



Ribble Valley  
Borough Council

---

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

**Ribble Valley Borough Council  
General Standing Orders**

**May 2019**

## Part 4 of the Constitution 2019

### CONTENTS

1. MEETINGS OF THE COUNCIL .....	1
Annual Meeting.....	1
Ordinary Meetings .....	1
Extraordinary Meetings .....	1
Notice of Meetings .....	1
2. MAYOR AND DEPUTY MAYOR.....	1
3. APPOINTMENT OF COMMITTEE AND CHAIRMAN .....	2
Appointment of Chairmen and Vice-Chairmen .....	2
Continuance of Committees.....	2
4. QUORUM .....	2
5. ORDER OF BUSINESS.....	2
6. PUBLIC PARTICIPATION .....	2
7. PETITIONS.....	3
8. MOTIONS AND AMENDMENTS WITHOUT NOTICE .....	3
9. NOTICES OF MOTION.....	4
10. QUESTIONS AT COUNCIL MEETINGS.....	5
11. LEADER'S REPORT AND QUESTION TIME.....	5
12. MINUTES OF COUNCIL MEETINGS .....	6
13. RULES OF DEBATE FOR COUNCIL MEETINGS.....	6
Respect for Mayor .....	6
Standing when Speaking .....	6
Mayor to decide order of speaking.....	6
Only one Member to Stand .....	6
Motion for reception of Minutes – Procedure.....	6
Questions/Comments on Minutes .....	7
Content of Amendment.....	7
Content of Speech .....	7
Length of Speech.....	7
When a member may speak again on a Motion .....	7
Debate on Amendment.....	8
Seconding of Motions and Amendments.....	8
Motions which may be moved during debate .....	8
Closure Motions.....	9
Amendment of Motion by Proposer.....	9
Withdrawal of Motion by Proposer .....	9
Right of Reply – Proposer of Motion Only .....	9
Explanation and Points of Order .....	9
Disorderly Conduct .....	10
Voting .....	10
Voting in Budget Decision Meetings.....	11
14. DISTURBANCE BY MEMBERS OF THE PUBLIC.....	11
15. TIME LIMIT ON MEETINGS .....	11
16. MOTIONS AFFECTING EMPLOYEES.....	11

## Part 4 of the Constitution 2019

17.	MOTIONS NOT TO BE REVIVED .....	11
18.	VOTING ON APPOINTMENTS.....	11
19.	RECORD OF ATTENDANCES.....	11
21.	MEETINGS OF COMMITTEES .....	13
	Sub-Committees/Working Groups .....	13
	Notice of Committee Meetings .....	13
	Quorum.....	13
	Order of Business .....	13
22	PUBLIC PARTICIPATION IN COMMITTEES .....	14
	Public Participation in Planning Committee.....	14
23	PETITIONS.....	15
24	MOTIONS AND AMENDMENTS WITHOUT NOTICE AT COMMITTEE MEETINGS.....	15
25.	NOTICES OF MOTION AT COMMITTEE.....	16
26	RULES OF DEBATE AT COMMITTEE MEETINGS .....	16
	Debate on Amendment.....	16
	Seconding Amendments.....	16
	Explanation of points of order .....	16
	Disorderly conduct .....	17
	Disturbance by the public.....	17
	Time limits .....	17
	Motions affecting employees.....	17
	Record of attendance.....	18
	Voting on appointments .....	18
	Voting .....	18
	Voting in Budget Decision Meetings.....	18
	Minutes of Committee Meetings.....	18
	Members entitled to attend all Committees and Sub-Committees.....	19
27.	FILMING AND RECORDING MEETINGS .....	19
28.	URGENT BUSINESS BETWEEN COMMITTEES (EMERGENCY COMMITTEE).....	19
29.	CALL-IN PROCEDURE FOR DECISIONS MADE BY POLICY COMMITTEES.....	19
30.	INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS .....	20
31.	COMPLAINTS ABOUT CONDUCT OF MEMBERS.....	20
32.	INTEREST OF OFFICERS IN CONTRACTS.....	21
33.	CHIEF OFFICERS – APPOINTMENTS.....	21
34.	STAFF – APPOINTMENTS AND DISCIPLINARY ACTION.....	21
35.	SENIOR OFFICERS - DISCIPLINARY ACTION.....	22
36.	MEMBERS’ ACCESS TO DOCUMENTS AND PROPERTY.....	23
37.	SEALING OF DOCUMENTS .....	23
38.	CONTRACTUAL STANDING ORDER.....	24

## Part 4 of the Constitution 2019

## Part 4 of the Constitution 2019

### 1. MEETINGS OF THE COUNCIL

#### Annual Meeting

- 1.1 The Council will hold its Annual Meeting at a place, time and date in May, which it will decide at or before its last meeting prior to the Annual Meeting. In the absence of a decision or statutory provision to the contrary, the date will be the second Tuesday in May, or, in an election year, the second Tuesday after the council elections.

#### Ordinary Meetings

- 1.2 Ordinary Meetings will be held at eight week intervals or such other intervals as the Council shall, at its Annual Meeting, determine and at such place and time as the Council may determine.

#### Extraordinary Meetings

- 1.3 The Mayor may call an Extraordinary Meeting of the Council at any time. If the Mayor refuses to call an Extraordinary Meeting of the Council after receiving a requisition for that purpose signed by five members of the Council, or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days after receiving the requisition, then any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of the Council.

(Local Government Act 1972 Schedule 12 para. 3)

#### Notice of Meetings

- 1.4 The Chief Executive shall at least **five clear days** before a meeting:
- 1.4.1 give public notice of the time and place of the meeting by posting it at the offices of the Council and placing it on the Council website or if the meeting is convened on shorter notice, then at the time it is convened;
  - 1.4.2 send to or leave at the usual place of residence of every member of the Council or such other address as the member has requested, a signed summons to attend the meeting, specifying the business proposed to be transacted at the meeting.

*N.B 'Clear Days' has been interpreted as five periods of 24 hours running from midnight to midnight and not including Saturday and Sunday unless the Council Offices are open for the inspection of agenda and reports on those days.*

(Local Government Act 1972 Section 100A, 100B and Schedule 12 para. 4)

### 2. MAYOR AND DEPUTY MAYOR

- 2.1 The Election of the Mayor shall be the first item of business at the Annual Meeting, and shall be followed by the appointment of a Deputy Mayor. In the absence of both the Mayor and Deputy Mayor, those members present will choose one of their number to preside at the meeting, and that person shall have the powers of the Mayor in relation to the conduct of the meeting.

## Part 4 of the Constitution 2019

### 3. APPOINTMENT OF COMMITTEE AND CHAIRMAN

#### Appointment of Chairmen and Vice-Chairmen

- 3.1 The council at its Annual Meeting shall appoint the chairmen and vice-chairmen of all standing committees. If a casual vacancy arises in the office of chairman or vice-chairman of a committee, the council shall appoint a replacement at its next meeting.
- 3.2 In the absence of the chairman of a committee, the vice-chairman shall preside and in the absence of both, the committee from among its members shall appoint a chairman for that particular meeting.

#### Continuance of Committees

- 3.3 The composition and membership of Committees shall be determined at the Annual Meeting of the council and remain in place until the next Annual Meeting. Any alteration to the composition of membership of a committee must be determined by the Council.

### 4. QUORUM

- 4.1 The quorum at a meeting of the Council is twenty members. If the meeting lacks a quorum its business shall be adjourned to a fixed date and time, or to the next Ordinary Meeting.

### 5. ORDER OF BUSINESS

- 5.1 Subject to paragraph 5.2 of this Standing Order, the order of business at every meeting of the Council will be:
- 5.1.1 to choose a person to preside if the Mayor and Deputy Mayor are absent;
  - 5.1.2 to deal with any item required by statute to be done before any other item;
  - 5.1.3 to approve as a correct record and sign the minutes of the last meeting of the Council;
  - 5.1.4 to receive public questions submitted in accordance with Standing Order 6;
  - 5.1.5 Mayor's communications;
  - 5.1.6 to dispose of business (if any) remaining from a previous meeting;
  - 5.1.7 Leader's Report and Question Time;
  - 5.1.8 to receive and consider all other reports, minutes and recommendations of committees in date order of meeting;
  - 5.1.9 to answer questions asked under Standing Order 10;
  - 5.1.10 to consider Motions under Standing Order 9 in the order received; and
  - 5.1.11 other business, if any, specified in the summons.
- 5.2 With the exception of items 5.1.1, 5.1.2, 5.1.3 and 5.1.4, the Mayor may alter the order of business, or by a resolution following a Motion moved, seconded and put to the meeting without debate.

### 6. PUBLIC PARTICIPATION

- 6.1 Public participation in meetings of the Council will be allowed, in accordance with the Council's Protocol for Public Participation at Council and Committee meetings, subject to the following:
- 6.1.1 a question or comment may be refused if they relate to exempt or confidential information within the meaning of the Council's Rules or if in the opinion of the Council's Head of Legal and Democratic Services they contain defamatory material;
  - 6.1.2 only residents of the Ribble Valley may ask questions or make comments.

## Part 4 of the Constitution 2019

- 6.1.3 no person shall speak for more than 3 minutes;
- 6.1.4 a maximum of 15 minutes shall be allocated to public participation. Question(s) and/or comment(s) will be dealt with in the order in which they are received. Any questions not dealt with at the meeting shall be given answers in writing. Answers will not be given to any comments made. The public participation session shall form part of the formal proceedings of Council and shall be recorded in the minutes.
- 6.1.5 Members of the public wishing to ask questions or make comments must give notice in writing to the Chief Executive by not later than noon on the Friday before the Council meeting. The notice must specify the question in sufficient detail to enable a reply to be prepared. The Leader or the Chairman of the appropriate committee will give answers and a copy of the answer in writing will be given to the questioner.
- 6.1.6 Questioners shall have the right to ask one supplementary question when they have received the chairman's reply.
- 6.1.7 A question or comment on the same topic shall not be made at two consecutive meetings of the Council.
- 6.1.8 If the Council elects to, a special annual public meeting shall be held to deal solely with matters raised by electors. The venue will be such place as the Council decides. The same rules as set out in paragraph 6.1.5 of this Standing Order will apply to the written submission of questions at any special annual public meeting.
- 6.1.9 appropriate publicity shall be given to the right of the public to participate in meetings of the Council.

### **7. PETITIONS**

- 7.1 Petitions may be presented to the Council in accordance with the Council's Petition Scheme.
- 7.2 The Council's Petition Scheme will not apply to letters of representation in respect of any matter relating to:
  - 7.2.1 a specific planning decision (including a development plan document or the community infrastructure levy),
  - 7.2.2 an alcohol, gambling or sex establishment licensing decision;
  - 7.2.3 an individual or entity, which has a right to a review or appeal, conferred by or under any enactment.

### **8. MOTIONS AND AMENDMENTS WITHOUT NOTICE**

- 8.1 A member may move without notice any of the following Motions and amendments:
  - 8.1.1 to appoint a chairman for that meeting or the remainder of the meeting;
  - 8.1.2 motions relating to the accuracy of the minutes;
  - 8.1.3 to vary the order of the agenda;
  - 8.1.4 subject to paragraph 8.1.7 of this Standing Order, move a Motion arising out of consideration of an item on the agenda, provided it is relevant to that item and does not introduce any new subject matter,

## Part 4 of the Constitution 2019

- 8.1.5 refer a matter back to a committee; and/or
- 8.1.6 that a body be appointed, or a person appointed to a body;
- 8.1.7 to adopt reports and recommendations of committees and/or officers. A member cannot however move a Motion or amendment, which amends a decision made under powers delegated to a Committee and/or Officer by the Council.
- 8.1.8 to give leave to withdraw a Motion;
- 8.1.9 to extend the time limit for speeches;
- 8.1.10 to make an amendment to a Motion;
- 8.1.11 to move on to the next item on the agenda;
- 8.1.12 to put the question immediately to the vote;
- 8.1.13 to adjourn the debate;
- 8.1.14 to adjourn the meeting;
- 8.1.15 to suspend one or more Standing Orders;
- 8.1.16 to exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972;
- 8.1.17 under Standing Order 13.30 not to hear a member further.
- 8.1.18 under Standing Order 13.31 by the chairman to require a member to leave the meeting; and/or
- 8.1.19 to give any consent required by these Standing Orders.

### 9. NOTICES OF MOTION

- 9.1 A Notice of Motion not listed in Standing Order 8 must be given in writing to the Chief Executive **AT LEAST 7 CLEAR DAYS** (as defined above) before the relevant meeting, and be signed by the member(s) giving the notice. An email to the Chief Executive will be accepted as giving notice.
- 9.2 The Chief Executive shall set out in the summons for the Council meeting all Motions which comply with the requirements of paragraph 9.1 of this Standing Order in the order they have been received, unless the member has either withdrawn it in writing or requested to move it at a later meeting.
- 9.3 Motions must relate to matters where the Council has powers or duties or which affect the borough.
- 9.4 The Council will treat as withdrawn any Motion not moved at the meeting at which it appears upon the summons, unless the Mayor agrees its postponement.
- 9.5 Any Motion which falls within the terms of reference of a committee(s) may:
  - 9.5.1 be referred without discussion to such committee(s);
  - 9.5.2 be referred without discussion to such other committee(s) as the Council may decide; or



## Part 4 of the Constitution 2019

9.5.3 be dealt with at the meeting at which it is moved if the Mayor considers it is appropriate and convenient to do so.

9.6 If a Motion is referred in accordance with Standing Order 9.5 the Chief Executive must notify the relevant member:

9.6.1 of the meeting(s) of the committee(s) to which it has been referred;

9.6.2 that they have the right to attend the meeting(s); and

9.6.3 that they may explain the Motion at any such meeting(s).

### 10. QUESTIONS AT COUNCIL MEETINGS

10.1 A member may ask the Mayor or the chairman of any committee any question on any matter which relates to a power or duty of the Council or which affects the borough.

10.2 A question must either:

10.2.1 be received by the Chief Executive by noon on the Friday before the meeting;  
or

10.2.2 relate to urgent business, have the agreement of the Mayor to the question being put and, where possible, a copy of the question will be given to the Chief Executive before 10.00am on the day of the meeting.

10.3 The question shall be put and answered without discussion, but the person to whom the question is addressed may decline to answer. Where the question has been submitted in writing in advance of the meeting, the questioner shall have the right to ask one supplementary question, or to make a relevant comment, when they have received the Chairman's reply.

10.4 The answer to a member's question may be given: orally and directly; by reference to published material of the Council provided it is readily available to members; or in writing circulated to all members.

10.5 There shall be no question on the same topic at two consecutive meetings of the Council.

### 11. LEADER'S REPORT AND QUESTION TIME

11.1 The Leader of the Council will present a report on the ongoing work of the Council and on any topical issues relating thereto. Notwithstanding the provisions of Standing Order 13.11, the Leader in presenting his report may speak for up to ten minutes.

11.2 At the conclusion of the Leader's report, the Leader of the Opposition or in his absence, the Deputy Leader of the Opposition may ask up to three questions of the Leader, provided that notice of these has been received in writing by the Chief Executive by not later than noon on the day before the Council meeting. The questions shall relate to the general work of the Council. There will be no requirement for any answers to be in writing and the leader of the opposition shall be entitled to ask one supplementary question or make one comment in relation to each answer given by the Leader.

11.3 When any questions from the Leader of the Opposition or in his absence, the Deputy Leader of the Opposition have been answered by the Leader, Councillors may ask a question of the Leader on matters relating to the general work of the Council, which do not fall within the remit of a committee.

11.4 Only residents of the Ribble Valley may ask questions of the Leader.

11.5 Subject to paragraph 11.2 of this Standing Order, Councillors wishing to ask questions must give notice in writing to the Chief Executive by not later than noon on the Friday before the council meeting. The notice must specify the nature of the question in

## Part 4 of the Constitution 2019

sufficient detail to enable a reply to be prepared. A copy of the Leader's answer in writing will be given to the questioner.

11.6 Councillor's shall have the right to ask one supplementary question when they have received the Leader's reply.

11.7 There shall be no question on the same topic at two consecutive meetings of the Council.

### **12. MINUTES OF COUNCIL MEETINGS**

12.1 The Mayor will move that the minutes be approved as a correct record.

12.2 Only the accuracy of the minutes may be discussed and then only by Motion. As soon as any Motion has been disposed of (or if no Motion is moved) the Mayor will sign the minutes subject to any amendment set out in any Motion approved by the Council.

12.3 Minutes shall be submitted to and signed at the next meeting of the Council unless that meeting is an Extraordinary Meeting.

### **13. RULES OF DEBATE FOR COUNCIL MEETINGS**

#### **Respect for Mayor**

13.1 When the Mayor rises during a debate, any member standing must immediately stop speaking and sit down and the Council must be silent.

#### **Standing when Speaking**

13.2 A member, when speaking, must stand and address the Mayor.

#### **Mayor to decide order of speaking**

13.3 If two or more members rise or indicate their wish to speak, the Mayor will call on one to speak and the other (or others) must then sit.

#### **Only one Member to Stand**

13.4 While a member is speaking, all other members must remain seated and silent UNLESS rising to indicate that they wish to make a point of order or to provide personal explanation.

#### **Motion for reception of Minutes – Procedure**

13.5 A Motion for the reception of the minutes of a committee, sub-committee or joint Committee (save for any minute marked with \*\*\*):

13.5.1 must be proposed and seconded before it is discussed;

13.5.2 must not include any amendment of those minutes; but

13.5.3 may provide for a particular minute to be withdrawn for further consideration by the appropriate committee; and upon being seconded, that particular minute will be withdrawn subject to the agreement of the Council.

13.6 When a Motion to receive the minutes of a committee has been seconded, the Mayor will invite questions or comments upon such minutes. Any member may ask a question or

## Part 4 of the Constitution 2019

make a comment on any minute before the Council, provided that he or she does not speak for more than five minutes in total on the minutes of a particular committee.

- 13.7 Any minute with \*\*\* must be considered by a separate motion following the procedure set out in paragraphs 13.5 and 13.6 above.

### Questions/Comments on Minutes

- 13.8 The chairman of the committee or other member moving the reception of the committee minutes will respond to any questions/comments relating to those minutes. Questions on a particular minute will not be answered until they have all been asked. The chairman or other member moving the reception of the committee minutes may decline to respond unless written notice has been given to the Chief Executive by noon on the Friday before the meeting. Where a question has been submitted in writing in advance of the meeting the questioner shall have the right to ask one supplementary question when they have received the chairman's response.

### Content of Amendment

- 13.9 An amendment must relate to the Motion and either:
- 13.9.1 refer a matter to a committee, or refer back to the appropriate committee a matter recommended to the Council;
  - 13.9.2 leave out words;
  - 13.9.3 add or insert words; or
  - 13.9.4 leave out words and add or insert words.

### Content of Speech

- 13.10 A member's speech must be directed solely to the matter under discussion.

### Length of Speech

- 13.11 A member may not speak for more than five minutes, except by consent of the Council.

### When a member may speak again on a Motion

- 13.12 A member who has spoken on any Motion (and for this purpose each separate minute of a particular committee, sub-committee or joint committee, or any group of minutes being taken together will be regarded as a separate Motion) must not speak again until the debate on the Motion has finished EXCEPT:
- 13.12.1 to speak once on an amendment moved by another member;
  - 13.12.2 if the Motion has been amended since the member last spoke, to move a further amendment;
  - 13.12.3 if the member's first speech was on an amendment moved by another member, to speak on the main issue, whether or not that amendment was carried;

## Part 4 of the Constitution 2019

- 13.12.4 in exercise of a right of reply given by paragraphs 13.26 or 13.27 of this Standing Order;
- 13.12.5 on a point of order or by way of personal explanation (in accordance with paragraph 13.28 and 13.29 of this Standing Order);
- 13.12.6 to move or speak on a procedural Motion set out in sub-paragraph 13.19.2, 13.19.7 or 13.19.8 of paragraph 13.19 of this Standing Order.

### **Debate on Amendment**

- 13.13 Only one amendment may be moved and discussed at a time. No further amendment may be moved until the first amendment has been disposed of.
- 13.14 The Mayor may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the Council's business BUT each amendment must be voted upon separately.
- 13.15 If an amendment is lost a further, different, amendment may be moved.
- 13.16 The Mayor should read the entire Motion as amended prior to a vote being taken.
- 13.17 If an amendment is carried, the Motion as amended takes the place of the original Motion and becomes the Motion upon which any further amendments may be moved.

### **Seconding of Motions and Amendments**

- 13.18 Any member may second a motion or amendment and reserve his or her speech for a later period of the debate.

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

- 13.19 When a Motion is being debated, the only other Motions that may be moved (either singly or combined) are:
  - 13.19.1 to amend the Motion;
  - 13.19.2 to adjourn the meeting;
  - 13.19.3 to adjourn the debate;
  - 13.19.4 to move on to the next business;
  - 13.19.5 to put the question immediately to the vote;
  - 13.19.6 not to hear a member further;
  - 13.19.7 by the Mayor to require a member to leave the meeting;
  - 13.19.8 to exclude the public from the meeting under section 100A(4) of the Local Government Act 1972 ;
  - 13.19.9 to suspend one or more Standing Orders;
  - 13.19.10 to extend the time limit for speeches;
  - 13.19.11 to give any consent required by these Standing Orders.

## Part 4 of the Constitution 2019

### Closure Motions

- 13.20 At the conclusion of a speech of another member, a member may move without comment that:
- 13.20.1 the debate be adjourned;
  - 13.20.2 the meeting be adjourned;
  - 13.20.3 the Council proceed to the next business; or
  - 13.20.4 the question be put.
- 13.21 If the Motion is seconded the Mayor shall proceed as follows, if in his opinion the question before the meeting has been sufficiently discussed:
- 13.21.1 in the case of a Motion under 13.20.1, 13.20.2 or 13.20.3, invite the mover of the original Motion to reply and then put the closure Motion to the vote; or
  - 13.21.2 in the case of a Motion under 13.20.4, put the closure Motion to the vote.
- 13.22 If the Motion is carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

### Amendment of Motion by Proposer

- 13.23 The proposer of a Motion may with the consent of the Council:
- 13.23.1 alter a Motion of which the proposer has given notice; or
  - 13.23.2 with the further consent of the seconder alter a Motion, which the proposer has moved if (in either case) the alteration is one, which could be made as an amendment to the Motion.

### Withdrawal of Motion by Proposer

- 13.24 A Motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the council.
- 13.25 No member may speak on a Motion or amendment after the proposer has asked to withdraw it **UNLESS** permission has been refused.

### Right of Reply – Proposer of Motion Only

- 13.26 The proposer of a Motion has the right to reply at the close of the debate on the Motion immediately before it is put to the vote.
- 13.27 At the close of a debate on an amendment:
- 13.27.1 the proposer of the original Motion has the right to reply; and
  - 13.27.2 the proposer of the amendment has the right to reply, such right to be exercised immediately before the proposer of the original motion replies.

### Explanation and Points of Order

## Part 4 of the Constitution 2019

- 13.28 An explanation shall be confined to a material part of an earlier speech by the member during the meeting and on which a misunderstanding has occurred.
- 13.29 A point of order is a request by a member to the Mayor to rule on an alleged irregularity in the constitution of, or procedure in the meeting.
- 13.30 A member may rise on a personal explanation or a point of order at any time and is entitled immediately to address the Mayor on the matter; but:
- 13.30.1 the member who raises a point of order must specify immediately a Standing Order or statutory provision, and say how it has been broken or infringed;
  - 13.30.2 in either case the member's speech must be confined to the personal explanation or point of order.
  - 13.30.3 the ruling of the Mayor on an explanation or point of order is not open to discussion and is final.

### **Disorderly Conduct**

- 13.31 If the Mayor considers a member's conduct disorderly and so states to the Council, then the Mayor or any other member may move "not to hear a particular member further" and if seconded, the Motion shall be put to the vote without discussion. Disregarding the ruling of the Mayor, wilfully obstructing proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- 13.32 If the member's disorderly conduct continues after the Motion has been carried, the Mayor shall:

#### **EITHER**

- 13.32.1 move to require the member to leave the meeting in which case the Motion shall be put to the vote without seconding or discussion

#### **OR**

- 13.32.2 adjourn the meeting of the council to an appropriate time.

- 13.33 The Mayor may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to the meeting.

### **Voting**

- 13.34 Save for the requirements relating to Budget Decision Meetings, set out in paragraphs 13.38 – 13.39 of the Standing Order, Members shall vote by a show of hands unless before the Mayor begins to take the vote a member requests that a recorded vote is taken, and that request is supported by six other Members (who will show their support by raising their hands).
- 13.35 Where a recorded vote takes place pursuant to paragraph 13.34 of this Standing Order, the minutes must record each Members vote for, against or abstaining.
- 13.36 In the event that a recorded vote takes place,:
- 13.36.1 the Head of Legal and Democratic Services or Chief Executive will call the name of each member;
  - 13.36.2 the member will respond, for or against the Motion or abstaining; and

## Part 4 of the Constitution 2019

13.36.3 the Head of Legal and Democratic Services, a Director or Head of Service will record each member's response in the minute.

13.37 In the case of an equality of votes the Mayor or the person presiding shall have a second or casting vote.

(Local Government Act 1972 Schedule 12 para.39.)

### **Voting in Budget Decision Meetings**

13.38 Immediately after any vote is taken at a Budget Decision Meeting (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001/3384 (as amended)), 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.

13.39 The votes shall be recorded as set out in paragraph 13.36 of this Standing Order.

### **14. DISTURBANCE BY MEMBERS OF THE PUBLIC**

14.1 If a member of the public interrupts the proceedings at any meeting the Mayor will issue a warning and if the interruption continues the Mayor shall order the removal of that person from the premises where the meeting is taking place. In case of general disturbance in any part of the premises open to the public, the Mayor shall order that part to be cleared.

### **15. TIME LIMIT ON MEETINGS**

15.1 All meetings must end at or before 3 hours after the time at which the meeting commenced. The council or a committee will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

### **16. MOTIONS AFFECTING EMPLOYEES**

16.1 If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any council employee, the Council must not discuss it until it has considered whether to exclude the public under section 100A(4) of the Local Government Act 1972 as amended.

### **17. MOTIONS NOT TO BE REVIVED**

17.1 No member may move a Motion or amendment, which would have the same effect as one, which has been rejected within the previous six months unless notice has been given as required by Standing Order 9 and such notice is signed by at least nine other members.

### **18. VOTING ON APPOINTMENTS**

18.1 Where three or more persons are nominated for any position to be filled by the Council but there is no majority of the votes cast in favour of one candidate, then the candidate who received the least votes must be eliminated from the voting and a fresh vote taken and so on until a majority of votes is given in favour of one person. Voting under this Standing Order may be conducted by ballot paper.

### **19. RECORD OF ATTENDANCES**

19.1 The names of the members present at a meeting of the council or any of its committees shall be recorded by the Chief Executive in an attendance book provided for that purpose.

### **20. FILMING OR RECORDING MEETINGS**

## Part 4 of the Constitution 2019

20. The filming, photographing or audio recordings or use of social media at Council meetings is permitted subject to the provisions set out in the Council's Protocol for filming and recording meetings.



## Part 4 of the Constitution 2019

### 21. MEETINGS OF COMMITTEES

- 21.1 Meetings of Committees will be held at such intervals as the Council shall, at its Annual Meeting, determine and at such place and time as the Council shall determine.

#### Sub-Committees/Working Groups

- 21.2 At the first meeting of each Committee within each municipal year, or as required during the course of the year to give effect to Council business, each Committee shall establish such sub-committees and/or working groups as it deems necessary. The Committee shall determine the terms of reference of the sub-committee/working group and its membership from its own members..
- 21.3 The membership of any Sub-Committee shall be subject to the principles of political balance, but this will not apply to working groups.
- 21.4 Sub-Committees shall have the power to make decisions, but working groups may only consider an issue and then refer the matter back to Committee for a decision to be made.

#### Notice of Committee Meetings

- 21.5 The Chief Executive shall at least **five clear days** before a meeting:
- 21.5.1 give the public notice of the time and place of the meeting by posting it at the offices of the council and placing it on the Council website or if the meeting is convened on shorter notice, then at the time it is convened;
- 21.5.2 send or leave at the usual place of residence of every member of the Council or such other address as the member has requested, a signed summons to attend the meeting, specifying the business proposed to be transacted at the meeting.

N.B Clear days shall have the meaning set out above.

#### Quorum

- 21.6 The quorum at meetings of committees shall be not less than half the members of the committee.
- 21.7 If a meeting lacks a quorum its business shall be adjourned to a fixed date and time or to the next meeting.

#### Order of Business

- 21.8 Subject to paragraph 21.6 of this Standing Order, the order of business at every Committee and Sub-Committee meeting will be:
- 21.8.1 to receive apologies for absence;
- 21.8.2 to approve as a correct record and sign the minutes of the last meeting of the Committee;
- 21.8.3 to receive any declarations of interest;
- 21.8.4 Public participation;

## Part 4 of the Constitution 2019

21.8.5 to receive and consider all reports submitted to the Committee in the order they appear on the agenda; and

21.8.6 other business if any specified on the agenda

21.9 With the exception of items 21.8.1 –21.8.3 and 21.8.5-21.8.6 the order of business may be altered by the chairman.

### **22 PUBLIC PARTICIPATION IN COMMITTEES**

22.1 The provisions of this standing order relate to all committees save for Planning Committee.

22.2 Public participation in committee meetings will be allowed, in accordance with the Council's Protocol for Public Participation at Council and Committee Meetings, save that:

22.2.1 A question or comment may be refused if it relates to exempt or confidential information within the meaning of the Council's rules or if in the opinion of the Head of Legal and Democratic Services they contain defamatory material.

22.2.2 Any person wishing to speak must register with the Council by noon on the day of the meeting.

22.2.3 Contributions are limited to one per person and no person may speak for more than three minutes except in exceptional circumstances.

22.2.4 A maximum of 15 minutes will be allocated for public participation in each Committee.

22.2.5 Contributions will be limited to comments on decision items listed in Part I of the Agenda.

22.2.6 Comments and contributions will be taken in the order in which they are received. Speakers on different agenda items will be dealt with in Agenda item order.

22.2.7 No person may speak on the same topic at two consecutive meetings.

### **Public Participation in Planning Committee**

22.3 Public participation in Planning Committee meetings will be allowed save that:

22.3.1 a question or comment may be refused if it relates to exempt or confidential information within the meaning of the Council's rules or if in the opinion of the Head of Legal and Democratic Services they contain defamatory material;

22.3.2 contributions will be limited to comments on decision items listed in Part I of the Agenda;

22.3.3 a maximum of two speakers will be allowed on each planning application. One will be the applicant or agent, the other an objector. If the parish council is the objector they will have first refusal of the right to speak;

22.3.4 if the parish council do not wish to speak, the Council will accept the first person to register his or her name as the objector;

22.3.5 each speaker may speak for a maximum of three minutes. The applicant/agent will speak first and the objector second;

## Part 4 of the Constitution 2019

- 22.3.6 Officers and members other than the Chairman cannot question the speaker. In exceptional circumstances the Chairman may ask an applicant and/or objector to clarify a matter of fact. If this happens, the applicant and/or objector must confine himself or herself to giving a direct answer to the question; and/or
- 22.3.7 Officers will not be required to answer questions raised, but will do so if a Member of Committee so requests.

### **23 PETITIONS**

- 23.1 Petitions may be presented to a committee in accordance with the Council's Petition Scheme.
- 23.2 The Council's Petition Scheme will not apply to letters of representation in respect of any matter relating to:
- 23.2.1 a specific planning decision (including a development plan document or the community infrastructure levy);
  - 23.2.2 an alcohol, gambling or sex establishment licensing decision;
  - 23.2.3 an individual or entity which has a right to a review or appeal conferred by or under any enactment.

### **24 MOTIONS AND AMENDMENTS WITHOUT NOTICE AT COMMITTEE MEETINGS**

- 24.1 A member may move without notice any of the following Motions and amendments:
- 24.1.1 to appoint a chairman for that meeting or the remainder of the meeting;
  - 24.1.2 motions relating to the accuracy of the minutes;
  - 24.1.3 to vary the order of the agenda;
  - 24.1.4 subject to paragraph 24.1.7 of this Standing Order, move a Motion arising out of consideration of an item on the agenda, provided it is relevant to that item and does not introduce any new subject matter, and/or that a body be appointed, or a person appointed to a body;
  - 24.1.5 to adopt reports and recommendations of officers. A member cannot however move a Motion or amendment, which amends a decision made under powers delegated to a Committee and/or Officer by the Council.
  - 24.1.6 to give leave to withdraw a Motion;
  - 24.1.7 to extend the time limit for speeches;
  - 24.1.8 to make an amendment to a Motion;
  - 24.1.9 to move on to the next item on the agenda;
  - 24.1.10 to put the question immediately to the vote;
  - 24.1.11 to adjourn the debate;
  - 24.1.12 to adjourn the meeting;
  - 24.1.13 to suspend one or more Standing Orders;

## Part 4 of the Constitution 2019

- 24.1.14 to exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972;
- 24.1.15 under Standing Order 26.10 not to hear a member further.
- 24.1.16 under Standing Order 26.11 by the chairman to require a member to leave the meeting; and/or
- 24.1.17 to give any consent required by these Standing Orders.

### **25. NOTICES OF MOTION AT COMMITTEE**

- 25.1 A Notice of Motion not listed in Standing Order 24 must be given in writing to the Chief Executive **AT LEAST 5 CLEAR DAYS** (before the relevant meeting, and be signed by the member(s) giving the notice. (see definition of clear days set out above). An email to the Chief Executive will be accepted as giving notice.
- 25.2 The Chief Executive shall set out in the agenda for the Committee meeting all Motions which comply with the requirements of paragraph 25.1 of this Standing Order in the order they have been received, unless the member has either withdrawn it in writing or requested to move it at a later meeting.
- 25.3 Motions must relate to matters where the Council has powers or duties or which affect the borough.
- 25.4 The Council will treat as withdrawn any Motion not moved at the meeting at which it appears upon the summons, unless Committee agrees its postponement.

### **26 RULES OF DEBATE AT COMMITTEE MEETINGS**

#### **Debate on Amendment**

- 26.1. Only one amendment may be moved and discussed at a time. No further amendment may be moved until the first amendment has been disposed of.
- 26.2 The Chairman may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the Committee's business BUT each amendment must be voted upon separately.
- 26.3 If an amendment is lost a further, different, amendment may be moved.
- 26.4 The Chairman must read the entire Motion as amended prior to a vote being taken.
- 26.5 If an amendment is carried, the Motion as amended takes the place of the original Motion and becomes the Motion upon which any further amendments may be moved.

#### **Seconding Amendments**

- 26.6 Any member may second a motion or amendment and reserve his or her speech for a later period of the debate.

#### **Explanation of points of order**

- 26.7 An explanation shall be confined to a material part of an earlier speech by the member during the meeting and on which a misunderstanding has occurred.

## Part 4 of the Constitution 2019

- 26.8 A point of order is a request by a member to the chairman to rule on an alleged irregularity in the constitution of or procedure in the meeting.
- 26.9 A member may rise on a personal explanation or a point of order at any time and is entitled immediately to address the chairman on the matter; but:
- 26.9.1 the member who raises a point of order must specify immediately a Standing Order or statutory provision, and say how it has been broken or infringed;
  - 26.9.2 in either case the member's speech must be confined to the personal explanation or point of order.
  - 26.9.3 the ruling of the Chairman on an explanation or point of order is not open to discussion and is final.

### **Disorderly conduct**

- 26.10 If the Chairman considers a member's conduct disorderly and so states to the Committee, then the Chairman or any other member may move "not to hear a particular member further" and if seconded, the Motion shall be put to the vote without discussion. Disregarding the ruling of the Chairman, wilfully obstructing proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- 26.11 If the member's disorderly conduct continues after the Motion has been carried, the Chairman shall
- 26.11.1 move to require the member to leave the meeting in which case the Motion shall be put to the vote without seconding or discussion; or
  - 26.11.2 adjourn the meeting of the Committee to an appropriate time.
- 26.12 The Chairman may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to Committee.

### **Disturbance by the public**

- 26.13 If a member of the public interrupts the proceedings at any meeting the Chairman will issue a warning and if the interruption continues the Chairman shall order the removal of that person from the premises where the Committee meeting is taking place. In case of general disturbance in any part of the premises open to the public, the Chairman shall order that part to be cleared.

### **Time limits**

- 26.14 All meetings must end at or before 3 hours after the time at which the meeting commenced. A committee will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

### **Motions affecting employees**

- 26.15 If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any council employee, a Committee must not discuss it until it has considered whether to exclude the public under section 100A(4) of the Local Government Act 1972 as amended.

## Part 4 of the Constitution 2019

### Record of attendance

- 26.16 The names of the members present at a Committee meeting shall be recorded by the Chief Executive in an attendance book provided for that purpose.

### Voting on appointments

- 26.17 Where three or more persons are nominated for any position to be filled by the Council but there is no majority of the votes cast in favour of one candidate, then the candidate who received the least votes must be eliminated from the voting and a fresh vote taken and so on until a majority of votes is given in favour of one person. Voting under this Standing Order may be conducted by ballot paper.

### Voting

- 26.18 Save for the requirements relating to Budget Decision Meetings, set out in paragraphs 26.21 – 26.22 of this Standing Order, Members shall vote by a show of hands unless before the Chair begins to take the vote a member requests that a recorded vote is taken, and that request is supported by three other Members (who will show their support by raising their hands).

Where a recorded vote takes place pursuant to this Standing Order, the minutes must record each Members vote for, against or abstaining.

- 26.19 In the event that a recorded vote takes place,:
- 26.19.1 the Head of Legal and Democratic Services, a Director or Head of Service will call the name of each member;
  - 26.19.2 the member will respond, for or against the Motion or abstaining; and
  - 26.19.3 the Head of Legal and Democratic Services, a Director or Head of Service will record each member's response and these will be recorded in the minute.
- 26.20 in the case of an equality of votes the Chairman or the person presiding shall have a second or casting vote.

(Local Government Act 1972 Schedule 12 para.39.)

### Voting in Budget Decision Meetings

- 26.21 Immediately after any vote is taken at a Budget Decision Meeting (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001/3384 (as amended)), 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.
- 26.22 The votes shall be recorded as set out in paragraph 26.18 of this Standing Order.

### Minutes of Committee Meetings

- 26.23 The Chairman or Vice Chairman will move that the minutes be approved as a correct record.

## Part 4 of the Constitution 2019

- 26.24 Only the accuracy of the minutes may be discussed and then only by Motion. As soon as any Motion has been disposed of (or if no Motion is moved) the Chairman will sign the minutes subject to any amendment set out in any Motion approved by Committee.
- 26.25 Minutes shall be submitted to and signed at the next meeting of Committee.

### **Members entitled to attend all Committees and Sub-Committees**

- 26.26 Members are entitled to attend meetings of committees or sub-committees of which they are not members and may speak with the permission of the committee or sub-committee. A member may not speak for more than five minutes, except by consent of the committee or sub-committee.

### **27. FILMING AND RECORDING MEETINGS**

- 27.1 The filming, photographing or audio recording or use of social media at Council meetings is permitted subject to the Council's protocol on filming or recordings meetings.

### **28. URGENT BUSINESS BETWEEN COMMITTEES (EMERGENCY COMMITTEE)**

- 28.1 Where the terms of reference of the Emergency Committee apply and the matter is so urgent that the decision cannot wait for a scheduled meeting of the Council or one of its committees, the Chief Executive or a deputy appointed by him/her for these purposes will convene a meeting of the Emergency Committee for the purpose of reaching a decision on that matter. The Emergency Committee shall have power to exercise any of the functions of the Council for the purposes of deciding the matter referred to it.
- 28.2 Membership of the Emergency Committee will be determined each year at the Annual Meeting of the Council in accordance with the provisions relating to political balance and, except where other arrangements are approved by the Annual Meeting, the committee will comprise of the Leader, the Deputy Leader, the Shadow Leader or their authorised representatives and one other councillor.
- 28.3 Members of the Corporate Management Team and, wherever possible, other appropriate officers, should also attend meetings of the Emergency Committee.
- 28.4 The committee clerk will arrange the meeting and produce an agenda. This and any reports prepared for the meeting will be circulated to members of the Emergency Committee.
- 28.5 The agenda will be posted on the Council's website together with any Part I reports.
- 28.6 The decision made by the Emergency Committee will be reported to the next meeting of the most appropriate committee or to full Council, as applicable.

### **29. CALL-IN PROCEDURE FOR DECISIONS MADE BY POLICY COMMITTEES**

- 29.1 All decisions made by committees should be sent to members within two working days of the committee having met.
- 29.2 A decision can be called-in within 5 working days of the decision being published.
- 29.3 If a decision is called-in, the implementation of that decision is suspended until the Council has met unless overridden by the Emergency committee.
- 29.4 Five members are needed to operate the call-in procedure.
- 29.5 The members operating the call-in procedure must give reasons in writing specifying why the decision has been called-in.
- 29.6 The call-in procedure does not apply to decisions on individual planning, licensing or grant applications, or to any matter arising out of the original decision on such an application including the conduct of any appeal. It should normally only apply to decisions, which are

## Part 4 of the Constitution 2019

considered to be contrary to policy or not in accordance with the budget. The Emergency committee will have power to override the call-in procedure and to rule that the original decision be implemented. This power can only be exercised by a unanimous decision of the four where in their view; it is necessary to protect the interests of the Council that the original decision be implemented without delay. In order for them to decide whether or not to exercise this power, the Chief Executive shall notify them immediately of any decisions that have been called-in.

### **30. INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

30.1 Members of the Council are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public.

30.2 A Member has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:

30.2.1 a disclosable pecuniary interest as described in the Members Code of Conduct and section 30(3) of the Localism Act 2011;

30.2.2 other pecuniary interest as described in the Members Code of Conduct; or

30.2.3 private interest as described in the Members Code of Conduct;

held by a member and, when prompted by the agenda item, at the commencement of that consideration or when the interest becomes apparent, the Member must disclose to the meeting the existence and nature of that interest.

30.3 Where an interest is disclosed arising from a disclosable pecuniary interest; or other interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest; the Member:

30.3.1 may not participate in any discussion of the matter at the meeting;

30.3.2 may not vote on the matter at the meeting; and

30.3.3 must retire to the public gallery or other area set aside from the meeting.

30.4 Where a Member holds a conflict of interest described at 30.2.2 and/or 30.2.3 above, before retiring he or she may address the meeting as a member of the public in accordance with the public participation rules.

30.5. Where a member is present at a meeting where that member is to be called upon to make a decision in the public interest, and that member considers they have fettered their discretion in some other way, that member may exercise any separate speaking rights as a ward member or member of the public but should not take part in the discussion or vote as a member of the meeting.

### **31. COMPLAINTS ABOUT CONDUCT OF MEMBERS**

31.1 Where a member has a complaint that another member has breached the council's Code of Conduct, s/he shall submit the complaint to the Council's Monitoring Officer.

31.2 No member shall at a meeting of the Council or its committees make any allegation or assertion that the conduct of another member or members is in breach of the Council's Code of Conduct or any other adopted codes of probity and practice relating to the conduct of members and no discussion shall take place regarding such conduct except in the Accounts and Audit Committee on receipt of a report from the Council's Monitoring Officer or within a sub-Committee of the Accounts and Audit Committee when it conducts a local hearing.



## Part 4 of the Constitution 2019

### **32. INTEREST OF OFFICERS IN CONTRACTS**

- 32.1 The Head of Legal and Democratic Services shall record particulars of any notice of pecuniary interest in a contract given by an officer and such record shall be open to inspection by members.

### **33. CHIEF OFFICERS – APPOINTMENTS**

- 33.1 Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, they shall draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed. Such statement shall be copied to any person expressing interest.
- 33.2 The Council shall consider the response to advertising the chief officer post and interview either all qualified candidates or those on a shortlist the council shall select. If there is no qualified candidate the chief officer post shall be re-advertised.
- 33.3 Every appointment of a chief officer shall be made by the Council or by a committee or sub-committee of the council.
- 33.4 When a vacancy occurs in any existing office of chief officer or deputy chief officer the council shall obtain the views of any committee primarily concerned and decide, in the case of an office which the council are not required by statute to fill, whether the office is necessary; and in any case what shall be the terms and conditions of the office; and no steps shall be taken to fill the post until these decisions have been taken.
- 33.5 For the purposes of paragraph 33.4 above, it shall be deemed that a committee have been consulted if there has been consultation with the chairman, vice-chairman if any and one other member (or if there be no vice-chairman, two other members) designated by the chairman of the committee.
- 33.6 The powers of officers shall be those from time to time authorised by the council at the appropriate committee or sub-committee as the case may be.
- 33.7 The Council for the purpose of this Standing Order includes a committee, sub-committee or officer to whom appropriate powers have been delegated.
- 33.8 Canvassing of a member or members shall disqualify an applicant for an appointment with the council.
- 33.9 An applicant for any appointment with the Council aware of any relationship to any member or senior officer of the council shall, when making an application, disclose that relationship and failure to do so shall disqualify.
- 33.10 For the purpose of this Standing Order “senior officer” means any officer under the Council so designated by the Council and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

### **34. STAFF – APPOINTMENTS AND DISCIPLINARY ACTION**

- 34.1 In this Part –
- “the 1989 Act” means the Local Government and Housing Act 1989;
- “disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and
- “member of staff” means a person appointed to or holding a paid office or employment under the Council.
- 34.2 Subject to paragraphs 34.3 and 34.5, the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the authority must be discharged on

## Part 4 of the Constitution 2019

behalf of the Council by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid services) as the head of the authority's paid service or by an officer nominated by him.

- 34.3 Paragraph 34.2 of this Standing Order shall not apply to the appointment or dismissal of or disciplinary action against:
- 34.3.1 the officer designated as the head of the authority's paid service;
  - 34.3.2 a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
  - 34.3.3 a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
  - 34.3.4 a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
  - 34.3.5 a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- 34.4 (1) Where a committee, sub-committee or officer is discharging on behalf of the Council the function of the appointment of an officer designated as the head of the Council's paid service, the Council must approve that appointment before an offer of appointment is made to that person.
- (2) Where a Committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the head of the Council's paid service, as the Council's chief finance officer, or as the Council's monitoring officer, the Council must approve that dismissal before notice is given to that person.
- 34.5 Nothing in paragraph 34.2 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:
- 34.5.1 another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
  - 34.5.2 a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against that member of staff.

### **35. SENIOR OFFICERS - DISCIPLINARY ACTION**

- 35.1 In the following paragraphs:
- (a) "the 2011 Act" means the Localism Act 2011;
  - (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
  - (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
  - (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
  - (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

## Part 4 of the Constitution 2019

(g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

- 35.2 A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- 35.3 The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 35.4 In paragraph 35.3 of this standing order “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council consider appropriate.
- 35.5 Subject to paragraph 35.6 of this standing order, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 35.3 of this standing order in accordance with the following priority order:
- (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the Council;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
- 35.6 The Council is not required to appoint more than two independent persons in accordance with paragraph 35.5 of this standing order but may do so.
- 35.7 The Council must appoint any Panel at least 20 working days before the relevant meeting.
- 35.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:
- (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
- 35.9 Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act.

### **36. MEMBERS’ ACCESS TO DOCUMENTS AND PROPERTY**

- 36.1 Members’ rights of access to documents in the possession or control of the Council which contain material relating to any business to be transacted at a meeting of the Council are set out in the Council’s Rules with regard to access to meetings and related documents of the Council, its committee and sub-committees.
- 36.2 Unless specifically authorised to do so by the Council or a committee, a member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.

### **37. SEALING OF DOCUMENTS**

- 37.1 All documents which require to be sealed with the Common Seal of the council shall be attested by the Mayor or Deputy Mayor and by the Chief Executive, the Director of Resources, or the Head of Legal and Democratic Services.

## Part 4 of the Constitution 2019

37.2 All documents to which the Common Seal is affixed shall be entered in a register to be kept by the Head of Legal and Democratic Services.

### **38. CONTRACTUAL STANDING ORDER**

38.1 The letting of contracts shall be in accordance with the Council's Contract Procedure Rules.