

Part Three
Council Meeting Procedure Rules

Section A
Council Standing Orders

Council Standing Orders

Part 1

1. Annual Council

1.1 Time and place

(a) The Council shall in every year hold an annual meeting

(b) The Annual Meeting of the Full Council shall be held:

- (i) in the year of ordinary elections of councillors to the Council, on the second Wednesday in May unless or such other day within 21 days following the day of retirement as the Council may fix.
- (ii) in any other year, on such day in the month of May as the Council may fix.

1.2 Business to be transacted

Business in detail at the first part of the Annual Meeting of the **Full Council** will consist of:

- (a) elect a person to preside if the Mayor of the Council is not present;
- (b) special business introduced by the outgoing Mayor of the Council;
- (c) the election of the in-coming Mayor of the Council and of the Deputy Mayor of the Council; and
- (d) to deal with administration matters concerned with the Mayor of the Council's charity/charities.
- (e) To deal with any matters concerned with the Honourable Havant Citizen Award

1.3 The business in detail at the second part of the Annual Meeting of the **Full Council** will be:

- (a) elect a person to preside if both the Mayor of the Council and Deputy Mayor of the Council are absent;
- (b) approval of the minutes of the last meeting as a correct record;
- (c) receive any declarations of interests from Councillors in any matter being considered by the meeting;
- (d) receive any announcement from the Mayor of the Council and Chief Executive;
- (e) consider any business not otherwise specified in the council summons which, in the opinion of the Chair of the Council, in consultation with the Chief Executive, is business of such urgency as to require immediate attention by the council;
- (f) election of the Leader of the Council;
- (g) receive nominations and appoint Councillors to serve on all relevant committees and to appoint all Chair and Vice-Chair as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are **executive functions** as set out in this Constitution;
- (h) appointment of representatives to outside bodies;
- (i) reports of any Committee, including matters referred to Council by any Committee;
- (j) annual reports of any Committee;
- (k) minutes of other committees;
- (l) approval of the delegation of the Council's **non-executive functions** in the **Officer Scheme of Delegation** set out in **Part 2** of this Constitution; and
- (m) any other business specified in the summons to the meeting.

2. Ordinary Council Meetings

2.1 Time and Place

- (a) Dates and times of ordinary meetings of the **Full Council**, will be agreed annually by the Full Council.
- (b) All meetings of the Council shall be held in the Hurstwood Room at Havant Borough Council, Public Service Plaza, Havant, PO9 2AX on a Wednesday commencing at 5.30pm unless otherwise notified by the Proper Officer in the summons to the meeting

2.2 Business to be transacted at ordinary meetings

The business at all Ordinary meetings of **Full Council** will be conducted as follows:

- (a) if the Mayor of the Council and Deputy Mayor of the Council are absent, to appoint a person to chair the meeting;
- (b) any business required by statute to come before anything else;
- (c) disclosure of interests by Councillors in any matter being considered by the meeting;
- (d) approval of the minutes of the last meeting as a correct record;

(The Mayor of the Council will put that the minutes be approved and, if so approved, will sign them as a correct record. There will be no discussion on the minutes except as to their accuracy);
- (e) to receive questions from, and provide answers to the public, provided notice of the question is given in writing or electronically to the Democratic Services Manager, not less than four clear working days before the meeting, excluding the day of the meeting;
- (f) any business remaining from previous **Full Council** meetings;
- (g) report of the **Cabinet** and any questions under CSO 14;
- (h) report of any Committee, including matters referred to **Full Council** by any Committee;
- (i) any questions under CSO 14 and 15;

- (j) notices of Motion submitted under CSO 18 (to be dealt with in their order of receipt by the **Chief Executive**); and
- (k) any other business specified in the summons to the meeting.

3. Budget Meeting

3.1 Time and Place

- (a) ***A meeting of the Full Council will take place each year in order to calculate the budget requirement and set the council tax. This is known as the **Budget Council meeting**. This is usually in February.
- (b) (b) Unless the Chief Executive otherwise directs the meetings shall be held in the Hurstwood Room at Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

3.2 Business to be transacted at Budget meetings

The Budget Meeting shall transact such business as:

- (a) in the opinion of the Chief Finance Officer, is necessary to enable the Council to comply with its legal obligations in terms of setting a budget and other legal matters associated with the determination of the Council Tax, etc;
- (b) is necessary to approve, review, refresh or otherwise consider in the opinion of the Chief Executive, the Medium Term Financial Strategy; and
- (c) any other business which the Chief Executive, Chief Finance Officer or Monitoring Officer consider should be placed before Members

4. Extraordinary Council

4.1 Calling Extraordinary meetings

***Those listed below may request the Chief Executive to call extraordinary meetings of the Full Council:

- (a) the Full Council by resolution;
- (b) the Mayor of the Council;
- (c) the Monitoring Officer; or

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

4.2 Time and Place

- (a) Extraordinary meetings shall be held on such days as may be determined by the Chief Executive in consultation with the Mayor and political group leaders.
- (b) Unless the Chief Executive otherwise directs the meetings shall be held in the Hurstwood Room at Havant Borough Council, Public Service Plaza, Havant, PO9 2AX

4.3 Business to be transacted at Extraordinary meetings

The Chief Executive shall, in calling an Extraordinary Meeting of the Council, restrict the business on the summons to that required by law, any matter or matters that the Chief Executive, Monitoring Officer or Chief Financial Officer wish to raise and the business for which the Extraordinary Meeting has been called.

5. Notice of and Summons to Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five Clear Working Days before a meeting, the Chief Executive will send a summons signed by him or her stating 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.

6. Alteration or Cancellation of Meetings

The **Chief Executive** may cancel or postpone any meeting, in consultation with the Chair (or the Mayor of the Council in the case of **Full Council** meetings), prior to the issue of the agenda or subsequently if there is no business to be transacted.

7. Withdrawal of Items from Agenda

The **Chief Executive** may, in consultation with the **Monitoring Officer** and the committee Chair (or the Mayor of the Council in the case of **Full Council** meetings) withdraw an item from the agenda.

8. Mayor of the Council and Deputy Mayor of the Council

- 8.1 ***The Mayor of the Council and the Deputy Mayor of the Council will be appointed at the Annual Meeting of **Full Council**.
- 8.2 ***If the Office of Mayor of the Council becomes vacant during a Civic Year it will be filled at the next Full Council meeting, or, if a vacancy arises within 14 days before that meeting, it will be filled at the next but one meeting.
- 8.3 If the office of Deputy Mayor of the Council becomes vacant during a civic year it will be filled at the next Full Council meeting, or, if a vacancy arises within 14 days before that meeting, it will be filled at the next but one meeting.
- 8.4 The Mayor of the Council will chair meetings of the **Full Council**. In the Mayor of the Council's absence the Deputy Mayor of the Council will chair the meeting. In the absence of both the Mayor of the Council and Deputy Mayor of the Council, the Full Council will appoint another Councillor to chair the meeting.

9. Chairing the meetings

- 9.1 The Mayor, if present, will chair the meeting.
- 9.2 If the Mayor is absent, the Deputy Mayor will take the chair.
- 9.3 If both the Mayor and Deputy Mayor are absent, the Councillors present will elect a Councillor to take the Chair for the meeting. The person presiding at the meeting may exercise any power of duty of the Mayor.
- 9.4 Where these CSO apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.

10. Quorum

- 10.1 The minimum number of voting Councillors necessary for business to be dealt with at each meeting is as follows:

Full Council	10
Planning Committee	3
Planning Policy Committee	3
Licensing Committee	4
Audit and Finance Committee	3
Overview & Scrutiny Committee	5
Standards Committee	3

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Human Resources Committee	3
Sub-Committees	3
All other committees	3

- 10.2 There must be a **quorum** within 15 minutes of the scheduled start time of a meeting, otherwise it cannot take place. The Mayor shall declare that no meeting shall take place and shall direct that the meeting of the Council shall take place at such date and time as the Mayor may fix. If the Mayor does not fix a date and time, the business shall be considered at the next ordinary meeting.
- 10.3 If, during the course of a meeting, the number of Councillors present falls below the quorum the meeting cannot continue. The Mayor shall adjourn the meeting and shall direct that the remaining business shall take place at such date and time as the Mayor may fix. If the Mayor does not fix a date and time, the business shall be considered at the next ordinary meeting.

11. Duration of Council Meetings

Any meeting of the **Full Council** or committee or sub-committee which has sat continuously for three hours will be adjourned unless the majority of Councillors present by vote, decide to continue to sit for a further period not exceeding one hour.

12. Declarations of Interest and Participation

- 12.1 Where, in relations to an item on the agenda, a Councillor has a Disclosable Pecuniary Interest, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.
- 12.2 The Councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.
- 12.3 A flowchart has been prepared and attached to these CSO.

13. Minutes

- 13.1 The **Monitoring Officer** will be responsible for the minutes of every meeting.
- 13.2 ***The minutes will be submitted for approval and signature as a correct record at the following meeting, unless that meeting is an extraordinary meeting in which case they may be submitted to the next ordinary meeting.
- 13.3 ***The names of Councillors present at a meeting or at part of a meeting will be recorded in the minutes.

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13.4 The Mayor shall put the question that the minutes of the previous meeting of the Council be approved as a correct record.

13.5 The only part of the minutes that can be discussed is their accuracy.

14. Leader and Cabinet Lead Report Questions at Full Council

14.1 The Leader and Cabinet Leads may introduce their portfolio reports following which 15 minutes of question time may commence.

14.2 A Councillor may ask the Leader of the Council or a Cabinet Lead a question in respect of the content of the portfolio reports of the Cabinet submitted to Full Council.

14.3 The procedure for dealing with Leader and Cabinet Lead questions by Councillors shall be as follows:

- (a) The questioner shall ask the Leader or Cabinet Lead a question;
- (b) The Leader or Cabinet Lead shall respond;
- (c) A Councillor may ask one supplementary question. The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer.
- (d) All first questions from Councillors will be taken serially. Second questions will follow, then third questions and so on.

14.4 The Councillor to whom a question, or a supplementary question, is put may:

- i) decline to answer;
- ii) refer the questioner to a Council document or publication where the answer may be found;
- iii) undertake to supply an answer (either to the questioner or to all the Councillors) if an answer cannot conveniently be given when it is asked and circulate; or
- iv) refer the question for answer to another member of the Cabinet.

14.5 No question shall exceed three minutes in duration in order to allow all those submitting questions to have a fair and equitable opportunity to ask their question within the time allotted for questions.

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- 14.6 The total time for Leader and Cabinet Lead questions shall be 15 minutes, or such longer time as the Mayor may allow.
- 14.7 A question and answer shall not be the subject of discussion or debate.
- 14.8 A Councillor with a disclosable pecuniary interest in the subject matter of the question may not ask a question. If the disclosable pecuniary interest arises after notice has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice or the question.

15. Questions at Full Council

- 15.1 Provided that the Monitoring Officer has received a copy of the question to be asked before 12 noon five Clear Working Days prior to the day of the Council meeting, a Councillor may:
- (a) ask the Leader or the relevant Chair of any Committee or Sub-Committee, about an issue in the Councillor's Ward; or
 - (b) ask the Leader or the relevant Chair of any Committee or Sub-Committee about some issue in which the Council has powers or duties or which affects the Borough; or
 - (c) ask the Chair of a Committee or Sub-Committee about something for which their committee has responsibility.
- 15.2 The Councillor to whom a question, or a supplementary question, is put may:
- (a) direct an oral answer
 - (b) decline to answer;
 - (c) refer the questioner to a Council document or publication where the answer may be found;
 - (d) undertake to supply an answer (either to the questioner or to all the Councillors) if an answer cannot conveniently be given when it is asked and circulate within seven Clear Working Days; or
 - (e) refer the question for answer to another member of the Cabinet.
- 15.3 The procedure for dealing with written questions by Councillors shall be as follows:
- (a) The questions and draft replies shall be published electronically the day of the Council meeting.

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- (b) ii) All first questions submitted by Councillors will be taken serially and taken as read first. Second questions will follow, then third questions and so on.
 - (c) The draft reply shall (without further comment) be taken to be the reply to the question unless the Leader (or Councillor answering on their behalf) indicates otherwise.
 - (d) A Councillor may ask one supplementary question. The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer.
- 15.4 No question submitted under SO 15 shall exceed 100 words in length. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the question.
- 15.5 No supplementary question shall exceed three minutes in duration in order to allow all those submitting questions to have a fair and equitable opportunity to ask their question within the time allotted for questions.
- 15.6 The total time for written questions shall be 15 minutes, or such longer time as the Mayor may allow.
- 15.7 A question and answer shall not be the subject of discussion or debate.
- 15.8 The Councillor to whom a question, or a supplementary question, is put may:
- (a) direct an oral answer
 - (b) decline to answer;
 - (c) refer the questioner to a Council document or publication where the answer may be found;
 - (d) undertake to supply an answer (either to the questioner or to all the Councillors) if an answer cannot conveniently be given when it is asked and circulate within seven Clear Working Days; or
 - (e) refer the question for answer to another member of the Cabinet.
- 15.9 Notice of a question may not be given by a Councillor with a disclosable pecuniary interest in the subject matter of the question. If the disclosable pecuniary interest arises after notice has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice or the question.
- 15.10 A question and answer shall not be the subject of discussion or debate.

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16. Content of questions

16.1 The **Monitoring Officer** may rule out of order any question that:

- (a) is vexatious, derogatory, defamatory, frivolous or offensive;
- (b) concerns a Council employment or staffing matter or sensitive personal information about a Councillor;
- (c) is unrelated to functions of the Committee; or
- (d) has been previously considered in the last 6 months.

17. Record of Questions and Answers on Notice at Full Council

17.1 Questions asked on Notice at Full Council under CSO 15 will be recorded in the minutes, as will any answer. For the avoidance of doubt, neither supplementary questions nor answers shall be recorded.

18. Notices of Motion to Full Council

- 18.1 Except for the motions listed in CSO 19 written notice of every motion must be received by the Democratic Services Manager no later than 12 noon seven Clear Working Days before the meeting.
- 18.2 No motion shall exceed 150 words in length. The motion may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the motion. A template has been made available to assist Members.
- 18.3 Motions must be formally proposed by a minimum of two Councillors.
- 18.4 The proposer of the motion will be taken as being the first name on the Notice of Motion, with a seconder noted, unless otherwise indicated on the notice. Email confirmation of support for the motion must be received in writing by both councillors.
- 18.5 A notice of motion may not be given by a Councillor with a disclosable pecuniary interest in the subject matter of the motion. If the disclosable pecuniary interest arises after a notice of motion has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice of motion.
- 18.6 The motion may be withdrawn from the agenda if the proposer and/or seconder is not present at the time that it is due to be considered.
- 18.7 The **Monitoring Officer** will keep any motion received, together with a record of the time and date of receipt, in a register available for inspection.

- 18.8 Motions must relate to some matter of public, local or general concern or interest and should be about something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue.
- 18.9 No motion may seek to take a decision in respect of a matter which is the responsibility of the Cabinet or other statutory body (other than to make a recommendation).
- 18.10 The Chief Executive or Monitoring Officer in his/her absence may:
- (a) exclude from the Council agenda any motion which he/she considers to be out of order;
 - (b) amend any motion subject to the agreement of the proposer;
 - (c) rule out of order any motion that is vexatious, derogatory, defamatory, frivolous or offensive;
 - (d) rule out of order any motion that concerns a Council employment or staffing matter or sensitive personal information about a Councillor;
 - (e) rule out of order any motion that is unrelated to functions of the Committee; or
 - (f) rule out of order any motion that has been previously considered in the last 6 months.
- 18.11 Motions will be listed on the Council agenda in the order received.
- 18.12 No more than three Motions shall be considered at any one Council meeting. No Councillor shall have more than two motions on the same agenda.
- 18.13 The proposer may withdraw a motion at any time prior to its consideration. Such a withdrawal must be put in writing to the Monitoring Officer.
- 18.14 When the proposer of a motion is unable to attend the Council meeting he/she may write to the Mayor of the Council authorising another Councillor who signed the motion to move it. If no such authority has been given, the motion falls.
- 18.15 Motions containing proposals which may:
- (a) increase capital and/or, revenue expenditure;
 - (b) reduce the income of any committee; and/or
 - (c) have legal or policy implications

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must first be referred to the Cabinet by the Monitoring Officer prior to consideration by Full Council.

- 18.16 Prior to consideration of a motion, the Mayor of the Council may invite the meeting to decide whether it should be referred to the Cabinet or an appropriate committee(s) for a report prior to consideration by Full Council. The Mayor may do so without explanation.
- 18.17 On receipt of a motion on notice the Mayor, Leader or Cabinet Lead may request an officer briefing note be made available to all Councillors setting out the risks, financial and legal implications of the motion.

19. Motions Without Notice at Full Council

- 19.1 The following motions may be moved without notice. There will be no discussion:
- (a) to appoint a **Councillor** to chair the meeting;
 - (b) to correct the minutes of the previous meeting;
 - (c) to change the order of business on the agenda;
 - (d) to combine debates on items on the agenda;
 - (e) to withdraw an item from the agenda;
 - (f) to move committee minutes;
 - (g) subject to CSO 20.1 and 20.2 to amend any motion;
 - (h) to withdraw any motion or amendment (by the mover);
 - (i) to not hear a **Councillor** further;
 - (j) to require a Councillor to leave the meeting;
 - (k) to extend the time limit on speeches;
 - (l) to exclude the public/press during consideration of confidential business;
 - (m) to suspend particular standing orders (see CSO 31);
 - (n) to go to the next business. If seconded, the vote will then be taken. If carried, the item under discussion will be treated as withdrawn;

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- (o) to put the question immediately to a vote. If seconded, the vote will then be taken. If carried, the mover of the original motion shall have a right of reply;
- (p) to adjourn the debate. If seconded, the vote will then be taken, and if carried, there are no rights of reply. On resuming the debate, the Councillor who moved the original motion will have the right to speak first; and
- (q) to adjourn the meeting. If seconded and before taking the vote, the Mayor of the Council will deal with any unopposed business (i.e. against which no amendment has been notified in accordance with CSO 20). If the motion to adjourn is carried, there will be no right of reply allowed.

19.2 If a motion under CSO 20.1 is not carried, it cannot be moved again on the same item unless the Mayor of the Council decides the circumstances have changed significantly.

20. Amendments to be Moved at Full Council

20.1 Subject to CSO 20.2, 20.3, 20.4, 20.5 and 20.6 amendments to be moved at **Full Council** must be in writing and be received by the **Monitoring Officer** at least two hours before the meeting.

20.2 Amendments to items of urgent business circulated on the day of the meeting must be in writing and received by the Monitoring Officer within two hours of the item being circulated to Councillors.

20.3 When the **Cabinet** makes recommendations to the Full Council in relation to calculating the budget requirement and setting the Council tax, any amendments to those recommendations which affect those calculations or the level of Council tax must be submitted in writing and received by the Monitoring Officer by 4pm on the seventh day after the meeting of the Cabinet. Any such amendment, together with the recommendations of the Cabinet, will be referred to the Overview & Scrutiny Committee which will report to the Full Council meeting at which the Full Council calculates the budget and sets the Council Tax (the **Budget Council meeting**).

20.4 Nothing in CSO 20.4 will prevent:

- (a) **Councillors** moving amendments at the Budget Council meeting in accordance with Council Procedure CSO 20.3 ; or
- (b) the Cabinet reconvening and revising their recommendations to the Budget Council meeting.

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- 20.5 Where such amendments or revised recommendations arise out of the proceedings of the Overview & Scrutiny Committee, nor will anything in CSO 20.3 require a further meeting of the Overview & Scrutiny Committee in such circumstances.
- 20.6 Amendments to the **Full Council** concerning the Constitution (other than amendments proposed by the Monitoring Officer pursuant to **Part 2** of this Constitution) must be submitted in writing and received by the Monitoring Officer not later than 12 noon on the ninth day preceding the Council meeting (e.g. where the Council meeting is held on a Wednesday, the Monday in the week preceding the meeting) unless that day is not a working day in which case the amendment must be received by noon on the first working day thereafter.
- 20.7 Where the Monitoring Officer has submitted proposals to change the Constitution pursuant to **Part 2** of this Constitution, nothing in Council Procedure CSO 20.5 shall prevent Councillors from:
- (a) disapproving the proposed changes; or
 - (b) moving amendments to the proposed changes at Full Council in accordance with Council Procedure CSO 20.1.

21. Rules of Debate

Speeches at Full Council

- 2.1 Speeches on motions and amendments will be in the following order:
- (a) mover then seconder of a motion. No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded;
 - (b) mover then seconder of any amendment;
 - (c) any other **Councillor** including those who have reserved the right to speak; and
 - (d) right of reply of mover of the original motion.
- 21.2 The right of reply is to enable points made in the debate to be answered. A Councillor exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters or material. New matters must not be introduced. The Mayor's ruling on this shall be final and not open to discussion.

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- 21.3 A **Councillor** may only speak once on a motion or an amendment except:
- (a) when exercising a right of reply;
 - (b) when raising a point of order;
 - (c) when giving a personal explanation; or
 - (d) when exercising a reserved right to speak.
- 21.4 The right to speak later in the debate must be reserved when seconding a motion or amendment.
- 21.5 This right is subject to the **Councillor** being called upon by the Mayor of the Council to speak.
- 21.6 A **Councillor** may only speak about the matter under debate except when raising a point of order or giving a personal explanation.

Content and Timing of Speeches

- 21.7 Speeches must be directed to the question under discussion or to a personal explanation or point of order. Without the consent of the Mayor, save where otherwise specified, the maximum length of speeches shall be as follows:
- (a) Movers of motions: 5 minutes
 - (b) Movers of amendments: 5 minutes
 - (c) All other speakers: 5 minutes
 - (d) All rights of reply: 5 minutes
- 21.8 There shall be no time limit for either the Leader of the Council or the Cabinet Lead for Finance and the finance spokesperson of the opposition group(s) at the **Budget meeting** of the **Full Council**.

Consideration of Recommendations

- 21.9 Where the Cabinet or Committee is reporting a matter which is reserved to Council, the relevant Cabinet Lead or Committee Chair (or a member of the relevant Committee nominated by the chair of that Committee) will introduce the report. The recommendation of the Cabinet or Committee in the report is deemed to be moved and seconded and the motion shall operate (without further words being necessary) as a motion. The normal rules of debate shall apply to any debate on the recommendations. **Amendments to Motions**

- 21.10 An amendment to a motion must be relevant to the motion and will either be:
- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others; or
 - (d) to insert or add words provided the effect of (a) to (c) is not to negate the motion.
- 21.11 The Mayor may require the amendment to be written down and handed to the Monitoring Officer before it is discussed.

Submission of Motions and Amendments

- 21.12 Motions and amendments must relate to items included on the agenda or accepted by the meeting as urgent business.
- 21.13 An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected.
- 21.14 The mover of a motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion. If this happens, the mover of the amendment will have the same speaking rights as if the amendment had been debated separately.
- 21.15 Motions and amendments cannot be debated until they have been moved and seconded.
- 21.16 Subject to CSO 19.1(d) only one amendment may be moved and debated at any one time. No further amendments can be moved until the previous amendment has been dealt with.
- 21.17 Each amendment must be voted on separately.
- 21.18 If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved.
- 21.19 If an amendment is lost, other amendments may be moved to the original motion.
- 21.20 The mover may withdraw an amendment at any time in which case no debate will be allowed.

- 21.21 After an amendment has been carried, the Mayor of the Council will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.
- 21.22 The original or substantive motion, or any recommendation before the Council shall at the close of debate be put to the vote. No amendment may be moved after the original or substantive motion has been voted upon and no further discussion may then take place.
- 21.23 A flowchart showing how decision is attached to these CSO.

Questions

- 21.24 No questions may be asked in debate.
- 21.25 After a motion on notice is proposed and seconded, the Mayor may in exceptional circumstances invite Councillors to ask questions of the proposer of a notice on motion or the proposer of a recommendation in a report.

Motions Moved During Debate

- 21.26 When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to amend a motion;
 - (c) to proceed to next business;
 - (d) that the question now be put;
 - (e) to adjourn a debate,
 - (f) to adjourn a meeting;
 - (g) to exclude the public and press in accordance with the Access to Information Standing Orders; and
 - (h) to not hear a **Councillor** further

Right of Reply

- 21.27 The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- 21.28 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- 21.29 The mover of the amendment shall have a right of reply immediately after the reply on the amendment by the mover of the original motion.
- 21.30 A councillor exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this shall be final and not open to discussion.
- 21.31 A decision shall be taken immediately after the right of reply has been exercised.

Points of Order

- 21.32 A Councillor may raise a point of order at any time. The Mayor shall hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The Councillor must indicate the Standing Order or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

Personal Explanation

- 21.33 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.
- 21.34 The ruling of the Mayor on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

Inappropriate or Excessive Interventions

- 21.35 Any use of CSO 21.32 and 21.33 which the Mayor shall judge to be excessive shall be deemed to be a breach of order.

22. Voting

Majority

- 22.1 Unless the law or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Mayor's casting vote

- 22.2 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

Show of hands

- 22.3 Unless a vote is demanded under CSO 22.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Recorded vote

- 22.4 If 5 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Right to require individual vote to be recorded

- 22.5 Where any Member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Voting at Budget Meeting

- 22.6 Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

Voting Other

- 22.7 If there are more than two people nominated for any one position to be filled and there is not a clear majority in favour of one person, then the name of the person with the

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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.

- 22.8 A decision to promote or oppose a local or personal Bill in Parliament under Section 239 of the Local Government Act 1972 or to [apply for or] oppose an order under the Transport and Works Act 1992 will require to be passed by a majority of the whole number of the Council (i.e. 22 affirmative votes are required).

23. Conduct at Meetings

Respect for the Mayor

- 23.1 The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.
- 23.2 **Councillors** should stand (if able) to address the meeting through the Mayor of the Council unless the Chair has decided that that item should be taken in committee mode.
- 23.3 **Councillors** should use the microphone where one is provided.

Closure Motions

- 23.4 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.
- 23.5 If a Councillor behaves improperly or offensively or deliberately obstructs business, the Mayor may direct the Councillor to be silent.
- 23.6 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- 23.7 If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 23.8 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If the interruption continues, the Mayor will order their removal.
- 23.9 If there is a disturbance which interrupts proceedings, or makes business impossible, the Mayor may call for the room to be cleared of those making the disturbance, and may adjourn the meeting for as long as necessary.

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- 23.10 No person shall distribute or display advertisements or literature promoting the activities of any political party at meetings of Council.
- 23.11 If a meeting is adjourned and a Councillor is able to attend the adjourned meeting but not the first meeting they shall take no part in any debate or vote on matter they have not been present from the start.
- 23.12 Councillors are in the privileged position of representing their residents and are expected where possible to reflect that privilege in their behaviour and dress at Full Council.

24. Previous Decisions and Motions (Six Months' Rule)

- 24.1 Decisions of the Council made within the last six months may not be changed, unless this CSO is suspended.
- 24.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved, unless this CSO is suspended.
- 24.3 This Standing Order shall not apply to any motion arising from a recommendation or report from a Statutory Officer.

25. Statutory Officers speaking during debates

- 25.1 Any Statutory Officer or their representative may signify they wish to speak.
- 25.2 The Mayor shall then use their discretion to call upon the Officer at an appropriate point during the debate.
- 25.3 The subject matter on which an Officer may speak shall be confined to providing:
 - (a) relevant information; or
 - (b) explanation or interpretation of any law, regulation, protocol or procedure.
- 25.4 The Mayor may, at their discretion, permit a Councillor to seek, through the Chair, the opinion of any Statutory Officer present at the meeting on a particular point.
- 25.5 Any Statutory Officer may be called upon to speak by the Mayor who shall indicate the subject matter.
- 25.6 Where an Officer is presenting a report of which prior notice has been given, the above CSO do not apply in relation to the presentation.

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26. Reporting of Meetings by the Public and Press

Any member of the public or press attending a public meeting of the Council may record the proceedings and report them to others. Further information is contained in the Access to Information Standing Orders.

29. Exclusion Of Public

Members of the public and press may only be excluded either in accordance with the law, the Access to Information CSO in Part 4 of this Constitution or CSO 23.8 (Disturbance by Public)

30. Interpretation and Chairman's Ruling

- 30.1 These Council Standing Orders (CSO) apply to meetings of the **Full Council** and, where appropriate, to meetings of committees and sub committees. These CSO do not apply to meetings of the **Cabinet** – for which see the Cabinet (Executive) Standing Orders.
- 30.2 References in these CSO to the Mayor of the Council, **Leader** of the Council or Chair, include the appointed deputy or any other Councillor acting in their absence.
- 30.3 References in these CSO to the Mayor of the Council shall include the Chair of any meeting where appropriate.
- 30.4 These CSO should be read in conjunction with other parts of the Council's Constitution.
- 30.5 ***These CSO are subject to any statute or other enactment whether passed before or after these Standing Orders came into effect.
- 30.6 The ruling of the Mayor of the Council on the application and interpretation of these CSO is final and not open to challenge at the meeting.

31. Suspension and Amendment of Council Standing Orders

- 31.1 ***With the exception of the CSO marked by an asterisk (***), any CSO may be suspended at a meeting of the **Full Council**, a committee or sub-committee either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a majority of those present and voting. A motion to suspend any CSO will not be moved without notice unless at least one half of the whole number of Councillors are present.

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31.2 Council Standing Orders may be changed by **Full Council** either at the Annual Meeting or following recommendation by the relevant Committee or by a motion or notice made at a meeting of the **Full Council**.

Part B

Public Participation at Full Council - Petitions, Public Addresses And Questions

1. Petitions

- 1.1 Petitions shall be managed in accordance with the Petition Scheme save as provided elsewhere within the Constitution or as provided by law.
- 1.2 Petitions containing 1500 signatures or more (a qualifying petition) will require a debate at a Council meeting.
- 1.3 Petitions containing a minimum of 750 signatures but less than 1500 signatures and requesting a senior officer to give evidence will be referred to a public meeting of the Overview and Scrutiny Committee in the first instance.

Debate on Petitions

- 1.4 A qualifying petition will require a debate at Full Council, if timescales permit, except where the petition is asking for a senior officer to give evidence. Where timescales do not allow a debate at Full Council, the matter will be referred to the next available meeting of Full Council.
- 1.5 Petition debates will not take place at the Council's budget setting or annual meetings.
- 1.6 Petition organisers are welcome to present their petition at full Council up to a maximum of 5 minutes.
- 1.7 Councillors may then debate the petition subject to an overall maximum of 15 minutes in accordance with the Council's Standing Orders, after which a vote will be put.

Response to Petitions

- 1.8 Following presentation of and any debate on the petition, and in the absence of any proposal in respect thereto, the petition shall be noted by the Council which will then proceed to next business.
- 1.9 Alternatively, the Council may decide how to respond to the petition at this meeting. It may decide:

- (a) To take the action the petition requests;

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- (b) Not to take the action the petition requests for reasons stated in the debate;
- (c) To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular committee or body for their views;
- (d) To refer the petition to Cabinet or the relevant Cabinet Member meeting where the matter relates to an Executive function, in which case the Council may make recommendations to the relevant Executive decision.

2. Address from the Public

- 2.1 An address made by a member of the public may only be presented if a summary of the text has been received by the Democratic Services Manager no later than 12 noon four clear working days before the meeting. The speech shall reflect the summary provided.

3. Questions

- 3.1 Meetings of the Council will allow a period not exceeding 15 minutes during which time members of the public may ask the Leader or Committee/Sub Committee Chairs questions relating to matters over which the Council has powers or duties, or which affect the Borough.
- 3.2 Questions from members of the public will only be permitted where they have been received by the Democratic Services Manager no later than 12 noon four clear working days before the meeting.
- 3.2 All questions must be received in advance of the meeting and no supplementary questions are not permitted.
- 3.3 A member of the public may not submit more than 3 questions for any Council meeting.
- 3.4 Questions shall be asked in the order received, except the Mayor may group together similar questions. If more than two questions are submitted by the same person, the third person shall be moved to the end of the agenda item.
- 3.5 No question shall exceed 100 words in length on order to allow all members of the public submitting question to have a fair and equitable opportunity to ask their question within the time allotted. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text.

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3.6 The **Monitoring Officer** may reject any question that:

- (a) is a matter about which the Council has no responsibility nor affects the Borough,
- (b) is vexatious, derogatory, defamatory, frivolous or offensive;
- (c) concerns a Council employment or staffing matter or sensitive personal information about a Councillor;
- (d) Requires disclosure of confidential or exempt information
- (e) is unrelated to functions of the Council; or
- (f) Is the same or very similar to a question that has been previously considered in the last 6 months.

3.7 The Mayor shall invite the questioner to put the question to the Councillor named in the notice. If the questioner who has submitted a written question is unable to be present they may ask the Democratic Service Manager to put the question on their behalf.

3.8 The Councillor to whom a question is put may:

- (a) direct an oral answer
- (b) decline to answer;
- (c) refer the questioner to a Council document or publication where the answer may be found;
- (d) undertake to supply an answer (either to the questioner or to all the Councillors) if an answer cannot conveniently be given when it is asked and circulate within seven Clear Working Days; or
- (e) refer the question for answer to another member of the Cabinet.

3.9 A question and answer shall not be the subject of discussion or debate.

4. Conduct of the public

- (a) If a member of the public interrupts proceedings, the Mayor shall warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room. If there is a general disturbance in any part

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of the meeting room open to the public, the Mayor may call for that part to be cleared.

- (b) Where any meeting of the Council, is open to the public, any person shall, subject to paragraph (a) above, be permitted to attend for the purpose of reporting on the meeting and may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities during the meeting. "Reporting" includes photographing or making a video or audio recording of proceedings at a meeting and providing commentary on proceedings using social media.
- (c) Paragraph (b) above does not require the Council to permit oral reporting or oral commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.
- (d) Where the public have been excluded from a meeting in accordance with the Access to Information Procedure Rules, no person shall be permitted to report on the meeting using methods which can be used without that person's presence at the meeting, and which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.

Part C

Political Groups and Election of Leader

1 Political Groups and Leaders

- 1.1 A political group will be treated as constituted when the **Monitoring Officer** has received a notice in writing signed by two or more **Councillors** stating:
- (a) that the Councillors who have signed it wish to be treated as a political group;
 - (b) the name of the group; and
 - (c) the name of one member of the group who has signed the notice and who is to act as its leader.
- 1.2 The notice may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader of the group (This authorised member is referred to as "the representative").
- 1.3 The leader of the group may be changed by a further notice in writing to the Monitoring Officer signed by a majority of the members of the group.
- 1.4 The name of the group and of "the representative" may be changed by a further notice in writing to the Monitoring Officer signed by the leader of the group or a majority of the members of the group.
- 1.5 ***A Councillor is to be treated as a member of a political group if s/he has:
- (a) signed a notice in accordance with; or
 - (b) given the Monitoring Officer a notice in writing, signed by her/him and by the leader (or representative) of the group or by a majority of members of the group, stating that s/he wishes to join the group.
- 1.6 ***A person is to be treated as having ceased to be a member of a political group when:
- (a) s/he has ceased to be a member of the Authority;

- (b) s/he has notified the Monitoring Officer in writing that s/he no longer wishes to be treated as a member of the group;
- (c) s/he joins another political group; or
- (d) the Monitoring Officer receives a notice in writing signed by a majority of members of the group stating that they no longer wish her/him to be treated as a member of it.

- 1.7 ***No person shall be treated as a member of more than one political group at any given time.
- 1.8 The Chief Executive will keep and maintain a record of the current membership of each political group.
- 1.9 The **Leader** of the Council will be elected at the Annual Meeting of the **Full Council** and subsequently as necessary in accordance with CSOs.
- 1.10 The Leader of the next largest Political Group or combination of Groups (as chosen by the members of the group/s) will be known as the Leader of the Opposition.

2. The Leader

The **Leader** will be a **Councillor** elected for a one year term to the position of Leader by simple majority of the **Full Council**. In the event that only one nomination is put forward, a vote will still be taken, in accordance with Part 2 Section D **Executive Functions**.

Part D – Committees and Sub-Committees

1 Arrangements for Committee and Sub Committee Meetings

- 1.1 Meetings of committees and sub-committees will be convened by the **Chief Executive** in consultation with the committee's Chair.

2 Establishment of Committees and Sub-Committees

- 2.1 Subject to the below, the Council may establish such committees as it considers necessary to carry out the work of the Council and may refer to those committees such matters as are considered appropriate.
- 2.2 The Council shall establish a Licensing Committee.
- 2.3 The Council shall establish a Planning Committee.
- 2.4 The Council shall establish an Audit and Finance Committee.
- 2.5 The Council shall establish an Overview & Scrutiny Committee.
- 2.6 The Council shall establish a Standards Committee.
- 2.7 The Council shall establish a Joint Human Resources Committee.
- 2.8 The Council shall appoint a Climate Champion.
- 2.9 Committees may establish standing sub-committees, to carry out the work of the committee and may refer to those sub-committees such matters as are considered appropriate. Committees may also establish ad hoc sub-committees to consider any specific matter referred to them.
- 2.10 ***Except in relation to those decisions which by statute must only be taken by the **Full Council**, the Council may delegate powers to committees or sub-committees.
- 2.11 Where a matter has been delegated to a committee, the committee may further delegate the matter to a sub-committee unless the Council otherwise direct.
- 2.12 ***where a matter is delegated the decisions of the committee or sub-committee do not require approval by the **Full Council** (or committee) unless the delegation has been previously withdrawn in relation to the particular item.

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3. **Membership of Committees, Sub-Committees and Panels and Joint**

- 3.1 ***In relation to committees the Annual Meeting of the Full Council will:
- (a) determine the number of Councillors to serve on them;
 - (b) allocate seats on them to the political groups in accordance with the principles of political balance where required; and
 - (c) appoint named Councillors to them giving effect to the wishes (where expressed) of each political group.
- 3.2 ***Appointments to all sub-committees will be made by their parent committees in accordance with:
- (a) the principles of **political balance** as necessary (as to the allocation of numbers of seats); and
 - (b) the wishes of the political groups (as to individual appointments).
- 3.3 Those serving on sub-committees are not required to be members of the parent committee unless required by law or standing orders.
- 3.4 Where the Council is entitled to seats on a joint authority or on a **Joint Committee** with another local authority or local authorities, appointments to such seats will be made by **Full Council**.
- 3.5 ***Where the Council is entitled to three or more seats on a joint authority or **Joint Committee** ("relevant joint authority/joint committee"), the Council in making appointments will:
- (a) allocate seats on them to the political groups in accordance with the principles of **political balance**; and
 - (b) appoint members to them giving effect to the wishes (where expressed) of the relevant political group.
- 3.6 ***The principles of **political balance** are defined in this Constitution.
- 3.7 ***Where a political group wishes to change one of its appointed members on a committee or sub-committee, the Council or parent committee shall give effect to that group's wishes.

- 3.8 ***Where there is a change in the **political balance** of the Council, the allocation of seats on committees and sub-committees will be reviewed and changes made as soon as practicable:
- (a) to reflect the new political balance; and
 - (b) the wishes of the political groups.
- 3.9 Non-voting co-opted members may be appointed by:
- (a) the Council, to serve on its committees; and
 - (b) committees to serve on their sub-committees.
- 3.10 As well as allocating seats on committees, the **Full Council** may allocate seats in the same manner for reserve members.
- 3.11 For each committee, the **Full Council** may appoint up to the same number of reserve members in respect of each political group as that group holds seats on that committee.
- 3.12 Reserve members will have all the powers and duties of an ordinary member of the committee but will not be able to exercise any special powers exercisable by the person they are substituting.
- 3.13 Reserve members may attend meetings only in the capacity set out below:
- (a) to take the place of the ordinary **Councillors** for whom they are designated reserve;
 - (b) where the ordinary Councillor will be absent for the whole of the meeting; and
 - (c) after notifying Democratic Services on the day of the meeting of the intended substitution.

4. Chair and Vice-Chair

- 4.1 The Annual Meeting of **Full Council** will appoint chair and (where required) vicechair of all committees, panels and boards.
- 4.2 The Chair and (where required) vice-chair of sub-committees will be appointed by the parent committee.
- 4.3 The Full Council may at any time remove a Chair or vice-Chair of a committee.

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- 4.4 Where there is a vacancy for Chair, the vice-Chair will act as Chair until the Full Council fills the vacancy.
- 4.5 Where there are vacancies for both Chair and vice-Chair, the committee or subcommittee will appoint one of its members to be temporary Chair until the vacancy is filled by the Full Council.
- 4.6 Written notice of the resignation of a Chair or vice-Chair will be effective on receipt by the Monitoring Officer..
- 4.7 If the Chair and vice-Chair are disqualified from acting, are absent, or decline to act as Chair, the meeting will appoint another member to chair the meeting. If that Councillor has to leave, another Councillor should be appointed.
- 4.8 A **Joint Committee** should appoint a member of the committee to chair the meeting.

5. Decisions Taken Under Delegated Powers

- 5.1 Decisions taken by a relevant committee and sub-committee exercising delegated powers will become valid decisions of the authority with immediate effect, subject to the provisions of the Access to Information Standing Orders and Overview & Scrutiny Standing Orders.