

**PROCEDURAL  
STANDING ORDERS**



## APPENDIX 2 - PROCEDURAL STANDING ORDERS

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## **PROCEDURAL STANDING ORDERS**

### **1. INTRODUCTION**

- 1.1 These Procedural Standing Orders (PSO) regulate the business and conduct of meetings of the Council, and (subject to 1.2) so far as is indicated expressly, implicitly or in accordance with PSO 30, its Committees or Panels and any other member body established as set out in the Scheme of Assignment of Responsibility for Functions. (Appendix 1 to this Constitution)
- 1.2 These Procedural Standing Orders do not automatically apply to meetings of the Cabinet (see Cabinet Procedure Rules) nor to those joint committees or other member bodies regulated by separate constitutions.

### **2. ANNUAL MEETING OF THE COUNCIL**

#### **2.1 Timing**

- 2.1.1 In a year of ordinary elections of Councillors, the Annual Meeting of the Council shall be held on the first Thursday after the day of retirement of Councillors or on such other day within 21 days immediately following that day of retirement as the Council or the Director of Corporate Services may fix.
- 2.1.2 In any other year, the Annual Meeting shall be held on the first Thursday in May or such other day in March, April or May as the Council or the Director of Corporate Services may fix.

#### **2.2 Business**

The Annual Meeting will:

- (a) choose a person to preside if the Chairman and Vice-Chairman are absent
- (b) elect the Chairman of Council
- (c) appoint the Vice-Chairman of Council
- (d) provide an opportunity for any Councillor present to declare a personal interest
- (e) allow members of the public to participate, or allow Councillors to present a petition in accordance with PSO 15
- (f) approve as a correct record and authorise the signing of the minutes of any meeting of the Council which require signing at the meeting

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- (g) receive any announcements from the Chairman and/or Chief Executive
- (h) appoint the Leader of the Council, and if the Council so wishes, appoint a Deputy Leader
- (i) agree if necessary any changes to the Constitution which the Constitution determines it is for the Council to agree
- (j) appoint other members of the Cabinet
- (k) determine the number and areas of responsibility and their allocation to members of the Cabinet
- (l) establish (in accordance with PSO 6) Committees, or other member bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Appendix I of this Constitution) and decide upon their composition.
- (m) appoint the Chairmen and Vice Chairmen of Committees and any other Member bodies in accordance with PSO 7 and other Scrutiny lead members on the Overview and Scrutiny Steering Committee.
- (n) deal with any business expressly required by statute or the Constitution to be done
- (o) dispose of any business remaining from the last meeting
- (p) approve a programme of ordinary meetings of the Council
- (q) receive any report from the Leader of the Council, Cabinet Members with Responsibility and Chief Executive and receive answers to any questions on that report.
- (r) receive answers to any questions asked in accordance with PSO 16.2 (which have not already been answered)
- (s) receive and consider reports from the Cabinet, Committees and other member bodies and at such time receive answers to any question asked in accordance with PSO 16.
- (t) consider and debate any major in depth scrutiny report referred to the Council prior to its submission to the Cabinet
- (u) debate any key issues in accordance with and subject to PSO33.
- (v) consider any reports submitted by the West Mercia Police Authority and to receive answers to any questions about the discharge of that Authority's functions in accordance with PSO 16
- (w) consider any reports submitted by the Hereford and Worcester

Combined Fire Authority and to receive answers to any questions about the discharge of that Authority's functions in accordance with PSO 16

- (x) receive the report of the Director of Corporate Services as to any notices of motion received in accordance with PSO 17
- (y) any other business specified in the summons

### **2.3 Variation of Order of Business**

Business falling under items (a) to (d) (inclusive) of PSO 2.2 shall not be varied but all other items of business may be varied:

- (a) by the Chairman at his/her discretion or
- (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded and put without discussion

## **3. ORDINARY MEETINGS OF THE COUNCIL**

- 3.1 Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting as may be amended from time to time by the Council. Ordinary meetings will carry out the business of the Council as set out in PSO 2.2(a), (d), (e), (f), (g), (i), (n), (o), (q) to (y):
- 3.2 The order of business may be varied in accordance with PSO 2.3

## **4. EXTRAORDINARY MEETINGS OF THE COUNCIL**

### **4.1 Calling Extraordinary Meetings**

Those listed below may require the Director of Corporate Services to call Council meetings in addition to Ordinary Meetings:

- (a) the Council by resolution
- (b) the Chairman of the Council
- (c) the Monitoring Officer
- (d) any five members of the Council if
  - (i) they have signed a requisition presented to the Chairman of the Council and
  - (ii) he has refused to require the Director of Corporate Services to call a meeting or has failed to do so within 7 days of the presentation of the requisition.

- 4.2 The particular single item of business for an Extraordinary Meeting must be specified at the time of request or requisition.

### **4.3 Order of Business**

- 4.3.1 An Extraordinary Meeting will carry out the business of the Council as set out in PSO 2.2 (a), (d), (e) (in so far as the Chairman has exercised his/her discretion under PSO 15 to allow this), (f) (subject to 4.3.3), (g) and any other business specified in the summons which shall be limited to the business which has occasioned the meeting and any other business which in the opinion of the Director of Corporate Services is relevant to it.
- 4.3.2 The order of business may be varied in accordance with PSO 2.3
- 4.3.3 The Director of Corporate Services may submit minutes of the last meeting of Council to a following meeting of the Council for approval and signing

## **5. MINUTES, REPORTS AND CIRCULATED DOCUMENTS**

### **5.1 Form of Agendas and Minutes**

The Director of Corporate Services shall be responsible for compiling the agendas for, and the minutes of, meetings of the Council, Committees and other member bodies.

### **5.2 Reports of the Cabinet, Committees and other member bodies**

- 5.2.1 Unless the Council directs otherwise or different governing provisions are contained in the Cabinet Procedure Rules or the Overview and Scrutiny Procedure Rules, the Cabinet, Committee or other Member body shall report its proceedings and recommendations, if any, to the next meeting of the Council, provided that when that body meets less than eight clear days before the next meeting of the Council, the proceedings and recommendations of that body may instead be reported to the next but one meeting of the Council.

- 5.2.2 The Leader of the Council, Cabinet Members with Responsibility and the Chief Executive will submit a report periodically to the Council.

### **5.3 Minutes**

- 5.3.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting after putting the question that the minutes of any previous meeting of the Council be approved and signed as a correct record.
- 5.3.2 No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chairman shall sign the minutes as approved.

### **5.4 Circulated Documents**

Any document which has been circulated amongst Councillors before or

during any meeting at which it is considered shall be taken as read unless the Council otherwise determine.

## **6. APPOINTMENT OF COMMITTEES AND OTHER MEMBER BODIES**

### **6.1 Appointment**

6.1.1 The Council shall, at the Annual Meeting in a year of ordinary elections of Councillors, subject to any legal requirement establish such Committees and other member bodies as it is required or has decided to appoint and determine the number of members (including any co-opted non-councillor members required by law) there shall be of such Committees and other member bodies.

6.1.2 The Council may subject to any statutory provisions at any time appoint such other Committees and other member bodies as are considered by the Council necessary to carry out the work of the Council and, may at any time dissolve a Committee or other member body or alter its membership.

6.1.3 The Council may (subject to any legal requirements) make such arrangements as it thinks fit to select Councillors and where appropriate other persons for service on any Committee or other member body of the Council or on any other body on which the Council is represented, and may authorise a Committee or other member body or officer to act on behalf of the Council.

### **6.2 Substituted Membership of Committees and Other Member Bodies**

Except in relation to such Committees or other member bodies as the Council may from time to time determine or as provided for in any other rules forming part of the Council's constitution, any member of a Committee or other member body may subject to any restrictions nominate a Councillor who is not a member of that Committee or other member body (as the case may be) to attend in his/her place any particular meeting of such Committee or other member body. Any such nominated member shall thereupon become a member of such Committee or other member body in place of the nominating member, for the duration of that meeting provided that:-

- (a) the name of the nominating member and the nominated member; and
- (b) the meeting to which the nomination relates;

are communicated in writing to the Director of Corporate Services by either the nominating or nominated member before the commencement of the meeting in question.

### **6.3 Vacancy in Committee or Other Member Body**

The Director of Corporate Services shall report any vacancy occurring in any Committee or other member body to the appropriate political group and, in the event of that vacancy not then having been filled in pursuance of

arrangements made by the Council under PSO 6.1.3, shall report the vacancy to the next meeting of the Council.

## **7. CHAIRMAN AND VICE CHAIRMAN OF COMMITTEES AND OTHER MEMBER BODIES**

- 7.1 The Council shall (subject to 7.2) at the Annual Meeting of the Council or, in the event of a vacancy existing or occurring as far as practicable after the vacancy arises appoint the Chairmen and Vice-Chairmen of Committees and of any other member body from among the members of the Committee or other member body (including, subject to and in pursuance of any requirement of any enactment, any co-opted non Councillor member), but nothing in the sub paragraph shall require the appointment of a Vice Chairman of any other member body.
- 7.2 PSO 7.1 shall not apply
- (a) in any case where separate provision is made as part of any formal constitution regulating any other body governed by that constitution
  - (b) to any established individual appellate case panels or Appointments, etc Panels, in which case each Panel shall before proceeding to any other business, elect a Chairman and may appoint a Vice-Chairman.
- 7.3 A Chairman or Vice-Chairman of a Committee or other member body elected or appointed in pursuance of this Standing Order shall, unless he/she ceases for any reason to be a Councillor or he/she resigns or becomes disqualified or is removed by Council at any time, continue in office until his/her successor becomes entitled to act.
- 7.4 A Chairman or Vice-Chairman of a Committee or other member body who is a non Councillor co-opted member shall cease to hold office as such if he/she at any time ceases for any reason to be a co-opted member.
- 7.5 If the Chairman is absent from a meeting of the Committee or other member body, the Vice-Chairman shall preside. If both are absent, the members of the Committee or other member body present shall choose one of their number to preside, and the choice shall be conducted by the Director of Corporate Services or his/her representative at the meeting

## **8. TIME AND PLACE OF MEETINGS**

- 8.1 Unless the Council or Chairman otherwise determine in a particular case, every meeting of the Council shall be held at County Hall, Worcester.
- 8.2 All meetings of the Council shall commence at 10.00 am or at such other time as may be fixed by the Council or the Chairman.
- 8.3 The Chairman may, within any statutory limitations, vary the day, time or place fixed for any meeting of the Council

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## **9. TIME AND PLACE OF MEETINGS OF COMMITTEES AND OTHER MEMBER BODIES**

- 9.1 The day and time of meeting of each Committee or other member body, shall be such as the Committee or other member body or its Chairman may from time to time determine.
- 9.2 Such meetings will normally be held at County Hall, Worcester, but may be held at such other place as the Committee or other member body or its Chairman may from time to time determine.
- 9.3 The Chairman of a Committee or other member body may, for good reason, vary the day, time or place fixed for any meeting of the Committee or other member body provided that any such variation in relation to the day or time may only be made at least fourteen days before the date originally fixed, unless the cause of the variation occurs within that period, in which case as much notice of the change as is practicable must be given.
- 9.4 **Special Meetings Of Committees And Other Member Bodies**
- 9.4.1 The Chairman of the Council may at any time call a special meeting of any Committee or other member body.
- 9.4.2 The Chairman of a Committee or other member body may at any time call a special meeting of the Committee or other member body of which he/she is a Chairman.
- 9.4.3 A special meeting of a Committee or other member body shall also be called on the requisition of Councillors who are members of and comprise at least one quarter of the number of Councillors who are members of the Committee or other member body, provided the requisition is in writing, is signed by each of the Councillors concerned, identifies the business those Councillors wish to be considered, and is delivered to the Director of Corporate Services but in no case shall less than three Councillors requisition such a special meeting.

## **10. ADJOURNED MEETINGS**

In the event of a meeting being for any reason adjourned any business not transacted shall be considered at

- (a) a day, time and place fixed by the Council or Chairman at the time the meeting is adjourned or
- (b) at a day, time or place to be fixed by the Chairman and notified to all Councillors by the Director of Corporate Services at least three clear days in advance, or
- (c) if the Chairman does not fix a day and time, at the next ordinary meeting of the Council.

## **11. NOTICE OF AND SUMMONS TO MEETINGS**

The Director of Corporate Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.

## **12. CHAIRMAN OF MEETING**

12.1 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

### **12.2 Urgent Business**

The Chairman of the meeting of the Council, or a Committee or other member body may bring before the meeting and cause to be considered an item of business not specified in the summons or agenda where the Chairman is of the opinion, by reason of special circumstances (which shall be specified in the minutes) that the item should be considered at the meeting as a matter of urgency.

### **12.3 Rulings of the Chairman**

The Chairman shall decide any question as to the construction or application of any of these Procedural Standing Orders, or as to any proceedings of the Council. His/her ruling shall be final and conclusive and acted on, and shall not be challenged at any meeting of the Council. Without prejudice to the validity of any such decision or ruling of the Chairman, this PSO shall not be construed so as to prevent the Council reaching a decision, founded on a motion notice of which has been given in pursuance of these Procedural Standing Orders, which constitutes, or involves, the comment (whether critical or otherwise) on the merits of any decision of the Chairman.

## **13. QUORUM**

13.1 Subject to 13.2 and 13.3 and except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of the Council, any Committee or other member body unless at least one quarter of the members of the Committee or other member body are present provided that in no case shall the quorum be less than three members.

13.2 Subject to 13.3 the expression 'members of the Committee or other member body' in 13.1 shall mean members of the Committee or other member body entitled to vote.

13.3 No business shall be transacted at a meeting of the Standards and Ethics Committee unless at least three Councillors and one independent person are present.

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#### **13.4 Lack of Quorum**

If during any meeting of the Council the Chairman, after counting the number of Councillors present, declares that there is not a quorum present, no further business shall be considered at that meeting. Any business not so considered (including any business under consideration but not concluded at the time of the declaration by the Chairman) shall (without prejudice to PSO 4) be dealt with at the next meeting of the Council

#### **14. NO SMOKING**

There shall be no smoking while there is in progress a meeting of the Council, any Committee, or other member body.

#### **15. PUBLIC PARTICIPATION AT MEETINGS**

- 15.1 Provision shall be made on the agenda of each Annual and Ordinary Meeting of the Council and, at the Chairman's absolute discretion, Extraordinary Meeting of the Council and subject to 15.5 below any Committee, for members of the public to participate in the manner specified in 15.4 below.
- 15.2 The length of time normally to be made available for such participation shall be as determined from time to time by the Council or a Committee authorised by the Council and different times may be determined for different Committees. The actual period of time spent by the Council or Committee during which the public are participating may, in the light of the circumstances prevailing at a particular meeting, be made shorter or longer at the Chairman's absolute discretion.
- 15.3 A member of the public, for the purposes of this standing order, shall not include any employee of the Council in relation to any matter connected with his/her employment; any representative of an employee of the Council or group of such employees; any person in a contractual relationship with the Council in relation to any matter connected with that contract; any elected member of any local authority on a matter concerning that local authority, or (unless the Chairman determines otherwise) any person:
- (without prejudice to 15.5) who is an applicant for a consent, approval, permission, licence or similar decision given by the Council under statute;
  - who is, referring, or is intending to refer, to any confidential or exempt matter on an agenda; or,
  - who is appointed or engaged to speak on behalf of another.
- 15.4 Unless the Council, or a Committee authorised by the Council or (in the circumstances of a particular case the Chairman, at his/her absolute discretion) determines otherwise:

- (a) a member of the public, in each case, speaking for no more than three minutes, may
  - (i) present a relevant petition to the Council or the Committee, as the case may be, and explain its contents or purpose;
  - (ii) ask a question at the Council or the Committee, as the case may be;
  - (iii) make a comment on any matter on the agenda of the Council or the Committee, as the case may be;
- (b) a Councillor may, on behalf of a member of the public or in his/her own right present a relevant petition to the Council and explain its contents or purpose;
- (c) any member of the public wishing to participate in pursuance of 15.4(a) (or any Councillor in pursuance of 15.4(b)) shall notify the Director of Corporate Services in writing or by electronic mail no later than 9 am on the working day before the meeting at which he/she wishes to participate, of his/her wish to participate and his/her name and address and indicate the nature and content of his/her participation. In exceptional circumstances, the Chairman may permit an oral question to be asked at the meeting without notice.
- (d) any petition shall be received by the Chairman without response.
- (e) any question shall be directed at the Chairman who may reply orally at the meeting, or in writing following the meeting or who may decline to reply; or who may ask the Leader, Cabinet Member with Responsibility or another member of the Council or the Committee or an officer so to reply on his/her behalf, or may refer the question to the Cabinet or another appropriate Committee or member body.
- (f) no response shall be made to comments at the time but members of the Council or the Committee may allude to them in the course of the consideration of the relevant item.
- (g) the Chairman shall have the right to decide whether (because of the availability of time, or for any other reason) a member of the public is invited to participate in pursuance of SO 15.4(a) above, notwithstanding that the member of the public in question has complied with the requirements of this standing order.

15.5 This standing order shall not apply to any other procedure devised by, or on behalf of the Council, to allow persons who are not county councillors to participate in any specific matter coming before a committee of the Council, (including any matter involving a consent, approval, permission, licence, or similar decision).

## 15.6 **Scope of Public Participation**

The Director of Corporate Services may reject a request for public participation if it:

- (a) is not about a matter for which the Council has responsibility or which affects the County
- (b) is defamatory, frivolous or offensive
- (c) is substantially the same as a question which has been put to a meeting of the Council or its Committees in the past six months or
- (d) requires or involves the disclosure of confidential or exempt information

## 16 **QUESTIONS BY MEMBERS**

### 16.1 **Questions Upon Reports**

A Councillor may ask the Leader, a Cabinet Member with Responsibility, or the Chairman of a Committee or member body or appropriate spokesperson, as the case may be, the Cabinet, Committee or member body or the West Mercia Police Authority or the Hereford and Worcester Combined Fire Authority when the report of the relevant body is under consideration by the Council; and may ask the Leader, a Cabinet Member with Responsibility or the Chief Executive a question when his/her report is under consideration.

### 16.2 **Question Time**

16.2.1 At each meeting of the Council (excluding any extraordinary meetings and the first annual meeting of the Council after ordinary elections) there shall be 30 minutes set aside for questions from Councillors.

16.2.2 Subject to 16.2.3 and 16.2.4 below, a Councillor may ask

- the Leader of the Council
- a Cabinet Member with Responsibility

a question on any matter in connection with the discharge of the Council's functions or which affects the County; and any such question may relate to any issue such as emanating from scrutiny exercises, local concerns or advocate/watchdog roles (if established)

A Councillor may also ask a question of the Chairman of the Council, Chairman of Committees and of the member nominated by the West Mercia Police Authority and Hereford and Worcester Combined Fire Authority in relation to the responsibilities of those bodies.

16.2.3 A Councillor may only ask a question if either:

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- (a) he has delivered to the Director of Corporate Services a written question by noon on the third day before the date fixed for the meeting; or
- (b) the question relates to urgent business, and notification of the question is given to Director of Corporate Services at least half an hour before the scheduled start of the meeting.

16.2.4 The Chairman has the discretion to decide which questions submitted in pursuance of 16.2.3 may be answered in the time available, but shall ensure that each Group Leader may ask at least one question at each question time. No Councillor shall normally be entitled to ask more than two questions at any question time.

### 16.3 **Answers**

16.3.1 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

16.3.2 Subject to paragraph 16.3.1, a question to a Cabinet Member with Responsibility shall be answered by that Member although he/she may call upon his/her Advisor to give any supplementary information.

16.3.3 An answer may take the form of:-

- (a) A direct oral answer; or
- (b) where the desired information is contained in a publication of the Council or other publicised document a reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer sent to the questioner before or after the meeting at which the question is to be, or has been asked. If the Council so require, such written answer may be circulated to all Councillors; otherwise the Director of Corporate Services shall make such written answer available to any Councillor, on request. Any written answer will normally be taken as read and not read out at the meeting.

16.3.4 Answers to original questions shall be appended to the signed minutes of the relevant meeting of the Council and, subject to the provisions of Access to Information Rules and Part VA of the Local Government Act 1972, be open to public inspection. They need not, however, be reproduced as part of any copy of such minutes.

### 16.4 **Supplementary Question or Information**

16.4.1 A member may with the consent of the Chairman follow up the original question with a supplementary question to the same person. No notice needs to be given but it must arise directly out of the original question or reply to it.

## 17 NOTICES OF MOTION

- 17.1 Notice of every motion, other than a motion which under PSO 18 may be moved without notice, must
- (a) relate to the statutory functions of the County Council or affect the County
  - (b) be given in writing, signed (except as provided in PSO 20) by at least three Councillors giving the notice, and
  - (c) delivered, at the latest, by noon on the seventh day before the date fixed for the next meeting of the Council, to the Director of Corporate Services.
- 17.2 The Director of Corporate Services will place on the agenda of the next meeting of the Council a report of Motions for which proper notice has been given in the order in which they were received.
- 17.3 If a motion relates to an executive function, and it has been moved and seconded, it may be discussed by the Council and will be referred to the Cabinet for consideration. The Cabinet will consider the motion in the light of the Council's views and advise the Council of its decision.
- 17.4 If a motion relates to a function which the Council has reserved to itself for decision or is a non executive function and it has been moved and seconded, the Council may decide that the motion be considered at that meeting, debated and voted upon. Otherwise, it will stand referred to the Cabinet (if appropriate) or other appropriate Committee who after consideration of it will report to the next available meeting of Council incorporating any advice as to how the Council should determine the motion.
- 17.5 In the event of any Notice of Motion being delivered later than required in the procedure in paragraph 17.2 shall be followed as if references to the next meeting of the Council were references to the next but one meeting of the Council.
- 17.6 If a motion submitted in pursuance of this PSO is not moved and seconded at the meeting of the Council, it shall, unless postponed with the consent of the Council be treated as withdrawn and shall not be moved without further notice.
- 17.7 **Mover of motion may attend Cabinet or Committee**

Any Councillor who has moved or seconded a motion which has been referred to the Cabinet or any Committee or whose name appears as one of the first three (or having regard to PSO 20) five signatories to a Notice of Motion shall have notice of any meeting of the Cabinet or any Committee at which it is proposed to consider the motion. If such Councillor is not a member of the Cabinet or any such Committee, he/she shall have the right

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to attend the meeting and, if he/she attends, shall have an opportunity of explaining the motion and speaking on it, but shall not be entitled to vote on it.

#### **17.8 Withdrawal of Notice**

A Motion notice of which has been given in pursuance of this PSO may be withdrawn at any time, provided such withdrawal either

- (a) is in writing, is signed by all the Councillors who signed the Notice of Motion and is delivered to the Director of Corporate Services or
- (b) is made at any meeting at which the Motion is being considered by all the Councillors who signed the Notice of Motion who are present at that meeting.

#### **17.9 Alteration of Motion**

A Motion notice of which is given in pursuance of this Standing Order may be altered, provided any such alteration either

- (a) is in writing, is signed by all the Councillors who signed the Notice of Motion and is delivered to the Director of Corporate Services by noon on the third day before the date fixed for the meeting of the Council to which the Director of Corporate Services has reported it in pursuance of the provisions of this PSO, or
- (b) is made at that meeting by all the Councillors who signed the Notice of Motion who are present at that meeting.

### **18. MOTIONS WITHOUT NOTICE**

#### **Motions and Amendments which may be moved without Notice**

The following motions and amendments may be moved without notice:-

- (1) election of a Chairman of the meeting at which the motion is made;
- (2) appointment of a Vice-Chairman at the meeting at which the motion is made;
- (3) to choose a person to preside if the Chairman and Vice-Chairman be absent;
- (4) appointment of a Leader, or a Deputy Leader, of the Council in pursuance of PSO 2.2;
- (5) motions relating to the accuracy and signing of the Minutes;
- (6) that the order of business specified in the summons be varied;

- (7) reference or reference back to the Cabinet or a Committee or any other member body as set out in the scheme of delegation and assignment of functions;
- (8) appointment of a Committee or any other member body as set out in the scheme of delegation and assignment of functions or members thereof, occasioned by an item mentioned in the summons to that meeting or a report annexed thereto;
- (9) appointment of the Chairman and Vice Chairman of a Committee; or any other member body as set out in the scheme of delegation and assignment of functions; or any Cabinet member with Responsibility ; or any Scrutiny lead member on the Overview and Scrutiny Steering Committee;
- (10) adoption of reports and recommendations of Committees or officers and any consequent resolutions;
- (11) that a notice of motion be debated at Council in pursuance of PSO 17 (Notices of Motion);
- (12) altering the time limit for speeches;
- (13) amendments or alterations to motions;
- (14) that the Council proceed to the next business;
- (15) that the question be now put;
- (16) that the debate be now adjourned;
- (17) that the Council do now adjourn;
- (18) suspending Standing Orders, in accordance with PSO 29;
- (19) to exclude the public under Section 100A of the Local Government Act 1972, or the Access to Information Rules;
- (20) that a Councillor named under PSO 21 (Disorderly Conduct) be not further heard or do leave the meeting;
- (21) giving consent of the Council where the consent of the Council is required by these Standing Orders;
- (22) application of procedure in PSO 24 (voting to fill vacancies etc.).

## **19. RULES OF DEBATE**

### **19.1 Motions and Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded and it 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.

Provided that a motion that:-

- (1) recommendations of the Cabinet or a Committee be adopted;
  - (2) a report of the Cabinet or a Committee be received;
- shall not require to be seconded.

### **19.2 Secunder's Speech**

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

### **19.3 Only one member to speak at a time**

A Councillor, when speaking, shall (unless the Chairman determines otherwise) stand and address the Chairman. If two or more Councillors rise, the Chairman shall call on one to speak; the other or others shall then sit. While a Councillor is speaking, the other Councillors shall remain seated, unless rising to a point of order or in personal explanation in pursuance of PSO 19.13 or 19.14

### **19.4 Content and length of speeches**

A Councillor shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. Unless the Chairman decides otherwise, each speech shall be limited to five minutes. A person exercising a right of reply shall be similarly limited in his/her reply.

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

A Councillor who has spoken on any matter shall not speak again whilst that matter is the subject of debate, **EXCEPT**:-

- (a) to move a further amendment if the motion has been amended since they last spoke;
- (b) if their first speech was on an amendment moved by another Councillor, to speak on the main issue, whether or not the amendment on which they spoke was carried;

- (c) in exercise of a right of reply given by PSO 19.10 or 19.12;
- (d) on a point of order;
- (e) by leave of the Chairman, by way of personal explanation.
- (f) to speak once on an amendment moved by another Councillor

#### 19.6 **Amendments to motions**

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

- (a) to refer a matter to the Cabinet or a Committee or other member body 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;

No amendment shall be allowed which has the effect of negating the motion before Council.

- 19.7 Only one amendment may be moved and discussed at any time and no further amendment shall be moved until the amendment under discussion has been disposed of, but notice of any number of amendments may be given.

However, the Chairman may permit two or more amendments to be discussed (but not voted on) together, if circumstances suggest to him/her that this course would facilitate the proper conduct of the Council's business.

- 19.8 If an amendment be lost, other amendments to the original motion may be moved. If an amendment be carried, the motion as amended shall take the place of the original motion and shall (without any formal vote to this effect) become the substantive motion upon which any further amendment may be moved. If no further amendment is moved, the substantive motion shall be put.

#### 19.9 **Withdrawal of Motion**

Without prejudice to PSO 17.8 a motion or amendment may, with the consent of the seconder, be withdrawn by the mover and no person may thereafter speak upon it.

#### 19.10 **Rights of Reply**

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close

of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have a right of reply to the debate on his/her amendment, immediately before the final right of reply of the mover of the original motion. A reply shall be strictly confined to answering previous speakers and shall not introduce new matters.

#### **19.11 Motions which may be moved during debate**

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

- (a) to amend or alter the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to defer consideration of the motion to a later date (which may, but need not be specified);
- (e) to proceed to the next business;
- (f) that the question be now put;
- (g) that a Councillor be not further heard;
- (h) by the Chairman under PSO 21 that a Councillor do leave the meeting;
- (i) that the motion under debate be referred to a committee or other member body for consideration or reconsideration and report to the next meeting of the Council.
- (j) to exclude the public under Section 100A of the Local Government Act 1972 or the Access to Information Rules.

#### **19.12 Closure Motions**

A Councillor may move without comment at the conclusion of a speech of another Councillor, 'That the Council proceed to the next business', 'That the question be now put', 'That the debate be now adjourned,' or 'That the Council do now adjourn', on the seconding of which the Chairman shall proceed as follows:-

- (a) if a motion to proceed to next business is seconded and the Chairman thinks that the matter has been sufficiently discussed, he/she shall first give the mover of the original motion under discussion (but not the mover of any amendment under discussion) a right of reply and then put to the vote the motion to proceed to next business. If that motion is carried the Council shall thereupon cease to discuss any motion or amendment under discussion and shall not discuss any original motion or any amendments of which notice had been given;

- (b) if a motion that the question be now put is seconded and the Chairman thinks that the matter has been sufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and if it is carried, then give the mover of the original motion his/her right of reply under PSO 19.10 of this Standing Order (and, if an amendment is being discussed, the mover of the amendment his/her same right) before putting the motion or amendment (as the case may be) to the vote;
- (c) if a motion to adjourn the debate or the meeting is seconded and the Chairman thinks that the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he/she shall put the adjournment motion to the vote without giving the mover of the original motion (or the mover of any amendment) his/her right of reply on that occasion.

Provided that if any of the motions contained in this paragraph be put and negated, the same motion shall not be moved in respect of the same business, question, debate or meeting (as the case may be) within a period of thirty minutes without leave of the Chairman.

#### **19.13 Points of Order**

A Councillor 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 which the Councillor shall specify (including by number if so required by the Chairman) and the way in which he considers it has been broken.

#### **19.14 Personal Explanations**

A Councillor may rise in personal explanation and, with the approval of the Chairman, shall be entitled to be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate or relates to a statement made in the present debate which he/she considers reflects adversely on his/her reputation or integrity.

### **20. PREVIOUS DECISIONS AND MOTIONS**

20.1 No motion to rescind any resolution passed by the Council within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed, unless the notice thereof given in pursuance of PSO 17 bears the signature of at least five Councillors. When any such motion or amendment has been disposed of by the Council, it shall not be open to any Councillor to propose a similar motion within a further period of six months.

20.2 This Standing Order shall not apply to motions moved in pursuance of a recommendation in the report of the Cabinet or a Committee or other member body.

## **21. COUNCILLORS CONDUCT**

### **21.1 Councillors Speaking**

When a Councillor wishes to speak, he/she will indicate to the Chairman, but no Councillor shall speak unless called to do so by the Chairman. When called to speak a Councillor must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to rise to make a point of order or a point of personal explanation.

### **21.2 Respect for the Chair**

Whenever the Chairman rises during a debate any Councillor then standing shall resume his/her seat and the Council shall be silent.

### **21.3 Disorderly Conduct**

If at a meeting any Councillor, in the opinion of the Chairman, misconducts himself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Chairman or any other Councillor may move 'That the Councillor named be not further heard', and the motion if seconded shall be put and determined without discussion.

### **21.4 Continuing misconduct by a named Councillor**

If the Councillor named continues his/her misconduct after a motion under the foregoing paragraph has been carried, the Chairman shall:-

**EITHER** move 'That the Councillor named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion);

**OR** adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

### **21.5 General disturbance**

In the event of general disturbance which, in the opinion of the Chairman, renders the due and orderly despatch of business impossible, the Chairman, in addition to any other power vested in him/her may adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

## **22 MEMBERS' INTERESTS**

22.1 If any Councillor has a personal interest, within the terms of the Members' Code of Conduct, in any matter under consideration, the Councillor shall disclose to the meeting the existence and nature of that interest at the commencement of the meeting or failing that at the commencement of the consideration of the matter or when the interest becomes apparent.

22.2 If that interest is also a prejudicial interest within the terms of the Members' Code of Conduct, the Councillor shall withdraw from the room or Chamber where the meeting is taking place whenever it becomes apparent that the matter is being considered at that meeting, unless

- (a) The Councillor has obtained a dispensation from the Standards and Ethics Committee
- (b) Attendance and participation is otherwise permitted in accordance with Paragraphs 11 and 12 of the Members' Code of Conduct

22.3 Any disclosure, withdrawal or dispensation under this rule shall be recorded in the minutes of the meeting concerned.

## **23. DISTURBANCE BY THE PUBLIC**

### **23.1 Removal of Member of the Public**

If a member of the public interrupts or disturbs the proceedings at any meeting, the Chairman shall warn him/her. If he/she continues the interruption, the Chairman shall order his/her removal from the meeting room or Council premises where the meeting is being held.

### **23.2 General Disturbance**

In case of general disturbance in any part of the room open to the public, the Chairman shall order that part to be cleared.

## **24. VOTING**

### **24.1 Majority Voting**

Unless 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 is put. If there is an equality of votes, the Chairman may use a second or casting vote.

### **24.2 Mode of Voting**

Unless a recorded vote is demanded under 24.3 the mode of voting at meetings of the Council shall be by general assent or (which may be directed by the Chairman whether or not general assent has already been signified) by show of hands.

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### **24.3 Named and Recorded Votes**

- 24.3.1 On the requisition of not less than five Councillors made by rising in their places prior to the vote being taken, the voting on any question shall be recorded so as to show how each Councillor present and voting gave his/her vote or who abstained from voting.
- 24.3.2 Where immediately after a vote is taken at a meeting of the Council, a Committee or other member body and a voting member so requires, there shall be recorded in the minutes of that meeting whether that person cast his/her vote for or against the question or whether he/she or she abstained.

### **24.4 Voting on Appointments or Vacancies**

- 24.4.1 Where there are more than two persons nominated for any single position to be filled, and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 24.4.2 The procedure in the preceding paragraph shall also apply in any case where the Council or a Committee or other member body wish to select one person from three or more persons to be appointed to any paid office or employment under the Council.
- 24.4.3 The procedure in 24.2.1 may, by majority vote, be applied in any other case where the Council, or a Committee or other member body wish for whatever purpose to select one name from three or more names before them.

### **24.5 Multiple Appointments**

- 24.5.1 If the Council has to fill two or more positions on any internal or external organisation, the names of persons to be appointed must be moved and seconded.
- 24.5.2 If there are more nominations than positions, each member will be entitled to one vote for each nominee up to the same number as there are positions. The nominees that have the highest number of votes shall be appointed. If an equality of votes prevents a decision being made, the Chairman may use his/her casting vote to decide which of the nominees, who have the same number of votes, shall be appointed.

## **25 RECORD OF ATTENDANCE**

Every Councillor attending a meeting of the Council shall sign his/her name in the attendance book or sheet which shall be provided for that purpose.

## **26 PHOTOGRAPHY AND AUDIO RECORDING OF MEETINGS**

The filming, videoing, photographing or audio recording of a meeting shall not be permitted without the agreement of the Chairman of the meeting concerned. The Chairman's agreement must have been obtained and the

Director of Corporate Services notified by no later than one hour before the meeting.

## **27 ELECTRONIC COMMUNICATION**

If these Procedural Standing Orders require that written notice is given to the Director of Corporate Services, such notice will be accepted if received by the Director of Corporate Services by email or fax within the specified deadline.

## **28 EXCLUSION OF THE PRESS AND PUBLIC**

Members of the press and public may only be excluded either in accordance with the Access to Information Rules or PSO 23 (Disturbance by the Public)

## **29 THE SUSPENSION AND AMENDMENT OF PROCEDURAL STANDING ORDERS**

### **29.1 Suspension**

All of these Procedural Standing Orders except as set out in 29.2 may be suspended by motion with or without notice if at least one half of the whole number of the members of the Council or the Committee or other member body are present. Suspension can only be so far as regards any business at the meeting where the suspension is agreed.

29.2 The following Procedural Standing Orders or parts of them may not be suspended:

- (i) PSO 2.1, 2.2, 3.1, 4.1, and 4.2 - Meetings and Business of the Council
- (ii) PSO 2.3, 3.2, 4.3 - Variation of order of business
- (iii) PSO 5.3 - Minutes
- (iv) PSO 10 - Adjourned meetings
- (v) PSO 12 - Chairman of meeting
- (vi) PSO 13 - Quorum of Committees and other member bodies
- (vii) PSO 19.5 - When a member may speak again
- PSO19.10 - Right of reply
- PSO19.12 - Closure motions
- (viii) PSO 21.2 - Respect for Chair
- (ix) PSO 21.3 - Disorderly Conduct by Councillors
- PSO 21.4 - Continuing Misconduct by a named Councillor
- PSO 21.5 - General Disturbance
- (x) PSO 22 - Members' Interests

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- (xi) PSO 23 - Disturbance by members of the public
- (xii) PSO 24 - Voting

### 29.3 Amendment

Any motion to alter these Procedural Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Council.

## 30 APPLICATION TO COMMITTEES AND OTHER MEMBER BODIES

The following Procedural Standing Orders shall, with any necessary modifications, apply to Committee and other member body meetings:-

- PSO 5.1 - Minutes, Reports and Circulated Documents
- PSO 5.3
- PSO 5.4
- PSO 6.2 - Substituted Membership of Committees and Other Member Bodies
- PSO 7.3 - Chairman and Vice Chairman of Committees and other Member Bodies
- PSO 7.4
- PSO 7.5
- PSO 9 - Time and Place of Meetings of Committees and other Member Bodies
- PSO 10 - Adjourned Meetings
- PSO 11 - Notice and Summons to Meetings
- PSO 12 - Chairman of Meeting
- PSO 13 - Quorum
- PSO 14 - No Smoking
- PSO 15 - Public Participation at Meetings (only to Committees)
- PSO 17.7 - Notices of Motion
- PSO 17.8
- PSO 18 (1) - Motions without Notice
- PSO 18 (5)
- PSO 18 (6)
- PSO 18 (10)
- PSO 18 (12 – 22)
- PSO 19 - Rules of Debate
- (except 19.3 and 19.5)

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- PSO 21 (except 21.11) - Councillors Conduct
- PSO 22 - Members Interests in Contract and other Matters
- PSO 23 - Disturbance by the Public
- PSO24 - Voting
- PSO 25 - Record of Attendance
- PSO 26 - Photography and Audio Recording of Meetings
- PSO 27 - Electronic Communication
- PSO 28 - Exclusion of the Press and Public
- PSO 29 - Suspension and Amendment of Procedural Standing Orders

### **31 DISCRETION OF THE DIRECTOR OF CORPORATE SERVICES**

Where the Director of Corporate Services is required, whether by Statute, Standing Order or otherwise, to issue any document (including any agenda), to give notice of any thing, or reproduce, or otherwise communicate the contents of any notice or document (including a Notice of Motion or questions asked in pursuance of PSO 16), delivered to the Director, the Director shall exclude any matter which, in the Director's opinion, on the grounds of confidentiality, liability for defamation or otherwise, ought not to be published.

### **32 GUIDANCE**

The Director of Corporate Services may approve or produce guidance from time to time which will explain in more detail as to the way in which the Council's procedural business is to be conducted.

### **33 STATE OF THE COUNTY DEBATE / GREEN PAPER / KEY ISSUES DEBATES**

- 33.1 The Leader will call a State of the County Debate annually on a date (and in a form) to be agreed with the Chairman of Council.
- 33.2 The Council may hold other debates based on a 'green paper' from the Cabinet or Cabinet Member with Responsibility setting out a preliminary broad direction of policy
- 33.3 At least 10 Councillors may propose in writing to the Director of Corporate Services a specific key issue for debate by the Council. The Chairman will decide whether or not the issue is suitable for such debate. Any such issue must relate to the statutory functions of the Council or affect the area of the County and will not normally relate to local issues.

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- 33.4 The Chairman will decide on the date and form of such debates and may call such debates to take place at the conclusion of the business of any meeting of the Council.
- 33.5 The Chairman will chair such debates.
- 33.6 Each debate will normally receive wide publicity and whilst the Chairman may decide the specific form of a specific debate, such debate may involve the participation of external speakers, partners, organisations and public. Such debates may include the holding of workshops and other events prior to or during the debate.
- 33.7 The Chairman shall be entitled to regulate the proceedings in accordance with the Council's Procedural Standing Orders or in such other way as he/she thinks fit.
- 33.8 Councillors will not take any decisions in connection with or vote on the matter under debate. The key points which emerge from the debate will be published as widely as possible and will be considered by the Leader, the Cabinet and/or the Council in determining the budget and policy framework of the Council.

#### **34 INTERPRETATION**

In these Procedural Standing Orders:

- (a) "Committee" means
- Planning and Regulatory Committee
  - Standards and Ethics Committee
  - Overview and Scrutiny Steering Committee
  - Health Overview and Scrutiny Committee
  - Audit and Governance Committee
  - Any Committee or Sub Committee established from time to time by the Council
- (b) "Panel" means
- Appointments, etc Panel
- (c) "Any other member body" means
- any other member body established from time to time by the Council.