

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

Agenda Item No.

meeting date: TUESDAY, 16 JUNE 2015  
title: AMENDMENTS TO STANDING ORDERS (PART 4 OF THE COUNCIL'S  
CONSTITUTION)  
submitted by: CHIEF EXECUTIVE  
principal author: SOLICITOR

### 1 PURPOSE

1.1 To amend the Council's Standing Orders (Part 4 of the Council's Constitution) to implement the requirements of The Local Authority (Standing Orders) (England) (Amendment) Regulations 2015 ("**Regulations**").

1.2 Relevance to the Council's ambitions and priorities:

- Council's Ambitions – N/A
- Community Objectives - N/A
- Corporate Priorities – To be a well-managed Council. The Council's standing orders contain the necessary provisions to allow for matters to be discussed and voted upon in an orderly and proper manner
- Other considerations – It is important that our constitution is kept up-to-date, to ensure that all legislative requirements are reflected within them.

### 2 BACKGROUND

2.1 The Local Government Act 2000 provides that every Local Authority is required to prepare and keep up to date a constitution containing:

- A copy of its Standing Orders
- A copy of its Code of Conduct
- Any information directed by the Secretary of State
- Any other information considered appropriate by the Local Authority; and
- Where a Local Authority operates a Committee system the constitution must also contain a statement as to whether it has an Overview and Scrutiny Committee.

2.2 The Council's constitution is very much a living document. It has been divided into parts and these parts are accessible on the Council's website at: [http://www.ribblevalley.gov.uk/info/200213/conduct\\_and\\_the\\_constitution/1062/constitution\\_and\\_code\\_of\\_conduct\\_etc](http://www.ribblevalley.gov.uk/info/200213/conduct_and_the_constitution/1062/constitution_and_code_of_conduct_etc).

2.3 The Council's Standing Orders are the rules, which govern the conduct and proceedings of the Council's meetings (including those of its committees and sub-committees).

### 3 ISSUES

- 3.1 On 25 March 2015 the Department for Communities and Local Government wrote to the Chief Executive informing him that the Regulations would come into force on 11 May 2015 and that Councils were required to modify their standing orders to implement the Regulations before the first ordinary meeting of the Council after the Regulations come into force. A copy of the Letter and the Regulations are enclosed as **Appendix 1** to this report.
- 3.2 The letter states that the purpose of the Regulations is to simplify and localise the disciplinary process for the most senior officers of a Council. They remove the requirement that a Designated Independent Person be appointed to investigate and make a binding recommendation on disciplinary action against these staff. The decision will now be taken transparently by Full Council, who must consider any advice, views or recommendation from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the Officer concerned.
- 3.3 The Council's Standing Orders have been amended to implement the Regulations. The proposed Standing Orders are appended as **Appendix 2** to this Report. The amendments are shown in track changes for ease of reference.

### 4. RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – The Council's Solicitor will make any necessary changes and put new documents onto the website. New paper booklets containing the Standing Orders will need to be produced for Members and Officers.
  - Technical, Environment and Legal – The amendments will ensure the Council can deal with legal and technical matters more effectively.
  - Political – No implications identified.
  - Reputation – No implications identified.
  - Equality & Diversity – No implications identified.

### 5. **RECOMMENDED THAT COMMITTEE**

- 5.1 Approve the amendments outlined in the report above and shown in **Appendix 1** to this report.
- 5.2 Refer the amendments to the Council with a recommendation for their approval.

MAIR HILL  
SOLICITOR

MARSHAL SCOTT  
CHIEF EXECUTIVE

BACKGROUND PAPERS

- Appendix 1 – Letter from DCLG to Chief Executive dated 25 March 2015
- Appendix 2 – Proposed amendments to Standing Orders

For further information please ask for Mair Hill on extension 3216.

## APPENDIX 1



# Department for Communities and Local Government

Chief Executives  
Principal Local Authorities in England

Via email

25 March 2015

*Dear Chief Executive,*

### **THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015**

I am writing to let you know that today The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have been laid in Parliament, to come into force on 11 May 2015.

These Regulations, which apply to all principal councils in England, simplify and localise the disciplinary process for the most senior officers of a council i.e. the Head of Paid Service, the monitoring officer and the chief finance officer. They remove the requirement that a Designated Independent Person be appointed to investigate and make a binding recommendation on disciplinary action against these senior staff.

The Regulations provide that, in place of the DIP process, the decision will be taken transparently by full council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

In the case of a proposed disciplinary action against one of these most senior officers, the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel, and must include in that invitation any of its independent persons who are electors for that council's area.

Councils are required to modify their standing orders to implement these Regulations no later than the first ordinary meeting of the council after the Regulations come into force on 11 May 2015.

I attach a copy of the Regulations and the explanatory memorandum for your information.

Paul Rowsell  
Deputy Director – Democracy  
Department for Communities and Local Government  
2<sup>nd</sup> Floor NE Quarter, Fry Building  
2 Marsham St, London SW1P 4DF

Tel : 0303 444 1858  
Email [paul.rowsell@communities.gsi.gov.uk](mailto:paul.rowsell@communities.gsi.gov.uk)

Any queries about the Regulations should be addressed to Tayo Peters at [tayo.peters@communities.gsi.gov.uk](mailto:tayo.peters@communities.gsi.gov.uk) or Hannah Brook at [hannah.brook@communities.gsi.gov.uk](mailto:hannah.brook@communities.gsi.gov.uk).

Yours sincerely,

A handwritten signature in black ink that reads "P. Rowsell". The signature is written in a cursive style with a horizontal line underneath the name.

**Paul Rowsell**

Paul Rowsell  
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Department for Communities and Local Government  
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**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT)**  
**REGULATIONS 2015**

**2015 No. 881**

**1.** This explanatory memorandum has been prepared by the Department for Communities and Local Government (“the Department”) and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 These Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 (“the 2001 Regulations”) in order to make provision about the standing orders of local authorities in relation to staff and disciplinary procedures.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 Section 8 of the Local Government Housing and Land Act 1989 (“the 1989 Act”) allows the Secretary of State by regulations to require certain local authorities to incorporate prescribed provisions in standing orders relating to their staff. Section 20 allows the Secretary of State by regulations to require certain local authorities to adopt prescribed procedural standing orders.

4.2 Section 4 of the 1989 Act requires certain local authorities to designate one of their officers as the “head of paid service” and section 5 requires authorities to designate one of their officers as the “monitoring officer”. Section 6 of the 1989 Act and section 151 of the Local Government Act 1972 require authorities to have an officer with responsibility for financial administration, who is referred to in the 2001 Regulations as the “chief finance officer”.

4.3 Section 28(6) of the Localism Act 2011 requires relevant authorities<sup>1</sup> other than parish councils to have in place arrangements under which allegations can be investigated and decisions on allegations can be made. The authority is required by section 28(7) of that Act to appoint an independent person whose views are to be sought, and taken into account, by the authority before making a decision on an allegation that it has decided to investigate.

4.4 The 2001 Regulations require English county, district, and London borough councils, the Common Council of the City of London and the Isles of Scilly to make or modify standing orders to include certain provisions relating to staff and procedural matters. These include provision about the procedures for disciplinary action against

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<sup>1</sup> “Relevant authorities” is defined at section 27(6) of the 2011 Act.

certain senior officers, and the appointment and dismissal of the head of paid service, its monitoring officer or its chief finance officer.

4.5 Article 16 of, and paragraph 3(2) of Schedule 3 to, the New Forest National Park Authority (Establishment) Order 2005 apply regulations 6 and 7 of the 2001 Regulations to the New Forest National Park Authority, as if it were a local authority as referred to in the 2001 Regulations.

## **5. Territorial Extent and Application**

This instrument applies to councils in England only.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The most senior officers of a council i.e. the head of paid service, the monitoring officer, and the chief finance officer, have statutory responsibilities to discharge to their councils. Since they work with and report to the elected members, they discharge these responsibilities in a political environment. As a result, statutory protection requiring an appointment of a Designated Independent Person (DIP) to investigate any allegation of misconduct against these senior officers was introduced in the 2001 Regulations. Prior to 2001, a similar provision, but only in relation to the Head of Paid Service, was included in the Local Authorities (Standing Orders) Regulations 1993 (S.I. 1993/202). The DIP is appointed early in the procedure, when it appears to a council that an allegation of misconduct by the relevant officer requires to be investigated. No disciplinary action in respect of these most senior officers may be taken other than in accordance with a recommendation in a report made by a Designated Independent Person. In practice, often the DIP appointed by councils is a barrister with experience of employment law. The intention of this provision is to ensure that these officers can discharge their duties without any fear of being influenced by elected members and being dismissed without good reason.

7.2 There have been for some time concerns that the DIP process in its application to councils is in practice complex and expensive. It has placed councils as the employer at a great disadvantage in comparison to the position of the employee, particularly given that the recommendation of the DIP must be followed. The Local Government Association Group has estimated that the minimum legal cost of the process is £100,000, excluding the cost of the investigation, preparing the case and briefing lawyers<sup>2</sup>. The DIP process is time consuming particularly where the council and the senior officer concerned could not agree on a DIP, where the process can take over 15 months to reach completion.

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<sup>2</sup> By mutual agreements – Severance payments to council chief executives. Local Government report March 2010. This document is available at <http://archive.audit-commission.gov.uk/auditcommission/sitecollectiondocuments/Downloads/20100315bymutualagreementrep.pdf>.

7.3 In addition, where there are disciplinary actions against these most senior officers, there have been some suggestions that some councils prefer to negotiate severance payments rather than go through the formal DIP process. This is evidenced in the House of Commons Communities and Local Government Committee's report<sup>3</sup>, which highlights the view of the Local Government Association witness that undertaking a performance management process for top staff can currently be "very damaging and timing consuming." The Government believes that such a process is not appropriate as it defeats the purpose of having the DIP process in place. Councils ought to act in the best interest of local taxpayers and not be paying inflated sums to senior officers in order to avoid taking the costly and bureaucratic DIP route.

7.4 These Regulations simplify, as well as localise, the disciplinary process for the most senior officers by removing the bureaucratic and mandatory requirement that a DIP should be appointed. In place of the DIP process, the decision will be taken transparently by full council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned. This means that councils can consider and decide the best disciplinary process that will deliver value for money for their local taxpayers, whilst retaining independent scrutiny.

7.5 In the case of a proposed disciplinary action against one of the most senior officers, the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel. An independent panel will be formed if two or more independent persons accept the invitations, and councils should issue invitations in accordance with the following priority order:

- an independent person who has been appointed by the council and who is a local government elector,
- any other independent person who has been appointed by the council, and
- an independent person who has been appointed by another council or councils.

These requirements allow local people to be involved in the disciplinary process for senior officers and makes councils more accountable to their community.

7.6 The Regulations also make a provision limiting the remuneration that should be paid to independent persons on the panel to the level of the remuneration which they would normally receive as an independent person in the conduct regime. The conduct regime remuneration is a modest annual allowance or small meeting fee, and this approach ensures that the new process will not involve high costs.

7.7 The Regulations provide for the new arrangements for taking disciplinary action against the most senior council staff to be given effect by councils modifying their standing orders. Provision is made for councils to make this modification no later than at the first ordinary council meeting held after the 7 May 2015 elections. To achieve this the Regulations come into force on 11 May 2015.

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<sup>3</sup> Local Government Chief Officers' remuneration, published in September 2014. This document is available at <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/191/191.pdf>.

- **Consolidation**

7.8 The Government intends to consolidate the relevant regulations regarding Standing Orders into a new set of Regulations, which we anticipate to include the preserved requirements under the Local Authorities (Standing Orders) Regulations 1993 (S.I. 1993/202), the 2001 Regulations, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (S.I. 2014/165) and these Regulations. However, we are unable to do this before this Parliament is dissolved. We, therefore, aim to consolidate these Regulations as soon as practicable in the new Parliament.

## **8. Consultation outcome**

8.1 In February 2013 we sought the views of the Local Government Association (LGA), Lawyers in Local Government (formerly Association of Council Secretaries and Solicitors), the Society of Local Authority Chief Executives (SOLACE), the Association of Local Authority Chief Executives (ALACE), the Taxpayers' Alliance, the Chartered Institute of Public Finance and Accountancy (CIPFA), the Centre for Public Scrutiny (CfPS), District Councils' Network, and the Association of Democratic Services Officers (ADSO), over four weeks. These are the main representative organisations of those involved in the local government sector. Their views were invited on draft amendment regulations that provided for the abolition of the DIP process and for any dismissal decision of top officers to be taken by full council. Responses were received from LGA, SOLACE, ALACE, CfPS, Lawyers in Local Government, ADSO, CIPFA and a number of other partners, including councils. There was wide support for the abolition of the existing bureaucratic DIP process but none considered relying wholly on a full council decision would provide adequate safeguards for top staff against inappropriate dismissal. In May 2013, the Department officials met with officials from LGA to further discuss the Government proposals.

8.2 We sought the views of these partners in December 2013 for five weeks on revised draft regulations which provided that any decision to dismiss top staff must be taken by the full council, and that full council be required to consider any report about the proposed dismissal which a panel drawn from members of the council's independent remuneration panel (IRP) thought fit to put before the council. The Department received responses from most of these partners including the LGA, SOLACE and ALACE. Responses were also received from some councils and interested partners such as the Society of County Treasurers, the Association of Policing & Crime Chief Executives, and the Police and Crime Commissioners Treasurers' Society, all of which have been carefully considered before finalising the Regulations.

8.3 There was continuous support for the abolition of the existing DIP process, as well as general support for a panel to make a report to the full council before a dismissal decision is taken. However, concerns were raised about the skill set of the the panel members, and the detailed prescription about how the panel might operate. A number of partners suggested that independent persons appointed for the purpose of propriety and conduct under section 28(7) of the Localism Act 2011 would be better placed than members of the council's IRP to fulfil the role of the proposed new panel given that their role relates to the consideration of disciplinary matters.

8.4 The LGA, in their response, accepted that the existing DIP process has “undoubtedly created a process that is overly bureaucratic and time consuming”. Whilst they support the removal of the existing bureaucratic statutory process, their preferred approach was to streamline the DIP process, requiring the appointment of DIPs from a list of qualified independent people that the LGA would keep. They believed that the list, which would operate as a “taxi rank” system, would remove the lengthy delays created by the current process and reduce costs by introducing fixed rate payments.

8.5 The Government accepts the view that independent persons appointed for the purposes of the members’ conduct regime under section 28(7) of the Localism Act 2011 would be better placed for the role proposed. It also accepts that the proposed process should be simplified, leaving significantly greater flexibility for individual councils. However, the Government does not accept that the LGA’s “taxi rank” approach would be suitable. Such an approach does not support the principles of localism and accountability that the new rules aim to achieve, in that dealing with disciplinary action against top officers would not be in the hands of the full council. This would also continue to put councils, as the employer, at a disadvantage in comparison to the position of the employee. Given the extensive engagement the Government has had with partners since 2013, the Government does not consider that any further consultations are necessary and has proceeded to make and lay these Regulations on the basis outlined above.

## **9. Guidance**

9.1 These regulations are considered to be self explanatory. There are no plans to provide additional guidance.

## **10. Impact**

10.1 An impact assessment has not been produced for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 The Regulations simplify the processes for dismissing the most senior council staff, in particular putting any decisions fully in the hands of the council’s members who are accountable to their electorate for the decisions they take. With these new arrangements it is expected that the performance management of the most senior staff will be both more effective and efficient with potentially lower costs in the case of departures/dismissals than currently.

## **11. Regulating small business**

11.1 This instrument does not apply to small business.

## **12. Monitoring & review**

12.1 The Regulations make amendments to the existing 2001 Regulations and the Department does not intend to put in place any formal mechanism for monitoring and reviewing these Regulations. Any issue arising from these Regulations will be

addressed through the Department's on-going dialogue with the Local Government Association.

**13. Contact**

Tayo Peters at the Department for Communities and Local Government  
Tel: 03034442551 or email: [tayo.peters@communities.gsi.gov.uk](mailto:tayo.peters@communities.gsi.gov.uk) can answer any queries regarding the instrument.

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STATUTORY INSTRUMENTS

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**2015 No. 881**

**LOCAL GOVERNMENT, ENGLAND**

**The Local Authorities (Standing Orders) (England)  
(Amendment) Regulations 2015**

<i>Made</i> - - - - -	<i>25th March 2015</i>
<i>Laid before Parliament</i>	<i>25th March 2015</i>
<i>Coming into force</i> - - -	<i>11th May 2015</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 8, 20 and 190(1) of the Local Government and Housing Act 1989(a) makes the following Regulations.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and come into force on 11th May 2015.

(2) In these Regulations—

“the 2001 Regulations” means the Local Authorities (Standing Orders) (England) Regulations 2001(b).

**Amendments relating to approval of dismissal of certain officers**

2.—(1) The 2001 Regulations are amended as follows.

(2) In regulation 5, after “the appointment or dismissal of the head of the authority’s paid service” insert “, or the dismissal of the authority’s monitoring officer or chief finance officer,”.

(3) For regulation 6 substitute—

**“Standing orders in respect of disciplinary action**

6. No later than the first ordinary meeting of the authority falling after 11th May 2015 a local authority must, in respect of disciplinary action against the head of the authority’s paid service, its monitoring officer or its chief finance officer—

- (a) incorporate in standing orders the provisions set out in Schedule 3 or provisions to the like effect; and
- (b) modify any of its existing standing orders in so far as is necessary to conform with those provisions, in particular by removing from its existing standing orders the provisions which were set out in Schedule 3 as it was immediately before the date

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(a) 1989 c. 42. Section 20 was amended by section 119 of, and Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20).  
(b) S.I. 2001/3384. There are no relevant amendments.

that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force, or provisions to the like effect.”

(4) Regulations 7 (investigation of alleged misconduct) and 10 (transitional and consequential provisions) are omitted.

(5) In Schedule 1 (provisions to be incorporated in standing orders relating to staff)—

(a) in paragraph 4 of Part 1 (authority with mayor and cabinet executive) and in paragraph 4 of Part 2 (authority with leader and cabinet executive), in each case for paragraph (1) substitute—

“(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority’s paid service, the authority must approve that appointment before an offer of appointment is made to that person.

(1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority’s paid service, as the authority’s chief finance officer, or as the authority’s monitoring officer, the authority must approve that dismissal before notice is given to that person.”;

(b) for paragraph 4 of Part 4 (authority operating committee system), substitute—

“4.—(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority’s paid service, the authority 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 authority, the function of the dismissal of an officer designated as the head of the authority’s paid service, as the authority’s chief finance officer, or as the authority’s monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.”.

(6) For Schedule 3 (provisions to be incorporated in standing orders in respect of disciplinary action) substitute the Schedule set out in the Schedule to these Regulations.

### **Transitional and saving provisions**

3.—(1) Where, before the date on which these Regulations come into force, anything was being done in respect of an allegation of misconduct in accordance with—

(a) regulation 7 of the 2001 Regulations, including that regulation as applied by regulation 10(1)(b) of the 2001 Regulations; or

(b) the provisions set out in paragraph 4 of Part 1 of Schedule 1 to the Local Authorities (Standing Orders) Regulations 1993(a), or Schedule 3 to the 2001 Regulations (or provisions to the like effect) incorporated in the local authority’s standing orders,

the provisions mentioned in paragraphs (a) and (b) shall continue to apply in respect of the allegation of misconduct in question.

(2) Anything which, before the date on which the local authority incorporated or modified provisions in standing orders in accordance with the 2001 Regulations as amended by regulation 2, was being done by, to or in relation to an officer in accordance with a provision mentioned in paragraph (1) may be continued after that date by, to or in relation to that officer in accordance with that provision.

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(a) S.I. 1993/202. The Local Authorities (Standing Orders) Regulations 1993 were repealed by S.I. 2001/3384 subject to savings specified in regulation 8(3) of S.I. 2001/3384

(3) Nothing in these Regulations shall apply in relation to the standing orders of the New Forest National Park Authority as provided for in Part 1 of Schedule 3 to the New Forest National Park Authority (Establishment) Order 2005(a).

Signed by authority of the Secretary of State for Communities and Local Government

25th March 2015

*Kris Hopkins*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

## SCHEDULE

Regulation 2

### “SCHEDULE 3

Regulation 6

#### Provisions to be incorporated in standing orders in respect of disciplinary action

1. In the following paragraphs—

- (a) “the 2011 Act” means the Localism Act 2011(b);
- (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);
- (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(d) 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
- (g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

3. The authority 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.

4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

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(a) SI 2005/421. Article 16 of Part 1 of Schedule 3 of the Order applies regulation 7 of the 2001 Regulations to the New Forest National Park Authority, as if it were a local authority as referred to in the 2001 Regulations.

(b) 2011 c. 20.

(c) S.I. 2001/3384.

(d) 1972 c. 70.

5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

7. The authority must appoint any Panel at least 20 working days before the relevant meeting.

8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority 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.

9. Any remuneration, allowances or fees paid by the authority 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."

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 ("the 2001 Regulations"), which require certain local authorities in England to make or modify standing orders so that they include certain provisions relating to staff and other matters.

Regulation 2 removes the provisions in the 2001 Regulations, except insofar as they apply in relation to the standing orders of the New Forest National Park Authority, relating to the "designated independent person" required to be appointed by a local authority before it could dismiss or discipline its head of paid service, monitoring officer or chief finance officer. It makes new provision about the procedure to be followed in such cases, which authorities are required to include in their standing orders. It also requires that the authority, when setting up its panel for the purpose of advising on matters relating to the dismissal of a relevant officer, invite independent persons who have been appointed under section 28(7) of the Localism Act 2011. The authority is required to appoint such independent persons to the panel in the specified priority order and the panel must have at least two members.

Regulation 3 makes transitional provisions in relation to regulation 2.

No impact assessment has been prepared in relation to these Regulations because no impact on the private or voluntary sectors is foreseen.

# APPENDIX 2

Part 4 of the Constitution, 2015



Ribble Valley  
Borough Council

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

**Ribble Valley Borough Council  
General Standing Orders**

**JuneMarch 2015**

Part 4 of the Constitution, 2015

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## 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.

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

### **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.
  - 6.1.3 no person shall speak for more than 3 minutes;

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- 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,
  - 8.1.5 refer a matter back to a committee; and/or

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- 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
  - 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.

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- 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 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.

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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 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;
  - 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);

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- 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.

**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;

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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**

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:

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- 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
  - 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**

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.

**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, the Committees shall establish such sub-committees and working groups as it deems necessary and the Members who shall sit on them.

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 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;

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.

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**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;
  - 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.

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**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;
  - 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.
- 26.8 A point of order is a request by a member to the chairman to rule on an alleged irregularity in the constitution 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.

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- 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.

### **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

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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;

25.19.2 the member will respond, for or against the Motion or abstaining; and

25.19.3 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.

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.

**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 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.

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- 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 30.3 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.
- 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.

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- 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 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 34.23 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

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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 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 that person, him/her or, as the case may be, must approve that dismissal before notice of dismissal is given to him/her.~~

~~(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 serve, 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 paragraph 35.2 of this Standing Order "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.~~

~~35.2 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).~~

~~35.3 The action mentioned in paragraph 35.2 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.~~

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;

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(f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(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.

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**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.
- 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.