeting may allow the asking of a question which has not been submitted as required by paragraph (2) above, if he or she considers that it relates to urgent business. The text of any such question shall, if possible, be delivered to the Chief Executive not later than 10.00 a.m. on the day before the meeting at which the question is to be asked. **In these circumstances, there is no guarantee that a full or written reply will be given at the meeting.**
- (4) After a question has been replied to, the member who asked it may, if they are present at the meeting, ask one supplementary question for

the purpose of clarifying the reply which has been given. A member asking such a supplementary question shall confine himself or herself to the substance of the original question and shall not introduce any new matter which did not fall within the scope of his or her original question. **If an answer to a supplementary question cannot be provided at the time, a written response will be provided, where possible, within seven working days of the meeting.** In paragraphs (5) - (12) of this Standing Order, the word "question" shall include such a supplementary question.

- (5) Every question shall be put and answered without discussion.
- (6) No resolution shall be moved with reference to any question or reply to a question.
- (7) Questions asked in pursuance of the above paragraphs of this Standing Order shall be recorded in the minutes of the meeting, and the Chief Executive shall supply the questioner with a copy of the replies thereto within seven working days after the meeting.

#### **Questions without notice**

- (8) In addition to the right to put questions contained in the foregoing paragraphs, at a meeting of the Council any member may without notice ask the Leader, or the Chairman of the Commission, or the chairman of a board or a committee any question upon an item of the report of the body concerned then before the Council, provided that the question is put before the Council's consideration of that item is concluded.

#### **Scope of Questions**

- (9) If the Chairman of the meeting **following consultation with the Monitoring Officer** is of the opinion that the question is out of order, of a personal character, **defamatory, frivolous, offensive, vexatious, derogatory, unlawful**, or in the interests of the Council it is undesirable, he or she shall so inform the member and shall not allow the question to be put.
- (10) **The Chairman's ruling on the rejection of a question will be final.**

### **STANDING ORDER 8**

#### ***Position Statements***

- (1) One or more Position Statements may be presented to the Council by the Leader and any member of the Executive **and the Chairman of the Scrutiny Commission** in such form as the person presenting the Position Statement may determine.

- (2) A Position Statement may give rise to an informal discussion by the Council provided that, subject to paragraph (4), no motion or amendment shall be moved during that discussion.
- (3) The discussion of any Position Statement shall not exceed twenty minutes but the Chairman, at his or her discretion, may permit an extension of such length as he or she considers appropriate.
- (4) At the conclusion of any discussion of a Position Statement, a formal motion may be moved to the effect that a particular issue relevant to the Position Statement be referred to the Executive, the Commission, a board or a committee as the case may be, for consideration. Such a motion shall be moved and seconded formally and shall be put without discussion.

### **STANDING ORDER 9** *Procedure relating to reports to Council*

#### **Signing a report to Full Council**

- (1) **Any report presented to the Council by the Cabinet, the Commission, a board or committee must be signed either by the Leader (or appropriate Lead Member), or the Chairman of the Commission, board or committee, as the case may be.**

#### **Motion to approve recommendations in report**

- (2) **A report from the Cabinet, the Commission, or other board or committee will be taken as read subject to alterations or amendments in accordance with Standing Orders 15 and 16.**
- (3) **The Leader (or appropriate Lead Member), or the Chairman of the Commission, board or committee will move the recommendations within the report. Any other member may second the motion.**
- (4) **In the case of a report of the Cabinet, a motion may be moved by any Lead Member in the absence of, or at the request of, the Leader.**
- (5) **In the absence of the Chairman or Vice Chair of the Commission, board or committee, the Chairman of the Council may appoint some other member of that body to move the recommendations in its report. Preference will be given to the Vice Chairman when the member absent is the Chairman.**
- (6) **Where two or more bodies submit a joint report, the motions set out in that report will be moved by the Member whose signature to the report appears first.**

*[Note: Rule 9(b) of the Overview and Scrutiny Procedure Rules in Part 4E of the Constitution provides that where an overview and scrutiny committee cannot agree on a final single report to the Council, then up to one minority report may be prepared and submitted with the majority report.]*

## **STANDING ORDER 10**

### ***Notices of motion***

#### **Notice**

- (1) Notice of every motion (other than a motion which under Standing Order 11 may be moved without notice) shall be in writing signed by the member(s) giving the notice and delivered to the Chief Executive at least eight clear days before the next meeting of the Council.
- (2) **Delivery of a notice of motion can be by electronic means provided that the Chief Executive is satisfied it has been sent by the member(s) concerned.**
- (3) **Notices of motion may be submitted for consideration at the annual or ordinary meetings of the Council. They cannot be submitted for extraordinary meetings unless they relate to the subject matter of that extraordinary meeting.**

#### **Inclusion in the summons**

- (4) The Chief Executive will date and number each notice of motion in the order in which it is received and make this available for inspection by every member of the Council.
- (5) **Motions received in accordance with this Standing Order** shall be inserted in the summons for every meeting of the Council in the order in which they have been received, unless the member(s) when giving the notice stated in writing that he or she proposes to move it at some later meeting, or has withdrawn it in writing.

#### **Scope**

- (6) **Motions must be clear and concise and be about matters for which the Council has responsibility, or which affect the County or its residents and must not:**
  - (a) **be defamatory, frivolous, offensive, vexatious, derogatory, or unlawful;**
  - (b) **relate to applications for or objections to any non-determined planning application or any licence, notice or order issued, served or made by the Council;**



- (c) **relate to individual staffing matters or the personal information of Members or Officers;**
  - (d) **raise any matter involving exempt or confidential;**
  - (e) **be considered by the Chairman to be out of order or otherwise inappropriate for the particular meeting or to undermine the purposes of the Constitution;**
  - (f) **fall within Standing Order 13.**
- (7) Any notice of motion which would have the effect of materially increasing the expenditure or reducing the revenue of the Council, otherwise than in the form of a proposal that the matter be referred to the Executive for consideration and report, shall not be deemed to have been duly given for the purposes of this Standing Order.
- (8) Any notice of motion which would have the effect of reviewing or rescinding a decision of the Executive taken under delegated powers, otherwise than in the form of a proposal that the matter be referred to the Executive for consideration and report, shall not be deemed to have been duly given for the purposes of this Standing Order.
- (9) Any notice of motion which would have similar effect to a notice of motion which has already been lodged shall not be deemed to have been duly given for the purpose of this Standing Order, on the basis that any differences can be addressed at the meeting through an amendment to the accepted motion.
- (10) The Chairman's ruling, following consultation with the Monitoring Officer, on the rejection of a motion will be final.**
- (11) Where a motion is rejected, the member(s) concerned will be advised as soon as possible giving reasons for the rejection. Where time permits, the member may submit an amended motion which will be considered afresh. For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph (1) above.**

### **Moving the motion**

- (12) If a motion of which notice has been given and not withdrawn is not moved by the member(s) who gave notice of it, it may be moved by another member of the Council and if not so moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

*[Note: In Standing Order 10(8) the phrase "taken under delegated powers" is deemed to cover those matters which are the responsibility of the Executive not only as a matter of local choice but also as a consequence of the*

*operation of the Local Government Act 2000 and any statutory provisions made under that Act.]*

### **STANDING ORDER 11**

#### ***Motions and amendments which may be moved without notice***

Motions and amendments relating to the following matters may be moved without notice:-

- (1) appointment of a chairman of the meeting at which the motion is made;
- (2) the approval of accuracy of the minutes;
- (3) that an item of business specified in the summons have precedence;
- (4) appointment of a body or the members thereof, occasioned by an item mentioned in the summons to the meeting;
- (5) adoption of reports and recommendations of the Executive, the Commission, a board or committee and any consequent resolution;
- (6) giving consent of the Council where the consent of the Council is required by these Standing Orders;
- (7) any of the motions listed in Standing Order 13 whether or not moved whilst another motion is under debate.

### **STANDING ORDER 12**

#### ***Notice of Amendments***

- (1) Notice of the intention to move an amendment to a motion included on the agenda for a meeting in accordance with Standing Order 10 shall be submitted in writing to the Chief Executive at least two days before the meeting.
- (2) Notice of the intention to move an amendment to a motion to secure the approval by Council of the recommendations in a report of the Executive, the Commission, a board or committee shall be submitted in writing to the Chief Executive at least two days before the meeting.
- (3) Details of the notices referred to in (1) and (2) above shall immediately upon receipt be shared with the Leader of the Council and the Opposition Group Leaders.
- (4) Details of the notices referred to in (1) and (2) above shall be disclosed to all members of the Council at 9.00am on the day before the meeting.
- (5) The Chairman of the Council, or the Vice Chairman in their absence, may use their discretion to waive the requirement to comply with the

provisions of this Standing Order. Unless there are exceptional circumstances, such requests should be made before the meeting.

- (6) Where a member who has proposed an amendment is unable to attend the meeting, they may nominate another member to move the amendment.

### **STANDING ORDER 13** ***Motions which may be moved during debate***

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

- (1) to amend the motion;
- (2) To withdraw a motion, amendment or report;**
- (3) to adjourn the meeting;
- (4) to adjourn the debate;
- (5) to proceed to the next business;
- (6) that the proposition under discussion be put;
- (7) that a member be not further heard;
- (8) by the Chairman under Standing Order 20(10) (Speeches) "That the member named do leave the meeting";
- (9) to exclude the public;
- (10) that the subject of debate be referred to the Executive, the Scrutiny Commission a board or committee;
- (11) to extend the time limit for speeches;
- (12) that Standing Orders be suspended under Standing Order 36 (Suspension);
- (13) that leave be given to alter or withdraw a motion, amendment or report.

### **STANDING ORDER 14** ***Rescissions and previous decisions***

- (1) No motion to rescind any resolution passed within the preceding six months and no motion to the same effect as one which has been rejected within that period shall be proposed unless at a meeting subsequent to the meeting at which such resolution or rejection was agreed a member moves for consent to propose his or her motion and

obtains a majority of those members present at the meeting, in which case notice of the motion shall be inserted in the summons for the next ordinary meeting of the Council.

- (2) This Standing Order shall not apply to a motion moved whilst there is before the Council a recommendation of the Executive, the Commission, a board or committee relating to the matter.

### **STANDING ORDER 15** ***Amendments to motions***

- (1) Subject to Standing Order 10(8), an amendment shall be relevant to the motion and shall be either:-

- (a) to refer a subject of debate to the Executive, the Commission, a board or a committee for consideration or re-consideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words;

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

- (2) 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; provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if he or she considers that this course would facilitate the proper conduct of the Council's business.
- (3) If an amendment is lost, other amendments may be moved on the original motion.
- (4) 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.
- (5) **After an amendment has been carried, the Chairman will ensure everyone is clear on what the substantive motion is before accepting any further amendments, or if there are none, put it to the vote.**

### **STANDING ORDER 16** ***Alterations or withdrawal of motions or amendments***

- (1) Subject to Standing Order 10(8), a proposer of a motion may, with the concurrence of the seconder and the consent of the Council, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment

as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be reduced into writing and handed to him or her before the consent of the Council to the alteration is sought.

- (2) A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Council, withdraw the motion or amendment which he or she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
- (3) The giving or refusal of the consent of the Council to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

### **STANDING ORDER 17** ***Right to require motion in writing***

Unless notice has already been given in accordance with Standing Orders 10 and 12 a motion or an amendment shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

### **STANDING ORDER 18** ***Motions or questions affecting persons employed by the Council***

If any **motion or** question arises at a meeting of the Council, the Executive, the Commission, a board or a committee as to the appointment, promotion, dismissal, salary, pension, conditions of service or the conduct of any person employed by the Council, such question shall not be the subject of discussion until the body concerned has decided whether or not the power of exclusion of the public shall be exercised.

### **STANDING ORDER 19** ***Proposing and seconding motions and amendments***

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (2) A member may not propose or second a motion or an amendment on which they are disqualified from voting.
- (3) **A Member proposing an amendment will speak only once on the original motion, whilst moving the amendment.**

## **STANDING ORDER 20**

### ***Speeches***

#### **Content**

- (1) A member shall direct his or her speech to the question under discussion (i.e. it shall be directly relevant to the matter under discussion) or to a point of order or a point of personal explanation or information for the meeting

#### **Length of speeches**

- (2) Except in the case of a speech given by a principal speaker which shall not exceed 10 minutes, no speech shall exceed 5 minutes without the consent of the Council, and upon a motion for extension of these time limits no discussion shall be allowed.
- (3) Any extension of time granted to speakers by the Council in pursuance of this Standing Order shall not exceed 10 minutes in the case of a principal speaker or 5 minutes in any other case but the Chairman, at his or her discretion, may permit a further extension if he or she considers that this would facilitate the conduct of the Council's business.

#### **Conduct when speaking**

- (4) A member shall not impute motives or use offensive expressions to or about any other member and shall act in accordance with the role of a County Councillor as set out in Article 2.03 of the Constitution.
- (5) A member when speaking shall stand and address the Chairman.
- (6) If two or more members rise, the Chairman shall call on one to speak, the other or others shall then sit.
- (7) While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.
- (8) Whenever the Chairman rises during a debate a member then standing shall resume his or her seat and the Council shall be silent.
- (9) If any member in the opinion of the Chairman signified to the Council, misconduct himself or herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, or by tedious repetition or unbecoming language in his or her speech, the Chairman or any other member may move "That the member named be not further heard", and such motion if seconded shall be put and determined without discussion.

- (10) If the member named continues his or her misconduct after a motion under the last previous paragraph has been carried, the Chairman shall either:-
- (a) move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
  - (b) adjourn the meeting of the Council for such period as he or she in his or her discretion shall consider expedient.

### **Seconders's speech**

- (11) A member when seconding a motion or amendment may, if he or she then declares his or her intention to do so, reserve his or her speech until a later period of the debate.

### **When a member may speak again**

- (12) A member who has spoken on any motion shall not speak again whilst it is the subject of debate except:-
- (a) in exercise of the right of reply given by Standing Order 21;
  - (b) on a point of order or by way of personal explanation or point for information for the Council in accordance with Standing Order 22;
  - (c) to alter or withdraw a motion or amendment in accordance with Standing Order 16;
  - (d) to propose or second any of the motions referred to in paragraphs (2) to (13) of Standing Order 13;
  - (e) to second or to speak once on an amendment moved by another member;
  - (f) if the motion has been amended since he or she last spoke, to move a further amendment.
- (13) A member whose first speech was on an amendment moved by another member, may, after that amendment has been disposed of, speak again on the main issue or on any further amendment.

*[Note: For the purposes of this Standing Order "principal speaker" shall be the member who moves the adoption of a report or of an item of a report of the Executive, the Commission, a board or a committee or who is designated as being an "appropriate spokesman" of the body concerned and is speaking on such a motion or any amendment to it or the member who moves a motion under Standing Order 10.*

*"Appropriate spokesman" has been defined by the Council as follows:*

**reporting body: "appropriate spokesman"**

Executive: *Leader of the Opposition or his or her nominee*

Scrutiny Commission: *Leader or his or her nominee*

Scrutiny Committees:	<i>spokesmen of the two Groups to which the chairman of the Scrutiny Committee concerned does not belong</i>
Employment Committee:	<i>spokesmen of the two Groups to which the chairman of the Committee does not belong</i>
Development Control & Regulatory Board:	<i>spokesmen of the two Groups to which the chairman of the Board does not belong</i>
Constitution Committee:	<i>spokesmen of the two Groups to which the chairman of the Committee does not belong</i>
Local Pension Committee:	<i>spokesmen of the two Groups to which the chairman of the Committee does not belong]</i>
Corporate Governance Committee	<i>Spokesmen of the two Groups to which the Chairman of the Committee does not belong</i>

### **STANDING ORDER 21** ***Right of reply***

- (1) The proposer of a motion shall have the right to reply to the debate:-
  - (a) at the close of the debate on the motion;
  - (b) at the close of the debate on an amendment to the motion;
  - (c) before a motion to proceed to next business or that the Council adjourn or a motion or amendment to refer the subject of debate to a Committee is put;
  - (d) after the closure is carried.
- (2) The proposer of an amendment shall not have the right of reply to either the debate on the amendment or to the debate on a substantive motion formed by the carrying of the amendment.
- (3) A member exercising a right of reply shall strictly confine himself or herself to answering previous speakers to whom he or she has not already had the opportunity of replying and shall not introduce any new matter.
- (4) After every reply to which this Standing Order applies a decision shall forthwith be taken upon the motion or amendment then under discussion.

### **STANDING ORDER 22** ***Points of Order***

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



- (2) The ruling of the Chairman on a point of order shall not be open to discussion.

### **STANDING ORDER 23**

#### **Points of Personal Explanation or Information for the meeting**

- (1) A member may rise on a point of personal explanation or point for information for the Council and shall be heard forthwith.
- (2) A point of personal explanation shall be confined to some material part of the former speech by him or her which may have been misunderstood in the present debate.
- (3) A point of information for the meeting shall be confined to correcting a speaker developing their argument on incorrect facts or figures so as to avoid misleading the meeting.
- (4) The ruling of the Chairman on a point of personal explanation or point of information for the Council shall not be open for discussion.

### **STANDING ORDER 24**

#### ***Closure Motions***

- (1) **A member may move, without comment, the following motions at the end of a speech of another member:**
  - (a) to proceed to the next business;
  - (b) that the proposition be now put;
  - (c) to adjourn a debate;
  - (d) to adjourn a meeting.
- (2) **If a motion to proceed to the next business is seconded and the Chairman thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.**
- (3) **If a motion that the proposition be now put is seconded and the Chairman thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.**
- (4) **If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.**

**Unless otherwise proposed, the matter will be adjourned to the next ordinary meeting of the Council.**

## **STANDING ORDER 25**

### ***Voting***

#### **Majority vote**

- (1) Unless this Constitution or the law provides otherwise, any matter will be decided by a majority of those Members present and voting thereon at the meeting at the time the matter is put.**
- (2) Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices, or, if there is no dissent, by the affirmation of the meeting.
- (3) If an automatic system of recording votes is in operation, the Chairman shall have power to order votes to be given and counted in accordance with the system.
- (4) In taking the votes on any proposition, those members only shall be entitled to vote who are present in the Council Chamber when the proposition is put from the Chairman.

#### **Chairman's casting vote**

- (5) If there is an equal number of votes for and against a proposition, the Chairman will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.**

#### **Ballots**

- (6) A vote will take place by ballot if required by these Standing Orders or at the Chairman's discretion. A ballot will be conducted by the Chief Executive whose return will be final and conclusive. The Chairman will announce the numerical result of the ballot immediately the result is known.**

#### **Recording of Votes**

##### The Budget

- (7) A vote on any proposition at a budget meeting which relates to the calculation of or the issuing of the precept shall be recorded in the minutes of the meeting so as to show whether each member present gave his or her vote for or against the proposition or abstained from voting.

Request for a recorded vote

- (8) After a proposition is put from the Chairman but before the vote is taken, any five members rising in their places may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his or her vote for or against that proposition or abstained from voting.

Right to require individual vote be recorded

- (9) Where immediately after a vote is taken any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his or her vote for the question or against the question or whether he or she abstained from voting.

**Voting on appointments (Except at the Annual Meeting)**

- (10) **Except for appointments made at the Annual Meeting (Standing Order 26), every candidate nominated to represent the Council in any capacity or for any position to be filled by the Council must be openly proposed and seconded.**
- (11) At the close of nominations the Chairman will state the names of the candidates duly proposed and seconded and the number of vacancies to be filled if the number is limited.
- (12) If the number of nominations do not exceed the number of vacancies or the number of vacancies is not limited the Chairman will immediately put the appointments (collectively or otherwise) to the vote. No amendment may be moved on such a motion.
- (13) If the number of nominations exceeds the number of vacancies there shall be a ballot of the members present at the meeting in which each member of the Council may vote for as many candidates as there are vacancies to be filled.
- (14) No candidate shall be appointed unless the number of votes cast in his or her favour exceeds half the number of persons voting.
- (15) **If in any ballot 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.**

**STANDING ORDER 26**

***Appointments at the Annual Meeting of the Council***

At the Annual Meeting of the Council the procedure for the appointment of the Leader, Cabinet Support Members and those members of the Commission and of the boards and committees who are to be appointed

by the Council shall be as set out below, and Standing Orders 10 (Notices of Motion), 11 (Motions and amendments which may be moved without notice), 12 (Notice of amendments) and 25(10) – (15) (Voting on appointments) shall not apply for the purpose of such appointments:-

- (a) The Chairman of the Council shall invite proposals, each of which shall be in the form of a list of candidates nominated for all the vacancies to be filled; it shall not be in order to propose a list of nominations which does not deal with all the appointments which are to be made at the meeting.
- (b) No amendment may be moved in respect of any list of nominations.
- (c) The Chairman shall then put to the Council for decision the lists of nominations proposed and seconded. Each member shall have one vote only to be cast in favour of one list of nominations.
- (d) If there is more than one list of nominations there shall be a series of votes. After each vote, the list which has attracted the least number of votes shall be struck out and a further vote taken, and so on until one list receives a majority of the members of the Council present and voting.
- (e) The Chairman shall declare appointed those members named in the list of nominations which attract the majority of votes.

#### **STANDING ORDER 27** ***General disturbances***

- (1) If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him or her. If he or she continues the interruption the Chairman shall order his or her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
- (3) If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him or her, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

## **Section 2 – Executive, Commission, boards and Committee Procedure Rules**

### **STANDING ORDER 28 *Application of Council Procedure Rules***

In addition to those Standing Orders set out in this Section, the following Council Procedure Rules set out in Section 1 above shall apply with any necessary modification, to meetings of the Executive, Commission, boards and committees:

- 2(4) – (7) (Chairman and Vice Chairman)
- 3(2) (Quorum)
- 5 (Variation to the Order of Business)
- 6 (Minutes)
- 11 (Motions and Amendments which may be moved without notice)
- 13 (Motions which may be moved during debate)
- 15 (Amendments to motions)
- 16 (Alterations or withdrawal of motions or amendments)
- 17 (Right to require motion in writing)
- 18 (Motions or questions affecting persons employed by the Council)
- 19 (Proposing and seconding motions and amendments)
- 21 (Right of reply)
- 22 (Points of Order)
- 23 (Points of Personal Explanation or Information for the meeting)
- 24 (Closure Motions)
- 25 (Voting)
- 27 (General disturbances)

*[Note: Notices of motion are not permitted at meetings of the Commission, boards or committees. Reference to ‘motions’ at meetings of the Commission, board or committees will mean ‘recommendations’.]*

### **STANDING ORDER 29 *Chairman and Deputy Chairman***

#### **Executive**

- (1) The Leader shall be appointed by Council and shall hold office in accordance with Article 7 of this Constitution. The Leader and Deputy Leader shall *ex-officio* respectively act as the chairman and deputy chairman of the Executive.

#### **Commission, committees and boards**

- (2) The Leader of the numerically largest opposition party shall be the Leader of the Opposition and shall *ex-officio* act as the chairman of the Commission in accordance with Article 6 of this Constitution. The

deputy chairman of the Commission will be appointed by the Commission from amongst its members.

- (4) The chairmen of the scrutiny committees will be appointed by Council in accordance with Rule 6 of the Overview and Scrutiny Procedure Rules (Part 4E). The deputy chairmen of these committees shall be appointed by each committee from amongst its members.**
- (4) Except where otherwise agreed by the Council, each board or committee shall appoint its chairman and deputy chairman from amongst its members.
- (5) The deputy chairman of the Commission and the chairman and deputy chairman of a board or committee shall hold office until:
  - (a) he or she resigns;
  - (b) he or she is suspended by the Group (although he or she may resume office at the end of the period of suspension);
  - (c) he or she is no longer a county councillor;
  - (d) he or she is removed from office by the appointing body; or
  - (e) the meeting of the appointing body next following the Annual Meeting of the Council after his or her appointment.
- (6) The appointment of the deputy chairman of the Commission and the chairman and deputy chairman of a board or committee shall be conducted in the same way as an appointment is required to be made by the Council under Standing Order 25 (Voting).

### **STANDING ORDER 30** ***Meetings***

#### **Executive**

- (1) The Leader will decide upon the schedule of meetings of the Executive in accordance with the Executive Procedure Rules (Part 4D).**

#### **Commission, boards or committees**

- (2) The time and place of all meetings of the Commission, boards or committees for each year will be determined on an annual basis by the Chief Executive.**

#### **Special meetings**

- (3) The Leader (or in their absence, the Deputy Leader) may call a special meeting of the Cabinet at any time.**

- (4) The Leader of the Opposition as chairman of the Commission, or the chairman of a board or a committee or the Chairman of the Council may cause a special meeting of the body concerned to be called at any time. In the absence of the chairman of the body concerned the deputy chairman may exercise the powers conferred on the chairman by this Standing Order.
- (5) A special meeting of the Executive, the Commission, a board or a committee or subcommittee shall be called on the request of at least one quarter of the whole number of members of the body concerned by notice in writing signed by them and given to the Chief Executive and specifying the business for which the meeting is to be called.

### **STANDING ORDER 31** ***Proceedings at meetings***

#### **Quorum**

- (1) The quorum of the Executive, Commission, board or committee, unless a special quorum is otherwise prescribed, shall be at least one quarter of the whole number of the body concerned, provided that in no case shall a quorum be less than three members.

#### **Substitute Members**

- (2) **Except as prohibited by law or a bodies specific Terms of Reference, substitute members may attend meetings of the Commission, boards or committees.**
- (3) **Substitute members will have all the powers and duties of any ordinary member of the Commission, board or committee when attending a meeting.**
- (4) **Substitute members may attend meetings in that capacity:**
  - (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; and**
  - (c) **After notifying the Chief Executive by 5pm the day before the relevant meeting.**
- (5) **Any substitution properly made will be announced at the beginning of the meeting, and the original member for whom the substitution is taking place cannot resume membership of the Commission, board or committee until after the conclusion of the meeting for which substitution has occurred.**

### **Urgent Business**

- (6) **Business cannot be dealt with at a meeting of the Executive, Commission, boards or committees unless it is included on the agenda or unless the chairman has agreed that it is urgent and cannot wait until the next meeting. The chairman must give the reasons for urgency, which must be recorded in the minutes for the meeting.**

### **Items requested by a political group**

- (7) In relation to meetings of the Commission and other scrutiny committees, a political group may give notice in writing to the Chief Executive delivered at least eight clear days before the next meeting that they wish the item of business specified in the notice to be included in the agenda for consideration at that meeting. Such notice shall include an explanation of the reasons underlying the request and the purpose to be achieved.
- (8) **A political group raising an item under this Standing Order will be precluded from raising the matter again for a period of six months from the date it is considered by the Commission or committee concerned unless there has been a material change in circumstances.**

### **Attendance required by others**

- (9) **In relation to meetings of the Executive, Executive members may require a chief officer to attend a meeting to provide information or answers questions, and it is the duty of those officers to attend if so required.**
- (10) In relation to meetings of the Commission, boards and committees the body concerned may, by resolution, require a relevant member of the Executive or chief officer to attend a meeting to provide information or answer questions and it is the duty of those persons to attend if so required.

***[Note: Further rules regarding the attendance of others at meetings of the Commission and other scrutiny committees are set out in the Overview and Scrutiny Procedure Rules (Part 4E)]***

### **Observing and speaking at meetings**

- (11) Any Council member may attend as an observer at decision-making meetings of the Executive, including meetings or items of business from which the public has been excluded. If given permission by the chairman of the meeting, a member attending as an observer may speak (but not vote) on any matter.



- (12) Any Council member may attend as an observer at meetings of the Commission, boards or committees, except those meetings which the County Council may from time to time determine for the purposes of this Standing Order (see note below), including meetings or items of business from which the public has been excluded. If given permission by the chairman of the meeting, a member attending as an observer may speak (but not vote) on any matter.

### **Confidential information**

- (13) Subject to the provisions of Section 100 of the Local Government Act 1972, all reports and all documents marked as "confidential" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Council's business.

### **Subcommittees**

- (14) No act of a subcommittee shall have effect until approved by the appointing board or committee except to the extent that the board or committee has itself power to act without the approval of the Council and the power so to act has been conferred upon the subcommittee.

*[Note: The County Council has determined the following meetings for the purposes of paragraph (5) above:*

*Adoption Panel;  
Appointment Committee (Chief Officer);  
Approval of Premises Panel (Civil Marriages);  
Complaints Panel (School Curriculum and Religious Education);  
County Council Employment Panel;  
Disputes Panel;  
Fostering Panel;  
Guardianship Panel;  
Member Conduct Panel;  
Representations Panel (Independent providers of adult social care)]*

## **STANDING ORDER 32**

### **Questions**

*[Note: This Standing Order does not apply to meetings of the Executive.]*

### **Questions from Members**

- (1) At ordinary meetings of the Commission, boards or committees, any member of the Council may ask the chairman of that body questions on any matter in relation to which the body concerned has delegated or advisory functions. The time for dealing with such questions will immediately follow the item on the agenda for answering questions from electors.

- (2) Any question submitted under paragraph (1) shall be submitted in writing to the Chief Executive not less than five clear days **(including weekends and bank holidays)** before the meeting at which the member proposes to ask the question.
- (3) The chairman of the meeting may allow the asking of a question which has not been submitted as required by paragraph (1) above, if he or she considers that it relates to urgent business. The text of any such question shall, if possible, be delivered to the Chief Executive not later than 10.00 a.m. on the day before the meeting at which the question is to be asked.

### **Questions from electors**

- (4) At any ordinary meeting of the Commission, boards or committees to which the press and public are admitted, any elector registered within the County may, subject to this Standing Order, ask the chairman of that body any question on any matter in relation to which it has powers and duties.
- (5) Any question submitted under paragraph (4) shall be submitted in writing to the Chief Executive not less than five clear days **(including weekends and bank holidays)** before the meeting at which the member or elector proposes to ask the question.

### **Scope of questions**

- (6) The Chief Executive may decline to accept a proposed question if in his or her opinion it is:
  - (a) not relevant to the functions of the body concerned;
  - (b) is offensive, frivolous, defamatory, vexatious or unlawful;
  - (c) is substantially similar to a question which has been put at a meeting in the past six months; or
  - (d) requires the disclosure of confidential or exempt information;
  - (e) considered by the chairman to be inappropriate for the particular meeting.
- (7) **Where a question is declined, the questioner will be advised of the reasons for that. Time permitting, the questioner will be given an opportunity to submit an amended question that will be considered afresh. For the avoidance of doubt, questions amended in this way must be delivered within the timescale referred to in paragraph 13.3 above**

### **Putting and answering questions**

- (8) Questions shall be put and answered in the order in which they were received and accepted by the Chief Executive.

- (9) The period allowed for the putting and answering of questions shall be ten minutes, commencing immediately following the confirmation of the minutes of the previous meeting, but it shall be open to any member of the body concerned to move an extension of this period should there be questions remaining unanswered. Such a motion shall be moved and seconded formally and be put without discussion.

### **Supplementary questions**

- (10) After a question has been replied to, the elector who asked it may, if they are present at the meeting, ask one supplementary question for the purpose of clarifying the reply which has been given. An elector asking such a supplementary question shall comply with paragraph (3) above and confine himself or herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of his or her original question. If the chairman of the meeting is of the opinion that the supplementary question is out of order, or of a personal character, or in the interests of the Council it is undesirable, he or she shall so inform the elector and shall not allow the question to be put. In paragraphs (11) – (14) of this Standing Order, the word "question" shall include such a supplementary question.

### **No discussion or decisions**

- (11) Questions and supplementary questions and replies thereto shall be put and answered without discussion.
- (12) **No decision can be made arising from a question except that** a member of the body concerned may propose that the subject matter of the question be placed on the agenda of the next ordinary meeting of the body concerned. Such a motion shall be moved and seconded formally and be put without discussion.

### **Record of questions**

- (13) **Questions asked under this Procedure Rule will be recorded in the minutes of the meeting.**
- (14) **The Chief Executive will supply the questioner with a copy of the replies to their questions as soon as reasonably practicable after the meeting.**

## **STANDING ORDER 33**

### ***Petitions***

*[Note: This Standing Order should be considered alongside the Petitions Scheme set out in Part 10 of the Council's Constitution.]*

- (1) Petitions may be presented at meetings of the Commission, a board or committee, **but not the Executive**, in accordance with the conditions

set out in the Petitions Scheme at Part 10 of this Constitution.

- (2) The Commission, board or committee shall receive only such petitions as have been lodged with the Chief Executive eight clear days before the meeting and are presented by a person who resides, studies or works in the County and/or is a recipient of County Council services and is associated with the petition. Petitions can also be presented by an elected member on behalf of such a person or can be considered in their absence. This Standing Order shall not apply to meetings of the Council or the Executive, subject to paragraphs (5) and (6) below.
- (3) Every petition shall be couched in proper language and be relevant to some question over which the Council or the Commission or board or committee concerned have authority, or which otherwise affects the County and shall involve a call for action. Signatories should record their name, address (and email address for electronic petitions) and date they signed the petition, and any residential, work or study addresses. The Chief Executive shall have the right to refuse to accept any petition which is considered to be frivolous, vexatious, discriminatory or otherwise inappropriate.
- (4) If the petitioner is present and wishes to do so, he or she may speak but only to the extent of formally repeating the wording of the petition and stating the number of signatories to it. The Commission, board or committee shall then debate the question raised by the petition at that meeting.
- (5) Nothing in this Standing Order will prevent a petition being presented elsewhere provided that it relates to a matter which is already before the body concerned.
- (6) Where a petition attracts significant support from the local community, defined as being signed by at least 10,000 persons living, working or studying in the Authority's area, it will be considered at a meeting of the full County Council.
- (7) Where a body considering a petition believes that a wider debate can be justified, it may report to a meeting of the full County Council, regardless of the number of signatories to that petition.
- (8) If the petition organiser feels unhappy with the way their petition was handled he/she can request that the Council review the steps taken in response to the petition. The petition organiser should contact Democratic Services and provide an explanation of the reasons why the way the petition has been dealt with is not considered to be adequate. The Council will consider the request and respond accordingly within 10 working days.

### **Section 3 – Interpretation, amendment and Suspension of Standing Orders**

#### **STANDING ORDER 34** *Interpretation*

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

#### **STANDING ORDER 35** *Variation and revocation*

**So far as permitted in law**, any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

#### **STANDING ORDER 36** *Suspension*

- (1) Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend any of the preceding Standing Orders shall not be moved without notice unless there shall be present at least one-half of the whole number of the members of the Council.

**[end of Meeting Procedure Rules]**

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