



**Ribble Valley Borough Council
General Standing Orders**

March 2012

CONTENTS

1.	MEETINGS OF THE COUNCIL	1
1.1	Annual Meeting	1
1.2	Ordinary Meetings	1
1.3	Extraordinary Meetings	1
1.4	Notice of Meetings	1
2.	MAYOR AND DEPUTY MAYOR	1
3.	QUORUM	1
4.	ORDER OF BUSINESS	1
5.	PUBLIC PARTICIPATION	2
6.	PETITIONS	2
7.	MOTIONS AND AMENDMENTS WITHOUT NOTICE	3
8.	NOTICES OF MOTION	3
9.	QUESTIONS AT COUNCIL MEETINGS	4
10.	LEADER'S REPORT AND QUESTION TIME	4
11.	MINUTES OF COUNCIL MEETINGS	5
12.	RULES OF DEBATE FOR COUNCIL MEETINGS	5
	Respect for Mayor	5
	Standing when Speaking	5
	Mayor to decide order of speaking	5
	Only one Member to Stand	5
	Motion for reception of Minutes – Procedure	5
	Question on Minutes	6
	Content of Amendment	6
	Content of Speech	6
	Length of Speech	6
	When a member may speak again on a Motion	6
	Debate on Amendment	7
	Seconding of Motions and Amendments	7
	Motions which may be moved during debate	7
	Closure Motions	7
	Amendment of Motion by Proposer	8
	Withdrawal of Motion by Proposer	8
	Right of Reply – Proposer of Motion Only	8
	Explanation and Points of Order	8
	Disorderly Conduct	8
	Voting	9
13.	CALL-IN PROCEDURE FOR DECISIONS MADE BY POLICY COMMITTEES	9
14.	DISTURBANCE BY MEMBERS OF THE PUBLIC	10
15.	TIME LIMIT ON MEETINGS	10
16.	MOTIONS AFFECTING EMPLOYEES	10
17.	MOTIONS NOT TO BE REVIVED	10
18.	VOTING ON APPOINTMENTS	10
19.	RECORD OF ATTENDANCES	10
20.	COMMITTEES	10
	Appointment of Chairmen and Vice-Chairmen	10
	Quorum	11
	Continuance of Committees	11
	Members entitled to attend all Committees and Sub-Committees	11
	Standing Orders to apply to Committees and Sub-Committees	11
	Urgent Business between Committees (Emergency Committee)	11
21.	INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTER	11

22.	COMPLAINTS ABOUT CONDUCT	12
23.	INTEREST OF OFFICERS IN CONTRACTS	13
24.	CHIEF OFFICERS – APPOINTMENTS	13
25.	STAFF – APPOINTMENTS AND DISCIPLINARY ACTION	13
26.	SENIOR OFFICERS - DISCIPLINARY ACTION	14
27.	MEMBERS’ ACCESS TO DOCUMENTS AND PROPERTY	15
28.	SEALING OF DOCUMENT	15
29.	CONTRACTUAL STANDING ORDER	15

1. MEETINGS OF THE COUNCIL

1.1 Annual Meeting

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

1.2 Ordinary Meetings

Ordinary meetings will be held at approximately eight week intervals or such greater intervals as the Council shall, at its Annual Meeting, determine and at such place and time as the Council may determine.

1.3 Extraordinary Meetings

An extraordinary meeting of the Council may be called at any time by the Mayor. 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)

1.4 Notice of Meetings

The Chief Executive will issue a summons to every member of the Council specifying the business to be transacted. The summons will be issued at least five clear days before the meeting to which it relates.

(Local Government Act 1972 Schedule 12 para. 4)

2. MAYOR AND DEPUTY MAYOR

2.1 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.

3. QUORUM

3.1 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.

4. ORDER OF BUSINESS

4.1 Subject to what follows, the order of business at every meeting of the Council will be:

- (a) to choose a person to preside if the Mayor and Deputy Mayor are absent;
- (b) to deal with any item required by statute to be done before any other item;
- (c) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (d) to receive public questions submitted in accordance with Standing Order 5;
- (e) Mayor's communications;

- (f) to dispose of business (if any) remaining from a previous meeting;
- (g) Leader's Report and Question Time;
- (h) to receive and consider all other reports, minutes and recommendations of committees in date order of meeting;
- (i) to answer questions asked under Standing Order 9;
- (j) to consider Motions under Standing Order 8 in the order received; and
- (k) other business, if any, specified in the summons.

4.2 The order of business, with the exception of items (a), (b), (c) and (d), may be altered by the Mayor, or by a resolution following a Motion moved, seconded and put to the meeting without debate.

5. PUBLIC PARTICIPATION

5.1 Public participation in full meetings of the Council will be allowed subject to the following:

- (a) Question or comments may be refused if they relate to exempt or confidential information within the meaning of the Council's Rules with regard to access to meetings and related documents of the Council, its committee and subcommittees or, if in the opinion of the Council's Head of Legal and Democratic Services they contain defamatory material.
- (b) Only residents of the Ribble Valley may ask questions or make comments.
- (c) No person shall speak for more than 3 minutes.
- (d) A maximum of 30 minutes shall be allocated to public participation at the start of full Council. Questions and comments 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. The public participation session shall form part of the formal proceedings of Council and shall be recorded in the minutes.
- (e) 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 day before the Council meeting. The notice must specify the nature of the question in sufficient detail to enable a reply to be prepared. Answers will be given by the chairman of the appropriate committee and a copy of the answer in writing will be given to the questioner.
- (f) Questioners shall have the right to ask one supplementary question when they have received the chairman's reply.
- (g) There shall be no comment or question from the same person on the same topic at 2 consecutive meetings of the Council.
- (h) If the Council elects to hold one, 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 decide. These same rules as before will apply to the written submission of questions.
- (i) Appropriate publicity shall be given to the right of the public to participate in meetings of the full Council.

6. PETITIONS

6.1 Petitions may be presented to the Council in accordance with the Council's Petition Scheme.

The Council's Petition Scheme will not apply to letters of representation in respect of any matter relating to:

- a specific planning decision (including about a development plan document or the community infrastructure levy),
- an alcohol, gambling or sex establishment licensing decision;
- an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment/

7. MOTIONS AND AMENDMENTS WITHOUT NOTICE

7.1 A member may move without notice any of the following Motions and amendments:

- (a) To appoint a chairman for that meeting or the remainder of the meeting.
- (b) Motions relating to the accuracy of the minutes.
- (c) To vary the order of the agenda.
- (d) Subject to the limitation set out in paragraph (7) below of this Standing Order, to move a Motion arising out of consideration of an item on the agenda, but the Motion must be relevant to that item and must not introduce any new subject matter.
- (e) That a matter be referred back to a committee.
- (f) That a body be appointed, or a person appointed to a body.
- (g) To adopt reports and recommendations of committees or officers, but a member cannot move a Motion or amendment which amends a decision made under powers delegated to it by the Council.
- (h) To give leave to withdraw a Motion.
- (i) To extend the time limit for speeches.
- (j) To make an amendment to a Motion.
- (k) To move on to the next item on the agenda.
- (l) To put the question immediately to the vote.
- (m) To adjourn the debate.
- (n) To adjourn the meeting.
- (o) To suspend one or more Standing Orders
- (p) To exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972 as amended.
- (q) Under Standing Order 12..26. not to hear a member further.
- (r) Under Standing Order 12.27. by the chairman to require a member to leave the meeting.
- (s) To give any consent required by these Standing Orders.

8. NOTICES OF MOTION

8.1 A Motion not listed in Standing Order 7 must be given in writing to the Chief Executive **AT LEAST 5 CLEAR DAYS** (that is, not counting the day of the meeting or the day of delivery) before the relevant meeting, and be signed by the member(s) giving the notice. (E.g. if the meeting is held on a Tuesday, notice must be given by the preceding Wednesday.)

8.2 The Chief Executive shall:

set out in the summons for the Council meeting all Motions which comply with the requirements of paragraph 8.1 of this Standing Order in the order they have been received, unless the member has in writing either withdrawn it or stated a wish to move it at a later meeting.

8.3 Motions must relate to matters where the Council has powers or duties or which affect the borough.

8.4 The Council will treat as withdrawn any Motion not moved at the meeting at which it appears upon the summons, unless its postponement is agreed.

8.5 Any Motion which comes within the province of any committee(s) may:

- (a) be referred without discussion to such committee(s); or
- (b) be referred without discussion to such other committee(s) as the Council may decide; or
- (c) be dealt with at the meeting at which it is moved if the Mayor considers that it would be convenient to do so and would help to deal with it.

8.6 The member who has moved the Motion must be notified by the Chief Executive of the meeting(s) of the committee(s) to which it has been referred, and has the right to attend the meeting(s) and to explain the Motion.

9. QUESTIONS AT COUNCIL MEETINGS

9.1 A member may ask the Mayor or the chairman of any committee any question on any matter where the Council has powers or duties or which affects the borough.

9.2 A question must either:

- (a) be given to the Chief Executive by noon on the Friday before the meeting; or
- (b) relate to urgent business, in which case agreement of the Mayor to the question being put shall be required and, where possible, a copy of the question will be given to the Chief Executive before 10.00am on the day of the meeting.

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.

The answer to a member's question may be given orally and directly; or by reference to published material of the Council or readily available to members; or by writing (which shall be circulated to all members).

10. LEADER'S REPORT AND QUESTION TIME

10.1 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 11.10, the Leader in presenting his report may speak for up to ten minutes.

10.2 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, notice of which has been given in writing to 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 in relation to each answer given by the Leader.

10.3 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, members of the public or Councillors may ask questions of the Leader on matters relating to the general work of the Council which do not fall within the remit of any particular committee.

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

10.5 Subject to paragraph 10.2 above, members of the public or Councillors wishing to ask questions must give notice in writing to the Chief Executive by not later than noon on the day before the council meeting. The notice must specify the nature of the question in sufficient detail to enable a reply to be prepared. A copy of the Leader's answer in writing will be given to the questioner.

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

10.7 There shall be no question from the same person on the same topic at 2 consecutive meetings of the Council.

11. MINUTES OF COUNCIL MEETINGS

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

11.2 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.

11.3 Minutes shall be submitted to and signed at the next following meeting of the Council unless that next meeting is an extraordinary meeting.

12. RULES OF DEBATE FOR COUNCIL MEETINGS

Respect for Mayor

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

Standing when Speaking

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

Mayor to decide order of speaking

12.3 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

12.4 While a member is speaking, all other members must remain seated and silent UNLESS rising to a point of order or in personal explanation.

Motion for reception of Minutes – Procedure

12.5 A Motion for the reception of the minutes of a committee, sub-committee or joint committee:

- (a) must be proposed and seconded before it is discussed;
- (b) must not include any amendment of those minutes; but
- (c) 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.

12.6 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 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.

Question on Minutes

12.7 The chairman of the committee or other member moving the reception of the committee minutes will answer any questions 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 answer a question unless written notice of the question 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 reply.

Content of Amendment

12.8 An amendment must relate to the Motion and either:

- (a) refer a matter to a committee, or refer back to the appropriate committee a matter recommended to the Council;
- (b) leave out words;
- (c) add or insert words; or
- (d) leave out words and add or insert words.

Content of Speech

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

Length of Speech

12.10 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

12.11 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:

- (a) to speak once on an amendment moved by another member;
- (b) if the Motion has been amended since the member last spoke, to move a further amendment;
- (c) 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;
- (d) in exercise of a right of reply given by paragraphs 12.23 or 12.24 of this Standing Order;
- (e) on a point of order or by way of personal explanation (in accordance with paragraph 12.25 of this Standing Order);
- (f) to move or speak on a procedural Motion set out in sub-paragraph (b), (g) or (h) of paragraph 12.17 of this Standing Order.

Debate on Amendment

12.12 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.

12.13 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.

12.14 If an amendment is lost a further, different, amendment may be moved.

12.15 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

12.16 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

12.17 When a Motion is being debated, the only other Motions which may be moved (either singly or combined) are:

- (a) to amend the Motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to move on to the next business;
- (e) to put the question immediately to the vote;
- (f) not to hear a member further;
- (g) by the Mayor to require a member to leave the meeting;
- (h) to exclude the public from the meeting under section 100A(4) of the Local Government Act 1972 as amended;
- (i) to suspend one or more Standing Orders;
- (j) to extend the time limit for speeches;
- (k) to give any consent required by these Standing Orders.

Closure Motions

12.18 At the conclusion of a speech of another member, a member may move without comment that:

- (a) the debate be adjourned;
- (b) the meeting be adjourned;
- (c) the Council proceed to the next business; or
- (d) the question be put.

If the Motion be seconded the Mayor shall proceed as follows if in his opinion the question before the meeting has been sufficiently discussed:

- (a) in the case of a Motion under (a), (b) or (c) above, invite the mover of the original Motion to reply and then put the closure Motion to the vote; or
- (b) in the case of a Motion under (d) above, put the closure Motion to the vote.

12.19 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

12.20 A member may with the consent of the Council signified without discussion:

- (a) alter a Motion of which the member has given notice; or
- (b) with the further consent of the seconder, alter a Motion which the member 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

12.21 A Motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the council signified without discussion.

12.22 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

12.23 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.

12.24 At the close of a debate on an amendment:

- (a) the proposer of the original Motion has the right to reply;
- (b) 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

12.25

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

(b) 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.

(c) 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:

(i) 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;

(ii) in either case the member's speech must be confined to the personal explanation or point of order.

(d) The ruling of the Mayor on an explanation or point of order is not open to discussion.

Disorderly Conduct

12.26 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.

12.27 If the member's disorderly conduct continues after the Motion has been carried, the Mayor shall

EITHER

(a) 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

(b) adjourn the meeting of the council to an appropriate time.

12.28 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

12.29 Members will vote by show of hands; but

(a) if a member so requests before the Mayor begins to take the vote, and the request is supported by six other members (who will show their support by raising their hands);

(i) the Head of Legal and Democratic Services will call the name of each member;

(ii) the member will respond, for or against the Motion or abstaining; and

(iii) the Head of Legal and Democratic Services will record each member's response;

(b) where any member so requires immediately after a vote has been taken, the minutes must record that member's vote for or against or abstention;

(c) 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.)

13. CALL-IN PROCEDURE FOR DECISIONS MADE BY POLICY COMMITTEES

13.1 All decisions made by committee should be sent to members as soon as possible after the committee has met and in any event within **three** working days of the committee having met.

13.2 A decision can be called-in within 5 working days of the decision being published.

13.3 If a decision is called-in, the implementation of that decision is suspended until the Overview and Scrutiny Committee has met.

13.4 The Overview and Scrutiny Committee if dissatisfied with the decision can refer it to the full Council for decision but only if they consider the decision is contrary to the policy framework or the budget set by the full Council. If the matter is not referred to the full Council the original decision stands.

13.5 Five members are needed to operate the call-in procedure.

13.6 The members operating the call-in procedure must give reasons in writing specifying why the decision has been called-in.

13.7 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 considered to be contrary to policy or not in accordance with the budget. The Council's Leader and Deputy Leader, acting together with the Shadow Leader and the

Shadow Deputy Leader 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 which have been called-in.

14. DISTURBANCE BY MEMBERS OF THE PUBLIC

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 Council Chamber. In case of general disturbance in any part of the chamber open to the public, the Mayor shall order that part to be cleared.

15. TIME LIMIT ON MEETINGS

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

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

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 8 and such notice is signed by at least nine other members.

18. VOTING ON APPOINTMENTS

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

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. COMMITTEES

Appointment of Chairmen and Vice-Chairmen

20.1 The council at its Annual Meeting shall appoint the chairmen and vice-chairmen of all standing committees and sub-committees. If a casual vacancy arises in the office of chairman or vice-chairman of a committee or sub-committee, the council shall appoint a replacement at its next meeting.

20.2 In the absence of the chairman of a committee or sub-committee, the vice-chairman shall preside and in the absence of both, a chairman for that particular meeting shall be appointed by the committee or sub-committee from among its members.

Quorum

20.3 The quorum at meetings of committees shall be not less than half the members of the committee.

20.4 If a meeting lacks a quorum its business shall be adjourned to a fixed date and time or to the next ordinary meeting.

Continuance of Committees

20.5 Committees shall be appointed at the Annual Meeting of the council and remain in office until the next Annual Meeting unless sooner determined.

Members entitled to attend all Committees and Sub-Committees

20.6 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.

Standing Orders to apply to Committees and Sub-Committees

20.7 Except where it is clear from the context that this is not so:

(a) All Standing Orders shall apply to committees and sub-committees save that the public participation scheme approved for use at the Planning Committee in respect of individual planning applications shall operate in addition to the public participation permitted by Standing Order 5, and

(b) the “Chairman” shall be read in place of the “Mayor” where a Standing Order is used in the context of a committee or sub-committee meeting, rather than a meeting of the full Council.

Urgent Business between Committees (Emergency Committee)

20.8 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.

20.9 Membership of the Emergency Committee will be determined each year at the Annual Meeting 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.

20.10 Members of the Corporate Management Team and, wherever possible, other appropriate officers, should also attend meetings of the Emergency Committee.

20.11 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.

20.12 The agenda will be posted on the Council’s website together with any Part I reports.

20.13 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.

21. INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTER

21.1 Where a member has a personal interest in any business of the Council and attends a meeting of the Council at which the business is considered, s/he must disclose

to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

21.2 Where a member has a personal interest in any business of the Council which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa) of the Council's Code of Conduct, the member need only disclose to the meeting the existence and nature of that interest when they address the meeting on that business.

21.3 Where a member has a personal interest in any business of the Council of the type mentioned in paragraph 8(1)(a)(viii) of the Council's Code of Conduct, s/he need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

21.4 Sub-paragraph 21.1 only applies where the member is aware or ought reasonably to be aware of the existence of the personal interest.

21.5 Where the member has a personal interest but, sensitive information relating to it is not registered in the Council's register of members' interest, s/he must indicate to the meeting that they have a personal interest, but need not disclose the sensitive information to the meeting.

21.6 Where a member has interest in any business of the Council:

(a) the member must withdraw from the room or chamber where a meeting considering the business is being held:

(i) in a case where sub-paragraph 21.2 applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless s/he has obtained a dispensation from the Council's Standards Committee;

(b) s/he must not exercise executive functions in relation to that business; and

(c) s/he must not seek improperly to influence a decision about that business.

21.7 Where a member has a prejudicial interest in any business of the Council, the member may attend a meeting (including a meeting of the overview and scrutiny Committee of the Council or of a sub-committee of such a Committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

21.8 Personal and prejudicial interests referred to above are as defined in the Council's Code of Conduct.

22. COMPLAINTS ABOUT CONDUCT

22.1 Where a member has a complaint that another member has breached the council's Code of Conduct, s/he shall either submit the complaint to the Council's Monitoring Officer or the Independent Chairman of the Council's Standards Committee.

22.2 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 Standards Committee or in the Policy & Finance Committee on receipt of a report from the Standards Committee.

23. INTEREST OF OFFICERS IN CONTRACTS

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.

24. CHIEF OFFICERS – APPOINTMENTS

(a) Where the Council propose 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.

(b) 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 readvertised.

(c) Every appointment of a chief officer shall be made by the Council or by a committee or sub-committee of the council.

(d) 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.

(e) For the purposes of paragraph 24(d) 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.

(f) 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.

(g) The Council for the purpose of this Standing Order includes a committee, sub-committee or officer to whom appropriate powers have been delegated.

(h) Canvassing of a member or members shall disqualify an applicant for an appointment with the council.

(i) 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.

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.

25. STAFF – APPOINTMENTS AND DISCIPLINARY ACTION

25.1 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.

25.2 Subject to paragraphs 25.3 and 25.5, the function of appointment and dismissal of and taking disciplinary action against a member of staff of the authority must be discharged on 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.

25.3 Paragraph 25.2 shall not apply to the appointment or dismissal of or disciplinary action against:

- (a) the officer designated as the head of the authority’s paid service;
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

25.4 Where a committee, sub-committee or officer is discharging on behalf of the Council the function of the appointment or dismissal 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 him/her or, as the case may be, must approve that dismissal before notice of dismissal is given to him/her.

25.5 Nothing in paragraph 25.2 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
- (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against that member of staff.

26. SENIOR OFFICERS - DISCIPLINARY ACTION

26.1 In paragraph 2 “chief finance officer”, “council manager”, “disciplinary action”, “head of the Council’s paid service” and “monitoring officer” have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and “designated independent person” has the same meaning as in Regulation 7 of those Regulations.

26.2 No disciplinary action in respect of the head of the Council’s paid service (unless he is also a council manager of the Council), its monitoring officer or its chief finance officer, except action described in paragraph 3, may be taken by the Council or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

26.3 The action mentioned in paragraph 26.2 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

27. MEMBERS' ACCESS TO DOCUMENTS AND PROPERTY

(a) 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 subcommittees.

(b) 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.

28. SEALING OF DOCUMENT

28.1 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 or the Head of Legal and Democratic Services or The Director of Resources.

28.2 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.

29. CONTRACTUAL STANDING ORDER

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