

To:
All members of the
Council

Please reply to:
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Date: 26 May 2021

Supplementary Agenda

Annual Council - Thursday, 27 May 2021

Dear Councillor

I enclose the following item which was marked 'to follow' on the agenda for the Annual Council meeting to be held on Thursday, 27 May 2021:

10. Minor amendments to the Constitution for implementation of the Committee system 3 - 46

To consider the adoption of the proposed minor changes to the Constitution required to operate the Committee System.

Yours sincerely

Michelle Beaumont
Committee Services

To the members of the Council

Councillors:

C.F. Barnard (Mayor)
M.M. Attewell
C.L. Barratt
R.O. Barratt
C. Bateson

R.D. Dunn
S.A. Dunn
T. Fidler
N.J. Gething
M. Gibson

J. McIlroy
A.J. Mitchell
S.C. Mooney
L. E. Nichols
R.J. Noble

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K.M. Grant
A.C. Harman
H. Harvey
I.T.E. Harvey
N. Islam
T. Lagden
V.J. Leighton
M.J. Madams

O. Rybinski
D. Saliagopoulos
J.R. Sexton
R.W. Sider BEM
V. Siva
R.A. Smith-Ainsley
B.B. Spoor
J. Vinson

Council

27 May 2021



	Minor amendments to the constitution for implementation of the committee system
Purpose of the report	To make a decision
Report Author	Victoria Statham, Group Head of Corporate Governance
Recommendations	To approve the amendments to Parts 3b and 4a of the Constitution as set out in this report.
Reason for Recommendation	To ensure that the Constitution is an effective document for the operation of a committee system

1. Background

- 1.1 On 23 March 2021 the Council resolved to cease operating the Cabinet form of governance and operate a committee system from the Annual Council Meeting on the 27 May 2021. It was also resolved to adopt an updated Constitution from the implementation of that new system.
- 1.2 Since the 23 March 2021 officers have been finalising the documentation and process for the commencement of the committee system and this work has highlighted some minor amendments to the Constitution which are required.

2. Constitutional amendments

- 2.1 When the revised terms of reference were presented to the Council in March 2021, inadvertently the Appeals Committee for Chief Officers was deleted. This is a statutory requirement and needs to be reinstated.
- 2.2 Amendments have been made to the Planning Committee terms of reference due to Government definition changes on minor and major applications and on advice regarding tree preservation orders, and to enable officers to take prompt action against unauthorised dwellings.
- 2.3 Amendments have been made to the Licensing terms of reference for the inclusion of powers relating to taxi and private hire licensing.
- 2.4 At its meeting on the 23 March 2021, the Council agreed an amendment to the membership of the Development Sub-Committee such that "5 members will be appointed by the Corporate Policy and Resources Committee and 2 members appointed by the Environment and Sustainability Committee". Standing Order 37.1 requires Council to appoint Sub-Committees on the recommendation from the parent Committee(s). Therefore, rather than appointing members, the Corporate Policy and Resources and Environment and Sustainability Committees will be required to nominate 5 and 2 members

respectively, for Council to approve. It is therefore proposed to amend 'appointed by' to 'nominated by' in the terms of reference for the Development Sub-Committee..

- 2.5 Standing Order 8.3 (e) provides for the Annual Council meeting to:

"Appoint the Chairs and Vice-Chairs of the other Service Committees on a politically proportionate basis.."

It is proposed to remove the word 'Service' from this Standing Order as the intention of the Committee System Working Group, as recorded in the minutes of its meeting held on 17 February 2021, was that Council appoints the Chairs and Vice-Chairs of all the Committees.

- 2.6 Apart from the appointment to the Police and Crime Commissioners Panel and the South West Crematorium Board which are reserved to Council, other appointments to Outside Bodies have historically been made by the Cabinet and the Leader. With the move to the committee system, it is proposed that all outside body appointments not reserved to Council, are delegated to the Corporate Policy and Resources Committee and consequently that this function is included in the Committee's terms of reference.
- 2.7 This change is also reflected in the business of the Annual Meeting at paragraph 8.3(h) of Standing Orders.
- 2.8 Attached at Appendix A and B are clean copies of the proposed amended Terms of Reference and Standing Orders to address the above. Tracked changed versions of both documents are available to Members in the Mod.Gov app library.

3. Financial implications

- 3.1 There are none.

4. Timetable for implementation

- 4.1 The amendments will take effect upon agreement.

Background papers: There are none

Appendices:

Appendix A – Terms of Reference

Appendix B – Standing Orders

TERMS OF REFERENCE

All Committees will have the following functions in respect of their respective areas:

- To develop the Council's policy, strategy and budget proposals
- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.
- To encourage performance improvement in relevant services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.
- To develop a full understanding of the functions and services within the Committee's remit
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's processes for decision making.
- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with local Ward councillors about policy developments or service initiatives which have a specific relevance to the Committee.
- To support positive relationships and practices through co-operative working with staff.
- To commission studies or the collection of information relating to policy issues (Corporate Policy and Resources Committee) or service delivery (Service Committees).
- Each Committee is limited in authority to grant expenditure to £1 million for any particular project without seeking approval from full Council. Any project must be taken as a whole, and the project cannot be sub-divided into its constituent parts with each being authorised separately to avoid this limit set by this rule.

CORPORATE POLICY & RESOURCES COMMITTEE**Membership**

15 members reflecting political balance, comprising the Chairs and Vice-Chairs of the Service Committees and with the Leader and Deputy Leader appointed as Chair and Vice-Chair of this Committee

Functions

This committee has responsibility for the following functions of the Council:

- Formulation of the Council's annual budget, including the capital and revenue budgets, prudential controls and council tax, and to recommend to Council
- Overseeing and managing the Council's financial strategies plans, and regulations
- Formulating the Council's community and corporate plans and to recommend to Council
- Formulating and co-ordinating the Council's Policy Framework and to recommend to Council accordingly
- Revenues and benefits
- Human Resources Policy
- Performance management, Project management & service delivery options/transformation
- Property asset management including investment, purchases and disposals, and compulsory purchases
- Making appointments to those Outside Bodies which are not reserved to Council
- Matters that cross the remits of two or more 'service' committees and/or to resolve conflict
- To monitor and review relevant Council policies and strategies.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community

Development Sub-Committee**Objective:**

Within the overall policies and strategies set by the Council, to provide leadership, decision making and accountability for the implementation of the Council's planned programme of capital works, both housing and large - scale non-housing schemes.

Membership

5 members nominated by the Corporate Policy and Resources Committee and 2 members nominated by the Environment and Sustainability Committee drawn from all members of the Council and reflecting political balance.

Functions

1. Acquisitions

- (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to possible new property acquisitions
- (b) Following (a) above, to give an initial steer on whether to investigate further those potential acquisitions
- (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with particular acquisitions in accordance with relevant Council procedure rules.

2. Disposals

- (a) To receive recommendations from officers (where officer/member delegation financial limits are exceeded) as to the potential freehold disposal of property assets
- (b) Following (a) above, to give an initial steer on whether to investigate further those potential disposals
- (c) Following (b) above and any subsequent reports from officers, to make recommendations to the Corporate Policy & Resources Committee to proceed with particular freehold disposals in accordance with relevant Council procedure rules.

3. Management of Strategic Investments

- (a) To approve leasehold disposals (lettings) in residential developments, investment and retail properties ((where officer/member delegation financial limits are exceeded)
- (b) To approve the transfer of residential property assets from Knowle Green Estates Ltd if deemed necessary for the appropriate and effective management of the estate
- (c) To receive quarterly reports on the management of the investment assets, including rental income, potential letting opportunities, significant assignments and any other estate management issues based on officer recommendations.

4. Management of Municipal Portfolio

To approve leasehold disposal (lettings) of municipal properties which exceed officer/member financial delegation limits

5. Development

- (a) To fully review the business case for all potential development projects including scheme detail, build costs, risks and issues and financial performance including viability
- (b) To oversee the budget for each approved project and the effective implementation of the council's development programme

- (c) To approve the award of development contracts over the Public Contracts Regulations threshold or where the requirement is strategic/critical in accordance contract standing orders
- (d) To receive reports from officers and make decisions as set out on the Development-Gateway stages - Appendix A to this document. This includes instances (at any point in the Gateway stage process) where there has been any variance of projected costs over and above the agreed budget (whether the budget was set by the P&R Committee in a specific report, or in the Capital Programme).
- (e) To receive bi-monthly “Red, Amber and Green’ rating reports on all approved development projects. To include high-level finance projections, risk registers and project timeline.
- (f) To receive bi-annual presentations of the longer-term expenditure plan across the development portfolio which is to indicate future funding streams and expectations.
- (g) To receive an annual report on progress and success, setting out performance against any targets (including projected expenditure and costs).

Appendix A – Development-Gateway stages

Five stages of sign off:

1. Acquisition/Feasibility
2. Outline design
3. Detailed design prior to planning permission application
4. Construction
5. Transfer to business as usual

Stage	Decision	Reference back to P&R	Documentation required
Acquisition/feasibility	To undertake initial design development up to feasibility stage. Appointment of consultants if decision at committee level is under contract standing orders.	For actual purchase if appropriate.	Project brief
Outline design	To progress to Concept design (RIBA stage 2) up to planning submission	If supplementary expenditure required	Outline design and project progress report
Detailed design	To sign off detailed design (RIBA stage 3-4) post grant of planning permission. Sign off tender for contractor if required under CSOs.	If supplementary expenditure required	Detailed design and project progress documentation

Construction	To award the contract for the contractor if required under CSOs. To progress to construction	If supplementary expenditure required	Tender report and project progression documentation
Transfer to business as usual	To make any transfer to KGE. Project sign off	Report to note on outcome	Project completion documentation.

ENVIRONMENT & SUSTAINABILITY COMMITTEE

Membership

15 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Planning policy
- The Local Plan
- Waste strategy & management
- Recycling
- Biodiversity
- Climate change – including air quality, carbon management, mitigation and adaptation measures
- Public Health
- Parks, open spaces and allotments
- Emergency planning
- Review and scrutiny of the exercise by the relevant authorities of the flood risk management functions which may affect the Council's area.
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.

ECONOMIC DEVELOPMENT COMMITTEE

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Economic development, business partnerships and town centre viability & regeneration
 - Heathrow liaison
 - Business transformation, support and inward investment
 - Tourism
 - Transport
 - To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
 - To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
 - To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
 - To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.
- + The scrutiny of Heathrow to be carried out jointly with Environment & Sustainability Committee

COMMUNITY WELLBEING & HOUSING COMMITTEE**Membership**

13 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Leisure, libraries, arts, sports and culture
- Community development and engagement
- Voluntary sector strategy and liaison
- Housing policy & strategy
- Housing options, advice and benefits
- Affordable housing and homelessness
- Private sector and social housing enforcement
- Home Improvement Agency
- Grants to outside bodies
- Education and young people
- Services for older people
- Day centres
- Supported living independently – including meals on wheels
- Family support
- Disability issues and grants
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.

NEIGHBOURHOOD SERVICES COMMITTEE

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Street cleansing services
- Street Scene
- Parking Services
- Customer Services and consultation
- Building Control
- Cemeteries
- Community safety and crime & disorder
- Civil Enforcement (JET)
- Environmental protection – including food safety & enforcement
- Health & Safety enforcement
- Consumer protection, licensing, trading standards and environmental health matters
- Planning enforcement
- To monitor and review relevant Council policies and strategies and recommend changes or new policies to the Corporate Policy and Resources Committee.
- To review and scrutinise service delivery and in particular ensuring that best value in service delivery is being obtained for the community.
- To undertake scrutiny and monitor the performance of external bodies who deliver services to the community
- To review and scrutinise budget proposals and make recommendations to the Corporate Policy and Resources Committee.

ADMINISTRATIVE COMMITTEE

Membership

9 members reflecting political balance.

Functions

This committee has responsibility for the following functions of the Council:

- Corporate Services including Communications, Legal Services, ICT, Democratic Services and Electoral Services
- Human Resources, personnel, pensions and administrative arrangements

POLICE AND CRIME COMMISSIONER'S PANEL

The Panel is a joint committee, made up of both appointed and co-opted members. All county, district and borough councillors are eligible to be Panel members.

In Surrey, there are 12 appointed members equating to the 12 councils. One councillor from Spelthorne Borough Council (appointed annually by Council) is a member of the Panel. In addition, there must be at least 2 co-opted members on the Panel (co-opted by the Panel itself, not the constituent councils) but the size of the Panel must not exceed 20 members in total. Surrey County Council is the lead authority administering the work of the Panel.

The Panel is established as an Overview and Scrutiny body and therefore has the legal powers to:

- Require any papers in the Police and Crime Commissioner's (PCC) possession (except those that are operationally sensitive).
- Require the PCC (and his staff) to attend the Panel to answer questions.
- Request the Chief Constable attends to answer questions where the PCC has been required to appear before the Panel.
- Make reports and recommendations on any action or decision of the Commissioner.

The Police Reform and Social Responsibility Act 2011 details the functions that the Panel exercises as follows:

- Review the draft police and crime plan, or draft variation, given to the Panel by the PCC and make a report or recommendations on the draft plan or variation to the PCC.
- Review the PCC's annual report and make a report or recommendations on the report to the PCC.
- Review or scrutinise decisions made or other action taken by the PCC in connection with the discharge of the PCC's functions.
- Publish any report and recommendations made to the PCC.
- Review certain senior appointments made by the PCC.
- Review Chief Constable appointments, with the power to veto the appointment with a two-thirds majority.
- Review and report on the PCC's proposals to remove a Chief Constable.
- Review the PCC's level of precept, with the power to veto the proposed precept with a two-thirds majority.
- Suspend the PCC if he or she is charged with certain criminal offences.
- Appoint an acting PCC if necessary.
- Initial handling and informal resolution of complaints about the conduct of the PCC or his Deputy.

REGULATORY COMMITTEES

AUDIT COMMITTEE

(7 councillors reflecting political balance and one independent member)

1. To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process:
 - To approve (but not direct) the internal audit's strategy plan and performance.
 - To review summary internal audit reports and the main issues arising and to seek assurance that action has been taken where necessary.
 - To consider the reports of external audit and inspection agencies.
 - To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud, bribery and anti-corruption arrangements.
 - Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
 - To be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and to take actions required to improve it.
 - To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
 - To review the financial statements, external auditors' opinion and reports to councillors, and monitor management action in response to the issues raised by external audit.

LICENSING COMMITTEE

(13 members reflecting political balance)

1. Subject to staff delegations, In relation to the Licensing Act 2003:

- a. The determination of an application for a premises licence where relevant representations have been made and not withdrawn;
- b. The determination of an application for a club premises certificate where relevant representations have been made and not withdrawn;
- c. The determination of an application for a provisional statement where relevant representations have been made and not withdrawn;
- d. The determination of an application for variation of a premises licence/club premises certificates where relevant representations have been made and not withdrawn;
- e. The determination of an application to vary the designated premises supervisor following objections from a Responsible Authority;
- f. The determination of an application for the transfer of a premises licence following objections from a Responsible Authority;
- g. Consideration of an objection from a Responsible Authority made to an interim authority notice;
- h. The decision to give counter notice following objections from a Responsible Authority to a temporary event order;
- i. The determination of an application for the grant of a personal licence following objections from the Responsible Authority;
- j. The determination of an application for a review of a premises licence.

2. In relation to the Gambling Act 2005:

- a. The determination of an application for a licence where relevant representations have been made and not withdrawn;
- b. The determination of an application for a variation of a licence where relevant representations have been made and not withdrawn;
- c. The determination of an application for the transfer of a licence where relevant representations have been received from the Gambling Commission;
- d. The determination of an application for a provisional statement where relevant representations have been received and not withdrawn;
- e. The determination of an application for a review of a licence;

- f. The determination of an application for club gaming / club machine permits where objections have been made and not withdrawn;
 - g. The cancellation of club gaming / club machine permits where relevant representations have been received and not withdrawn;
 - h. The decision to give a counter notice to a temporary use notice.
3. In relation to Part II Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982:
- a. To grant or refuse applications for the grant, renewal or transfer of licences for sex establishments;
 - b. To grant or refuse applications for variations;
 - c. To attach such terms, conditions and restrictions to licences as is seen necessary and appropriate;
 - d. To revoke licences
4. In relation to taxi and private hire licensing:
- a. the adoption of all policies relating to taxi and private hire licensing.
 - b. In relation to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to revoke, refuse, to grant or renew, hackney carriage and private hire drivers and operators licences in circumstances where officers consider it appropriate to refer the matter to the Committee or Sub-Committee;
 - c. To determine whether a charge should be made and where applicable, the level of such fees and charges for the issue, approval, consent, licence or permit, or other registration pursuant to powers set out in the Local government (Miscellaneous Provisions) Act 1976 and the Local Government (Miscellaneous Provisions) Act 1982;
 - d. To determine applications for the revision of the taxi fare tariff pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
5. The passing of a resolution that the schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.

All members of the Licensing Committee may serve on a Sub-Committee and delegated authority is given to the Monitoring Officer, in consultation with the Chairman of the Licensing Committee, to select members to serve on a Sub-Committee on a case by case basis.

PLANNING COMMITTEE

(15 Members reflecting political balance)

Subject to staff delegations, any applications for planning permission under Part III of the Town and Country Planning Act 1990 to which any of the following below apply AND subject to no decisions being issued within 21 days of the application's appearance on the Publicity Schedule;

- 1 Where councillor representations are received in writing within the specified "call in" period within the approved scheme.
- 2 Where the Planning Development Manager decides, after consultation with the Chairman of the Planning Committee, that an application should be submitted to the Planning Committee on planning grounds, or where there is significant public concern or where it is very contentious.
- 3 Where the application is submitted by the Council or by the Council with another person (individual or corporate).
- 4 Where the application is submitted by an officer of the Council (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 5 Where an application is submitted by a councillor (which shall also include applications for lawful development under Part VI of the 1990 Act).
- 6 Approval of over 9 (nine) net additional residential units by new build (minor application).
- 7 Approval of over 1,000m² net additional floor space by new build (major application)
- 8 Recommendation of no objection for over 1,000m² net additional building floor space or 1 hectare net additional land area in connection with new Surrey County Council minerals and waste applications (gravel extraction/restoration).
- 9 Recommendation of no objection for extension of time limits for Surrey County Council minerals and waste applications where the net additional land area is over 5000m².
- 10 Powers under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as revised or amended)
- 11 For the local listing of any building

STANDARDS COMMITTEE

(9 Councillors reflecting political balance + 2 Independent Members)

Promoting the maintenance of high standards of conduct by councillors and any co-opted members of the Council.

In addition to the broad functions of the Committee set out in Article 8 it is also delegated to undertake the following work on behalf of the Council:

- to keep an overview on the arrangements for dealing with complaints under the code of conduct, making alterations and publishing them where it considers necessary;
- to devise such further protocols and procedures as are necessary for the efficient management of complaints which have to be considered by a hearings panel;
- to consult with the Independent Person on any matters which have broad implications for the promotion of high standards by the Council;
- to make recommendations to Council on standing orders for the registration and declaration of Disclosable Pecuniary Interests and other interests; and,
- to make recommendations to Council on any revisions to the Members' Code of Conduct and the registration of interests.
- To promote, manage and agree a programme of member development.

Hearings Panels (comprising three councillors drawn from the membership of the Standards Committee and chaired by an independent member) established under the Council's published arrangements for dealing with complaints may:

- require the Member to apologise either privately or in public;
- require the Member to attend training;
- censure the Member;
- send a report to Council to censure the Member;
- require the Monitoring Officer to publish a report in the newspaper or on the Council's website about the councillor's conduct;
- withdraw privileges provided by the Council such as computer equipment, internet or email access;
- recommend to the councillor's group leader that the councillor be removed from a Committee, or an outside body (as appropriate); or,
- a combination of any of the above.

APPEALS COMMITTEE

MEMBERSHIP

A Panel of five councillors. All councillors form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit. The members chosen to serve on this Committee may not also sit on the Investigating and Disciplinary Committee in respect of the same matter.

RESPONSIBILITIES

To hear appeals against action taken short of dismissal in relation to the Council's chief officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and conduct any further investigation it considers necessary to reach a decision either to confirm the action or to award no sanction or a lesser sanction.

INVESTIGATING AND DISCIPLINARY COMMITTEE

MEMBERSHIP

A panel of five councillors. All councillors form a panel and are eligible to serve on the Committee with membership selected by the group leaders on a proportional basis as and when the Committee is required to sit.

RESPONSIBILITIES

1. To conduct an initial assessment of allegations against the Chief Executive, Chief Finance Officer or Monitoring Officer (together known as Statutory Officers), or other issues under investigation.
2. To consider whether it is appropriate to suspend a Statutory Officer if an allegation is such that if proven it would amount to gross misconduct or if the continuing presence at work of the Statutory Officer might compromise the investigation or impair the efficient exercise of the council's functions.
3. The Chairman of the IDC may suspend the Statutory Officer immediately in an emergency if an exceptional situation arises whereby allegations of misconduct by the Statutory Officer are such that his / her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the authority.
4. To agree or authorise any protocols which are necessary to manage the suspension of the Statutory Officer and the investigation.
5. To review the suspension of the Statutory Officer after a period of two months has elapsed.
6. To decide whether to appoint an Independent Investigator to undertake a more detailed investigation of an allegation against the Statutory Officer or other issues under investigation.
7. To appoint an Independent Investigator selected from the list maintained by the National Joint Secretaries, providing the necessary facilities, paying the remuneration and providing all available information about the allegations.
8. To consider the report of the Independent Investigator, and also give the Statutory Officer the opportunity to state his / her case and to question witnesses, where relevant, before making a decision.

INDEPENDENT PANEL

MEMBERSHIP

A Panel shall comprise of independent persons (at least two in number) who have been appointed by the Council, or by another Council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011.

Invitations for membership of the Panel shall be issued in accordance with the following priority order, as and when the Panel is required to sit:

- (a) an independent person who has been appointed by the Council and who is a local government elector in the authority's area
- (b) any other independent person who has been appointed by the Council and
- (c) an independent person who has been appointed by another council or councils

RESPONSIBILITIES

1. In a case where the Investigating and Disciplinary Committee (IDC) is proposing dismissal of a Statutory Officer:
 - to receive any oral representations from the Statutory Officer
 - to invite any response on behalf of the IDC to the points made
 - to review the decision and prepare a report for Council offering any advice, views or recommendations it may have to the council on the proposal for dismissal

Appropriate training should be provided for Independent Panel members.

Members of an Independent Panel may claim out of pocket expenses in relation to their work on the Panel.

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42. [AUDIT COMMITTEE – ATTENDANCE BY NON-COMMITTEE COUNCILLORS](#)
43. [CHAIRING OF COMMITTEES](#)

These Standing Orders are the rules which apply to meetings of the Council and should be read in conjunction with the Access to Information Procedure Rules and the Budget and Policy Framework Procedure Rules

1. TIME AND PLACE OF MEETINGS

- 1.1** Meetings of the Council and Committees will normally take place at 7.00pm in the Council Chamber at the Council Offices, Knowle Green, Staines unless otherwise notified by the proper officer in the summons to the meeting.
- 1.2** Meetings of Sub-Committees, Panels, Working and Task Groups will normally take place during the daytime, subject to councillors' availability.

2. NOTICE OF AND SUMMONS TO MEETINGS

- 2.1** The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons signed by him/her to every councillor giving the date, time and place of the meeting and specifying the business to be transacted and will be accompanied by any reports which are available.
- 2.2** The Chief Executive may cancel a meeting of the Council or its Committees where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor or the Committee Chair (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.

3. CHAIRING OF MEETINGS

- 3.1** The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the councillors present will elect any past Mayor present to take the Chair for the meeting.
- 3.2** The references to the Mayor also include the Chair of any Committee or Sub-Committee and references to Deputy Mayor also include the Vice-Chair of any Committee or Sub-Committee, unless the matter relates to Council meetings only.
- 3.3** The person presiding at the meeting may exercise any power of duty of the Mayor.

4. QUORUM

- (a) The quorum of the Council is one quarter of the total number of councillors and no business shall be considered unless a quorum is present.
- (b) If there is no quorum present at the time set for the start of a meeting, the start will be delayed for 30 minutes and if a quorum is still not present the meeting will stand adjourned to another day.
- (c) If, during the meeting, the Mayor declares that there is no quorum, the meeting will adjourn immediately for up to 10 minutes. If the

meeting is not quorate after 10 minutes the meeting will stand adjourned.

- (d) Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council.

5. DURATION OF MEETING

5.1 The Chief Executive or his representative at any Council meeting will indicate to the councillors present when any meeting has lasted for 3 hours.

5.2 Unless the majority of councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meeting.

6. ORDINARY MEETINGS

6.1 Ordinary meetings of the Council will take place in accordance with a programme decided at, or before, the Council's annual meeting or as otherwise agreed from time to time by the Council.

6.2 The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.

6.3 The agenda at an ordinary Council meeting will normally be to:-

- (a) Elect a person to preside if neither the Mayor or Deputy Mayor are present (see Standing Order 3.1)
- (b) Receive any apologies for absence
- (c) Approve the minutes of the last meeting
- (d) Receive any declarations of interest from councillors
- (e) Receive any announcements from the Mayor, Leader (or his nominated spokesperson), Committee Chairs and/or the Chief Executive
- (f) Receive questions from members of the public and hear the Leader or other appropriate councillor provide answers
- (g) Receive petitions; (See Standing Order 15)
- (h) Deal with any business from the last Council meeting
- (i) Deal with referrals from Service Committees in accordance with the Reservation Scheme (Part 4c)
- (j) Deal with any recommendations from the Committees
- (k) Receive reports from the Committee Chairs and any questions arising from those reports
- (l) Receive reports about and hear questions and answers on the business of joint arrangements and external organisations
- (m) Consider motions

- (n) Hear the Leader or his nominee or appropriate Committee Chairs answer any questions from councillors on matters generally affecting the Borough or for which their committee has responsibility; and
- (o) Consider any other business specified in the summons to the meeting.

7. EXTRAORDINARY MEETINGS

7.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:

- (a) The Council by resolution
- (b) The Mayor
- (c) The Monitoring Officer; and
- (d) Any five councillors if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

7.2 Date of Extraordinary meeting

When considering a requisition, the Mayor shall decide, in consultation with the Chief Executive whether the meeting should be called on the same date as the next scheduled ordinary meeting of the Council or an alternative date in wholly exceptional circumstances.

7.3 Business

The business at an extraordinary meeting will be confined to consideration of the specific issue(s) for which it was called.

8. ANNUAL MEETING

8.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May/

8.2 The Council will sing the National Anthem, led by the Mayor, at the commencement of proceedings, or at such point in the proceedings as the Mayor may otherwise direct.

The Annual meeting will:

- (a) Elect a person to preside if the Mayor is not present
- (b) Elect a councillor to be the Mayor of the Council
- (c) Elect a councillor to be Deputy Mayor of the Council
- (d) Approve the minutes of the last ordinary meeting
- (e) Receive any declarations of interest
- (f) Receive any announcements from the Mayor
- (g) Elect councillors to be the Leader and Deputy Leader for the next municipal year
- (h) Approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- (i) Consider any business set out in the notice convening the meeting

8.3 Selection of Councillors on Committees and Outside Bodies

At the Annual meeting, the Council will:

- (a) Decide which committees to establish for the municipal year
- (b) Decide the size and terms of reference for those committees
- (c) Decide the allocation of seats to political groups in accordance with the political balance regulations
- (d) Appoint the Leader and Deputy Leader to be the Chair and Vice-Chair respectively of the Corporate Policy and Resources Committee
- (e) Appoint the Chairs and Vice-Chairs of the other committees on a politically proportionate basis, and where feasible these positions on any one Committee being filled by members from different political groups
- (f) Appoint the Chairs and Vice-Chairs of sub-committees, where necessary
- (g) Receive nominations of Councillors to serve on each committee and those councillors to stand as substitute member on each Committee
- (h) Appoint to such outside bodies not delegated to a Committee, that require a Council decision i.e. Police and Crime Commissioner's Panel and South West Middlesex Crematorium Board

8.4 The Council may however decide at subsequent meetings to dissolve committees, alter their terms of reference or appoint new committees.

9. SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

9.1 A Councillor may nominate another Councillor of his or her own political group to act as a substitute in the absence of the nominating Councillor at a meeting of a committee or sub-committee, in accordance with the Substitution Scheme set out in Part 4(c)

10. MINUTES

10.1 Signing the Minutes

The Mayor will sign the minutes of a meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be conformed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

10.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

10.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor to put them.

11. DECLARATION OF INTEREST

11.1 Where in relation to an item on the agenda, a councillor has a **Disclosable Pecuniary Interest**, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. The councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.

11.2 Where in relation to an item on the agenda, a councillor has

- (a) a **Non-Pecuniary interest** arising under paragraphs 15 and 16 of the Code of Conduct for Councillors and Co-opted Members (the “Members’ Code of Conduct”) (membership of outside bodies etc.), or,
- (b) any other **Conflict of Interest**

then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. A councillor is not required to leave the room when the item is debated but may do so if, in the opinion of the councillor concerned, it is advisable in all the circumstances of the case. A councillor with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

12. REPORTS OF COMMITTEES

12.1 Where the Committee is reporting a matter which is reserved to Council the relevant Committee Chair (or a member of the relevant committee nominated by the chair of that committee) will introduce the report. The normal rules of debate will apply to any debate on the recommendations.

12.2 A Councillor may ask a question on any recommendation from Committees in accordance with standing order 14.1.

13. PUBLIC INVOLVEMENT IN COUNCIL

13.1 General

Meetings of the Council will allow for a period not exceeding 30 minutes during which time members of the public may ask the Leader or Committee/Sub-Committee Chairs questions relating to matters over which the Council has powers or duties or which affect the Borough.

13.2 Order of Questions

Questions will be asked in the order received, except that the Mayor may group together similar questions.

13.3 Notice of Questions

A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon five working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the councillor to whom it is to be put.

13.4 Scope of Questions

The Chief Executive may reject a question if it:

- (a) Is not about a matter for which the Council has a responsibility or which affects the Borough;
- (b) Is defamatory, frivolous or offensive; or
- (c) Requires the disclosure of confidential or exempt information.

13.5 Record of Questions

The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

Questions and the answers given will be recorded in the minutes of the meeting.

13.6 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

13.7 Supplementary Question

No supplementary questions will be allowed.

13.8 Written Answers

Any question which cannot be dealt with during public question time, either due to lack of time, or the non-attendance of the councillor to whom it was to be put, or because not all the information was available, will be dealt with by a written answer.

13.9 Reference of Question to a Committee or Sub-Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to a Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

14. QUESTIONS BY COUNCILLORS

14.1 General

Provided that the Chief Executive has received a copy of the question to be asked before 12 noon five working days prior to the day of the Council meeting, a councillor may at any ordinary Council meeting

- (a) ask the Leader or the relevant Chair of any Committee or Sub-Committee, about an issue in the councillor's ward; or
- (b) ask the Leader or the relevant Chair of any Committee or Sub-Committee about some issue in which the Council has powers or duties or which affects the Borough; or
- (c) ask the Chair of a Committee about something for which their Committee has responsibility.

14.2 Procedure on questions

Subject to Standing Order 14.3, every question shall be put and answered without discussion, but the councillor putting the question may ask one supplementary question,

The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer.

The person to whom any question has been put may either:

- (a) give a direct answer; or
- (b) where the desired information is in a publication of the Council or other published work, refer the questioner to that publication or
- (c) where the reply cannot conveniently be given orally, give a written answer circulated within 7 days.

14.3 Written Answers

Where the Mayor considers that:

- (a) a question, or the likely answer to a question, is, or is likely to be excessively long, or
- (b) that the number of questions at a meeting is excessive; or
- (c) that the amount of other business to be transacted at the meeting demands it.

then the Mayor may direct that any question and answer shall be given in writing without being read aloud at the meeting

14.4 Where the Mayor directs written questions and answers in advance of the meeting, the question and answer shall be made available in writing at the meeting and shall be incorporated within the minutes of the meeting.

14.5 Nothing within Standing Order 14.3 shall prevent a councillor from putting a supplementary question at the meeting, except that the Mayor may direct any supplementary question to be answered in writing at a later date to enable a properly considered response to be given where the councillor to whom the question was put cannot reasonably be expected to have the level of information at hand to answer the point without prior notice.

15. PRESENTATION OF PETITIONS TO THE COUNCIL

15.1 If a petition is presented and relates to a matter in respect of which the Council has powers or duties or which affects the Borough, and it contains more than 4,500 signatures (1,000 for a single ward issue), it will automatically be referred to Council for debate in accordance with the Petition Scheme.

15.2 Presentation of a petition on the following business will not be allowed, as set out in the Petition Scheme:

- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; or
- (b) planning applications

- (c) licensing applications
- (d) statutory petitions

- 15.3** A petition organiser may present the petition to the Council meeting for no more than 3 minutes, provided that confirmation has been given to the Council's Committees Section at least 10 working days before the meeting.
- 15.4** The Mayor will request any Councillor present at the meeting to move a motion to:
- (a) take the action the petition requests; or
 - (b) not to take the action requested for reasons put forward in the debate; or
 - (c) note the petition and keep the matter under review; or
 - (d) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
 - (e) the petition be referred to the relevant Committee for further consideration.
- 15.5** Once the motion is seconded the petition will be discussed in accordance with the rules of debate. Any Councillor can move an alternative motion stated in 15.4 which will be seconded and debated as any amended motion.
- 15.6** The petition organiser will receive written confirmation of the decision.
- 16. MOTIONS ON NOTICE**
- 16.1** Any councillor may give notice of a motion for consideration at any ordinary meeting of the Council.
- 16.2 Notice**
These will be recorded in a book, open to public inspection.
- 16.3** Notice of any motion, except one which under these Standing Orders can be moved without notice, must be given in writing or email to the Chief Executive at least seven clear working days prior to the day of the Council meeting. (This will enable the information to be published with the Council agenda)
- 16.4 Motion Set Out In the Agenda**
Motions for which notice has been given will be listed on the agenda in the order in which they are received, unless prior to publication of the agenda the councillor giving notice states, in writing or email, that they propose to move it to a later meeting or withdraw it.
- 16.5 Scope of Motion**
Every Motion must relate to matters in which the Council has powers or duties and must not include declaratory statements relating to matters outside the ambit of the Council. Motions should be about something for

which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be in the opinion of the Chief Executive defamatory, frivolous, offensive or otherwise out of order.

No motion shall exceed 100 words in length.

16.6 Motion Not Moved

If a motion set out in the summons is not moved, either by the councillor who gave notice or by some other councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.

17. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice and will then be followed by no more than the number of speakers in brackets.

- (a) To appoint a Chairman of the meeting at which the motion is moved (none);
- (b) In relation to the accuracy of the minutes (no limit);
- (c) To change the order of business on the agenda (none);
- (d) To refer something to an appropriate Committee or Sub-Committee (no limit);
- (e) To appoint a committee or councillor arising from an item on the summons for the meeting (no limit);
- (f) To withdraw a motion (none);
- (g) To extend the time limit for speeches (none);
- (h) To amend a motion (no limit);
- (i) To proceed to the next business (none, except a right of reply in accordance with standing order **);
- (j) That the question be now put (non, except a right of reply in accordance with standing order **);
- (k) To adjourn a debate (none);
- (l) To adjourn a meeting (none);
- (m) To suspend a particular Standing Order (two);
- (n) To exclude the public and press in accordance with the Access to Information Procedure Rules (two)
- (o) To not hear further a councillor named under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5 (none)
- (p) To give the consent of the Council where its consent is required by the Constitution (no limit)
- (q) To continue the meeting beyond 3 hours (none)

18. RULES OF DEBATE

18.1 No Speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

- 18.2 Right to Require Motion in Writing**
Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to the Chief Executive before it is discussed.
- 18.3 Seconders's Speech**
When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.
- 18.4 Content and Length of Speeches**
Speeches must be directed to the question under discussion or to a personal explanation or point or order.
No speech may exceed FIVE minutes without the consent of the Mayor and may only exceed ten minutes with the consent of the Council.
- 18.5 When a Member May Speak Again**
A councillor who has spoken on a motion or an amendment may not speak again whilst it is the subject of debate, except:
(a) In exercise of a right of reply
(b) On a point of order, or
(c) By way of personal explanation.
- 18.6 Amendment to Motions**
An amendment to a motion must be relevant to the motion and either be:
i) To refer the matter to an appropriate Committee or Sub-Committee for consideration or reconsideration;
ii) To leave out words;
iii) To leave out words and add others; or
iv) To add words.
- 18.6.1** An amendment which forms the negative of the motion will not be allowed. Councillors should aim to keep the length of the amendment in line with that of the motion, which shall not exceed 100 words in length.
- 18.6.2** The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed.
- 18.6.3** Only one amendment may be moved and discussed at any one time.

No further amendment may be moved until the amendment under discussion has been voted on or withdrawn by the mover and seconder. Amendments to motions must be moved at the earliest possible opportunity during the debate.
- 18.6.4** If an amendment is not agreed, other amendments to the original motion can be moved.

18.6.5 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

18.6.6 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, or if no member indicates they wish to speak, he/she will put it to the vote.

*A diagram showing how decisions can be made is at **Appendix 1**.*

18.7 Alteration of motion

- (a) A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion;
- (b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

18.8 Withdrawal of Motion

A councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

18.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.
- (d) The mover of an amendment has not right of reply to the debate on his or her amendment

18.10 Motions Which May Be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (e) To withdraw a motion;
- (f) To amend a motion;
- (g) To proceed to the next business;
- (h) That the question be now put (if an amendment is being debated, the amendment will be voted on);
- (i) To adjourn a debate;

- (j) To adjourn a meeting
- (k) To exclude the public and press in accordance with the Access To Information Procedure Rules; and
- (l) To not hear further a councillor names under Standing Order 23.4 or to exclude them from the meeting under Standing Order 23.5; and
- (m) That the meeting continue beyond 3 hours in duration.

18.11 Closure motions

A councillor may move, without comment, the following motions at the end of a speech of another councillor;

- (n) To proceed to the next business;
- (o) That the question be now put;
- (p) To adjourn a debate; or
- (q) To adjourn a meeting.

18.11.1 If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote.

18.11.2 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote.

18.11.3 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Mayor will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

18.12 Point of Order

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

18.13 Personal Explanation

A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

19. ANNOUNCEMENTS

The Mayor, the Leader, Chairs of Committees and the Chief Executive may make announcements of which notice is not required.

20. PREVIOUS DECISIONS AND MOTIONS

20.1 Motion to Rescind A Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twelve councillors.

20.2 Motion similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twelve councillors. Once the motion or amendment has been dealt with, no one can propose a similar motion or amendment for six months unless it is signed by at least twelve councillors.

21. VOTING

21.1 Majority

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

21.2 Voting at Regulatory Committees

No member at a Regulatory Committee may vote unless they have been present for the entire consideration of the item under discussion.

21.3 Chairman's Casting Vote

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

21.4 Show of Hands

Unless a recorded vote is requested, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

21.5 Recorded Vote

- (a) If any councillor present at the meeting requests it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- (b) Where the Council makes a budget decision either (i) a calculation in accordance with the Local Government and Finance Act 1992 or (ii) issues a precept under Chapter 4 of Part 1 of that Act then a recorded vote shall be held. For the avoidance of doubt this applies to proposed amendments as well as to the original and any substantive motion

21.6 Right to Require Individual Vote To Be Recorded

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

21.7 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

In relation to the appointment of Chairs of Committees and in the event of deadlock, the Chair will be elected by drawing lots.

22. OFFICERS SPEAKING DURING DEBATES

22.1 Any Chief Officer or his representative may signify his wish to speak. The Mayor shall then use his discretion to call upon the Officer at an appropriate point during the debate. The subject matter on which an Officer may speak shall be confined to:

- i) providing relevant information; or
- ii) explanation or interpretation of any law, regulation, protocol or procedure

22.2 The Mayor may, at his discretion, permit a councillor to seek, through the Chair, the opinion of any Officer present at the meeting on a particular point.

22.3 Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.

22.4 Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply, in relation to the presentation.

23. COUNCILLORS' CONDUCT

23.1 Role of Mayor

The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.

23.2 Standing to Speak

When councillors speak at Council they must stand and address the meeting through the Mayor, unless the Mayor's permission has been obtained for the relevant Councillor to remain seated. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

- 23.3 Mayor Standing**
When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.
- 23.4 Member Not to Be Heard Further**
If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.
- 23.5 Member to Leave the Meeting**
If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 23.6 General Disturbance**
If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.
- 24. DISTURBANCE BY THE PUBLIC**
- 24.1 Removal of Member of the Public**
If a member of the public interrupts or intrudes upon proceedings or otherwise prevents the orderly business of the meeting, the Mayor will warn the person concerned. If they continue to interrupt etc., the Mayor will order their removal from the meeting room.
- 24.2 Clearance of Part of Meeting Room**
If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.
- 25. EXCLUSION OF PUBLIC**
Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or under Standing Order 24 (Disturbance by public).
- 26. RECORD OF ATTENDANCE**
All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.
- 27. PHOTOGRAPHY AND AUDIO/VISUAL RECORDING OF MEETINGS**
Audio/visual recording at Council meetings is permitted in accordance with the Openness of Local Government Bodies Regulations 2014 and in accordance with the Council's protocol in part 5 of the Constitution.
- 28. SUSPENSION AND AMENDMENT OF COUNCIL STANDING ORDERS**
- 28.1 Suspension**
All these Standing Orders except for Standing Orders 21.6 (enabling a

councillor to record their vote) or 10.1 (signing of minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

28.2 Amendment

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council to which the Monitoring Officer shall submit a report. Unless prior notice of the proposal has been the subject of consideration and report by the Monitoring Officer and has been placed on the agenda of the meeting.

29. APPLICATION TO ALL COMMITTEES AND SUB COMMITTEES

All these Standing Orders apply to meetings of Council and to meetings of Committee and Sub-Committees except where different rules apply.

ADDITIONAL RULES APPLYING TO COMMITTEES

30. CALLING OF COMMITTEE MEETINGS

30.1 Each service Committee shall meet in accordance with the Calendar of Meetings approved by the Council and meetings will normally commence at 7.00pm.

30.2 A Committee Chair may agree to a scheduled Committee meeting date being moved if it is evident that a majority of Councillors on the Committee would be unable to make the original date

30.3 The relevant Chair or any five Councillors on a Committee or Sub-Committee may call an extraordinary meeting of that Committee or Sub-Committee to consider any matter requiring consideration, which cannot wait until the next ordinary meeting.

30.4 The Monitoring Officer or the Section 151 Officer may require the Chief Executive to convene an extraordinary meeting of any Committee or Sub-Committee in pursuance of their statutory duties.

31. PUBLIC OR PRIVATE MEETINGS OF COMMITTEES

All Committee and Sub-Committee meetings will normally be held in public as set out in the Access to Information Rules unless the consideration of a specific item of business warrants the exclusion of the press and public because it contains exempt or confidential information.

32. HOW ARE COMMITTEE DECISIONS TAKEN?

32.1 Formal decisions that have been delegated by the Council to Committees and Sub-Committees will be taken at a meeting convened in accordance with the Access to Information Rules. All Committee and Sub-Committee decisions are collective decisions. No formal decisions may be taken by the Chair of a Committee or Sub-Committee on behalf of the Committee or Sub-Committee.

32.2 In taking decisions, Committees and Sub-Committees will accord with the plans and strategies set out in the Council's Budget and Policy Framework and will abide by the protocols in the Constitution.

33. WHO PRESIDES AT A COMMITTEE MEETING

The appointed Chair of a Committee or Sub-Committee will preside at any meeting of the relevant Committee or Sub-Committee at which he is present. In the absence of the Chair, the Vice Chair will preside. In the absence of both the Chair and Vice Chair, the meeting will elect a Chair for that meeting only.

34. BUSINESS TO BE TRANSACTED AT A COMMITTEE MEETING

34.1 At each meeting of a Committee or Sub-Committee, the following business will be conducted:

- (a) Election of a Chair, if necessary;
- (b) Consideration of the minutes of the previous meeting;
- (c) Declarations of interest, if any;
- (d) Representations by members of the public in respect of any matters set out in the agenda will be dealt with using the public speaking rules outlined in this Constitution;
- (e) Matters arising from the relevant Committee's section of the Council's Forward Plan;
- (f) Matters requested by any member of the relevant Committee or Sub-Committee or referred to it by the Council
- (g) Any other matter set out on the agenda requiring a decision or consideration as determined by the relevant Committee or Sub-Committee Chair

34.2 At each ordinary meeting of a service committee, two Councillors (who are not members of the Committee) may speak for up to three minutes each on matters specific to their wards.

- (a) A Councillor may only speak under this procedure rule if they have given notice in writing or by email to the Monitoring Officer and/or Committee Services by no later than 12 noon, five working days before the meeting, indicating the issue on which they wish to speak and the nature of any proposal(s) to be made, and giving sufficient information to enable the relevant Committee Chair or Vice-Chair to provide a considered response.
- (b) If by the deadline, more than two Councillors have indicated a wish to speak, the Monitoring Officer will draw lots to determine which two should be allowed to do so
- (c) At the end of each Councillor's speech, the relevant Committee Chair or Vice-Chair (or the nominated spokesperson) will reply,

addressing in particular any specific proposals that may have been made.

- (d) In the absence of the Councillor who had given due notice, either of the other ward councillors may present the issue. If neither is willing/able to do so, a written answer will be produced (based on the information provided in accordance with this Standing Order) and included in the minutes of the meeting.
- (e) No more than one ward concern item may be presented by any one councillor at any meeting of a committee where ward concerns are listed on the agenda. It is expected that presentation of ward concerns will be shared between councillors representing the ward and that no subject presented as a ward concern may be presented again to the relevant committee within a period of six months.

35. ATTENDANCE OF ELECTED MEMBERS NOT APPOINTED TO A PARTICULAR COMMITTEE OR SUB-COMMITTEE

Any Councillor may attend a Committee or Sub-Committee of which he is not one of the appointed members. With the permission of the relevant Committee or Sub-Committee Chair, he/she may speak once on each item they request to speak on. The relevant Committee or Sub-Committee must agree for the Councillor to speak more than once on any particular item or to participate in the ensuing debate. The Councillor attending a meeting under this rule is not entitled to vote on any item. Any Councillor wishing to speak at a meeting under the provisions of this standing order must give the relevant committee chair at least 24 hours' notice of their intention to do so.

36. ATTENDANCE BY OTHERS AT A COMMITTEE MEETING

Following consultation with the relevant Deputy Chief Executive/Group Head, the Chair of the Committee or Sub-Committee may agree to invite individuals other than Councillors and Officers to attend their meetings to discuss issues of local concern or provide expert OPINION.

37. APPOINTMENT OF SUB-COMMITTEE

37.1 All Committees will recommend to the Council the appointment of one or more Sub-Committees with decision-making powers to execute any of the functions delegated by the Council to that Committee.

37.2 Membership of Sub-Committees does not need to be restricted to Members of the relevant parent Committee.

38. DURATION OF COMMITTEE AND SUB-COMMITTEE MEETINGS

38.1 Committee and sub-committee meetings will be scheduled to last a maximum of three hours. In exceptional circumstances, a majority of Members present, and voting may agree to continue the meeting for up to an 30 additional minutes.

- 38.2** If at the expiration of three hours or any extended period of time, there are any other formal recommendations on the agenda that have not been dealt with, they will be deemed to be formally moved and seconded and the vote will be taken in the usual way, with no speeches allowed

39. PUBLIC PARTICIPATION IN COMMITTEE AND SUB-COMMITTEE MEETINGS

- 39.1** Members of the public who either live or work in the borough are able to participate in Committee and Sub-Committee meetings in accordance with the policies and rules established by the Council from time to time, including the ability to submit written questions.

40. PLANNING COMMITTEE – SPEAKING BY THE PUBLIC AND WARD COUNCILLORS

- 40.1** The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.

- 40.2** Any councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.

- 40.3** Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to his ward provided he/she has notified the Chairman, before the start of the meeting, of his wish to speak on the item.

41. LICENSING COMMITTEE – SPEAKING BY WARD COUNCILLORS

Any councillor may attend meetings of the Licensing Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. Any councillor in attendance may, when invited to do so by the Chairman, speak at the meeting in relation to an item relating to his ward provided he has notified the Chairman, before the start of the meeting, of his wish to speak on the item

42. AUDIT COMMITTEE – ATTENDANCE BY NON-COMMITTEE COUNCILLORS

Any councillor may attend meetings of the Audit Committee of which he/she is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee. A councillor in attendance at such meetings may, when invited to do so by the Chairman, speak at the meeting in relation to an issue being discussed provided he/she has notified the Chairman before the start of the meeting of a wish to speak on an item.

43. CHAIRING OF COMMITTEES

No councillor shall hold more than one Chair's position at any time and in this Standing Order "chairing" means the office of Chairman or Vice-Chairman of a Committee.

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