

# Constitution



## Part 4: Rules of Procedure

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### Appendix 1: Standing Orders

#### Section 1: Council Meetings

##### Standing Order 1: Meetings of the Council

###### 1.1 Annual Meeting of the City Council

- (a) In a year when there is an ordinary election of City 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 on a date on which the Council will determine.
- (b) The Annual Meeting will:
- Elect a person to preside if the Mayor or Deputy Mayor is not present;
  - Elect the Mayor for the new municipal year;
  - Appoint the Deputy Mayor;
  - Receive any announcements from the Mayor;
  - Appoint the Leader of the Council
  - Appoint the Chair of the Council
  - Give effect to appointments to the Cabinet as made by the Leader of the Council;
  - Appoint the Chairpersons of any committees, subject to legislative requirements. Also to appoint Deputy Chairpersons if deemed appropriate. All such appointments may be deferred to an Ordinary Meeting of the Council;
  - Give effect to nominations to committees and /or other groups by the political groups under political balance arrangements to the Council's Committees. Such appointments may be deferred to an Ordinary Meeting of the Council;
  - Appoint to outside organisations. Such appointments may be deferred to an Ordinary Meeting of the Council; Appointments made to executive bodies may be made by the Cabinet.
  - Approve a programme of ordinary meetings for the year; This may be deferred to an Ordinary Meeting of the Council;
  - Consider any business set out in the notice convening the meeting.

###### 1.2 Ordinary Meetings

- (a) Ordinary meetings will:
- Elect a person to preside if the Mayor or Deputy Mayor is not present;
  - Approve the minutes of the previous meeting(s);
  - Receive any announcements from the Mayor, Leader of the Council, Cabinet Member or Head of Paid Service;

- Deal with any appointments to internal or external bodies, unless the appointments are to executive bodies and are reserved to the Cabinet;
  - If specifically agreed by the Mayor, to receive without discussion, any petition submitted by a Member of the Council. Petitions will normally be presented to the appropriate Cabinet Member and normally outside of the Council meeting.
  - Deal with any business outstanding from the last meeting;
  - Determine action to be taken on any matters referred to the Council for decision.
  - Consider reports from the Cabinet or scrutiny or other committees as appropriate and any other Council body or officer and determine any action to be taken arising from the consideration of reports;
  - Consider motions;
  - Provide an opportunity to question Members of the Cabinet, Chairs of Scrutiny and other Committees in line with agreed procedures;
  - Other business specified in the agenda.
- (b) The Mayor or person presiding at the meeting may at his or her discretion vary the order of business.
- (c) If there is a legal requirement for a matter to be considered urgently or if an urgent issue for decision arises, the Mayor may bring forward for consideration an item which is not on the agenda and the reasons for so doing shall be recorded in the minutes of the meeting.
- (d) The Mayor or person presiding at the meeting may at any time call upon any person who is not a Member of the Council to advise the Council on any matter

### **1.3 Extraordinary Meetings**

- a) Those listed below may require the Head of Paid Service to call a Council meeting in addition to ordinary meetings:

The Council by resolution;

The Mayor in response to a written request from at least five City Councillors;

The Monitoring Officer.

- b) When five City Councillors give written notice of their wish to call a meeting, the Mayor may:-
- i. Call a meeting within a reasonable time;
  - ii. Refuse to call a meeting; or
  - iii. Take no action.
- c) If the Mayor refuses to call a meeting or takes no action within seven days, the five named City Councillors may require the Head of Paid Service to convene a meeting on a date which they will determine. The Head of Paid Service shall then convene the meeting on the specified date.
- d) Extraordinary meetings of the Council shall only deal with the business set out in the agenda.

### **1.4 Location and Times of Council Meetings**

The Council will determine the number, location and times of ordinary Council meetings. The programme will be agreed at either the annual meeting or at an ordinary council meeting

### **1.5 Notice and Summons to Meetings**

- a) Notice to the public of the time and place of any meeting shall be given in accordance with the access to information procedure rules.
- b) The agenda for the meeting shall be published in the public area of the Council's website.

- c) At least 3 working days before a meeting, the Proper Officer will, wherever possible, send a summons by electronic mail and / or by post to every Member of the City Council, or leave it at their post box at the Civic Centre
- d) Working days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional holidays following a bank holiday.
- e) The summons will give the date, time and place of each meeting and will set out the business to be transacted at the meeting. The Council's website will provide information and access to relevant public documents to the press and public at least three working days before a meeting.

## **Standing Order 2: Mayor / Chairperson of Meeting**

### **2.1 Mayor and Chairperson of the Meeting**

- a) The Mayor of the City will be elected strictly on the basis of seniority unless any individual declines the opportunity.
- b) In the light of decisions by the Independent Remuneration Panel, the Council will determine whether the Mayor receives a senior salary.
- c) The Mayor and/or Chairperson should also maintain a non-political manner to allow a proper, full and effective debate. The Mayor, Deputy Mayor or Chairperson of the Council should therefore not be selected from the following
  - The Leader of the Council;
  - Any Member of the Council's Executive, including any Cabinet Member with or without portfolio;
  - Leader of the Opposition;
  - Leader of any political group serving on the Council.

### **2.2 Conduct of the Meeting**

- a) The Mayor or person presiding shall conduct the meeting so as to secure a proper, full and effective debate of business items where a decision is required. The steps the Mayor or person presiding may take include:

Allowing more time to allow a speaker to properly explain a matter;  
Allowing a Councillor to speak more than once in a debate;  
Allowing a full discussion of reports and matters for decision.

- b) The person presiding at the meeting may exercise any power or duty of the Mayor.

### **2.3 No Confidence in the Chair**

- a) Any Member of the Council may move a vote of no confidence in the Mayor or person presiding at the meeting as chair of that meeting if it is considered that the Mayor or the Chairperson of the meeting is not conducting the meeting in a way that allows a proper, full and effective debate
- b) Any Member moving the motion will need to be supported by at least 5 other Members before any vote is taken.

- c) Only if the motion is supported by two-thirds of the Members in attendance, will the motion be carried. If the motion is carried it will be effective only for the meeting taking place at the time.
- d) If the motion is carried the Deputy Mayor will take the chair for remainder of the meeting. In the absence of the Deputy (or in the case of the removal of the Deputy Mayor from the chair under this Standing Order) the Council will elect a chair from the Members present.

## **Standing Order 3: Quorum**

No business shall be transacted at meetings of the Council unless at least one quarter of the whole number of Members of the City Council is present.

The Quorum for meetings of the Council is one- third of the total membership. This constitutes 13 City Councillors, based on a full membership of 50 members serving on the Council. In any other circumstance, the quorum shall be one- third of elected members.

During any meeting of the Council, the Mayor or person presiding may count the number of Members present and if that number has fallen below the required quorum, the Mayor or person presiding may declare that there is not a quorum present and the meeting will be adjourned. If the meeting is adjourned, any business which has not been dealt with will be deferred to the next ordinary meeting of the Council.

## **Standing Order 4: Questions by Members**

### **4.1 General**

A Councillor may ask a Member of the Cabinet questions on any policy issues relating to the appropriate portfolio; or the chairperson of a committee on any matters within the remit of the committee. Questions may be submitted and answered as follows:

### **4.2 Questions at Council to the Leader of the Council**

At each ordinary Council meeting there will be an open session for elected members to ask questions of the Leader of the Council. The following process will be followed for questions to the Leader at Council:

- a) The first question will be posed by the person presiding the Council meeting to the Leader as follows:
  - Before we commence questions from Members, does the Leader have any announcements to make to the Council?
- b) No more than 15 minutes will be allocated at the Council meeting for questions to the Leader. The 15 minute time limit will not include the Leader's announcements, and will commence upon the second question being asked.
- c) Each Member asking a question may submit a supplementary question in writing to clarify any point arising out of the answer received to the original question. A written response to the supplementary question will be appended to the Council minutes and published to the Council's website normally within five working days of receipt of the supplementary question.
- d) Each opposition group will be allocated one question each, to be asked in order of group membership e.g. the largest opposition group goes first, followed by the second largest opposition group, and so on. Each of the Group Leaders or their appointed deputies will be invited to put the question to the Leader in turn.
- e) After the allocated opposition group questions are completed, questions will be opened up to all Members.

- f) Questions from all other Members will be allocated according to a ballot:
- Councillors wishing to ask a question of the Leader must notify the Head of Democratic Services in writing by midday on the day of the council meeting. In writing includes electronic mail.
  - The content of the question does not need to be submitted in advance.
  - Question notifications will be grouped according to opposition / ruling party Members then shuffled to produce a random order.
  - Invitations to pose a question will be alternated between opposition and ruling party Members.
  - Example of question order:
    1. Mayor asks Leader to make any announcements

Followed by questions from:

    2. Leader of Opposition Group A
    3. Leader of Opposition Group B
    4. Leader of Opposition Group C
    5. Ruling Party Member from notification list
    6. Opposition Party Member from notification list
    7. Ruling Party Member from notification list
    8. Opposition Party Member from notification list
- g) The agenda item will end when the 15 minute time is over, or when the list of balloted questions is complete, whichever is the earliest.
- h) On occasions where the Deputy Leader is standing in for the Leader at the Council meeting, the Deputy Leader will respond to the question from the person presiding the meeting under Standing Order 4.2(a).
- i) On occasions where the Deputy Leader is standing in for the Leader at the Council meeting, questions to the Leader must be submitted in writing and will not be asked orally at the Council meeting. The question must be provided in writing by no later than 4pm three working days before the Council meeting ("Working days" do not include the date of issue, the date of the meeting, Saturdays, Sundays, Bank holidays or additional holidays following a Bank holiday). The question and response will be appended to the minutes and published to the Council's website normally within five working days of receipt of the supplementary question.

### **4.3 Questions at Council to Cabinet Members and Committee Chairs**

- a) This process will be followed for questions at Council to other Cabinet Members and Committee Chairs
- b) Questions must be provided in writing not later than 4pm three working days before the Council meeting ("Working days" do not include the date of issue, the date of the meeting, Saturdays, Sundays, Bank holidays or additional holidays following a Bank holiday). Where proper written notice has not been provided of any question, then the question may not be asked at the Council meeting.
- c) The question must be forwarded in writing to the Head of Democratic Services if it is a matter for Cabinet Members, the Regulatory Committees or the Democratic Services Committee. If the question is for the Chair of one of the Scrutiny Committees, notice must be provided in writing to the Senior Overview and Scrutiny Officer. The term "in writing" includes electronic mail.
- d) Only questions submitted in this way will be allowed at Council meetings.

- e) The question is then asked orally at the Council meeting and an oral answer will be given at the Council meeting. The question and the answer will be appended to the Council minutes and published to the Council's website normally within five working days of the meeting.
- f) Questions will be put in the order in which they are received. However if any councillor wishes to ask two or more questions to the same Cabinet Member they will be allocated a slot in rotation, allowing opportunities for other Members to ask their question.
- g) The councillor may ask one supplementary question to clarify any point arising out of the answer received to the original question. If possible, an answer will be provided orally at the Council meeting. Alternatively a written answer may be provided.
- h) No more than 10 minutes will be allocated at the Council meeting for questions to each Cabinet Member or Committee Chair.
- i) If Members are unable to ask their question orally within the allocated time, remaining questions will be answered in writing. The question and response will be appended to the minutes.
- j) The question must be addressed through the Mayor or the person presiding at the meeting and not directly to the person being questioned.
- k) Members must ask any question within the allocated time as set out in these standing orders and should not seek to introduce any debate on the subject.
- l) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

#### **4.4 Time allowed for questions**

- a) As mentioned in Standing Order 4.2 and 4.3 above, no more than 15 minutes will be allocated at the council meeting for questions to the Leader and no more than 10 minutes will be allocated at the Council meeting for questions to each Cabinet Member.
- b) If Members are unable to ask their question orally within the allocated time, remaining written questions will be answered in writing. The question and response will be appended to the minutes.
- c) The time allowed to ask a question shall be no more than two minutes. This includes any question or any supplementary question.
- d) The sole arbiter of the time allocation shall be the Mayor or person presiding at the meeting.

#### **4.5 Rejection of Questions at Council**

The Mayor or person presiding may reject a question if in his or her opinion, having regard to the Council's responsibilities and community leadership role, it:

- a) Is not about a matter for which the Council has a responsibility or which affects the administrative area of the Council;
- b) Is defamatory or frivolous or vexatious or offensive;
- c) Is substantially the same as a question which has been put at the meeting by any Member;
- d) The question concerns an item of business which is the subject of a report to the meeting;
- e) Requires the disclosure of confidential or exempt information where there is no demonstrable need to know.
- f) Is an operational matter that is better dealt with by the relevant officer on an informal basis.

#### **4.6 The Three - Month Rule does not apply**

The three month rule does not apply to questions to Cabinet Members or Chairs. A respondent will be able to inform a questioner that the answer to his or her question is substantially the same as that given at a previous meeting if that is appropriate.

#### **4.7 Point of Order and Questions**

A point of order may only be raised during a question and answer session if a Member considers that the requirements of Standing Orders 4.1 to 4.6 have been breached. The Mayor or person presiding will only consider a point of order if the person raising the point of order states the Standing Order that he or she considers has been breached. No other 'points of order' will be considered.

#### **4.8 Formal Questions at any other time**

- a) Written questions can be forwarded to any Cabinet Member (including the chair) at any time although any submitted at weekends or later than 4pm on any working day will not be deemed to have been received for the purposes of response times until the next working day.
- b) The answers to such Questions will be provided within 10 working days of the receipt of the question by the Cabinet Member. The question and answer will be copied to all Members of the Council via electronic mail and will be subsequently published on the Council's website to allow public access to the exchange.
- c) "Working days" do not include the date of issue, Saturdays, Sundays, Bank holidays or additional holidays following a Bank holiday.
- d) The question must be forwarded in writing to the Head of Democratic Services and the question must be identified as a formal question to the Cabinet Member to be dealt with in accordance with this standing order. The term "in writing" includes electronic mail.
- e) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

#### **4.9 Councillors to request how questions are to be answered**

When submitting a question, councillors must identify clearly whether it is a formal question to be answered at council or a formal question to be asked at any time. If it is not clear from the submission, the question will be treated as a question asked at any time as described in Standing Order 4.8.

#### **4.10 Rejection of Questions at any time to Cabinet Members**

- a) The Cabinet Member may reject a question if in his or her opinion, having regard to the Council's responsibilities and community leadership role, it:
  - Is not about a matter for which the Council has a responsibility or which affects the administrative area of the Council;
  - Is defamatory or frivolous or offensive;
  - The question concerns an item of business which is the subject of a report being considered as part of the decision making process as Councillors have other opportunities to ask questions or comment on reports
  - Requires the disclosure of confidential or exempt information where there is no demonstrable need to know.
  - Is an operational matter that is better dealt with by the relevant officer on an informal basis. The Cabinet Member will take a view on whether the question relates to an operational matter better answered by the officers.

**NB:** When a question has been asked in general terms and it is difficult to determine what information the applicant actually wants, the Cabinet Member may ask the questioning Member to refine or clarify the question being asked

- b) If a Cabinet Member intends to reject a question he or she must respond to the questioning Member within 10 working days informing the Member that he or she intends to reject the question and the reason for that intention.
- c) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

## **Standing Order 5: Procedural Standing Orders**

### **5.1 Notices of Motion**

- a) Except for motions which can be moved without notice under these Standing Orders, written notice of motions for discussion at Council meetings signed by the proposer and seconded must be delivered by **4.00pm** at least **7 working days** before the next meeting of the Council to the Head of Democratic Services.
- b) Motions may be submitted within the same timescale by electronic mail but the seconder must send a separate email, or written confirmation within the same timescale confirming he or she is the seconder of the motion.
- c) Working days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional holidays following a bank holiday.
- d) The Monitoring Officer will maintain a record of all motions submitted for the meeting and the order in which they have been received. This record will be open to inspection by any Member of the Council.
- e) The Monitoring Officer will conclude if the motion as submitted is appropriate for consideration or can be resolved by the Council.
- f) No motion under this procedural Standing Order will be debated at the Annual Meeting of the Council.

### **5.3 Motions Set Out in the Agenda for a Meeting**

- a) Motions for which proper notice has been given under this procedural standing order will be listed on the agenda in the order in which they were received.
- b) The Monitoring Officer will conclude if the motion as submitted is appropriate for consideration or can be resolved by the Council and inform the mover of the motion before a matter is placed on the agenda.

### **5.4 Scope**

- a) Motions must be about matters which are related to the responsibility of the City Council or which affect the administrative area of the Council.
- b) The Monitoring Officer's decision on whether or not a motion is relevant to the responsibility of the City Council will be final.



- c) If a motion which is set out in the agenda is not moved, either by the Member who gave notice of it or by some other Member on his/her behalf, it will be treated as withdrawn and will not be moved without fresh notice.
- d) If the motion relates to an executive function, and the Monitoring Officer decides that it can be discussed at Council, the Council will not be able to take a resolved decision on the matter but may ask the Cabinet or Cabinet Member to consider the matter in the light of any views expressed or recommendations made by the Council.

## **5.5 The Three Month Rule**

- a) A motion or amendment to rescind the decision made at a meeting of the Council, including a decision taken under delegated powers by a committee, within the past three months and a motion or amendment in similar terms to one which has been rejected at a meeting of Council in the past three months cannot be moved, unless the mover asks the consent of the Council to propose such a motion and consent is given by the Council.
- b) There shall be no speech or discussion upon a request for consent and if consent be refused by the Council, the same motion or one to the like effect shall not be placed on the agenda for at least three months from the date of such refusal.

## **5.6 Exceptions**

This rule shall not apply to motions which are moved by the Leader of the Council or the Chair of any other Council body or other Member on their behalf, following a recommendation in the report of the Cabinet or other Council body.

## **5.7 Motions without Notice**

The following motions may be moved without notice:

- To appoint a Chairperson at a meeting at which the Mayor and Deputy Mayor are not present;
- To dispute the accuracy of the minutes of the Council;
- To change the order of the business specified in the agenda;
- To refer to the Cabinet any recommendation to Council as the matter is executive in nature.
- To appoint a Council body or representatives of the Council to an outside organisation arising from an item on the agenda;
- To adopt or amend recommendations to the Council.
- To amend or withdraw a motion;
- To extend the time limit for speeches or questions;
- To proceed to the next business;
- To suspend the Standing Orders;
- To exclude the press and public in accordance with the Access to Information Act 1985;
- By the Mayor or person presiding, not to allow another contribution to the debate from a Member named or to exclude a Member from the meeting under the procedural Standing Order relating to Members conduct;
- To give consent of the Council where such consent is required.
- No confidence in the Mayor or Person presiding ( as described in Standing Order 2).

## **Standing Order 6: Rules of Debate**

### **6.1 Speaking in Council**

- a) When a Member wishes to speak, he or she will indicate this to the Mayor or person presiding whilst remaining seated. No Member will speak unless called upon to do so by the Mayor or person presiding.
- b) When called upon to speak, the Member will normally stand, (unless this is not appropriate for the individual).
- c) The speaker must address the meeting through the Mayor or person presiding.
- d) If two or more Members indicate that they wish to speak the Mayor or person presiding will ask one to speak and the other(s) will remain silent. While a Member is speaking, other Members will remain silent unless raising a point of order or of personal explanation.

## **6.2 Matters Which May Not Be Raised**

- a) A motion or amendment shall not be moved which is inconsistent with a decision already made by the Council at the meeting or in relation to an executive function where a decision has been taken by the Cabinet or Cabinet Member or to a decision delegated to a Committee.
- b) A matter shall be treated as dealt with if a motion, amendment or discussion relating to it has been replied to by the Leader, or Cabinet Member, the Chairperson of a committee or other group or other mover of a motion, or if the Council has proceeded to the consideration of another matter.

## **6.3 No Speeches until a Motion is Seconded**

No other speeches may be made after a Member has moved a motion and has explained the purpose of it until the motion has been seconded by another Member.

## **6.4 Right to Require a Motion to be in Writing**

The Mayor or person presiding may require a motion or amendment to be written out before allowing the matter to be discussed. The meeting may be adjourned to allow this to be done.

## **6.5 Seconder's Speech**

When seconding a motion a Member may reserve his/her right to speak until later in the debate.

## **6.6 Content and Length of Speeches**

- a) Speeches must be directed to the matter of the discussion or to a personal explanation or point of order. The mover of a motion may speak to it for not more than 7 minutes and may also speak in reply to it at the end of the debate without restriction.
- b) No other speech including a speech by the mover of an amendment may be longer than 3 minutes without the agreement of the Mayor or person presiding.
- c) The 7 or 3 minutes allowed will take account of any points of order or points of personal explanation raised during the speech
- d) The speaker must address the meeting through the Mayor or person presiding.
- e) The sole arbiter of the time allocation shall be the Mayor or person presiding at the meeting.

## **6.7 Amendments to a Motion**

- a) A Member may move an amendment to a motion and explain the purpose of it. The amendment must be seconded by another Member. The Mayor or person presiding may require that the amendment be written out before allowing the matter to be discussed. An amendment must be relevant to the motion and shall either be:-
- To refer the subject of debate to the Cabinet or appropriate Council body for consideration or reconsideration;
  - To omit words;
  - To omit words and add others;
  - To insert, substitute or add words.
- b) 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 dealt with.
- c) No speech by the mover of an amendment may be longer than 3 minutes without the agreement of the Mayor or person presiding.
- d) If an amendment is rejected, different amendments may be proposed on the original motion.
- e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion upon which the vote shall then be taken unless notice has been given before the vote on the amendment of a further amendment or amendments.
- f) After an amendment has been carried, the Mayor or person presiding will advise the meeting of the content of the amended motion before any further amendment or amendments shall be moved on the substantive motion.
- g) The sole arbiter of the time allocation shall be the Mayor or person presiding at the meeting.

## **6.8 When a Member May Speak Again**

Subject to Standing Orders, when a Member has spoken on a motion he/she may not, without the consent of the Mayor or person presiding, speak again during the debate except:

- To speak once on an amendment moved by another Member;
- To move a further amendment if a motion has been amended since he / she last spoke;
- On a point of order;
- By way of personal explanation.

## **6.9 Alteration of Motion**

A Member may:-

- Alter a motion of which he or she has given notice; or
- With the consent of the seconder alter a motion which has been moved without notice.

In either case, the alteration to the motion must be worded as an acceptable amendment in accordance with the procedural standing order relating to amendments to a motion.

## **6.10 Withdrawal of a Motion or Amendment**

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

## 6.11 Right of Reply

- a) The mover of a motion has the right to reply at the end of the debate on the motion, immediately before the motion is put to the vote. If an amendment to the motion is moved, the mover of the original motion will also have the right to reply at the end of the debate on the amendment. Other than this, the mover of the original motion will not be allowed to speak in the debate on the amendment, except to answer questions during the debate if permitted to do so by the Mayor or person presiding.
- b) The Member who has proposed an amendment shall have a right of reply to the debate on his/her amendment. The right to reply will take place immediately before the final speech by the mover of the original motion.
- c) The Member exercising the right to reply shall not introduce any new issues into the debate.

## 6.12 Closure Motions

- a) A Member may move without comment, the following procedural motions.
  - To proceed to the next business;
  - That the question be put;
  - To adjourn a debate;
  - To adjourn a meeting.
- b) A motion to proceed to next business should be moved, seconded and discussed. If it is carried, then the Mayor or person presiding will move to the next item of business on the agenda. If the motion is lost, the debate will continue from where it was left.
- c) A motion 'that the question be put' will take precedence over all other business – even if it interrupts a speaker. If the motion is seconded, it must be voted upon without further discussion. If the motion is carried the mover of the original motion being considered by Council may reply before the vote is taken. If the motion 'that the question be put' is moved during debate on an amendment, it only disposes of the amendment and does not affect the original motion.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor or person presiding thinks that the item has been discussed sufficiently and cannot reasonable be discussed further on that occasion, he or she will put the motion to adjourn to the vote without giving the mover of the original motion the right to reply.
- e) A Member who moved or seconded the original motion under debate cannot move any of these closure motions. A Member cannot move a motion which contains more than one of these closure motions.

## 6.13 Point of Order

- a) A Member may raise a point of order relating to procedural matters at any time. The Mayor or person presiding must hear him/her immediately. A point of order shall relate **only** to an alleged breach of these standing orders or the law relating to meetings.
- b) Before making his or her point, the Member must indicate the standing order/point of law and the way in which he or she considers it has been broken.
- c) The ruling of the Mayor or person presiding as to whether the matter raised is a point of order will be final.

## **6.14 Personal Explanation**

- a) A Member may make a personal explanation at any time.
- b) A personal explanation shall only relate to a material point made in an earlier speech by the Member which may appear to have been misunderstood during the current debate. The Mayor or person presiding will hear the explanation and his / her ruling as to whether the issue raised constitutes a personal explanation shall be final.

## **Standing Order 7: Voting**

### **7.1 Majority**

Unless the constitution provides otherwise any matter will be decided by a simple majority of those Members present in the room and voting.

### **7.2 Mayor's Casting Vote**

If there are equal numbers of votes for and against, the Mayor or person presiding will have a second or casting vote. The Mayor or person presiding can only use a second or casting vote if he or she has participated in the original vote on any motion.

### **7.3 Method of Voting**

Unless a recorded vote is demanded under these rules, the Mayor or person presiding will take the vote by a show of hands, or if there is no disagreement, by the consent of the meeting.

### **7.4 Recorded Vote**

If five Members present at the meeting demand it, the names of those who vote for and against a motion or amendment or abstain from voting will be recorded in the minutes. A demand for a recorded vote may only be made before the vote is taken.

### **7.5 Right to Require Individual Votes be recorded**

If, immediately after the vote is taken, a Member requests it, his/her vote will be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

## **Standing Order 8: Minutes, Attendance and the Public**

### **8.1 Signing of Minutes**

- a) The Mayor or person presiding is required to sign the minutes at the next suitable meeting. The Mayor or person presiding will move that the minutes of the previous meeting be signed as a correct record, provided he/she attended the meeting. Only the accuracy of the minutes can be discussed.
- b) When the next meeting of the Council is an extraordinary meeting or the annual meeting, there is no requirement to sign the Minutes of the previous meeting. These minutes can be signed at the next ordinary meeting.
- c) At an extraordinary meeting called for a single purpose, no minutes of previous meetings will be approved and there will be no items on the agenda relating to questions to the Police Commander or Cabinet Members and Chairs of Committees.

## **8.2 Record of Attendance**

The names of the Members present at a meeting of the Council will be recorded. To assist the record, Members will be asked to sign their names on an attendance sheet.

## **8.3 Exclusion of the Public**

Members of the public and media may only be excluded from the meeting either in accordance with the access to information procedure rules in this Constitution or by the procedural standing order relating to disturbance by Members of the public.

# **Standing Order 9: Members Conduct**

## **9.1 Respect for the Mayor or Person Presiding**

Whenever the Mayor or person presiding indicates that he or she wishes to speak during a debate the rest of the Council shall be silent and seated.

## **9.2 Member Discipline**

If a Member persistently disregards the ruling of the Mayor or person presiding by behaving improperly or offensively or deliberately obstructs the business of the Council, the Mayor or person presiding may move that the Member shall not be heard further. If seconded, the motion will be voted upon without discussion.

## **9.3 Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor or person presiding may move that either the Member leaves the meeting, or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## **9.4 General Disturbance**

If there is a general disturbance making ordinary business impossible, the Mayor or person presiding may adjourn the meeting for as long as he or she thinks fit.

# **Standing Order 10: Members Interests in Contracts and Other Matters**

- a) If any Member of the City Council has any direct or indirect financial interest under the provisions of Sections 94 to 98 of the Local Government Act 1972 in any contract, proposed contract or other matter, the Member shall inform the meeting of that interest and withdraw from the meeting while the matter is under consideration unless:
  - b) The disability to discuss that matter imposed by the section has been removed by the Secretary of State under Section 97 (1) of the Act; or
  - c) The contract, proposed contract or other matter is under consideration by the Council as part of the report of the Cabinet or other appropriate body and is not itself the subject of debate; or
  - d) Dispensation to remain has been granted by the Standards Committee.

- e) Any Member of the Council who has a personal interest within the terms of the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 in any matter before the Council must declare that interest and act in any matter before the Council must declare that interest and act in accordance with the provisions of the Code.
- f) Any disclosure, withdrawal or dispensation under this rule shall be recorded in the minutes of the meeting.

## **Standing Order 11: Disturbance by the Public**

- a) If a Member or Members of the public interrupt the meeting, the Mayor or person presiding will warn the people concerned. If they continue to interrupt, the Mayor or person presiding will order their removal from the meeting.
- b) If there is a general disturbance in any part of the meeting room open to the public, the Mayor or person presiding may call for that part to be cleared.

## **Standing Order 12: Photography and Audio Recordings of Meetings**

- a) The Council shall determine whether or not to broadcast or webcast meetings of the Council or any committees for viewing via the Council's website.
- b) The filming, videoing, photographing or audio recording of a meeting shall not be permitted without the agreement of the Mayor or person presiding. The Mayor or person presiding's agreement must have been obtained and the Head of Paid Service notified by not later than one hour before the meeting.
- c) The Mayor or person presiding will announce at the commencement of the meeting any agreement to allow photography or audio recording of the meeting.

## **Standing Order 13: Electronic Communication and Social Media**

- a) If these standing orders require that written notice is given in any circumstance, such notice will be accepted if received by e-mail or other forms of electronic mail within any specified deadline.
- b) The Council does not wish to prevent Members from the use of social media during meetings but Members are reminded that the code of conduct remains in force when social media is being used by elected Members.

## **Standing Order 14: Suspension and Amendment of Standing Orders**

- a) Any of the standing orders set out in Standing Order 5 may be suspended whilst the meeting is in progress.
- b) Any motion to add to, vary or revoke these procedural standing orders, other than a motion to adopt a recommendation of the Cabinet or other Council body, will when proposed and seconded stand adjourned without discussion to be dealt with at the next ordinary meeting of the Council.

## **Standing Order 15: Authority of the Mayor or Person Presiding**

The ruling of the Mayor or person presiding or the application of any of the standing orders shall be final and shall not be challenged by any Member at a meeting.

## **Section 2: Cabinet, Committees and Meetings with Cabinet Members**

NB: Procedural standing orders (above) relating to the Council meeting apply to meetings of the Cabinet and Committees.

## **Standing Order 16: Appointments**

- a) The Council will determine its democratic structures.
- b) The Chair of the Cabinet will be appointed by the Council. The Chair of the Cabinet shall appoint Cabinet Members and determine and allocate Cabinet portfolios.
- c) The Council shall make appointments to the Chairs in line with any requirements relating to proportionality and, where appropriate, deputy chairs of committees and/or other groups to be appointed; the terms of reference and any powers delegated to each, subject to any legislative requirements. The Chair of the Audit Committee is, however, to be determined by the Committee.
- d) The Council shall also determine the composition of each committee in line with any requirements relating to proportionality; and give effect to nominations by the political groups under political balance arrangements to the Council's Committees
- e) The Cabinet shall determine and make appointments to any Cabinet Sub Committee, determine the chair of any Cabinet Sub Committee and the terms of reference of any such committees. The Cabinet may withdraw or amend any powers delegated to a Cabinet Sub Committee at any time.
- f) No Member of the Cabinet, Committees or other groups shall be appointed so as to hold office later than the next annual meeting of the Council. In the case of the Standards Committee, no Member shall be appointed so as to hold office for more than four years.
- g) The Council may, at any time amend the Membership of or delegation to Committees or other groups and may at any time withdraw any powers delegated in relation to non-executive functions.
- h) The Chair of the Cabinet may at any time amend the Membership of the Cabinet and may at any time withdraw any powers delegated in relation to executive functions.
- i) In the event of a vacancy occurring in the Membership of the Committees or other groups other than the Cabinet by resignation or other cause during the year an appointment shall be made by the Council to fill the vacancy during the next appropriate meeting of the Council.
- j) In the event of a vacancy occurring in the Membership of the Cabinet by resignation or other cause during the year, the Chair of the Cabinet shall determine any appointment to the vacant post or any action to be taken for powers delegated to that Cabinet post to be undertaken.
- k) In the event of a vacancy occurring as to the Chair of the Cabinet by resignation or other cause during the year an appointment shall be made by the Council to fill the vacancy during the next appropriate meeting of the Council



## **Standing Order 17: Attendance by Non-Members**

- a) Members who are not Members of the Cabinet, Committees or other groups shall be entitled to attend those meetings upon the invitation of the Chair and may speak upon specific issues but shall not be entitled to vote.
- b) The council can decide how many people will serve on the Audit Committee and how many lay Members will be appointed. There must be at least one lay Member appointed and the maximum is one-third of the audit committee Membership. Lay Members of the Audit Committee shall have full voting rights.
- c) The appropriate ward Members shall be entitled to attend site inspections of the Planning Committee. Members of the public are allowed to attend and speak at meetings of the Planning and Licensing Committees and Sub Committees at appropriate times and in line with agreed protocols.
- d) The Council shall co-opt a representative of the Roman Catholic Church and the Church in Wales and two parent governors to the appropriate Scrutiny Committee with voting rights for education matters only. Should the appropriate Committee deal with matters other than education matters, the co-opted Members shall not be entitled to participate, other than at the invitation of the Committee.
- e) The Council shall appoint an independent Chair to its Standards Committee, a vice chair and a community Member together with lay Members, with voting rights. The Standards Committee will operate in accordance with the regulations relating to Standards Committees.
- f) Any other co-opted or invited Members appointed to the Committees or other groups shall be entitled to speak on any item but will not be entitled to propose or second a motion or to vote upon any matter.
- g) Co-opted Members are subject to the provisions of these Standing Orders and to the Council's Code of Conduct. They shall not be considered as making up the required number for a meeting to be considered quorate.
- h) At meetings where decisions are being taken by individual Cabinet Members, no other Member shall attend.
- i) Members who are not Members of the Cabinet, Committees or other groups shall be entitled to attend and speak at those meetings upon the invitation of the Chair and may speak upon specific issues but shall not be entitled to vote. The Cabinet or Committee may agree for any Member to attend that part of the meeting that includes exempt or confidential information. Unless the Chair of the Cabinet or Committee agrees, the Member shall leave the meeting when the resolution to exclude the public is passed.

## **Standing Order 18: Special Meetings**

Three Members of the Cabinet, any Committees or other group may require the Monitoring Officer to call a special meeting at any time to consider matters specified by them in writing unless a meeting is due to be held within the next five days. Such matters shall be set out in the agenda sent to Members, and no other business shall be considered at that meeting of the Cabinet, Committees or other groups.

## **Standing Order 19: Quorum**

- a) Three elected Members shall constitute a quorum of the Cabinet, Committees or other groups. Co-opted, added or invited Members shall not be considered for this purpose.

- b) During any meeting, the Chairperson may count the number of Members present and if that number has fallen below the required quorum, the Chairperson may declare that there is not a quorum present and the meeting will be adjourned.

## **Standing Order 20: Pecuniary or Personal Interests**

- a) Any Member who has a pecuniary interest in a matter which he or she is required by Section 94 of the Local Government Act 1972 to disclose shall withdraw from the meeting whilst the matter is under consideration unless the disability to discuss the matter has been removed by the Secretary of State or Standards Committee.
- b) Any Member, who has a non-pecuniary personal interest in any matter, shall disclose that interest in accordance with the provisions of the Council's Code of Conduct. The existence and nature of the interest must be declared at the commencement of the discussion or when the interest becomes apparent. If that personal interest is such that a Member of the public might reasonably conclude that it would significantly affect the Member's ability to act purely on the merits of the case and in the public interest if that Member were to take part in the discussion of that matter, the Member must also withdraw from consideration of the matter at that meeting unless granted a dispensation by the Council's Standards Committee.
- c) Involvement in the affairs of another public body or voluntary organisation etc. by a Member who has been appointed as a representative of the Council shall be regarded as a personal interest and should be disclosed. However, in such a case that Member may still speak but must not vote on the matter.
- d) In relation to a matter which a Cabinet Member has delegated authority to decide, the Member will have a personal interest if a Member of the public might reasonably perceive a conflict between the Member's role in taking that decision on behalf of the authority as a whole and the Member's role in representing the interests of constituents in the Member's ward. The Cabinet Member must disclose the existence and nature of the interest, and withdraw from involvement in the decision. Where a Cabinet Member has an interest, the matter shall be determined by the Chair of the Cabinet or, in the absence of the Chair, another Member of the Cabinet. The fact that such a declaration has been made must be included in the record of the decision.

## **Standing Order 21: Voting and Recording of Votes**

### **21.1 Majority**

Unless the constitution provides otherwise any matter will be decided by a simple majority of those Members present in the room and voting.

### **21.2 Chairperson's Casting Vote**

If there are equal numbers of votes for and against, the person presiding will have a second or casting vote. The person presiding can only use a second or casting vote if he or she has participated in the original vote on any motion.

### **21.3 Method of Voting**

Unless a recorded vote is demanded under these rules, the Chairperson will take the vote by a show of hands, or if there is no disagreement, by the consent of the meeting.

## **21.4 Recorded Vote**

If five Members present at the meeting demand it, the names of those who vote for and against a motion or amendment or abstain from voting will be recorded in the minutes. A demand for a recorded vote may only be made before the vote is taken.

## **21.5 Right to Require Individual Votes be recorded**

If, immediately after the vote is taken, a Member requests it, his/her vote will be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

## **Standing Order 22: Urgent Matters**

### **22.1 Urgent Decisions outside the Budget or Policy Framework**

- a) The Cabinet or an individual Member of the Cabinet may take a decision, which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - i. If it is not practical to convene a quorate meeting of the full Council;
  - ii. If the Chairperson of the relevant committee agrees that the decision is a matter of urgency; and
  - iii. Having regard to advice from relevant officers, including the Monitoring Officer and Chief Financial Officer.
- b) The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chairperson of the relevant committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairperson of the relevant committee the consent of the Chairperson of another scrutiny committee will be sufficient.
- c) Urgent decisions will be effective and implemented immediately and will not be subject to the "call-in" procedure.
- d) Following the decision, the decision-taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency. This will also be included in the decision record.

### **22.2 Matters Too Urgent to Await the Next Meeting**

- a) The Chairperson of the Cabinet is authorised to take decisions on matters which are too urgent to await the next meeting of the full Cabinet. In the absence of the Chairperson of the Cabinet, another Member of the Cabinet shall be authorised to take urgent decisions.
- b) The individual Cabinet Members are authorised to take decisions in accordance with their Scheme of Delegation on matters which are too urgent to await their next formal meeting. In the absence of the individual Cabinet Member, the Leader of the Cabinet shall be authorised to take urgent decisions.
- c) Urgent decisions will be effective and implemented immediately and will not be subject to the "call-in" procedure.
- d) The reasons why the matter was considered to be too urgent to await the next meeting must be noted on the record of the decision and, where appropriate, the record must also note that the decision was taken in the absence of consultation.
- e) Following the decision, the decision taker will provide a full report to the next appropriate meeting of the Audit Committee explaining why the decision was treated as a matter of urgency.

### **22.3 Matters Too Urgent to Await the "Call-In" Procedure**

- a) Where an executive decision made by the Cabinet or an individual Cabinet Member at a formal meeting needs to be implemented urgently and cannot reasonably be deferred, the decision will be effective and implemented immediately and will not be subject to the "call-in" procedure
- b) The reasons why the matter was considered to be too urgent to await the "Call-in" procedure must be noted on the record of the decision.
- c) Following the decision, the decision-taker will provide a full report to the next appropriate meeting of the Audit Committee explaining why the decision needed to be implemented urgently and could not reasonably be deferred.

### **22.4 Regulatory Committees**

- a) In the case of non-executive functions, the Head of Paid Service and other Chief Officers are authorised to make decisions, after consultation with the Chairperson or (in the absence of the Chair) any appointed Deputy Chairperson of the relevant regulatory committee, on matters which are too urgent to await the next formal meeting of the committee. In the absence of the Chairperson and Deputy, the most senior Member of the majority party serving on the committee shall be consulted.
- b) The reasons why the matter was considered to be too urgent to await the next meeting of the committee must be noted on the record of the decision.
- c) Following the decision, the decision-taker will provide a full report to the next appropriate meeting of the Audit Committee explaining why the decision was treated as a matter of urgency.

### **Standing Order 23: Suspension of Standing Orders**

Standing Orders may be suspended if agreed by the Cabinet or by an officer in consultation with Cabinet Members in matters of urgency. Any suspension of Standing Orders must be reported to the Audit Committee to ensure safeguards against any possible misuse of this provision.

### **Standing Order 24: Reports to the Cabinet, Cabinet Members and Committees**

- a) Each report to Council, the Cabinet, Cabinet Members, committees or other groups shall comply with corporate report writing standards, as approved by the Council, and be written using the approved template with all sections completed.
- b) All reports shall contain the views of the Monitoring Officer and the Head of Finance and (where there are staffing implications) the Head of People and Business Change, together with the views of other relevant professional advisors.
- c) Where a report affects a single or two wards, the report must include comments by the local Ward Members.
- d) Reports to Cabinet must be cleared with the relevant Cabinet Member before it is included on any agenda.

## **Standing Order 25: Call-In Mechanism**

Decisions by the Cabinet or by individual Cabinet Members are subject to the Council's adopted 'Call in' mechanism. The call-in mechanism is described in detail in the Council's Constitution.

## **Standing Order 26: Notice, Summons, Decisions and Dates of Meetings**

- a) Notice to the public of the time and place of any meeting shall be given in accordance with the access to information procedure rules.
- b) At least 3 working days before a meeting, the Head of Democratic Services or his or her representative will, wherever possible, send a summons by post or by electronic mail to every Member of the Cabinet, Committee or other group, or leave it at their usual home address. This requirement does not apply to occasions upon which individual Cabinet Members take decisions.
- c) The Council's website will provide information and access to relevant documents to the press and public at least three working days before a meeting
- d) Clear days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional days following a bank holiday
- e) The summons will give the date, time and place of each meeting and will set out the business to be transacted at the meeting.
- f) Decisions taken by the Cabinet or an individual Cabinet Member shall be published as soon as possible and normally within three working days of the decision(s) being taken.
- g) Dates of meetings of the Council, the Cabinet, Committees or other groups shall appear in the Council's Schedule of Meetings. Other non-executive groups shall meet as required. The Chairperson of the Cabinet or of any committee are authorised to cancel or change the scheduled date of a meeting in exceptional circumstances.
- h) Meetings for decision-making purposes by individual Cabinet Members may be called as required but, in the case of the Cabinet, committees or other groups, at least three days' notice of meeting must be given. Decision schedules must be issued in the normal manner for any meeting involving the taking of decisions.
- i) If these Standing Orders require that written notice is given in any circumstance, such notice will be accepted if received by e-mail or other form of electronic mail within any specified deadline.

## **Standing Order 27: Staff**

All grading and structure proposals and recommendations to the Council for additional staff shall be undertaken in accordance with Scheme of Delegation, as agreed by Council, and set out in the Constitution.

## **Standing Order 28: Financial Estimates**

- a) Each year, each Head of Service in consultation with the appropriate Cabinet Member shall prepare capital and revenue estimates for collation by the Head of Finance and submission to the Leader for recommendation to the Cabinet.

- b) The Cabinet shall consider the aggregate effect of these programmes and estimates on the Council's financial resources. After making such amendments, as they consider necessary they shall submit their budget proposals to the Council for approval with a recommendation as to the level of local tax.

## **Standing Order 29: Capital Expenditure**

Before considering any proposal involving capital expenditure, every Head of Service or appropriate Cabinet Member, shall receive a project appraisal report in writing from the appropriate officer setting out full details of the proposed expenditure and including a complete financial appraisal of the scheme, incorporating the views of the Head of Finance.

## **Standing Order 30: Absence of Cabinet Member or Chairpersons and Deputy Chairpersons**

- a) Where delegated powers have been allocated to individual Cabinet Members, in the absence of that Cabinet Member, the Leader or a Cabinet Member nominated by the Leader will take the decision.
- b) In the absence of the Leader at a meeting of the Cabinet, the Deputy Leader (or if there is no deputy leader, a Cabinet Member nominated by the Leader) shall Chair the meeting. In the absence of the Leader and Deputy Leader, the Chair shall be taken by a Member of the Cabinet as elected by a simple majority ballot
- c) In the absence of any Cabinet Member at a meeting of the Cabinet no substitute or deputy shall be nominated.
- d) In the case of committees and other groups, in the absence of the Chair at a meeting of the Committee or group, the Deputy Chair shall Chair the meeting. In the absence of the Chair and Deputy or if no deputy has been appointed, the Chair shall be taken by a Member of the committee as elected by a simple majority ballot.

## **Standing Order 31: Joint Meetings**

- a) Where a matter crosses the portfolio areas of two or more Cabinet Members, the matter may be dealt with jointly provided agreement to a joint decision is reached. If there is no agreement, the matter shall be passed to the Cabinet for decision.
- b) Where any joint meeting of committees is convened, the first item of business of any joint meeting shall be to appoint a chairperson of the meeting.

## **Standing Order 32: Policy Matters**

No change in the Policy Framework as set out in the Constitution and previously adopted by the Council shall be made without a written report to the Council.

Any proposed changes to the Policy Framework will be determined by the Council.

## **Standing Order 33: Smoking**

Smoking shall not be permitted at any meetings

## **Standing Order 34: Photography and Audio Recordings of Meetings**

- a) The filming, videoing, photographing or audio recording of a meeting shall not be permitted without the agreement of the chairperson of the meeting concerned. The chairpersons agreement must have been obtained and the Head of Paid Service notified by not later than one hour before the meeting.
- b) The chairperson will announce at the commencement of the meeting any agreement to allow photography or audio recording of the meeting.
- c) The Council will determine if any meeting shall be web casted or made available in any form on the Council's website or the internet.
- d) No filming, video recording, photography, audio recording, or webcasting will take place when exempt or confidential items are being considered by the Council or any of its committees or other groups.