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EPSOM & EWELL

TOWN HALL

EPSOM

3 December 2018

SIR OR MADAM

I hereby summon you to attend a meeting of the Council of the Borough of Epsom and Ewell which will be held at the Town Hall, The Parade, Epsom on **TUESDAY, 11TH DECEMBER, 2018** at **7.30 pm**. The business to be transacted at the Meeting is set out on the Agenda overleaf.

Prayers will be said by the Mayor's Chaplain prior to the start of the meeting.

A handwritten signature in black ink, appearing to read 'K. Beldan'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Chief Executive

COUNCIL

Tuesday 11 December 2018

7.30 pm

Council Chamber - Epsom Town Hall

For further information, please contact Fiona Cotter, tel: 01372 732124 or email: fcotter@epsom-ewell.gov.uk

FIRE PRECAUTIONS

No fire drill is planned to take place during the meeting. If an alarm sounds, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

Do not use the lifts.

On leaving the building, please make your way to the Fire Assembly point on Dullshot Green.

AGENDA

1. DECLARATIONS OF INTEREST

To receive declarations of the existence and nature of any Disclosable Pecuniary Interests from Members in respect of any item to be considered at the meeting.

2. MINUTES (Pages 5 - 12)

To confirm the Minutes of the Meeting of the Council held on 17 July 2018.

3. MAYORAL COMMUNICATIONS/BUSINESS

To receive such communications or deal with such business as the Mayor may decide to lay before the Council.

4. QUESTIONS FROM COUNCILLORS

To answer any written questions from Councillors

Note: The deadline for questions is 5pm on Wednesday 5 December 2018 (17.00 hours on the third clear working day before the meeting).

5. REVISIONS TO PART 4 OF THE CONSTITUTION (Pages 13 - 90)

To receive the recommendations of the Standards Committee regarding proposed changes to Standing Orders in Part 4 of the Council's Constitution.

6. APPOINTMENT TO OUTSIDE BODY AND CONFIRMATION OF COMMITTEE APPOINTMENTS (Pages 91 - 94)

To approve appointments vacancies on Council Committees and appoint to a vacancy on an Outside Body.

7. NOTICES OF MOTION (Pages 95 - 104)

This report sets out notices of motions ruled in order by the Mayor in consultation with the Chief Legal Officer.

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EPSOM AND EWELL

Minutes of the Meeting of the COUNCIL of the BOROUGH of EPSOM AND EWELL held at the Town Hall, Epsom on 17 July 2018

PRESENT -

The Mayor (Councillor Neil Dallen); The Deputy Mayor (Councillor John Beckett); Councillors Michael Arthur MBE, Tony Axelrod, Richard Baker, Steve Bridger, Kate Chinn, Alex Coley, George Crawford, Lucie Dallen, Hannah Dalton, Graham Dudley, Robert Foote, Chris Frost, Liz Frost, Rob Geleit, Eber Kington, Omer Kokou-Tchri, Jan Mason, Barry Nash, Peter O'Donovan, Martin Olney, David Reeve, Humphrey Reynolds, Guy Robbins, Vince Romagnuolo, Jean Steer MBE, Alan Sursham, Mike Teasdale, Peter Webb, Clive Woodbridge and Tella Wormington

Absent: Councillors Rekha Bansil, Alex Clarke, Tina Mountain, Jane Race and Clive Smitheram

The Meeting was preceded by prayers led by the Mayor's Chaplain

13 DECLARATIONS OF INTEREST

On the grounds of her employment with the NHS, Councillor Liz Frost informed the meeting that her current employment within NHS England could be said to give rise to a disclosable pecuniary interest under the Council's Local Code of Conduct for Members. However, the Council's Standards Committee had discussed this and did not consider that, in most circumstances, this would damage the public's confidence in the authority's business and, for the avoidance of doubt, she had been granted a dispensation by the Standards Committee to speak and vote on matters related to health.

14 MINUTES

The Minutes of the Annual Meeting of the Council held on 15 May 2018 were agreed as a true record and signed by the Mayor.

15 COUNCILLOR DAVID WOOD

It was with great sadness that the Mayor announced the sudden death of Councillor David Wood, who passed away in his sleep on 6 July. Councillor Wood had been ill for some time.

As a mark of respect, the Council stood in a minute's silence.

Councillors Michael Arthur, Graham Dudley and Chris Frost paid tribute to Councillor Wood as a colleague, Ward Councillor and friend. Councillor Vince Romagnuolo and Councillor Omer KoKou-Tchri also extended condolences on behalf of the Labour and Conservative Groups.

Elected to the Borough Council in 1995 as a Ward Councillor for Stoneleigh, Councillor Wood was re-elected in the following Borough Council election in 1999 to serve Nonsuch Ward, the Ward he continued to serve until his death.

Councillor Wood also served as a County Councillor from June 2009 to May 2013 representing the Division of Epsom and Ewell North East. In 2006/7 he held the office of Mayor, serving as Deputy Mayor the following year. He had served as Chairman and Vice Chairman on several committees and sub-committees and had been a member of a range of working parties, groups and panels, as well as representing the Council on many other organisations over the years. At the time of his death, he was serving as Vice Chairman of Licensing and Planning Policy Committee.

(The Meeting adjourned for 5 minutes)

16 MAYORAL COMMUNICATIONS/BUSINESS

The Mayor informed the Council that the Zig Zag café had been recognised as a café of sanctuary for its work with refugees and that it was hoped that the Borough would achieve recognition as a Borough of sanctuary.

The Mayor congratulated Councillor Clive Woodbridge on his election as the Deputy Leader of the Local Government Association's Independent Group.

Finally, the Mayor thanked those who had attended his Civic Service and for the support of his charity events so far, commending a number of up and coming events to colleagues. These included a Golf Day on 23 July, a Quiz Night on 10 November and the Mayoral Ball on 11 May next year.

17 QUESTIONS FROM COUNCILLORS

Five questions had been addressed to Committee Chairmen to which written answers had been provided and published on the Council's website. Supplementary questions relevant to the subjects of four of the written questions were asked at the meeting and received a verbal response from the relevant Chairman.

18 REVISIONS TO CONSTITUTION

The Council received and considered the report of the Chief Legal Officer that proposed changes to Part 3 and the Protocol for Managing Member/Officer Relations of the Council's Constitution.

Councillor Eber Kington **MOVED** and Councillor Guy Robbins **SECONDED** the recommendations in the report.

Upon being put, the motion was **CARRIED** (without a division).

Accordingly, it was

RESOLVED that Council:

- (1) **Approve the changes to the Part 3 of the Constitution as set out at Annex1**
- (2) **Approve the new Protocol for Managing Member/Officer Relations at Annex 2**
- (3) **Subject to recommendations (1) and (2) above, authorise the Monitoring Officer to make all the necessary amendments to the Constitution.**

19 FILM CLASSIFICATION POLICY

The Council received and considered the report of the Head of Housing and Community proposing the adoption of a Film Classification Policy.

Councillor Graham Dudley **MOVED** and Councillor Humphrey Reynolds **SECONDED** the recommendation in the report.

Upon being put, the motion was **CARRIED** (without a division).

Accordingly, it was

RESOLVED that

Council adopt the recommendations of the Licensing and Planning Policy Committee on 10 July 2018

20 STATEMENT OF POLICY GAMBLING ACT

The Council received and considered the report of the Head of Housing and Community proposing the adoption of a renewed Statement of Policy in accordance with the Gambling Act 2005.

Councillor Graham Dudley **MOVED** and Councillor Humphrey Reynolds **SECONDED** the recommendation in the report.

Upon being put, the motion was **CARRIED** (without a division).

Accordingly, it was

RESOLVED that

Council adopt the recommendations of the Licensing and Planning Policy Committee on 7 June 2018

21 STATEMENT OF POLICY - LICENSING ACT

The Council received and considered the report of the Head of Housing and Community proposing the adoption of a revised Statement of Policy in accordance with the Licensing Act 2003.

Councillor Graham Dudley **MOVED** and Councillor Humphrey Reynolds **SECONDED** the recommendations in the report.

Upon being put, the motion was **CARRIED** (without a division).

Accordingly, it was

RESOLVED that

Council adopt the recommendations of the Licensing and Planning Policy Committee on 10 July 2018

22 COUNCIL MOTION: DISPOSAL OF LAND BY THE HOSPITAL TRUST OF LAND FORMING PART OF THE CURRENT EPSOM HOSPITAL SITE

Note: In accordance with advice given to members of the Planning Committee, members of the said Committee, and those members likely to act as a substitute if required to do so, left the Chamber for items 22 and 23 and took no part in the debate on these motions.

In pursuance of the Council's Rules of Procedure, Councillor Tony Axelrod **MOVED** and Councillor Richard Baker **SECONDED** that:

"This Council has previously confirmed its support for the option proposed by Epsom and St. Helier University Hospitals NHS Trust (ESHUH NHS Trust) to have a new acute unit constructed on the current Epsom Hospital site, to maintain all other remaining services on this site and to expand speciality facilities. These would include a 24-hour Accident and Emergency service. However, this Council views with concern the proposal, made public recently, to dispose of land forming part of the current Epsom Hospital site. This Council requests ESHUH NHS Trust to halt any site disposal, enabling the site to remain available for the provision of future health and social care services for the residents of Epsom and Ewell and East Surrey and to await decisions in regard to:

- a) The location of any acute hospital unit to serve the needs of residents in Epsom and Ewell and East Surrey,

- b) The relocation of any services that are currently located at West Park hospital, which has been the subject of a recent public consultation,
- c) The location of an acute mental hospital for the residents of Epsom and Ewell and East Surrey, which was due to be the subject of a public consultation in early 2017, but has yet to take place.

Given the housing pressures imposed on this Borough by central Government's requirement of 579 housing units constructed per year for at least the next 20 years, the number of residents in our Borough could increase significantly, by an estimated 25,000 to 30,000. Residents of Epsom and Ewell require certainty with regard to their local hospital services and without the loss of service availability, and the disposal of land forming part of the Epsom Hospital site by ESHUH NHS Trust can only serve to reduce options for the future and threaten those locally delivered services. In view of these pressures, this Council agrees that:

- d) The cost of repairs and renovations to the existing Epsom Hospital buildings must be funded via other means than the sale of land and buildings, and calls upon NHS England to support ESHUH NHS Trust in bringing the hospital buildings up to the required standard of a 21st century hospital without having to sell any part of the existing estate, which is an unsustainable approach.

Upon being put, the Motion was **CARRIED** (unanimously).

23 COUNCIL MOTION: GOVERNMENT HOUSING TARGET

Note: In accordance with advice given to members of the Planning Committee, members of the said Committee, and those members likely to act as a substitute if required to do so, had left the Chamber for items 22 and 23 Chamber and took no part in the debate on these motions. In particular, in order to preserve her position, following advice, Councillor Tella Wormington had left the Chamber for items 22 and 23 and Councillor Clive Woodbridge seconded the motion in accordance with the Council's Rules of Procedure.

Note: Councillor Omer KoKou-Tchri left the Chamber prior to the vote being taken.

In pursuance of the Council's Rules of Procedure, Councillor Liz Frost **MOVED** and Councillor Clive Woodbridge **SECONDED** that:

- (1) This Council acknowledges the need to tackle the national housing shortage and agrees that local authorities must play their part in planning for the right homes in the right places.
- (2) However, this Council also notes that the current Government target of at least 8,685 additional new homes for Epsom and Ewell is arbitrary and takes no account of:

- a) The acute shortage of available & deliverable sources of housing land supply within the Borough;
 - b) The requirement for substantial additional infrastructure, including schools and healthcare facilities, needed to support such a large increase in prospective additional residents; and
 - c) The significant threat posed to the Borough's green belt, parks and other open spaces.
- (3) This Council therefore agrees that in addressing the Government's housing target it will seek to develop innovative solutions aimed at:
- a) Retaining as far as possible the existing character of the borough and the quality of design and build that our residents prefer.
 - b) Directing new development towards existing urban areas and brownfield sites and, where appropriate, permitting higher and denser development than at present.
 - c) Discussing with neighbouring councils how we might work together to accommodate new housing.
 - d) Affording maximum protection for our much-prized Green Belt, parks and other important open spaces."

Pursuant to the Council's Rules of Procedure, a recorded vote was requested by eight members of the Council.

Upon being put, the **MOTION** was **CARRIED**, there being 19 members in favour, 0 against and 12 members not voting as follows:

For the Motion (19)	Against the Motion (0)	Not voting (12)
Tony Axelrod		Michael Arthur *
Richard Baker		The Deputy Mayor *
Steve Bridger		Lucie Dallen *
Kate Chinn		The Mayor
Alex Coley		Jan Mason *
George Crawford		Peter O'Donovan *
Hannah Dalton		Martin Olney *
Graham Dudley		David Reeve *
Robert Foote		Humphrey Reynolds *
Chris Frost		Vince Romagnuolo *
Liz Frost		Jean Steer *
Rob Geleit		Tella Wormington *
Eber Kington		
Barry Nash		
Guy Robbins		
Alan Sursham		

For the Motion (19)

Mike Teasdale

Peter Webb

Clive Woodbridge

- * Members of the Planning Committee who, following advice, had left the Chamber prior to the debate.

The meeting began at 7.30 pm and ended at 9.31 pm

COUNCILLOR NEIL DALLEN
MAYOR

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Revisions to Part 4 of the Constitution

Head of Service/Contact:	Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached):	Annex 1: Amended Rules of Procedure Annex 2: Contract Standing Orders Annex 3: Proposed Protocol and Guidance on recording, photography & use of social media Annex 4: Proposed Article 16 – inclusion of Petition Scheme
Other available papers (not attached):	Report to Council dated 20 July 2010 Report to Strategy and Resources Committee dated 26 July 2018 Report to Standards Committee dated 30 November 2018

Report summary

This report sets out the recommendations of the Standards Committee regarding proposed changes to Standing Orders in Part 4 of the Council's Constitution.

Recommendation (s)

That Council approve:

- (1) Revised Rules of Procedure of Procedure for Council and Committee meetings, set out at Annex 1;
- (2) The revised Contract Standing Orders for inclusion in Part 4, Section 6 of the Constitution, set out at Annex 2 subject to the correction of paragraph 5.45 to read as follows: "For procurement valued above the OJEU limit, tenders shall be evaluated by at least two officers including a representative from the Finance Department and the relevant department";
- (3) The proposed Protocol and Guidance on recording, photography and the use of social media set for inclusion in Part 5 of the Constitution, set out at Annex 3;
- (4) The inclusion of the Council's Petition Scheme approved at its meeting in July 2010, at Part 2 as Article 16 in the Council's Constitution, set out at Annex 4;

(5) That authority be delegated to the Monitoring Officer to make any further changes as may be necessary arising out of this report in consultation with the Chairman of the Standards Committee;

and Notes

(6) that, in accordance with authority already delegated to the Monitoring Officer, changes will be made to job titles in the remainder of Part 4 to update references in line with the management structure.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

1.1 Good Corporate Governance underpins delivering the Council's Key Priorities.

2 Background

2.1 A comprehensive review of the Constitution is currently underway to ensure that it complies with all relevant statutory requirements and that its processes and procedures meet the needs for organisational efficiency and achieve good governance.

2.2 The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent and accountable manner. Some of the content of the Constitution is required by law; the remainder is for the Council itself to determine.

2.3 The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution. The Monitoring Officer may amend the Constitution where there has been a change in law, job title, and structure, rearrangement of job responsibilities or for general administrative convenience. Full Council, however, must approve all extensive changes to the Constitution.

2.4 At its meeting on 26 July 2018, the Strategy and Resources Committee recommended the inclusion of a revised set of Contract Standing Orders (**Annex 2**) in Part 4 of the Constitution.

2.5 Part 4 of the Constitution also deals with a number of other key areas, including the Council's Rules of Procedure. Part 3 of the Constitution requires changes to its procedure rules to be approved by Standards Committee first.

2.6 The Standards Committee met on 30 November 2018 and considered the Council's Rules of Procedure and Procedure Rules for the Conduct of Committees, Sub Committees and Advisory Groups (currently section A of Part 4). The changes are contained in **Annex 1** and key proposals highlighted in this report.

- 2.7 Whilst implementing the decisions taken at this meeting, the opportunity will also be taken to make changes to other sections of Part 4 in accordance with the authority delegated to the Monitoring Officer in relation to updating post titles in line with the current management structure and to reorder layout of Part 4.
- 2.8 Delegated authority is also being sought to reserve the right for the Monitoring Officer to make any further amendments that may be necessary arising out of this report in consultation with the Chairman of the Standards Committee.

3 Changes to Part 4 of the Constitution

- 3.1 In addition to the changes recently considered by Standards Committee, current section F of Part 4 (Contract Standing Orders) has already been reviewed and the changes approved & recommended by Strategy and Resources Committee for inclusion in the Constitution (paragraph 2.4 refers). Part 4 will be re-ordered and this section will now become Section 6.
- 3.2 On re-proofing Contract Standing Orders, a drafting error has been picked up in paragraph 5.45, which should read:
- “For procurement valued above the OJEU limit, tenders shall be evaluated by at least two officers including a representative from the Finance Department and the relevant department”
- 3.3 The changes Council is being asked to approve and adopt to Part 4 and those which can be made under delegated authority are summarised in Table 1 below:

Section	Current Position	Proposals
A. (a): Council Rules of Procedure	Considered by Standards Committee	As recommended in Annex 1
A. (b): Procedure Rules for the Conduct of Committees, sub Committees and Advisory Panels	Considered by Standards Committee	As recommended in Annex 1
D: Overview & Scrutiny Procedure Rules	To hold pending expected legislative changes.	Changes to post titles to update in line with new structure only
E: Financial Regulations	To be amended by Strategy & Resources early next year.	Changes to post titles to update in line with structure only

Section	Current Positon	Proposals
F: Contract Standing Orders	Amended by Strategy & Resources in July 2018 Approved changes are being put to Council for adoption subject to correction of the drafting error in paragraph 5.45.	As recommended in Annex 2
G: Officer Employment Rules	To be amended	Changes to post titles to update in line with structure only.

- 3.1 The proposed changes to Section A (a) Full Council Procedure Rules and (b) Committee, Sub Committee & Advisory Panel Procedure Rules are aimed at updating current practice, addressing anomalies and general updating to reflect new post titles. Key changes are highlighted in the following paragraphs. Section A will now become Section 1.

4 Rules of Procedure relating to Council Meetings

- 4.1 For ease of reference, a generic definitions section has been included in Part A for both parts (a) and (b).
- 4.2 One key change to the procedure rules at Council meetings (excluding the Budget Meeting and Annual Meeting) is the inclusion within the running order for Chairman's statements. This is intended to provide Policy Committee Chairman with the opportunity to present a statement on current events and issues affecting the area of work of the committee they chair.
- 4.3 In regard to the appointment of Committees and Chairman, Standards Committee also recommended that it be included in the rules that a member may not be the Chairman of Audit, Crime & Disorder and Scrutiny Committee as well as the Chairman of any of the policy committees or Planning Committee.
- 4.4 It is also proposed to include a process around the use of mobile phones, the ability to film and record meetings. A revised rule has been drafted and a new protocol for inclusion within Part 5, which is attached at **Annex 3**.
- 4.5 In addition, although banners and placards will not be permitted to in meetings for reasons of health and safety, it is good practice to include a procedure rule to this effect.
- 4.6 A guillotine has also been set in order to avoid any meeting proceeding past 23.00hrs. This means the procedure rule is now not capable of being suspended.

- 4.7 A rule has been added into the Council Rules of Procedure to reflect the provisions of the Council's Petition Scheme approved in July 2010 and it is proposed that the Scheme itself should also be set out in the Constitution in the form of a New Article 16 in Part 2 (**Annex 4** refers)
- 4.8 Changes have also been made to the section relating to questions from Members of Council to provide clear guidance on when and what questions can be asked and the deadline by which questions must be received has been changed to ten clear working days.
- 4.9 The section relating to Motions has been updated to ensure the process is stated clearly and a new process for the submission of Motions, which includes a prescribed form to be completed has been included.
- 4.10 The deadline for notifying the Chief Legal Officer of a proposed motion has been changed to ten clear working days and, to avoid any ambiguity, motions to Council will be accompanied by a covering report which will draw specific attention to the process and procedures for debate of motions rather than simply setting out the Motion for debate.
- 4.11 The Standards Committee has also recommended introduction of an overall limit on the amount of time devoted to the consideration of Motions.
- 4.12 The procedure around asking Council to decide if a motion can be debated on the night or referred on to an appropriate committee has been deleted from the process. This has been mitigated by requiring Council to refer a matter to a Policy Committee after Council has determined a Motion, which engages something a Policy Committee could or should consider.
- 4.13 Following on from changes to this section, the rules of debate sections have also been reconfigured and clarified and timings for speeches have been changed.

5 Rules of Procedure relating to Committee, Sub Committee & Advisory Panel Meetings

- 5.1 In terms of changes to the Committee, Sub Committee and Advisory Panels Procedure Rules, again these have been updated in line with good practice and general updating.
- 5.2 Changes have been proposed to the ability of questions from the public to be asked on agenda items. The aim of question sessions is to address those matters that fall within the terms of reference of a Committee to enable the public to raise issues.

- 5.3 The deadline for the submission of written questions from the public has been harmonised with that of questions from members in order to ensure a consistent approach across the board. The deadline by which a written question must be submitted has been amended to 10 working days before the meeting in order to allow enough time in the timetable for replies to be made available.
- 5.4 Another key change made is to address the conflict created by the former CPR 82 rule. The Constitution currently makes a distinction between those members of Audit, Crime & Disorder and Scrutiny Committee who are able to:
- sit as full members of a Policy Committee, and
 - those that can sit as substitutes for Members of a Policy Committee
- 5.5 At present, CPR 82 provides that if a member is appointing a substitute to sit on a policy committee, that substitute cannot be a member of the Audit, Crime & Disorder and Scrutiny Committee. However, in Section D of Part 4, which sets out the Scrutiny Procedure Rules, para 2 sets out who can sit on Audit, Crime & Disorder & Scrutiny Committee and what they can and cannot do. Para 2.1 provides:
- “All councillors may be members of the Audit, Crime & Disorder but no councillor may be involved in scrutinising a decision in which he/she has been directly involved.”
- 5.6 This has created a conflict where members can sit on a Policy committee as a decision maker, but cannot as a substitute. This has been addressed by the removal of the words to CPR 82 that prevent a member of Scrutiny substituting for a member on a Policy Committee, but preserving the right for such a member not to scrutinise a decision in which they were involved at a Policy Committee.

6 Financial and Manpower Implications

- 6.1 There are no financial or manpower implications for the purposes of this report
- 6.2 **Chief Finance Officer's comments:** *None for the purposes of this report.*

7 Legal Implications (including implications for matters relating to equality)

- 7.1 Section 37 of the Local Government Act 2000 and the guidance issued under it requires the Council to keep the Constitution up to date and regularly review it. There are no specific equality implications from the proposed amendments.

7.2 **Monitoring Officer's comments:** *It is important to note that the Local Government Act 2000 requires the Council to have and maintain a Constitution. The process of updating the Constitution will ensure it fulfils its stated purpose, as set out in its Article 1.*

8 Sustainability Policy and Community Safety Implications; Partnerships

8.1 There are no implications for the purposes of this report.

9 Risk Assessment, Conclusion and Recommendations

9.1 The Council needs a sound Constitution that is kept up-to date and fit for purpose. By adhering to the rules and guidance set out in the Constitution, Officers and Members alike protect themselves from risk of challenge.

9.2 The changes to the Constitution are being taken in sections and a further review of the whole document will be undertaken when all parts have been individually reviewed.

9.3 Delegated authority is being sought for the Monitoring Officer to make any further changes as may be necessary arising out of this report in consultation with the Chairman of the Standards Committee. This is sought to allow the correction any inconsistencies or unintended consequences, such as for example, the unintentional anomaly like that in relation to former CPR 82, which may not have been picked up during the review of such a long and complex document.

9.4 Accordingly, the recommendations of the Standards Committee set out in the body of the report are commended to the Council.

Ward(s) Affected: (All Wards);

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PART 4

Rules of Procedure

[V1/Section 1](#)

SECTION A – Council Rules of Procedure

Deleted: (Standing Orders)

Issued: July 2002; 2nd Revision July 2012; December 2018

Introduction

The purpose of these Rules of Procedure (often referred to as the 'Standing Orders') is to regulate the proceedings and business of the Council, Committees, Sub Committees and Advisory Panels of the Borough of Epsom and Ewell to ensure that the Council's business is carried out transparently and in accordance with good governance. The Rules are there to guide and assist Members with good decision making. They should not be used to obstruct the process of working efficiently and effectively.

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Definitions

In these Rules of Procedure the following terms have the following meanings. However, if in order to make sense of a passage a different meaning needs to be attributed to a word or phrase, then that meaning may be given.

<u>Annual Meeting</u>	<u>means the first ordinary meeting of the Council of each municipal year</u>
Advisory Panel	refers to bodies which report as required to the appropriate committee as set out in their Terms of Reference
<u>Budget Decision</u>	<u>means for the purposes of the FCR any decision defined as such under the Local Authorities(Standing Orders) (England) (Amendment) Regulations 2014 or such successor provision</u>
<u>Council</u>	means Epsom and Ewell Borough Council or one or more of its Committees, Sub-Committees, Advisory Panels or Officers acting on the Councils behalf, using powers which have been lawfully delegated as the context requires
CPR	means Committee Rule of Procedure, the rules which regulate the proceedings and business of meetings of the Committees, Sub Committees and Advisory Panels of the Council of the Borough of Epsom and Ewell
Chairman	means the Member currently appointed or elected to chairman of a Committee, Sub-Committee or Advisory Panel

Deleted: Authority" means Epsom and Ewell Borough Council or one or more of its Committees, Sub-Committees, Advisory Panels or Officers acting on the Councils behalf, using powers which have been lawfully delegated.

Chief Executive	refers to the Council's Head of Paid Service, designated under Section 4 of the Local Government and Housing Act 1989
Committee	refers to a committee of the Council (whether a policy or regulatory committee) unless a distinction is made in the relevant Standing Order
Constitution	means the Council's Constitution under Section 37 of the Local Government Act 2000
Council	means Epsom and Ewell Borough Council acting by the Council
Chief Finance Officer	refers to the Council's Chief Finance Officer designated under section 151 of the Local Government Act 1972
Deputy Mayor	the Member elected to be the Deputy Mayor of Epsom and Ewell Borough Council
FCR	means Full Council Rule of Procedure, the rules which regulate the proceedings and business of meetings of the Council and which may be referred to as 'Standing Orders'
Group	means a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990
Mayor	the Member elected to be Mayor of Epsom and Ewell Borough Council
Meeting	A meeting of the Council, a committee, sub committee or advisory panel
Member	means a Member of the Council, in relation to any committee, sub-committee, advisory panel or joint committee or any outside body as appropriate , it means a person who has been appointed to such whether or not they are entitled to vote and where the context so requires, the reference will refer to the appointed member of such committee, sub-committee, advisory panel or joint committee and not a member who may be substituting for such absent member
Monitoring Officer	means the Chief Legal Officer as the person designated as monitoring officer under section 5 of the Local Government and Housing 1989. If that person is unable to act owing to absence o

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	illness, the expression means a person nominated as his deputy under subsection (7) of that section
<u>Officer</u>	<u>means an employee of the Council</u>
<u>Petition</u>	<u>means a Petition falling within the Petition Scheme (Article 16)</u>
Policy Committee	is a collective term for one or more of the Council's policy committees as described in Part 3 of the Constitution
<u>Standing Orders</u>	<u>refers to the FCR</u> or CPR as the context may require
Sub-committee	refers to a sub-committee of a committee
<u>Vice Chairman</u>	<u>means the Member currently appointed or elected to vice chairman of a Committee, Sub-Committee or Advisory Panel</u>
Working Day	<u>means any day on which the Town Hall, Epsom is open to the public, excluding Saturdays, Sundays and Bank Holidays</u>

Deleted: "Working Day"

As long as the context of a passage allows:

- Singular expressions include plural meanings;
- Plural expressions include singular meanings;
- Masculine references include feminine meanings;
- Feminine references include masculine meanings

General

3.1 Unless otherwise stated in these rules of procedure or statute, where anything in these Rules of Procedure is required to be done in writing, this will include by email,

Deleted: it may be done by email.

3.2 A rule, or part of a rule, may not be suspended or revoked if it is a statutory requirement or the operation of Standing Orders does not permit a suspension. It is not necessary for the exact words of the statute to be repeated in a rule. Any of the other rules may be suspended by the Council by agreeing a motion to that effect provided that either:

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Deleted: Such rules will be identified in bold type but the presence or absence of bold type does not affect the operation of this paragraph.

- (a) A notice of motion has been given under Standing Orders including an intention to suspend the Council's rules of procedure; or

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- (b) A motion has been moved under [Standing Orders](#), which can be moved without notice and at least two thirds of the whole number of members of the Council is present.

Deleted: FCR 80 (motions)

[3.3 For the avoidance of doubt, if there is any conflict in the operation or application of Standing Orders, the matter will be determined by the Mayor or Chairman, whose decision on the matter will be final.](#)

[3.4 All references to the Mayor and Chairman of a meeting will include the Deputy Mayor and Vice Chairman as the context so requires or is deemed necessary, where such sits in the absence or in the place of the Mayor or Chairman.](#)

Section 1(A) Standing Orders of the Council

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FCR1 - Calling a meeting

1.1 The Council will meet on such dates each year as are agreed when the calendar of meetings is approved or amended (ordinary meetings) or as required.

Deleted: Challenging previous decisions¶
Until two further ordinary meetings of the Council have been held no motion may be moved to rescind or alter any decision of the Council or a decision of a committee on a matter within its terms of reference, and no motion or amendment to the same effect as one which has been rejected by Council or a committee shall be moved unless, in either case: -¶
(a) it is recommended by a committee; or¶
(b) notice of the motion has been given by at least seven Members of the Council acting together¶

1.2 The Annual Meeting shall normally be held on an appropriate date in May at 19.00 hours.

Deleted: ; the first ordinary meeting of each municipal year will be the Annual Meeting

1.3 A meeting of the Council can be called at any time by the Mayor (an extraordinary meeting).

1.4 The Chief Executive, Chief Finance Officer and Monitoring Officer can each at any time direct that a meeting of the Council be called (an extraordinary meeting).

Deleted: Director of Finance and Resources

1.5 Any five members acting together may direct that a meeting of the Council be called (an extraordinary meeting). The members shall first send a joint written request asking the Mayor to call a meeting (the request should be sent to the Chief Legal Officer). If the Mayor refuses or does not call a meeting within seven days after receiving the request, the members may direct the Chief Legal Officer to do so forthwith. The request shall set out the business to be considered at the meeting.

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1.6 In relation to every meeting, the Chief Legal Officer shall send to all members a Summons to the meeting at least five clear working days before the day of the meeting.

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1.7 The Summons shall specify the business proposed to be transacted at the meeting to which it relates.

1.8 Unless the contrary is set out in the Summons, meetings of the Council shall begin at 1930 hours and shall be held in the Council Chamber at The Town Hall in Epsom.

FCR2 - Order of business

2.1 At the Annual Meeting, the order of business shall be as follows:

- (a) appointment of the Mayor;
- (b) appointment of the Deputy Mayor;

- (c) to receive any declarations of interest;
- (d) consideration of the minutes of the previous meeting(s);
- (e) any business required by statute to be done;
- (f) approval of the Constitution, with or without changes;
- (g) appointments to Committees, Sub-Committees and Panels [in accordance with the political balance rules as appropriate;](#)
- (h) appointments of Committee, Sub-Committee and Panel Chairmen [or confirmation of such if such appointments have been previously made on a fixed term basis and that fixed term has not expired;](#)
- (i) appointments to Outside Bodies [except where appointment to those bodies has been delegated by the Council to a Chairmen or confirmation of such, if such appointments have been previously made on a fixed term basis and that fixed term has not expired;](#)
- (j) any business which in the view of the Mayor and Chief Executive is urgent and cannot be dealt with by one of the Council's Committees;
- (k) [approve a programme of ordinary meetings of the Council for the year.](#)

2.2 At ordinary meetings the order of business shall be as follows:

- (a) appointment of a person to preside if the Mayor and Deputy Mayor are both absent
- (b) to receive any declarations of interest
- (c) consideration of the minutes of the previous meeting(s)
- (d) any business required by statute to be done
- (e) to receive such communications or deal with such business as the Mayor may wish to lay before the Council
- (f) business remaining from the previous meeting
- (g) questions from Members
- (h) [Chairmen's statements](#)
- (i) recommendations from Committees
- (j) reports from Officers

- (k) motions on notice
- (l) any other business set out in the Summons [or which may be added pursuant to Standing Orders](#)
- (m) any business which in the view of the Mayor and the Chief Executive is urgent and cannot be dealt with by one of the Council's committees

2.3 At an extraordinary meeting the order of business shall be as follows:

- (a) appointment of a person to preside if the Mayor and Deputy Mayor are both absent.
- (b) to receive any declarations of interest
- (c) the business specified in the request/direction that the meeting be called.

2.4 Unless subject to a statutory requirement, the order of consideration of business at any meeting may be changed by the Mayor or by the will of the meeting following a motion to that effect, which shall be moved, seconded and put to the vote without debate. The mover of the motion shall be entitled to make a short statement (maximum 2 minutes) to explain why they believe the order of business should be changed.

2.5 Business which the Council decides should be exempt will be dealt with after the press and public have been excluded shall normally be considered after all other business has been concluded.

2.6 On consideration of the minutes of a previous meeting, there shall be no discussion except in relation to their accuracy. Any question as to the accuracy of the minutes shall be raised by way of a formal motion seeking to alter the minutes. Following approval of the minutes, they shall be signed by the Mayor.

FCR3 - Quorum

3.1 No business may be transacted at a meeting of the Council unless at least one quarter of the members of the Council are present (ten Members).

3.2 Where more than one third of the members of the Council become disqualified at the same time, then, until the number of members is increased to not less than two-thirds of the whole number of members, the quorum shall be determined by reference to the number of members remaining qualified.

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3.3 If at the time a meeting is scheduled to start, or at any time during a meeting, the Mayor declares that a quorum is not present, the meeting shall be adjourned to a date and time fixed by the Mayor at the time the meeting is adjourned, or to the date of the next ordinary meeting of the Council.

FCR4 - Voting

4.1 Subject to the provisions of any enactments all questions coming or arising before the Council shall be decided by a majority of the members of the Council, present and voting thereon at a meeting of the Council.

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4.2 A question may be decided by “unanimous consent” where the Mayor asks if a matter is agreed and no member objects. In the event of any member objecting, a formal vote shall be taken.

4.3 Except as otherwise provided, voting shall be on a show of hands of those present.

4.4 In the case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

4.5 The number of members voting for, against or abstaining on a motion, shall be recorded in the minutes.

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Request for a Recorded Vote

4.6 If a member present at the meeting requests a recorded vote on a matter, such member will require seven additional members present (8 in total) to support such a request and such request must be made before voting commences. In the event a recorded vote is agreed, the names for and against the motion or amendment or abstaining from voting, will be taken down in writing and entered into the minutes.

Deleted: Before any vote is taken, any member may stand and ask for the voting to be recorded. If that member is supported by seven other members rising immediately in their places, the voting shall be recorded in the minutes to show how each member cast their vote. The names of members not voting shall also be recorded.

4.7 Unless a recorded vote has been taken, immediately after any vote has been taken, following a request to that effect from any member, their vote for or against the motion, or their abstention, shall be recorded in the minutes.

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Speeches and Recorded Vote for Budget Decisions

4.8 The Chairman of Strategy & Resources Committee will present the Council's Budget at the Budget meeting. His presentation will not be subject to any time limit. A representative of each Group shall present their response to the Budget and they shall have 10 minutes to do so. The matter will then be opened to debate in accordance with Standing Orders. Any member wishing to speak on the Budget will have 3 minutes to do so, any amendment will be considered in

accordance with Standing Orders. The Chairman of Strategy & Resources Committee will conclude the debate on the Budget with a reply lasting no longer than 10 minutes.

4.9 In any event, at any meeting of the full Council at which a Budget Decision is made, there shall be a recorded vote on any decision relating to the budget or council tax. The names for and against or amendment or abstaining from voting, will be taken down in writing and entered into the minutes.

4.10 Recorded votes shall be conducted by an appropriate officer calling the name of each Member present who shall state whether they are voting 'for' or 'against' or whether they wish to 'abstain'. The officer shall record the voting and inform the Mayor of the result.

Voting on appointments to Outside Bodies

4.11 Where there are any appointments to be made to outside bodies by the Council and the number of persons nominated exceeds the number of vacancies, a secret ballot shall be held. Each member shall be entitled to vote for as many individuals as there are vacancies. The nominee(s) with the most votes shall be taken to be appointed. The Chief Executive shall announce the voting figures and shall identify the successful candidates to the meeting, which shall be asked to give its consent to the appointments.

FCR5 - Appointment of Committees and Chairmen

5.1 The Council shall at the Annual Meeting appoint such committees, sub-committees, advisory panels and other bodies as are deemed necessary to carry out the work of the Council.

5.2 The Council may at any time appoint such other Committees or bodies as are necessary to carry out the work of the Council, whether on an ongoing or time-limited project specific basis.

5.3 Subject to any statutory provision, the Council:-

- (a) shall not appoint any member of a committee to hold office later than the next Annual Meeting of the Council unless such appointment is for a fixed term basis;
- (b) may at any time dissolve a Committee, sub-committee, advisory panel or other body, joint committee or alter its membership.

5.4 The Council may, at any meeting, including the Annual Meeting appoint, a Chairmen and Vice-Chairmen of committees, sub-committees, advisory panels

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and joint committees. It may also appoint members of committees, sub-committees, advisory panels, joint committees and nominate to outside bodies. In the event of any vacancy arising during the course of the municipal year, the relevant committee, sub committee and advisory panels are able to make such appointments as necessary until the meeting of the next Annual Meeting. Appointments to vacancies on joint committees or nominations to outside bodies shall be made by Council at the next ordinary or extraordinary meeting of Council.

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5.5 At any one time a Member may hold the office of Chairman of only one of any of the following committees:

- (a) Any of the four policy committees
- (b) Planning
- (c) Audit, Crime & Disorder and Scrutiny Committee

FCR6 - Role of the Mayor

6.1 The appointment of the Mayor is to be the first business at the Annual Meeting of the Council.

6.2 In the event of a casual vacancy in the office of Mayor, the Mayor will be appointed in accordance with section 88 of the Local Government Act 1972.

6.3 The Mayor, if present, shall preside at meetings of the Council. If the Mayor is absent, the Deputy Mayor shall preside at a meeting.

6.4 If both the Mayor and Deputy Mayor are absent, the first business of the meeting shall be to elect a member to take the chair and preside over the meeting.

6.5 All powers or duties of the Mayor at a meeting may be exercised by whoever is appointed to preside over the meeting.

6.6 The ruling of the Mayor as to the meaning or application of these rules of procedure or as to any proceedings of the Council shall be final and shall not be challenged at any meeting of the Council.

6.7 Subject to Standing Orders, the order of business to be set out in a Summons shall be approved by the Mayor.

Deleted: FCR 13, 14 and 15.

6.8 The Mayor shall decide whether any question or motion submitted by a member is in order and should be included in the summons. If any question or motion is

ruled out of order, the member or members who gave it shall be informed of the reason for such ruling.

6.9 The Mayor, following consultation with the Chief Executive, shall decide whether an item of business not set out in the summons shall be considered at a meeting as a matter of urgency by reason of special circumstances, which shall be announced and specified in the minutes of the meeting.

6.10 The Mayor shall rule on any point of order which arises during a meeting, and shall first be entitled to seek such advice as they think necessary.

6.12 The Mayor shall control the debate on any matter to avoid excessive repetition and confine debate within the scope of the meeting and reasonable limits of time. In so doing, the Mayor shall remain impartial and ensure that different viewpoints are heard.

6.14 Whenever the Mayor stands up during a debate any member then standing shall resume their seat and the Council shall be silent. The Mayor may interrupt the debate to restore order by using the command "order", or by striking the gavel. The Council must then be silent until the Mayor calls on a Member to speak.

Deleted: The Mayor shall be entitled not to allow any amendments which are frivolous or vexatious. The Mayor shall also be entitled not to allow any further amendments where several amendments have already been considered and considers that further amendments would have the effect of unreasonably prolonging debate on a matter before the Council.

FCR7 - Good Order at Meetings

Disturbance by the public

7.1 If a Member of the public interrupts the proceedings at any meeting the Mayor shall issue them a warning. If they continue the interruption the Mayor shall order their removal from the Meeting. In case of general disturbance in any part open to the public, the Mayor shall order that part to be cleared.

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7.2 In the event of a public disturbance, the Mayor may without question adjourn the meeting for such period as s/he considers expedient.

Disorderly conduct by Members

7.3 If any Member:

- (a) Persistently disregards the ruling of the Mayor; or
- (b) Behaves irregularly, improperly or offensively; or
- (c) Deliberately disregards procedure; or
- (d) Deliberately obstructs the business of the meeting; or

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(e) Imputes improper motives, or uses any offensive expression, to any other Member.

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then the Mayor will name the Member and require such Member to apologise and or refrain from such behaviour immediately.

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Deleted: a Member named by the Mayor under the paragraph above continues

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7.4 If a Member, despite a Mayoral warning under Standing Orders, continues with their behaviour, the Mayor may take such action as is needed to prevent such behaviour impacting the conduct of the meeting. Such action may include:

- (a) forbid the Member from speaking for some or all of the rest of the meeting;
- (b) order the Member to leave the meeting for all or part of the remaining business.
- (c) order the Member to be removed from the meeting.
- (d) adjourn the meeting for such period as they think fit

7.5 The decision of the Mayor as to acceptable conduct whether by Members or the public shall be final.

Deleted: A Member may not impute improper motives, or use any offensive expression, to any other Member.

Deleted: shall be the sole judge at the meeting of when this rule has been broken. If a Member ignores or rejects the Mayor's ruling the Member shall be dealt with under the two preceding paragraphs.

Mobile phones, filming & recording of Meetings

7.6 Audible alerts on mobile phones must be turned off.

7.7 Any recording or filming shall be undertaken in accordance with the Protocol included in Part 5 of the Constitution. The purpose of the Protocol is to provide guidance, particularly, for members of the public as well as the media on the taking of photographs and / or the audio / visual recording of any Council meeting held in public.

7.8 The Mayor has absolute discretion to terminate or suspend any of these activities if, in his/her opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.

7.9 Whilst no prior permission is required, any person wishing to film, photograph or record such a meeting, is requested to advise the Mayor of their intention to do so.

7.10 The Mayor shall advise Members and the public that the meeting is being recorded. In order to maintain orderly conduct or prevent misbehaviour or disruption of the meeting, the Mayor may exclude any individual who is recording the meeting.

7.11 The protocol also refers to the use of “Social Media” at meetings and makes clear that there are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar “social media” provided that the Mayor does not consider their actions are disrupting the proceedings of the meeting leading to disorderly conduct and/or misbehaviour.

Banners and placards

7.12 The Mayor will require to be left outside the meeting room any banner, placard or other object being carried by any person.

FCR 8 - Guillotine

8.1 If all business has not been dealt with by 22.00 hours, the Mayor shall review the order of the remaining items on the agenda. Any items still outstanding shall be dealt with in the order announced by the Mayor with those items requiring a decision to be completed by 22.30 hours. The Mayor may, in order to deal with matters, which remain outstanding, adjourn the meeting to a day and time to be appointed by the Mayor.

8.2 A meeting must not sit later than 23.00 hours in any event and the operation of Standing Order cannot be suspended.

FCR 9 - Adjournment of meetings

9.1 The Council may adjourn any meeting to a later hour on the same day, or to any other day and hour so long as it is within 10 working days of the original meeting.

9.2 If no date is set by Council for a reconvened meeting, the date shall be determined by the Mayor in consultation with the Chief Executive.

9.3 An adjourned meeting shall be deemed a continuation of the original meeting.

9.4 No business shall be transacted at any adjourned meeting which was not included in the notice convening the meeting of which it is an adjournment, subject to any agreed urgent item which may have been included by the original meeting.

9.5 Written notice of the adjourned meeting shall be sent by the Chief Legal Officer to each Member specifying the business to be transacted.

Deleted: A Council meeting which has sat continuously for four hours shall (subject to the application of **FCR 8.2**), if items remain to be dealt with, be adjourned to a day and time to be appointed by the Mayor. ¶
8.2 At Council meetings commencing at 1930 hours,

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Deleted: if necessary, invoke FCR 16, and/or (in accordance with FCR 80(h)) may move suspension of FCR 54 (adjournment of meeting after four hours), so that consideration of business can continue beyond four hours

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FCR 10 - Chairman's Statements to Council

10.1 The Chairman of each of the policy committees is able to submit a Chairman's statement to be included as a standard item on the agenda for each Council meeting (excluding the Annual meeting and budget meeting). This will be a short statement briefing Members on the current events and issues relating to the relevant committee's area of work.

10.2 At the conclusion of the all of Chairman's Statements, 15 minutes will be set aside for Members to ask questions on the statement of any Chairman.

FCR 11- Questions from Members of the Council

11.1 Ordinary meetings except the budget meeting will have 30 minutes for members of the Council to ask questions if the requirements of this Standing Order are satisfied.

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11.2 Notice of the question must be given in writing to the Chief Legal Officer no later than ten clear working days before the day of the meeting.

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11.3 The question must be addressed to the Mayor or the Chairman of any committee, sub-committee or advisory panel.

11.4 The question must relate to a matter which on which the Council has statutory powers or duties or which affects the Borough or its inhabitants.

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11.5 The Chief Legal Officer will reject a question, if it:

(a) is not about a matter falling within this Standing Order.;

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(b) concerns a matter which could be raised as casework or through the Council's complaint's procedure or is specific to a particular individual or their property;

(c) is defamatory, frivolous or offensive;

(d) criticises or purports to criticise an employee/officer's competence and or conduct and the employee is/ officer is identified by name, title or in any other way;

(e) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

(f) requires the disclosure of confidential or exempt information

11.6 Questions shall be called by the Mayor in the order in which notice of the question was received, except that if a member gives notice of more than one question, their second or subsequent question(s) shall appear after all of the first questions submitted by other members, and so on.

Deleted: Notice of the question must be given in writing to the Head of Legal & Democratic Services no later than three clear working days before the day of the meeting.¶
Note: The deadline for questions for a meeting of the Council held on a Tuesday is therefore the preceding Wednesday (17.00 hours)¶

11.7 Where practicable, a written answer to each question shall be circulated to all members no later than one working day before the meeting. Any oral answer may be committed to writing and if so will be published within four working days after the meeting.

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11.8 The Mayor shall allow up to 30 Minutes for questions and their replies at the meeting. If a question is being asked or answered at the time limit, the answer must be completed within 5 minutes. A written answer must be provided within four working days to any questions not called within the 30 minute period and in respect of which no written answer has already been circulated to members.

Response to Questions

11.9 Every question shall be put and answered without debate or comment from any other Member. If no written answer has been circulated to members in advance, an explanation shall be provided as to why it has not been practicable to provide a written answer.

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11.10 For a question having been called at the meeting, the Member asking the question, is allowed to ask one supplementary question, which must be arise from the reply provided.

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Member asking question absent from meeting

11.11 If a Member asking a question (the questioner), knows they will be absent from the Council Meeting, they may notify the Mayor which other Member will ask the question on their behalf. Such nominated member shall have the same rights as the questioner. If the Member is absent and no substitute has been appointed, the Mayor shall first ask whether any other Member from within the same Group as the questioner wishes to take the opportunity to ask a supplementary question. If the Member concerned is not in a group or no member of the group wishes to ask a supplementary question, then any other Member may indicate to the Mayor their wish to ask a supplementary question, and the Mayor shall call on the first to do so, to ask their question.

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11.12 With the consent of the Mayor, following consultation with the person to whom the question is addressed, a question may be asked of which the notice required by Standing Orders has not been given where: the question relates to an urgent matter or on an issue of relevance or importance that has come to light after notice which could have been given under Standing Orders. In this

Deleted: ¶
11.10 The Mayor shall allow up to 30 minutes for questions and their replies at the meeting. If a question is being asked or answered at the time limit, the answer must be completed within 5 minutes. A written answer must be provided within four3 working days to any questions not called within the 30 minute period and in respect of which no written answer has already been circulated to members.¶

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case notice shall be given, as soon as practicable, and no later than noon, on the day of the meeting. The time for questions from Members will be extended to allow the asking of and reply to such question at the meeting.

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FCR 12- Petitions

12.1 All Petitions received shall be dealt with in accordance with the Council's Petition Scheme, which is set out at Article 16 to the Constitution.

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12.2 Petitions relating to individual planning and licensing applications and other statutory petitions are not included in the Petitions Scheme.

FCR 13 - Motions

Time for Motions

13.1 Council meetings will have 90 minutes set aside to deal with all motions (including amendments) which have been brought.

Motions challenging previous decisions

13.2 Until at least two further ordinary meetings of the Council have been held (being a period of no less than 6 months), no motion may be moved to rescind or alter any decision of the Council or a decision of a committee on a matter within its terms of reference, and no motion or amendment to the same effect as one which has been rejected by Council or a committee shall be moved unless, in either case: -

(a) it is recommended by a committee; or

(b) notice of the motion has been given by at least seven Members of the Council acting together.

Notice of motion and withdrawal of motion

13.3 Subject to Standing Orders on motions were notice to be given in writing and those which may be moved without notice, any Member of the Council may propose a motion at any meeting of the Council.

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13.4 A notice of motion (other than a recommendation from a Committee) must be given on the prescribed form (which can be obtained from Democratic Services) and delivered to the Chief Legal Officer by no later than noon on the tenth clear working day before the date of the meeting at which it is intended to be

considered. A record will be kept of all motions received and these will be dated and numbered in the order in which they were received.

13.5 All motions of which notice has been duly given shall be set out in a report to the meeting in order of receipt.

13.6 If a Member wishes to withdraw a Motion before it appears in the Agenda or before the start of a meeting, they must confirm such withdrawal to the Chief Legal Officer in writing.

Motion set out in agenda

13.7 Motions for which notice has been given will be listed on the agenda in the order in which the notice was received, unless the Member giving the notice wishes to withdraw or proposes the motion for a later meeting. Motions shall be formerly moved by the member who gave notice, or on the written request of this Member, by another Member on their behalf.

Scope and wording of Motions

13.8 All motions must be relevant to some matter on which the Council

(a) has powers or duties, or

(b) which affects the Borough, or

(c) something of national significance where there is a wish to acknowledge or celebrate.

13.9 Motions that relate to the functions of a Policy Committee, once determined by the Council, shall be referred to the relevant policy committee for consideration if action is required.

13.10 If notice is given of any motion which in the opinion of the Mayor, following consultation with the Chief Legal Officer is out of order it shall not be accepted and or placed on the agenda. If a motion is not accepted the member who gave the notice will be informed in writing. A Motion can be ruled out of order if :

(a) is not about a matter for which the Council has responsibility or which affects the Borough;

(c) is defamatory, frivolous or offensive;

(d) is in breach of Standing Orders on motions challenging previous decisions;

(e) requires disclosure of confidential or exempt information.

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Motion not moved at Meeting

13.11 If at the meeting, a motion is not moved either by the member who gave the notice or some other member it shall be treated as withdrawn and shall not be moved without fresh notice being given.

Withdrawal of a Motion

13.12 A motion which has been moved and seconded may only be withdrawn with the consent of the meeting.

Motions without notice

13.13 The following motions may be moved without notice:

- (a) To appoint a person to preside at a meeting
- (b) To correct the minutes
- (c) To change the order of business
- (d) To remit a matter to a committee
- (e) To appoint a committee arising from an item mentioned in the summons
- (f) To adopt recommendations of committees or officers and to take action resulting from such adoption
- (g) That leave be given to withdraw a motion
- (h) To suspend rules of procedure
- (i) To amend a motion
- (j) To defer consideration of a matter to a later date
- (k) To adjourn the meeting
- (l) To proceed to next business
- (m) That the question be now put
- (n) That a member be not further heard
- (o) To exclude the public
- (p) To give the consent of the Council, where consent is required by these standing orders

Deleted: 13.6 A recommendation from a committee shall constitute a motion to be proposed by the Chairman, and shall not require to be seconded. If the Chairman is not present, the Vice-Chairman or another member of the committee shall propose the recommendation.¶
Subject to **FCR 80** (motions which may be moved without notice), a notice of motion (other than a recommendation from a Committee) must be given in writing and delivered to the Head of Legal & Democratic Services by no later than 5pm on the eighth clear working day before the date of the meeting at which it is intended to be considered. A record will be kept of all motions received and these will be dated and numbered in the order in which they were received.¶
Note: The deadline for notice of motions for a meeting of the Council held on a Tuesday is therefore the Wednesday (17.00 hours) of the week prior to the week immediately preceding the meeting.¶
All motions must be relevant to some matter on which the Council has powers or duties, or which affects the borough.¶
If notice is given of any motion which in the opinion of the Mayor, following consultation with the Head of Legal & Democratic Services is out of order it shall not be accepted and placed on the agenda. If a motion is not accepted the member who gave the notice will be informed in writing.¶

Deleted: All motions of which notice has been duly given shall be set out in a report the summons for to the meeting in order of receipt.¶
13.8 .

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Deleted: The Council shall first be invited to decide how a motion on notice from a member should be dealt with. In particular the Council will be asked to decide whether to debate a motion immediately or to refer it to the appropriate committee. Before the Council takes the vote, advice shall first be sought from the Chief Executive. If there is not unanimity as to the course of action, the proposer of the motion shall then have the right to make a statement of up to two minutes in length as to what course of action they consider should be followed, and the appropriate committee chairman shall have the right to respond, also for up to two minutes. The question of referral shall then be put to the vote. If the matter is referred to a committee, the committee in question must consider the motion and will normally make a final decision on the motion if they have delegated authority to do so, or make a report and recommendation to Council if they do not have such authority.

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FCR 14 – Consideration of Committee Recommendations

- 14.1 A recommendation from any Committee shall constitute a motion to be proposed by the Chairman, and shall not require to be seconded. If the Chairman is not present, the Vice-Chairman or another member of the committee shall propose the recommendation.
- 14.2 A recommendation is open to debate in accordance with the Standing Orders on rules of debate.
- 14.3 A recommendation cannot be amended if to do so would contravene the requirement of the law or of the process for such decision-making.

FCR15 - Rules of debate

Addressing the Mayor

15.1 A Member when speaking shall stand and address the Mayor. If more than one Member stands the Mayor shall indicate the order of speakers. Subject to Standing Orders on Points of Order and Personal Explanation, all other members shall remain seated whilst a Member is speaking.

Points of Order

15.2 A Member 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 Member must identify the Standing Order or rule of law being breached before the Member sets out their reasoning in which he/she considers it has been broken. The ruling of the Mayor on a point of order will be final.

Personal Explanation

15.3 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of the earlier speech by the member (made at the meeting), which may appear to have been misunderstood in the present debate. The member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Amendments to Motions to be in writing

15.4 Unless the notice of motion has already been given, the Mayor will require it and any proposed amendments to be written down and handed to him/her before they are discussed.

~~Deleted: General rules of conduct during a debate¶
Whilst a motion or amendment is under debate no other motion shall be moved except any one of the following:¶
(a) To remit a matter to committee for consideration/reconsideration¶
(b) To defer consideration of a matter to a later date¶
(c) To adjourn the meeting¶
(d) To proceed to next business¶
(e) That the question be now put¶
(f) That a member be not further heard¶
(g) To exclude the public¶
(h) To give the consent of the Council, where consent is required by these standing orders¶~~

~~All members must address the Mayor when speaking during a Council meeting. Only one member shall speak at any one time, and members shall stand whilst speaking. All other members shall remain seated, unless rising to make a point of order/personal explanation.¶~~

~~¶
12.3 If a member stands to raise a point of order or point of personal explanation, the Member shall be heard immediately, and any member then speaking shall give way.¶~~

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¶
The maximum time for any speech shall not be exceeded except with the consent of the Mayor.¶~~

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¶
Members must not speak about anything except the subject under discussion, or to raise a point of order, point of personal explanation or one of the motions listed below¶~~

~~If a member stands to raise a point of order or point of personal explanation, the Member shall be heard immediately, and any member then speaking shall give way.¶~~

~~A point of order relates only to an alleged breach of a rule of procedure or statutory provision. The member raising the point of order shall specify which rule of procedure or statutory provision is involved and how the Member thinks it has been broken. The Mayor's ruling on any point of order is final (FCR 41 refers)¶~~

~~A point of personal explanation is an opportunity to correct an apparent misunderstanding of comments made by the member earlier in the debate. The member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood. The Mayor's ruling on any point of order is final (FCR 41 refers)¶~~

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Motion to be put before debate

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15.5 There shall be no debate unless a motion has been proposed and (except where specifically stated) seconded. In the event an amendment is proposed, the original motion must be moved first and seconded and only then can proposer of an amendment indicate to the Mayor of his/her intention to propose an amendment.

Process of a debate where there are no proposed amendments

15.6 The motion shall then be opened for debate with the Mayor requesting those wishing to speak to indicate their wish to do so by raising their hand.

15.7 The Mayor will note all those wishing to speak on the motion. Members shall generally be called to speak in the order in which the Mayor notes their wish to speak, except that the Mayor may alternately invite speakers from opposing sides of the debate, to seek to maintain a balanced debate.

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Process on debate & length of speeches

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15.8 The content and length of speeches is as follows:

- (a) speeches must be directed to the motion/ amendment under discussion or to a personal explanation or point of order;
- (b) Members and officers at a meeting shall be addressed or referred to by their respective titles;
- (c) the proposer of the motion shall have 7 minutes and the seconder shall have 5 minutes to speak;
- (d) once a motion has been put, if a member wishes to propose an amendment for which notice has been given, that amendment must be put at the earliest opportunity subject to the operation of Standing Orders on the motion first being moved and seconded;
- (e) the proposer of the amendment shall propose the amendment and call for a seconder. Once the seconder has seconded the request for an amendment, the Mayor will then rule whether such proposed amendment is ruled in order to enable it to proceed to a debate. If it is ruled in order, it will be debated before the original motion in accordance with the same rules of debate as for a motion. If it is ruled out of order, it will fall and the original motion will be allowed to proceed to debate;

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(f) the proposer of any amendment to a motion shall have 5 minutes and the seconder shall have 3 minutes to speak;

(g) the order of debate on a motion or an amendment, is as follows:

(i) once the motion has been proposed and seconded, the proposer of the motion may speak to their motion and the seconder may speak or reserve their right to speak (which must be before the Chairman of the relevant committee)

(ii) in the event an amendment is proposed, the proposer must move the motion which must be seconded by the seconder, at which point the proposer an amendment shall speak first;

~~(iii) the seconder of an amendment may speak immediately after the proposer unless they reserve their right to speak later in the debate (in the case of a motion or an amendment, they must exercise that right before the reply from the relevant Committee Chairman).~~

(iv) all other Members responding with speeches to the motion or on amendment/s shall have 3 minutes and shall be called in turn to speak.

(v) if an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on an amendment, but may not otherwise speak on it (max 3 minutes);

(vi) the mover of the amendment has no right of reply to the debate on their proposed amendment;

~~(vii) the Chairman of a relevant Committee will have the right of reply before the proposer of the original motion, (max 5 minutes);~~

(viii) following the Chairman's reply, the proposer of the original motion may reply to the debate on a motion (max 5 minutes).

~~(ix) neither the Chairman of the relevant committee nor the proposer of the original motion shall otherwise speak on the motion or an amendment to such unless in accordance with Standing Orders. If they do so, they forfeit their right to reply to the debate on that motion or amendment.~~

(h) Members may only speak once on a motion or once on any new amendment unless the operation of Standing Orders permits otherwise

(j) A member who has spoken on the original motion or on any amendment may speak again on any subsequent amendment;

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(i)

16.10 If an amendment is carried, the motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments may be moved. The proposer of the original motion now becomes the proposer of the amended motion and may if not already exercised their right to speak on the motion, is then able to do so as the proposer of the motion.

Order of debate on a motion or amendment

16.11 No Member may speak more than once on the same matter ~~except:~~

- (a) to speak once on an amendment by another Member;
- (b) to move a further amendment if a previous amendment is not carried or the motion has been amended since they last spoke;
- (c) if their speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right to reply as a Chairman, or as the proposer;
- (e) on a Point of Order;
- (f) by way of Personal Explanation.

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Members wishing to speak shall indicate this by raising an arm to catch the attention of the Mayor.¶
Members shall generally be called to speak (max 3 minutes) in the order in which the Mayor notices their wish to speak, except that the Mayor may alternately invite speakers from opposing sides of the debate, to seek to maintain a balanced debate.¶

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16.12 When there is no-one else wishing to speak, or the Mayor determines that there has been sufficient discussion, or following agreement of a "closure motion" in accordance with Standing Orders, the Mayor shall call on:

- (a) the Chairman of the relevant committee to reply to the debate (max 5 minutes on motion / max 3 minutes on amendment),

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followed by (if it is not a recommendation from a committee),

- (b) the proposer of the motion, who shall have a final right of reply to the debate (max 5 minutes on motion or 3 minutes on amendment), before the motion is put to the vote.

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16.13 Whilst a motion or amendment is under debate no other motion shall be moved except any one of the following:

- (a) to remit a matter to committee for consideration/ reconsideration;
- (b) to defer consideration of a matter to a later date;
- (c) to adjourn the meeting;
- (d) to proceed to next business;

- (e) that the matter be now put;
- (f) that a member be not further heard;
- (g) to exclude the public;
- (h) to give the consent of the Council, where consent is required by these standing orders.

16.14 All members must address the Mayor when speaking during a Council meeting. Only one member shall speak at any one time, and members shall stand whilst speaking. All other members shall remain seated, unless rising to make a point of order/personal explanation.

16.15 If a member stands to raise a point of order or point of personal explanation, the Member shall be heard immediately, and any member then speaking shall give way.

16.16 The maximum time for any speech shall not be exceeded except with the consent of the Mayor.

16.17 Members must not speak about anything except the subject under discussion, or to raise a point of order, point of personal explanation or to raise a motion or amendment in accordance with Standing Orders.

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FCR 17 – Process for putting amendments to Motions

17.1 Amendments to a motion must comply with the requirements of Standing Orders. They must either be submitted in writing in advance of the meeting or at the meeting. Amendments which have been submitted in advance will be called by the Mayor in such order as shall best facilitate their consideration, immediately following the speech of the proposer, but shall be moved and seconded before being debated.

Deleted: 16.17 A point of order relates only to an alleged breach of a rule of procedure or statutory provision. The member raising the point of order shall specify which rule of procedure or statutory provision is involved and how the Member thinks it has been broken. The Mayor's ruling on any point of order is final.¶

1.18 A point of personal explanation is an opportunity to correct an apparent misunderstanding of comments made by the member earlier in the debate. The member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood. The Mayor's ruling on any point of order is final (FCR 41 refers)¶

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17.2 In accordance with Standing Orders, an amendment to a motion may also be moved and seconded during the debate but shall be provided in writing to the Mayor before being debated.

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17.3 Only one amendment shall be debated at a time.

17.4 An amendment must be relevant to the motion. It must take the form of a proposal:

- (a) to refer the matter back to committee;
- (b) to leave out words;

- (c) ~~to~~ leave out words and insert or add others;
- (d) ~~to~~ insert or add words.

17.5 The Mayor shall not accept an amendment/s if:

- (a) it is outside the scope of the original motion;
- (b) it is outside scope the meeting;
- (c) it is outside the Council's powers;
- (d) it would contravene Standing Orders on challenging a previous decision) and/or;
- (e) has the same effect as voting against the motion;
- (f) appears to be frivolous or vexatious:

(g) where an amendment has already been considered or is of a similar nature to one which has already been considered;

(h) where several amendments having already been considered, it is considered further amendments would have the effect of unreasonably prolonging debate on a matter.

Deleted: The Mayor shall be entitled not to allow any amendments which are frivolous or vexatious. The Mayor shall also be entitled not to allow any further amendments where several amendments have already been considered and considers that further amendments would have the effect of unreasonably prolonging debate on a matter before the Council.¶

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 15.7 Members shall be called in turn (see FCR 84 above).¶
 . A member who has spoken on the original motion or on any amendment may speak again on any subsequent amendment (max 5 minutes).¶
 The Chairman of the relevant committee shall have the right of reply at the close of debate on an amendment (max 5 minutes), following which the mover of the original motion may reply to the debate on an amendment (max 5 minutes). Neither the Chairman of the relevant committee nor the mover of the original motion shall otherwise speak on an amendment. If they do so, they forfeit their right to reply to the debate on that amendment.¶
 . If an amendment is carried the motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments may be moved.

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FCR 18 - Closure motions

18.1 At the conclusion of the speech of another member any member (except the proposer or seconder of the motion and, as the case may be, the amendment under debate), including the Mayor, may move one of the motions listed in Standing Orders 16.13(a) to (i) above (a "closure motion"). When moving a closure motion the member must refer to these rules of procedure and state which motion they are moving and, once the Mayor has ruled that the motion is in order, will be given the opportunity to explain why it is being moved (max 5 minutes).

18.2 On a motion to remit a matter to a committee, the Mayor shall give the chairman of the committee the right to reply to the motion (max 5 minutes), after which the motion shall be put to the vote without debate or comment.

18.3 On a motion to defer consideration of a matter to a later date or to adjourn the meeting, if the Mayor considers that the matter requires further discussion but cannot reasonably be discussed at the meeting in question, the motion to defer shall be put to the vote without debate.

18.4 On a motion to proceed to next business, unless the Mayor thinks that the Council needs to reach a decision at that meeting on the matter then under consideration, the motion to proceed to next business shall be put to the vote, without comment or debate.

18.5 On a motion that the question be now put, unless the Mayor thinks that there has been insufficient debate of the matter, the Mayor shall first put to the vote the motion that the question be now put and, if it is passed, shall give the mover of the motion under consideration a right of reply (max 3 minutes) before putting that motion to the vote.

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Section 1(b) Relating to the Conduct of Committees, Sub-Committees and Advisory Panels

CPR 1 - Questions from the public

1.1 At meetings of the Council's policy committees and [Audit, Crime & Disorder and Scrutiny Committee](#) up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the body in question [which may not include matters listed on a Committee Agenda](#).

1.2 [All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.](#)

1.3 [The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.](#)

Written Questions

1.4 A person who wishes to ask a written question must submit their question in writing (either in hard copy or by email) to the Council's [Chief Legal Officer](#). The written question must arrive by noon on the tenth working day before the day of the meeting.

1.5 The member of the public [submitting a written question](#) must set out:

- (a) the wording of the question they wish to ask
- (b) an address, email address or telephone number at which they can be contacted before and after the meeting
- (c) whether they live, work, attend an educational establishment or own or lease land in the Borough and if so, details.

1.6 Following receipt of a written question, the [Chief Legal Officer](#) will ensure that the [member of the public asking the question](#) is contacted and told whether their request complies with the conditions above. If contact details are not readily identifiable or have not been supplied, the question will not be accepted even if in all other respects it is valid.

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Deleted: The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.¶

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Process at Meeting

- 1.8 Questions must be addressed to the Chairman of the relevant meeting.
- 1.9 The Chairman may decline to answer a question or may give an answer orally at the meeting or may provide a written reply. If available, the questioner will be supplied with a written answer before the Meeting. At the Meeting, and as part of the initial response to a question, the Chairman may invite other members of the relevant body to contribute or simply refer to a publication where the answer or further details may be found.
- 1.10 At the Meeting the Chairman will ask the questioner if the response answers their concern or if they wish to ask one supplementary question. If a supplementary question is asked, it must arise from the reply given. The Chairman may decline to answer a supplementary question or invite other members of the relevant body to contribute to a response.
- 1.11 Written questions shall be taken first and in the order they were received followed by any oral questions, until 30 minutes have elapsed since the first question was called.
- 1.12 If a member of the public asks or wishes to ask more than one question, their second question (written or oral) shall be taken after all other individuals who wish to ask a question have been given the opportunity to do so.

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CPR 2 - Public speaking at the Planning Committee

- 2.1 In relation to planning applications, there shall be three categories of speaker per application: objector, supporter and applicant/agent.
- 2.2 A person who wishes to speak at a Planning Committee must register their wish to do so between 6pm and 7pm on the evening of the meeting at the Town Hall reception desk.
- 2.3 Normally, in addition to the applicant/agent, one member of the public may speak for and one may speak against a single application. Registration will normally be on a first come first served basis but an individual may choose to waive this right in favour of an individual who attempted to register at a later time. Alternatively, several members of the public may appoint one person to speak on their behalf provided they can reach agreement to this amongst themselves.
- 2.3 Speakers shall be called in the order of (1) objector (2) supporter (3) applicant/agent.

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- 2.4 A speaker shall have a maximum of three minutes to address the Committee and must confine their remarks to the application upon which they requested to speak. The applicant/agent shall be given an amount of time equal to the amount of time allocated to the all the objectors. The address shall be in the form of a statement, not attempts to question the applicant or other person but may address issues raised by other speakers.

CPR 3 - Petitions

- 3.1 A petition is a written or electronic communication which is signed by or sent to the Council on behalf of at least 20 people. The Council's response to a petition will depend on what the petition asks for and how many people have signed it but may include presenting the petition at a committee meeting.
- 3.2 The presentation of petitions at policy committees shall take place immediately after the submission of questions by members of the public in the order in which notice of them is received by the [Chief Legal Officer](#).
- 3.3 The petition organiser shall have the opportunity to present the petition to a meeting of the appropriate policy committee provided that they have given notice of their intention to do so to the [Chief Legal Officer](#) by noon, at least ten working days before the meeting at which the petition is to be presented.
- 3.4 The presentation of a petition shall be limited to not more than five minutes, and shall be confined to reading out, or summarising, the subject matter of the petition, indicating the number and residency of the signatories, and making such further supporting remarks relevant to the petition.
- 3.5 Regarding petitions presented to a policy committee (of which proper notice has been given):-
- (a) a written response may be available in advance of the meeting
 - (b) the Chairman of the Committee may, if he considers it convenient and conducive to the despatch of business, allow the subject matter to be dealt with at the meeting at which it is presented; or otherwise
 - (c) the subject matter shall stand referred, without discussion, either to the next ordinary meeting of the Committee or other appropriate body.

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CPR 4 - Committee, Sub-Committee and Advisory Panel timetables and agendas

- 4.1 The Chief Legal Officer will prepare a timetable of meetings of the Council, any committees, sub-committees, advisory panels and joint committees (as appropriate) each year and submit it to the Council for approval. Meetings shall be organised in accordance with the approved timetable. The Chief Legal Officer may re-arrange the date for, add a further date or cancel, a meeting if they and the Chairman of the body in question are both satisfied that there is good reason for doing so or insufficient business to justify the meeting being held, or for other reasons which in their view are sufficient. When a meeting is cancelled or the date is changed, the Chief Legal Officer shall notify Members accordingly. When possible, notice of the cancellation or change shall also be posted on the Council's website.
- 4.2 The Chief Legal Officer must dispatch an Agenda at least five working days before every meeting of any committee, sub-committee, advisory panel and joint committee or as soon as the meeting is called whichever is later.
- 4.3 The agenda must include:
- (a) all items of business referred to the committee, sub-committee, advisory panel or joint committee;
 - (b) any reports submitted to the committee or sub-committee by the Chief Executive, Chief Operating Officer/Director, Heads of Service;
 - (c) any item of business which the Chairman requires to be included.
- 4.4 Any Member who wishes to request that a particular item of business be included must give notice in writing to the Chief Legal Officer by noon on the tenth working day before the date of the meeting.
- 4.5 A report shall not be submitted to a Policy Committee, Sub-Committee or Advisory Panel if, in the opinion of the Chief Legal Officer it does not comply with legal or policy requirements.
- 4.6 Subject to any requirements of the Chairman, the Chief Legal Officer must arrange the order of business in a manner in which they consider will ensure the effective despatch of business.
- 4.7 If it is impossible, owing to exceptional circumstances, to include a report on a particular item on the Agenda before it is despatched, or if a report is proposed to be put to the meeting as a matter of urgency in special circumstances under Section 100 B of the Local Government Act 1972, the Chief Legal Officer shall circulate it to every person entitled to receive the papers of the committee or sub-committee as soon as practicable after they have been prepared.

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4.8 The [Audit, Crime & Disorder and Scrutiny Committee](#) has the right, in the exceptional circumstances mentioned in [Section 4](#), [Overview and Scrutiny Procedure Rules](#), to call-in any decision of a policy committee other than a recommendation to the Council in accordance with the Protocol set out in Part 5 of the Constitution.

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CPR 5 - Special meetings of Committees, Sub-Committees and Advisory Panels

5.1 The Chairman of any committee (or in his absence the Vice Chairman) or the Chairman of any sub-committee, advisory panel or joint committee may call a special meeting of that committee at any time. The Chief Executive, Chief Finance Officer and Monitoring Officer may also call a special meeting to consider business at any time.

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5.2 A special meeting may also be called if a joint written request signed by at least three, or one quarter of the total number, of the voting members of a policy committee, sub-committee or advisory panel, whichever is the greater, has been made to the Chairman of a policy committee (or in his absence, Vice Chairman) or Chairman of a sub-committee or advisory panel (the request should be sent to [the Chief Legal Officer](#)).

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5.3 The Chairman may not refuse to hold a special meeting in such circumstances and a special meeting must be called within seven working days of the presentation of such a properly constituted request.

5.4 The request to call a special meeting must state the business to be transacted and no other business. The Chief Legal Officer must fix a date for the meeting which so far as practicable is appropriate for the proper despatch of that business upon which the Standing Order for circulation of papers will then apply.

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CPR 6 - Rights and duties to attend meetings

6.1 With the exception of Licensing Sub-Committees and Standards Hearing Sub-Committee, any member of the Council may attend the meetings of all committees, sub-committees and advisory panels as an observer and may speak if permission given permission by the Chairman. Such permission to speak will not normally be refused by the Chairman.

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6.2 [At Planning Committee, Ward Councillors who are not members of the Planning Committee are able to attend the meeting and address the meeting on matters which affect their Ward in accordance with the Model Code of Practice in respect of Planning Matters included in Part 5.](#)

6.3 A co-opted member of a committee, sub-committee or advisory panel has the right to attend all meetings of that body but may speak only on matters which the Chairman considers reasonably and fairly relate to the purposes for which they were appointed to the body. Co-opted members may not speak on the appointment of a Chairman or Vice-Chairman or be elected to those offices.

6.4 In the case of the Planning Committee, Members of the Committee who have entered the meeting late for a particular item, have no right to vote on that item.

6.5 The [Audit, Crime & Disorder and Scrutiny Committee](#) may require any Member of a policy committee, the Chief Executive, [Chief Operating Officer/Director](#) and/or any [Head of Service](#), to attend before it to explain in relation to matters within its remit:

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(a) any particular decision or series of decisions;

(b) the extent to which the actions taken implement Council policy; and

(c) their performance and it is the duty of those persons to attend if so required.

6.6 Notwithstanding anything said above, a member whose notice of [motion has](#) been referred by the Council to any policy committee, sub-committee or advisory panel shall be given notice of the meeting at which it is proposed to consider the motion.

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CPR 7 - Quorum

7.1 The quorum of a policy committee, sub-committee, Audit, Crime & Disorder and Scrutiny Committee or advisory panel shall be at least one quarter of the total number of Members of the relevant body rounded up to the next whole number, but shall never be less than three except where authorised by statute or where ordered by the Council.

7.2 If there is no quorum at the time the meeting is summoned to start, the Chairman will allow a delay of fifteen minutes to see if a quorum assembles. If there is still no quorum at the end of that period, the meeting must be reconvened at another time.

7.3 If during any meeting of a committee, sub-committee or advisory panel the Chairman ascertains that a quorum is not present, the meeting shall stand adjourned for fifteen minutes. If after fifteen minutes there is still no quorum present, the meeting shall end.

7.4 The Chairman may fix a date and time to deal with any business which cannot be dealt with because the meeting is not quorate in accordance with Standing Orders. If they do not do so, the business shall be dealt with at the next timetabled meeting of the committee, sub-committee or advisory panel.

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CPR 8 - Absence of Chairman

8.1 If the Chairman is absent from a meeting, the Vice Chairman shall Chair the meeting. In the absence of a Vice Chairman, or if no Vice Chairman has been appointed by the Council, the Committee must elect a person to Chair the meeting.

8.2 A Chairman or Vice Chairman must be drawn from the membership of the committee or sub-committee.

8.3 If the Chairman or Vice Chairman enters the meeting after another member has been appointed to preside, that Member must immediately at the conclusion of the matter under discussion offer the chair to the Chairman or Vice Chairman.

8.4 If the Chairman resigns or is unable to act as such, the Vice Chairman shall become the Chairman until a Chairman (and if necessary a Vice Chairman) is elected for the remainder of the municipal year by the Council. If the Vice Chairman resigns or becomes unable to act as such, then the Committee shall elect a new Vice-Chairman until the end of the municipal year or to the next Council meeting whichever is the earlier.

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8.5 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person chairing the meeting and any reference to the Chairman shall be taken to include such persons except that an officer shall not be entitled to a vote of any kind.

CPR 9 - Guillotine

9.1 At 22.00 hours (or two and a half hours after a meeting has commenced) the Chairman of meeting shall review the business to be transacted and shall order the items so as to dispose of all matters requiring a decision by 22.30 hours. In respect of any matters still outstanding at 22.30 hours, the committee shall be asked to decide either that these be agreed as presented without debate/discussion or that they be held over until the next meeting.

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9.2 A meeting must not sit later than 23.00 hours in any event and the operation of this Standing Order cannot be suspended.

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CPR 10 - Minutes

EEBC Constitution
PART 4 - Rules of Procedure
Approved by Council: 23July 2013

10.1 The Minutes of any meeting of a committee, sub-committee or advisory panel shall be written and presented to the next ordinary meeting of the relevant body.

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10.2 The Chairman shall put that the Minutes of the meeting held on the day in question be signed as a true record.

10.3 There shall be no discussion on the Minutes, except by way of a motion relating to their accuracy. If no question of accuracy is raised, or as soon as any question is settled, the Chairman shall initial each page of the minutes in addition to dating and signing the final page of the said document.

10.4 If the committee, sub-committee or advisory panel is not scheduled to meet again, or is not likely to meet in the foreseeable future, the Chairman of the committee or sub-committee (or in his absence any Member of it) may sign the Minutes using the above procedure when the proceedings of that body are reported to (or at a convenient meeting of) the Council or the parent committee, subject to the resolution of all questions as to their accuracy which may then be raised by Members who were present at the meeting.

10.5 The minutes will reflect those leaving the room or not present when matters are being voted on.

CPR 11 - Scheme of delegation

11.1 A committee, sub-committee or advisory panel shall act in accordance with its terms of reference and delegated powers as agreed by the Council and set out in this Constitution.

CPR 12 - Rules of debate

12.1 Meetings of policy committees, sub-committees and advisory panels are to be conducted with as little procedural formality as is consistent with the need for good order and the effective conduct of business. However, the following guidelines should be taken into account:

Proposals and Amendments

12.2 The officers' recommendations in a report shall constitute proposals which do not require to be moved and seconded and shall be the basis for debate.

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12.3 During a debate, a Member should make it clear if they are suggesting something which they wish to be, or form part of, the decision of the policy committee, sub-committee or advisory panel. It is best practice for any such proposals to be seconded and the Chairman may require them to be

submitted in writing so that they may be read to the meeting before being discussed. For the sake of clear and transparent decision making, the Chairman should explicitly ask the Committee to agree to any such proposal and if any Member of the Committee disagrees, a vote by show of hands should be taken prior to any further debate.

- 12.4 Members must not speak about anything except the subject under discussion, a point of order, personal explanation or declaration of interest.
- 12.5 Members have no right to speak as often as they wish on a particular agenda item and the Chairman may rule that a Member may no longer be heard. The Chairman's ruling on this shall be final and not open to comment.
- 12.6 It is the role of the Chairman to summarise what the Committee has decided, and if necessary, to take a final vote by show of hands, before moving onto the next item of business.

Deleted: 12.6 Any proposals from the floor should not have the same effect as voting against the officers' recommendation (s) or be outside the scope of the original proposal, outside the scope of the meeting or outside the Council's powers.¶

Motions referred from Council

- 12.8 The proposer of a motion referred to the Committee by the Council shall have the right to open the debate on the matter in question but may not vote on the matter unless they are a member of that policy committee, sub-committee or advisory panel. For the avoidance of doubt if they are substituting for a member, they are not able to vote on the motion they brought to Council and referred to the Committee. When there is no-one else wishing to speak, or the Chairman determines that there has been sufficient discussion, the Chairman shall call on the proposer of the motion referred from Council to reply to the debate (max 3 minutes), before the matter is put to the vote.
- 12.9 A member exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters or material; the Chairman's ruling on this shall be final and not open to comment.
- 12.10 In accordance with Council's Standing Orders, the policy committee, sub-committee or advisory panel in question will normally make a final decision on the motion, if they have delegated authority to do so, or make a report and recommendation to Council if they do not have such authority.

Proposals which may be moved during debate

- 12.12 When a matter is under debate no other proposal shall be moved except to:
- (a) amend the proposal under discussion;
 - (b) move that a Member not be further heard;

- (c) move a motion under Section 100A (4) of the 1972 Act to exclude the press and public;
- (d) move a closure motion.

CPR 13 - Closure Motions

- 13.1 At the conclusion of the speech of another member any member may move one of the following closure motions:
- (a) to refer a recommendation of a sub-committee or advisory panel back to that body for reconsideration;
 - (b) to defer consideration of the matter until the next ordinary meeting of the Committee;
 - (c) to adjourn the meeting;
 - (d) to put the question;
 - (e) to proceed to the next business.
- 13.2 When moving a closure motion the member must state which closure motion they are moving and, once the Chairman has ruled that the motion is in order, will be given the opportunity to explain why it is being moved (max 5 minutes).
- 13.3 On a proposal to refer a recommendation back to a sub-committee or advisory panel, the Chairman shall give the chairman of the relevant body, if they are present, the right to reply to the motion (max 5 minutes), after which the proposal shall be put to the vote without debate or comment.
- 13.4 On a proposal to defer consideration of a matter to a later date or to adjourn the meeting, if the Chairman considers that the matter requires further discussion but cannot reasonably be discussed at the meeting in question, the proposal to defer shall be put to the vote without debate or comment.
- 13.5 On a proposal to proceed to next business, unless the Chairman thinks that the committee, sub-committee or advisory panel needs to reach a decision at that meeting on the matter then under consideration, the proposal to proceed to next business shall be put to the vote, without comment or debate.
- 13.6 On a proposal that the question be now put, unless the Chairman thinks that there has been insufficient debate of the matter, the Chairman shall put to the vote the proposal that the question be now put without comment or debate.

- 13.7 Unless a proposal to exclude the press and public is on the agenda, the Chairman shall ascertain the grounds for the motion and shall ascertain from the appropriate officers present whether the public can lawfully be excluded. If so, they shall allow the proposer of the matter under discussion a right of reply on the proposal to exclude the press and public and shall then put the proposal to the vote. If it is passed the Chairman may at their discretion either immediately require the press and public to leave the room in which the debate is being held or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.

Chairman's discretion to put the question

- 13.8 The Chairman may curtail the debate at any time if they consider that the Committee, Sub-Committee or Advisory Panel has sufficiently discussed the matter. They shall thereupon give the movers of the motion and amendment (if any) their rights of reply and put that motion or amendment to the vote.

CPR 14 - Points of Order/Personal Explanation

- [14.1](#) If a member wishes to raise a point of order or point of personal explanation, the Member should normally stand and shall be heard immediately, and any member then speaking shall give way.
- [14.2](#) A point of order relates only to an alleged breach of a rule of procedure or statutory provision. The member raising the point of order shall specify which rule(s) of procedure or statutory provision is involved and how the Member thinks it has been broken. The ruling of the Chairman on any point of order is final.
- 14.3 A point of personal explanation is an opportunity to correct an apparent misunderstanding of comments made by the member earlier in the debate. The member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood. The ruling of the Chairman on any point of order is final.

CPR 15 - Respect for the Chairman

- [15.1](#) The Chairman may interrupt the debate to restore order by using the command "order" or by striking the gavel. The Committee must then be silent until the Chairman calls upon a Member to speak.
- 15.2 All Members must address the Chairman when speaking.

CPR 16 - Composition of Committee, Sub-Committees and Advisory Panels (including substitution of Members)

15.1 Every member of the Council shall be eligible for appointment to a sub-committee.

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15.2 A Committee may decide to co-opt additional members onto the Committee, whether members of the Council or not. Co-opted members of a Committee shall not be counted in the quorum for the Committee and shall not be entitled to vote on any matter before the Committee. Co-opted members may be appointed to assist with a specific area of business or generally to assist the Committee in its work.

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15.3 Subject to section 102 (5) of the 1972 Act (councillor leaving office to cease to be a member of a committee) and Standing Orders on substitutions, every person appointed as a voting member of such a committee or sub-committee and every person appointed to exercise other functions in relation to a sub-committee shall continue until the appointment is terminated by the Council or they resign.

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15.4 A Member of a committee, joint committee, sub-committee or advisory panel may for the whole of a specified meeting designate as his/her substitute another Member. The substitute may attend the meeting on behalf of, but not in addition to, the nominating Member and shall be entitled to speak and vote. The nominating Member, or in their absence, the Leader/Chairman of his/her Group Deputy Leader/Chairman of his/her Group, shall inform the Chief Legal Officer or his representative in writing or by e-mail, prior to the meeting in question, that his/her substitute will be attending

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15.5 Provisions for the appointment of substitutes do not apply to meetings of Licensing Sub-Committees.

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CPR 16 Motions affecting staff

16.1 If any question arises at a meeting of a Committee, Sub-Committee or Advisory Panel as to the appointment, promotion, dismissal, salary or conditions of service of any person employed by the Council, or their conduct, the matter must not be discussed until it has been decided whether or not to exclude the press and public under Section 100 A (4) of the 1972 Act.

CPR 17 Good order in meetings

Disorderly conduct by Members

17.1 If any Member:

- (a) persistently disregards the ruling of the Chairman; or
- (b) behaves irregularly improperly or offensively; or
- (c) deliberately disregards established procedure; or
- (d) deliberately obstructs the business of the meeting;

then the Chairman may name the Member and require them both to apologise and to correct their behaviour immediately, or to do either.

17.2 If a Member named by the Chairman under the paragraph above continues their misconduct, the Chairman may do any or all of the following at their discretion at any time during the meeting:

- (a) they may forbid the Member from speaking for some or all of the rest of the meeting;
- (b) they may order the Member to leave the meeting for all or part of the remaining business.
- (c) they may order the Member to be removed from the meeting.
- (d) they may adjourn the meeting for such period as they think fit

17.3 A Member may not impute improper motives, or use any offensive expression, to any other Member. The Chairman shall be the sole judge at the meeting of when this rule has been broken. If a Member ignores or rejects his ruling he shall be dealt with under the two preceding paragraphs.

Disturbance by members of the public

17.4 If a Member of the public interrupts the proceedings at any meeting the Chairman shall issue them a warning. If the member of the public continues the interruption the Chairman shall order the member of the public's removal from the meeting room

17.5 In the event of a public disturbance, the Chairman may without question adjourn the meeting for such period as s/he considers expedient.

General

17.6 The decision of the Chairman as to acceptable conduct whether by members or the public shall be final.

CPR 18 Mobile phones, filming & recording of Meetings

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18.1 Audible alerts on mobile phones must be turned off.

18.2 Any recording or filming shall be undertaken in accordance with the Protocol included in Part 5 of the Constitution. The purpose of the Protocol is to provide guidance, particularly, for members of the public as well as the media on the taking of photographs and / or the audio / visual recording of any Council meeting held in public.

18.3 The Chairman of the meeting has absolute discretion to terminate or suspend any of these activities if, in his/her opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.

18.4 Whilst no prior permission is required, any person wishing to film, photograph or record such a meeting, is requested to advise the Chairman of the meeting of their intention to do so.

18.5 The Chairman of the meeting shall advise Members and the public that the meeting is being recorded. In order to maintain orderly conduct or prevent misbehavior or disruption of the meeting, the Chairman of the meeting may exclude any individual who is recording the meeting.

18.6 The protocol also refers to the use of "Social Media" at meetings and makes clear that there are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Chairman does not consider their actions are disrupting the proceedings of the meeting leading to disorderly conduct and/or misbehaviour.

CPR 19 - Voting

19.1 Upon summation of a decision by the Chairman, in accordance with Standing Orders, a question may be decided by "unanimous consent" were the Chairman asks if a matter is agreed and no member objects. In the event of any member objecting, a formal vote shall be taken.

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19.2 Except as otherwise provided, voting shall be on a show of hands of those present.

[19.3](#) At a meeting of a decision making body any four Members may request that the vote be recorded to show who voted for and against the proposal and who abstained. For a recorded vote, an appropriate officer shall call the name of each Member present and that Member shall speak to indicate whether he votes for or against the motion or abstains, without further comment.

[19.4](#) Unless a recorded vote has been taken, immediately after any vote has been taken, following a request to that effect from any member, their vote for or against the motion, or the fact that they did not vote, shall be recorded in the minutes.

19.5 The Chairman must ascertain the numbers voting for or against any motion or amendment, or for any candidate. They or an officer present shall inform the meeting of the numbers. Once the Chairman has satisfied themselves as to the totals their declaration of the result cannot be questioned.

Second or casting votes

19.6 If the votes are tied on any issue, the Chairman may use a second or casting vote as follows:

- (a) If the Chairman voted at the same time as the other Members (i.e. used their first vote) they may use his second vote;
- (b) if the Chairman did not vote at the same time as the other Members they may use their casting vote;
- (c) the Chairman shall not delay their first vote in order to ascertain the voting figures and then use it to produce an equality of votes in order to use their second vote.
- (d) the Chairman may decline, without explanation, to use either their second or casting vote;

If the votes remain tied at the end of the voting process the effect is that no decision has been taken on the matter in question and the motion being voted upon is lost.

[CPR 20 - Record of attendance](#)

[20.1](#) The Democratic Services Officer [is](#) responsible for recording attendance at meetings.

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[CPR 21 - Implementation of Committee Decisions](#)

21.1 Subject to the right of a Member to propose any motion to Council and for the Council to deal with that motion, all matters specified in the Terms of Reference shall usually be referred for consideration to Committees, Sub-Committees or Advisory Panels under whose names such matters appear. Committees shall be authorised to take such action as they think fit in relation to any matters falling within their Terms of Reference, subject to their reporting to Council with their recommendations thereon where matters of principle or policy are involved.

21.2 A decision of a policy committee or sub-committee which is vulnerable to call-in under Overview and Scrutiny Procedure Rules in this Part of this Constitution shall not be implemented until the fifth working day after it has been made.

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CONTRACT STANDING ORDERS

[Draft - June 2018](#)

1. SCOPE AND APPLICABILITY

Introduction

- 1.1 These Contract Standing Orders (CSOs) apply to all contracts entered into by the Council.
- 1.2 CSOs apply to the procurement of all works, services (including consultants), supplies and the disposal of assets.
- 1.3 The Council is required to adopt CSOs under section 135 of the Local Government Act 1972.
- 1.4 If UK or EU legislation changes in a way which affects these CSOs then that change must be observed until the CSOs can be revised. If there is a conflict between UK or EU legislation and these CSOs then the legislation will take precedence.
- 1.5 These CSOs set out the principles of how the Council will administer contract procurement and management. Officers must comply with the procedures set out in the Council's Procurement [Guidance notes](#), which can be found on E-Hub.
- 1.6 Any reference in these CSOs to "the Council" shall refer to a committee or person acting in accordance with delegated authority on behalf of the Council.
- 1.7 Any reference to [Procurement Officer](#) shall refer to any other person referred to in the Procurement [Guidance notes](#).

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Value of Contracts

- 1.8 In these CSOs references to the value of contracts are exclusive of VAT.
- 1.9 For the purposes of these CSOs, the value of a contract is the total value of the works, supplies or services for the duration of the contract including any contract extensions, variations (including day works or additional activities) and any provision for the indexation of sums to be paid under the contract.
- 1.10 These CSOs apply to all contracts except contracts referred to in CSO 7.
- 1.11 Expenditure must not be sub-divided to avoid the provisions of these CSOs.

2. STATUTORY REQUIREMENTS

- 2.1 Every contract entered into by the Council shall comply with the EU Treaty and any relevant directives of the EU for the time being in force in the United Kingdom together with any UK law and any relevant Council policy.

2.2 Where the estimated value of a contract exceeds the relevant EU Procurement Directive threshold then the EU tendering requirements set out in the Public Contracts Regulations 2015 (PCR 2015) must be complied with in conjunction with and in addition to these CSOs. For the purpose of these CSOs, the EU threshold means the threshold set out within the Public Contract Directive as amended from time to time for public supply contracts, public works contracts and public service contracts awarded by local authorities. See Annex A for further details.

3. CONTRACT TERMS

3.1 All contracts entered into by the Council shall be in writing utilising the e-procurement system with the exception of the disposal of Council assets, land and property referred to in CSO 9.

3.2 Before commencing any tender process or other procurement exercise officers must consider the need to consult with the Procurement Officer, their Head of Service and/or the Chief Legal Officer as necessary who will advise on the conditions of the contract required and the appropriate methods and procedures to be used. The Chief Legal Officer shall be consulted on any bespoke conditions of contract which might be required. Officers must have regard to all necessary legal, financial, procurement, insurance and other professional advice.

3.3 All contracts shall be made on the conditions of contract approved by the Chief Legal Officer.

3.4 All contracts shall:

- (i) contain a specification of requirements and the outcomes to be achieved;
- (ii) state the price to be paid with a statement of discounts or other deductions;
- (iii) state the time or times within which the contract is to be performed;
- (iv) require contractors to comply with all relevant policies of the Council;
- (v) require a contractor to comply with the provisions of the Human Rights Act 1998 as if it were a public body within the meaning of that act;
- (vi) require the contractor to indemnify and keep indemnified the Council against all actions, claims, demands, proceedings, damages, losses, costs, charges and expenses whatsoever in respect of any breach of CSO 3.4(v);
- (vii) require the Council to pay all undisputed invoices within 30 days (subject to any contractual or statutory obligation to pay earlier);
- (viii) require the Council to consider and verify all invoices submitted by a contractor in a timely fashion; and
- (ix) require any sub-contract awarded by the contractor to include the provisions of CSOs 3.4(vii) and (viii) and that such terms are passed down the supply chain.

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3.5 Every contract which exceeds £25,000 in value or amount and is for the provision of works, supplies or services other than at one time shall provide for adequate redress in the event of default by the contractor as agreed by the [Chief Legal Officer](#).

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3.6 Every contract over £75,000 shall:

- (i) provide for liquidated damages to be paid by the contractor where the terms of the contract are not duly performed if financial loss is likely to arise from delay in performing the contract; and
- (ii) provide that where the cost of purchasing other goods, materials or services exceed the amount which would have been payable to the contractor, this amount shall be recoverable from the contractor.

3.7 Every contract shall include a clause allowing the Council to immediately terminate the contract and to recover from the contractor the amount of any loss resulting from the termination of the contract if the contractor shall have offered or given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or procuring to be done or for having done or having procured to be done any action in relation to the obtaining of the contract or any other contract with the Council or for showing, procuring to show favour or disfavour to any person in relation to the contract or any other contract with the Council or if like acts shall have been done by any person employed by the contractor or acting on his behalf (whether with or without the knowledge of the contractor) or, if in relation to any contract with the Council the contractor or any person employed by him or acting on his behalf shall have committed an offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under section 117 of the Local Government Act 1972.

3.8 Every contract valued at £750,000 or more shall be sealed with the common seal of the Council.

3.9 For all contracts under £750,000 the awarding officer may sign the contract on behalf of the Council. See CSO 5.14 for further details.

4. QUALITY ASSURANCE

4.1 Requirements for quality and quality assurance shall be included in every contract entered into by the Council.

4.2 Where an appropriate British Standard or European Standard specification and/or code of practice issued by the British Standards Institute or equivalent European institution is current at the date of tender every contract, where such a standard is proportionate to the requirements of the specification, shall require that all goods and materials used or to be supplied and all workmanship shall be to a standard not less than the British Standard or European Standard.

5. PROCUREMENT PROCESS

- 5.1 All contracts shall be awarded following the procedures set out in these CSOs or by such other public body's CSOs as provided for in CSO 7.1(ii).
- 5.2 All supplies, services and works will be procured in accordance with the requirements and value thresholds set out in CSO 5.14 unless the procurement falls within an exempt category or a waiver is obtained.
- 5.3 Where an external person or organisation is required to supervise a contract or procurement on the Council's behalf, the relevant Head of Service shall ensure that the external person or organisation complies with the requirements of these CSOs as though that external person or organisation were a Council officer.
- 5.4 Every tender issued shall include such documents as the Procurement Officer and Chief Finance Officer may require. Where procurements are above the EU threshold all procurement documents, including the contract, must be available at the time the contract opportunity is advertised via the Council's e-procurement system. Procurements above £25,000 must be advertised on Contracts Finder within 24 hours of the initial advertisement having been placed via the Council's e-procurement system.
- 5.5 Every tenderer shall be required to accept the specification of requirements and terms and conditions of contract including a certificate of non-collusion (except where Quick Quotes (QQ) is used) and confirm as a minimum that they have answered in good faith the questions in the tender documentation correctly, accurately, in good faith and there is no conflict of interest.
- 5.6 Officers must take such steps as may be required to confirm the identity and bona fides of any prospective contractor and in relation to the transaction generally. This may require compliance with the client identification procedures required by the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, or the Land Registry (where applicable). Any suspicions in relation to money laundering must be reported immediately to the Council's Head of Corporate Governance.
- 5.7 All invitations to tender, with the exception of Quick Quotes, must include the criteria and sub-criteria upon which tenders will be evaluated together with the respective weighting to be applied to each.

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Framework Agreements

- 5.8 Officers must consider and, where required, use EU compliant contracts and framework agreements already tendered by the Council or those contracts and frameworks procured by other public sector bodies or consortia which are available to the Council.

5.9 Where the Council has a tendered contract or framework agreement for a category of supplies, services and/or works, officers must use such contracts or framework agreements for the procurement of relevant supplies, services or works unless they obtain the agreement in writing of the [Chief Finance Officer](#).

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5.10 Where supplies, services or works cannot be obtained through an existing contract or framework agreement, officers must comply with the competition requirements in CSOs 5.14.

5.11 Further requirements relating to framework agreements can be found at CSO 5.25 – 5.33.

Competition Requirements

5.12 The tables in CSO 5.14 are compiled to take account of the PCR 2015 and the EU thresholds.

5.13 All tendering procedures are to be carried out in accordance with the requirements and timescales set out in the Procurement [Guidance notes](#) which can be found on E-Hub.

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5.14 Competition - Threshold Requirements

This Table provides a quick checklist and guidance for the necessary governance arrangements for authorisations when entering into contracts:

Contract Standing Orders (revised June 2018)								
Procedures for Procurement - minimum requirements								
	Aggregate Value over Contract Period £	Check Budget Approval	Minimum No. of Quotations or Tender	Receipt of Quotes or Tender	Timeframe for Quotes or Tender	Audit Trail & Documentation	Contract Requirement	Evaluation/ Approval
Threshold 1	Up to £10,000 Quick Quotes - QQ	Y/N	Up to 3 Quotes	E Mail or Pro Contract	Allow 14 working days	Dedicated folder on Projects Drive	Purchase Order T&Cs	Officer with Delegated Authority
Threshold 2	£10,001 to £25,000 Request for Quotes - RFQ	Y/N	3 Quotes	Pro Contract (Email in <u>exceptional circumstances</u>)*	Allow 21 Working Days	Pro Contract and folder on Projects Drive	Purchase Order T&Cs	Head of Service/ Officer
Threshold 3	£25,001 to £181,302 RFQ, Invitation to Tender - ITT	Y/N	3 Tenders <u>minimum, maximum of 5 Tenders</u>	Pro Contract	Allow 28 Working Days	Pro Contract - Instructions to Tenderers Specification and Scope of work Contract	Advertise on contracts finder JCT/NEC/ Bespoke	Head of Service and Finance
Threshold 4	Over OJEU (£181,302) Standard Selection Questionnaire SSQ ITT	Y/N	5 Tenders	Pro Contract	OJEU timescales apply	Pro Contract - Instructions to Tenderers Specification and Scope of work Contract	Advertise on contracts finder JCT/NEC/ Bespoke	Finance and Appropriate Committee

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For below EU threshold procurements (£25k - £181k)

- Minimum of three tenders sought (can be Closed, Restricted or Open)
- For Works related projects Construction line should be used to select shortlist of suitable contractors
- If selecting from a 'Closed' group of suppliers (whether on Framework or not) there is no requirement to advertise on Contracts Finder
- An Open tender (above £25k) must be advertised on Contracts finder.
- All contract awards above £25k must be published on Contracts Finder regardless of whether the opportunity was advertised) or not.
- OJEU Thresholds reviewed annually.

* [see CSO 5.36 for further details of requirements](#)

Tender Procedures

- 5.15 All procurement processes must comply with the requirements and thresholds set out in CSO 5.14 and the procedures set out in the Procurement [Guidance notes](#) which can be found on E-Hub.
- 5.16 The open procedure will normally be used for EU threshold procurements.
- 5.17 The restricted, competitive procedure with negotiation, competitive dialogue procedure and the innovative partnership procedure may only be used, or a dynamic purchasing system established, after officers have agreed the appropriateness of the procedure with the [Chief Legal Officer](#).
- 5.18 Every procurement process shall be conducted in an equitable, fair, non- discriminatory and transparent manner for each contract.

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Permission to Tender

- 5.19 Heads of Service have the authority to commence a tendering process provided there is a business case for the procurement and financial provision has been obtained.
- 5.20 Where the value of the contract is in excess of £750,000, the procurement must be approved by the relevant committee prior to the commencement of the procurement process.

Tendering – Selection of Tenderers

- 5.21 Where the number of organisations expressing an interest in an advertisement is fewer than the number set out in CSO 5.14 then all such organisations applying will be asked to tender subject to meeting the requirements of CSO 5.23.
- 5.22 The Head of Service with permission to tender a contract will be responsible for ensuring audit trail records are completed on the e-procurement system showing how tenderers are selected for each contract and the reasons why they were chosen.
- 5.23 Where contracts are subject to the PCR 2015 and are above the relevant EU threshold, the suitability to pursue a professional activity, the economic and financial standing and technical and professional ability of any contractor or supplier shall be assessed if relevant and proportionate to the contract being procured. Such assessment will take place prior to the contractor or supplier being invited to tender. It is not permissible to use a pre-qualification stage for contracts below the EU threshold although suitability assessment questions may be used provided those questions are relevant to the subject matter and are proportionate as advised by the [Chief Legal Officer](#).

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- 5.24 Where contracts are subject to the PCR 2015 and are above the EU threshold, in relation to economic and financial standing, the minimum annual turnover that a contractor or supplier is required to have shall not exceed twice the estimated annual contract value except in duly justified cases. Where the minimum annual turnover required exceeds twice the estimated contract value the justification must be included in the report required by PCR 2015 regulation 84(1).

Tenderers sought from Framework Agreements

- 5.25 This CSO applies where tenders are sought from either a framework agreement set up in compliance with the PCR 2015, as established by the Council, another public body, a local authority consortium, a national agency which is recognised as carrying out procurement for the benefit of public bodies or another local authority as part of a joint purchasing arrangement of which the Council is permitted to use in accordance with the PCR 2015.
- 5.26 Call offs either by mini competition and/or direct award from a framework agreement must be undertaken in accordance with the rules of the relevant framework agreement. Mini competition and/or direct awards, where required by the relevant framework agreement, must be conducted through the Council's e-procurement system.
- 5.27 Tenders will not be required where a framework agreement is with a single supplier or allows the call off of supply without competition. In such cases officers will need to demonstrate that they have obtained value for money.

Council Framework Agreements

- 5.28 Where there is a frequent occasion to go out for tender for a category of work, supply or service, a framework agreement of organisations may be compiled for the Council.
- 5.29 For a multi-supplier framework, each framework agreement must include a minimum of two suitable organisations. Where the Council has decided to enter into a single supplier framework, a single supplier must be appointed to the single supplier framework.
- 5.30 Each framework agreement shall clearly state the rules for call off by mini competition and/or direct awards of contract under the framework as applicable.
- 5.31 Each framework agreement will be compiled in accordance with the competition requirements set out in CSO 5.14.

5.32 The suitability of applicants will be evaluated in accordance with the criteria and sub-criteria stated in the contract documentation and upon the information provided in the applicant's submission to be included on the framework agreement.

5.33 Framework agreements may exist for a maximum of four years unless the subject matter of the framework agreement justifies a longer contract period as agreed by the [Chief Legal Officer](#).

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Submission of Tenders – Electronic Submission

5.34 All tenders for the procurement of supplies, services and works will be submitted securely through the Council's e-procurement system. For the avoidance of doubt, the term "tenders" includes Quick Quotes (QQ) and Request for Quotation (RFQ).

5.35 For low value procurements (under [£10,000](#)), officers may obtain tenders without using the QQ system where it is expedient to do so [in consultation with the Head of Service](#).

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5.36 [Where the contract value is between £10,001 and £25,000, officers should ordinarily use Procontract to procure. The requirement to use Procontract may be waived in exceptional circumstances. Any officer who wants to use e-mail rather than Procontract must obtain the written approval from the Head of Corporate Governance prior to obtaining any quote by e-mail. The procuring officer must provide written justification as to why the use of Procontract should be waived.](#)

Submission of Tenders – Paper Submission

5.37 Paper tenders shall only be used in below EU level procurements where the e-procurement system is unavailable. The [Chief Finance Officer](#) will set out the requirements for submitting a paper tender where this is required.

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Tender Opening – Electronic and Paper Tenders

5.38 Tenders, QQs and RFQs [are](#) opened through the e-procurement system.

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5.39 No tender, QQ or RFQ received after the time and date specified in the invitation to tender documentation will be considered.

5.40 For tenders with a threshold of over £750,000 opening will be carried out by a representative nominated by the Head of Finance [the Procurement Officer who will inform the key officers](#)

5.41 No person shall disclose the value, number or any other detail of the tenders received to any tenderer or anyone not involved in the tender evaluation procedure.

Tender Evaluation

5.42 For low value procurement (under £10,000) the awarding officer shall evaluate the tenders received.

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5.43 For procurement valued between £10,000 and £25,000 tenders shall be evaluated by at least two officers one of whom must not have been directly involved in the procurement previously.

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5.44 For procurement valued between £25,000 and the OJEU limit tenders shall be evaluated by at least two officers, one of whom must be a representative from the Finance department.

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5.45 For procurement valued above the OJEU limit, tenders shall be evaluated by at least two officers including a representative from the Finance department and the relevant committee.

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5.46 In all cases tender evaluation shall be carried out in an equitable, fair, non- discriminatory and transparent manner in accordance with the award criteria set out in the tender documentation and the procedures contained in the Procurement Guidance notes.

Deleted: Toolkit

5.47 Where a tender contains errors or discrepancies affecting the tender sum or rates the relevant Head of Service may, during the tender evaluation providing no information is given to the tenderer regarding the effect of such action, give the tenderer the option to:

- (i) correct the prices or rate concerned;
- (ii) continue without correcting the prices or rates; or
- (iii) withdraw the tender.

5.48 If a tender is received with an abnormally low price in proportion to the contract requirement the Council officer leading the procurement shall require the tenderer to explain the costs proposed in the tender.

5.49 If, after consulting the tenderer, the officer is not satisfied that the evidence or explanation provided can satisfactorily account for the low level of price or costs proposed, the officer must discuss what action should be taken with the Chief Finance Officer.

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5.50 Where QQ is used, the tenderer providing the cheapest quote will be awarded the contract and no qualitative assessment will be undertaken.

5.51 RFQ and EU procurement will be assessed using the most economically advantageous tender (MEAT) approach. MEAT uses both quality and price to evaluate tenders.

5.52 Where MEAT is to be used and prior to the tender being issued, the officer leading the procurement will, in conjunction with the [Procurement Officer](#) or [Chief Finance Officer](#), agree the criteria and weighting against which tenders will be assessed.

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Criteria may include:

- i) price;
- ii) technical merit;
- iii) aesthetic and functional characteristics;
- iv) environmental characteristics;
- v) running costs;
- vi) cost effectiveness;
- vii) after sales service;
- viii) technical assistance;
- ix) delivery date, delivery period and period of completion;
- x) agility and ability to respond to contingencies;
- xi) customer care;
- xii) performance standards, quality monitoring and complaints;
- xiii) accessibility; and
- xiv) organisation, qualification and experience of staff.

5.53 This list is not exhaustive. Further details concerning MEAT can be found in the Procurement [Guidance notes](#).

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Post Tender Negotiations

5.54 Officers shall not enter into post tender negotiations with a tenderer in an open or restricted procurement procedure. This principle also applies to QQ and RFQs.

Acceptance of Tenders

- 5.55 The authority to award contracts is set out in CSO 5.14 and is subject to:
- (i) the award being made to the cheapest tenderer where QQ is used or the most economically advantageous tender in all other cases; and
 - (ii) all tender award notifications being conducted through the Council's e- procurement system.

Contract Notification and Standstill Period

- 5.56 All successful and unsuccessful tenderers for a contract must be notified simultaneously and as soon as possible as to the outcome of the tender process via the e-procurement system.
- 5.57 For all contracts with a value exceeding the EU threshold the council will apply a standstill period for a minimum of 10 days to comply with the PCR 2015. The day of notification is considered day 0. This requirement applies to call offs from framework agreements which exceed the EU threshold.
- 5.58 For QQs and RFQs telephone debriefs, if requested by tenderers, are permissible.
- 5.59 Where the standstill period in CSO 5.56 applies, the Council will send a notification to all organisations submitting a tender stating as a minimum the following:
- i) the award criteria;
 - ii) the sub criteria weightings;
 - iii) the ranking of the tenderer in the tender evaluation; and
 - iv) the name of the successful tenderer.

5.60 If the decision to award is challenged by an unsuccessful tenderer the contract will not be awarded and the matter shall be referred to the [Chief Legal Officer](#) for advice.

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5.61 The advice of the [Chief Legal Officer](#) must be sought in any situation where a face to face debrief is being considered.

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Commencement of Work

5.62 No supply of works, supplies or services is to commence until a sufficiently binding contractual arrangement is in place between the Council and the contractor to the satisfaction of the [Chief Legal Officer](#).

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6 CONTRACT MANAGEMENT

- 6.1 The relevant Head of Service will maintain accurate and proper records of all contracts for which he/she is responsible
- 6.2 The relevant [Head of Service](#) shall be responsible for ensuring that all contracts for which he/she is responsible are properly performed and managed.

Variations to Contracts

- [6.3](#) Where a contract is varied by addition to, omission from or amendments to, such variations must be made promptly in writing noting that any variations must fall within the scope of the original contract.
- 6.4 All variations issued must include the scope and an estimate of the value of the variation and the method by which the final value of the variation will be determined. Where tender clarifications occur between the invitation to tender and the award, all such variations must be captured on the e-procurement system.
- 6.5 Where the total value of the contract including any variation is not more than £25,000 and the Council has an approved budget for this amount, the relevant Head of Service may agree the variation. In all other circumstances the Council's s151 officer's written approval must be obtained.
- 6.6 Where contract variations generate a lower contract value and no significant change to the contract specification is envisaged, no such authorisations are necessary.

Contract Storage and Audit

- 6.7 As soon as possible, the relevant Head of Service must ensure that the original signed contract is passed to the Legal department for storage.
- 6.8 As soon as possible after completion of the procurement, the relevant Head of Service must inform the [Procurement Officer](#) of all contracts which must be registered on the Council's contracts register.
- 6.9 The relevant Head of Service must ensure that all relevant paperwork relating to the tender, the tender opening procedure, the tender evaluation and award of contract is retained, for at least 6 months, in case of legal challenge or for audit purposes.

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7 EXEMPTIONS FROM TENDERING

- 7.1 These CSOs apply to all procurement undertaken by the Council unless the procurement is below the EU threshold and falls within one of the following categories:

- (i) call offs from framework agreements which have been tendered in accordance with the PCR;
- (ii) where effective competition is prevented either by government control or by the supplies or services being proprietary and/or are sold only at a fixed price;
- (iii) an extension to an existing contract which contains express provisions as to the extension of that contract and provided those conditions are followed. The extension must be agreed in advance, in writing by the Head of Corporate Governance prior to the contract being extended.
- (iv) the Council is acting as an agent for another organisation and is acting in accordance with that organisation's CSOs;
- (v) employment contracts;
- (vi) disposal or acquisition of land (see CSO 9); and
- (vii) legal advice and expert witnesses.

8 WAIVER

- 8.1 The requirement for the Council to conduct a competitive procurement process for contracts in excess of £10,000 but below the EU threshold may be waived in exceptional circumstances by the Head of Corporate Governance, Chief Finance Officer, Chief Operating Officer or Chief Legal Officer.
- 8.2 All waivers from CSOs are to be:
- (i) fully documented; and
 - (ii) the subject of a written report in an approved format which is submitted in advance to the Head of Corporate Governance and s151 officer for approval and shall include the reasons why the waiver is sought.
- 8.3 All decisions on whether or not to grant a waiver must take into account:
- (i) probity; and
 - (ii) best value for money principles.
- 8.4 Applications for waivers which are as a result of poor contract planning will rarely be considered genuinely exceptional.
- 8.5 The relevant Head of Service will inform the relevant committee when a waiver has been granted and an annual report setting out the waivers granted will be presented to the Leadership Team.

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9 DISPOSAL OF LAND AND OTHER ASSETS

Disposal of Land and Property

- 9.1 All land and property which is considered to be surplus to the Council's service requirements must be notified to the [Chief Legal Officer](#) who will be responsible for the disposal or other reallocation of such land and property in accordance with the Council's Asset Management Strategy.

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Disposal of Other Council Assets

- 9.2 Assets may be declared as being surplus to requirements by a Head of Service who shall assess the value of the assets using such expert assistance as they consider necessary and to dispose of the asset in accordance with this CSO.

- 9.3 The value of an asset shall be the estimated price for which the asset might reasonably be expected to be sold to a willing purchaser in the open market. Similar assets declared surplus to requirements at or about the same time shall be aggregated in value.

- 9.4 Assets having no realisable value or where the costs of disposal is likely to likely to exceed the price received may be disposed of as waste provided that the assets shall be recycled wherever reasonably practical and financially viable.

- 9.5 Assets with a value of [£10,000](#) or less may be sold for the best price possible.

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- 9.6 Such assets may be advertised on internet based marketplaces (such as EBay). Where such sites are used, the [Chief Finance Officer](#) will nominate a single council officer to be responsible for the disposal of assets using this method.

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- 9.7 In the case of assets valued above [£10,000](#), disposal shall be carried out by inviting bids for the assets through the open procedure or auction.

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- 9.8 Council officers or members are not permitted to purchase any Council assets.

- 9.9 Assets which require secure disposal such as computers, tablets, mobile telephones and any other equipment containing personal or confidential material must be disposed of only to an approved contractor. The relevant Head of Service in the case of IT equipment, the Head of ICT, must ensure that the personal information or confidential material is destroyed and documentation confirming this must be obtained from the contractor and retained by the Council.

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9.10 Where items have to be written off and disposed of the write off must be approved in accordance with the following limits:

(i) for items valued up to £10,000 Head of Service in consultation with the Chief Finance Officer;

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(ii) for items valued between £10,000 and £20,000, Chief Finance Officer in consultation with the relevant committee chairman; and

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(iii) for items valued over £20,000 the relevant committee.

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10 OTHER PROVISIONS

Work for Third Parties

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10.1 The Chief Legal Officer must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.

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Partnerships

10.2 Partnerships with other local, public, private, voluntary and community sector organisations will be entered into subject to the approval of the relevant committee who shall agree:

(i) the terms of reference; and

(ii) where appropriate, a scheme of delegation to officers to operate within the partnership.

10.3 Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these CSOs.

10.4 The heads of terms for all partnership arrangements shall be approved by the relevant committee and full terms and conditions by the relevant committee and the Chief Legal Officer.

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10.5 The Chief Legal Officer shall be responsible for ensuring that adequate arrangements for governance are set up within each partnership entered into. Such arrangements shall include provisions for arranging contracts with external bodies.

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Council Members and Contracts

10.6 No member shall have authority to enter into any contract on behalf of the Council.

10.7 No member shall have authority to issue any instruction or variation to a contractor of the Council.

ANNEX A

EU THRESHOLD LEVELS

The financial thresholds are amended on a regular basis, generally every 2 years. The current thresholds set out below are valid from 1 January 2018, to 31 December 2019.

		Supplies	Services	Works
A	Local authorities	£181,302	£181,302	£4,551,413
		€221,000	€221,000	€5,548,000

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Deleted: Note: The threshold for social and other specific services in row B of the table above is a higher threshold as the European Commission decided that these services are not likely to attract cross-border interest and this gives local authorities flexibility in procuring these services. Whilst in the past services were divided into Part A and Part B services this distinction no longer exists and instead there are services which are subject to the full extent of the regulations and other services which are subject to the light touch regime.

The new threshold in row B for social and other specific services applies to procurements of the following services:

- Health, social and related services;
- Administrative social, educational, healthcare and cultural services; Compulsory social security services;
- Benefit services;
- Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership services; Religious services;
- Hotel and restaurant services; Some legal services;
- Other administrative services and government services; Provision of services to the community;
- Some prison related services, public security and rescue services; Investigation and security services;
- International services; and Postal services.

Where the officer is seeking to procure any of the above services you should contact a Procurement Practitioner Procurement Officer in order to check if the service falls within one of these areas and is therefore subject to the higher threshold set out in row B.

New standing order & Section J to Part 5

SECTION J - RECORDING, PHOTOGRAPHY AND USE OF SOCIAL MEDIA PROTOCOL AND GUIDANCE

Introduction

The Local Audit and Accountability Act 2014 and the “Openness of Local Government Bodies Regulations 2014” set out the statutory provisions that permit the recording of proceedings by any person attending the meeting.

Epsom and Ewell Borough Council recognises that it operates in a modern digital world where the use of filming and communication methods such as tweeting and blogging is commonplace. The Council has responded to the Government’s requirements to increase citizens’ rights to attend and report on meetings by adopting a “Standing Order” and this Protocol.

To ensure the work of a meeting is not interrupted and to safeguard the rights of others, any member of the public or of the media wishing to photograph and / or audio or visually record a meeting will be asked to sign the recording and filming protocol.

Procedure Prior to the Meeting for those Wishing to Record or Photograph a Meeting

Requests to take photographs or undertake audio or visual recordings of meetings open to the public, either by members of the public or by the media should wherever possible be made to **the Democratic Services Officer listed as a contact for that committee on the agenda for each meeting** at least two working days before the meeting.

The request should include the following information as this will assist the Council in making preparations for the meeting to avoid any disruption to the proceedings:

1	the name, organisation (if applicable) and contact details of the person making the request
2	which meeting do you wish to record
3	what equipment will you be (e.g. camera/audio recorder/video camera)
4	What will the photographs, or audio / visual recording will be used for and / or where the information is to be published

All recording and filming of Council meetings are subject to the following terms:

1	Any photography or audio / visual recording must take place from a fixed position in the meeting room approved by the Chairman so as to minimise disruption to the proceedings;
2	The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Mayor or Chairman, so as to minimise disruption to the proceedings;
3	If the Mayor or Chairman feels that any photography, audio or visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached then the operator of the equipment will be required to stop;
4	If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and /or photography;
5	If the Mayor or Chairman adjourns the meeting, then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned;
6	Those making audio or visual recordings must comply with any request made by the Mayor or Chairman regarding respecting the public's right to privacy;
7	People seated in the public gallery / seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. This also applies to those individuals who may ask a public question, present a petition or make a representation at a Council meeting open to the public and who are seated in a "public seating area";
8	Use must not be made of an image or recording if consent is refused by an individual;
9	Photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

It should be noted that failure to comply with this Protocol may lead to the refusal of any future requests to photograph or audio or visually record any future Council meetings in view of the risk of future disruption to proceedings.

If a request has been received to take photographs or to audio or visually record a particular meeting, notices to this effect may be displayed in the relevant meeting room.

To assist the public, the Chairman will, in accordance with the Council's FCR XX, make an announcement that the meeting will be photographed and /or recorded or filmed.

The Council may, on occasion, audio record meetings for minuting purposes only. The relevant Chair will make an announcement to this effect and these recordings will not be made available to anyone outside the Council.

Audio and Visual Recording – the Public Rights

If as a member of the public you do not wish to be photographed, filmed or recorded please inform the Committee Officer in attendance at the meeting, or the Mayor or Chairman of the relevant committee if notice that a request to photograph / record has been received is given.

Procedure at the Meeting

Equipment must be set up before the meeting starts. The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the Mayor or Chairman. This will be communicated to all relevant parties. This is to minimise disruption to the proceedings.

If the Mayor or Chairman feels the photography/audio / visual recording is disrupting the proceedings, the operator of the equipment will be required to stop.

If use continues the Mayor or Chairman will ask the person to leave the meeting. If the person refuses to leave then the Mayor or Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Anyone asked to leave a meeting because they have refused to comply with the Mayor or Chairman's requests may be refused permission to photograph, record or film at future Epsom and Ewell Borough Council so as to minimise the risk of future disruption to the proceedings.

If during the meeting a motion is passed to exclude the press and public, because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed.

If a meeting for which agreement is given to record or photograph is adjourned by the Mayor or Chairman then any recording or photography should stop at the point at which the meeting is adjourned.

Social Media

There are no restrictions placed on anyone at the meeting using Twitter, blogs, Facebook or similar "social media" provided that the Mayor or

Chairman does not consider their actions are disrupting the proceedings of the meeting.

If the Mayor or Chairman feels the use of social media is at the time disrupting the proceedings the Councillor, member of the public or media representative may be required to stop.

If use continues, the Mayor or Chairman will ask the person to leave the meeting. If the person refuses to leave then the Mayor or Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.

Councillors and members of the public are reminded that there are laws which apply to social media use – including the law of defamation and the law on public order offences.

Dated XX

ARTICLE 16 – Petition Scheme

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to:

Chief Legal Officer
Epsom and Ewell Borough Council
The Town Hall
The Parade
Epsom
Surrey
KT18 5BY

By the end of November 2010, people will also be able to create, sign and submit petitions on-line.

Petitions can also be presented to a meeting of the Council. There are normally four ordinary meetings every year. If you would like to present your petition to the Council, or would like your Ward Councillor or someone else to present it on your behalf, please contact Legal and Democratic Services on 01372 732000 at least 5 working days before the meeting and an officer will talk you through the process.

What are petitions?

A petition is a communication which is signed by or sent to the Council on behalf of a number of people. There are different types of petitions:

(a) **Ordinary Petitions:** These are petitions which do not fall within the other two categories set out below and will normally relate to the day-to-day services or facilities provided by the Council. Such petitions must be signed by at least 20 signatories.

(b) **Petitions for debate:** If a petition calls for something to be reported to and discussed at a meeting of the full Council, it must contain at least 1,500 signatures

(c) **Petitions calling for an officer to give evidence:** If a petition calls for an officer to give evidence at a meeting of the Scrutiny Committee or Crime and Disorder Committee and to answer questions on a specific issue, it must contain at least 800 signatures.

Petitions not covered by this Scheme

The following petitions will not be accepted by this Council:

- The subject matter of the petition is deemed likely to cause distress, disruption or irritation without any proper or justified cause.
- The subject matter of the petition relates to a matter which upon which legal proceedings are possible
- The petition relates to an individual member of the community or the personal circumstances of councillors or Council employees.
- Petitions made under any enactment other than the Local Democracy, Economic Development and Construction Act 2009
- The subject matter of the petition is about something for which this Council is not responsible or cannot influence
- Petitions about a planning decision, including a development plan document, any matter relating to a licensing decision

If the Council decides that a petition does not fall within this scheme, the petition organiser will be informed and given the reason why it is not being accepted.

In addition a petition will not normally be considered if it is received within six months of another petition on the same matter. If two or more petitions on the same subject are received at the same time, each will be treated as a separate petition but only the organiser of the first petition received will be invited to address the relevant meeting.

What are the guidelines for submitting a petition?

The Council will accept a petition if it is signed by the required number of people who live, work or study in the Borough. A petition submitted to the Council must include:

- A clear and concise statement covering the subject of the petition.
- It should state what action the petitioners would like the Council to take.
- The name, address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the Council's website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case, we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case we will write to you to explain the reasons.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition is about a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor) or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available from the Council.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible, we will also publish all correspondence relating to the petition (all personal details removed). When you are able to sign an e-petition, you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it but may include one or more of the following:-

- Taking the action requested in the petition
- Considering the petition at a Council meeting
- Holding an enquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Holding a consultation Holding a meeting with petitioners
- Referring the petition for consideration by the Audit, Crime & Disorder and Scrutiny Committee *
- Writing to the petition organiser setting out our views about the request in the petition

* The Audit, Crime & Disorder and Scrutiny Committee is a Committee responsible for scrutinising the work of the Council – in other words it has the power to hold the Council's decision makers to account.

If your petition is about something that a different council or body is responsible for we will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council or body but could involve other steps. In any event, we will always notify you of the action we have taken.

Full Council debates

If a petition contains more than 1,500 signatures it will be debated by the full council unless it is a petition asking for a senior Council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 800 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny or Crime and Disorder Committee, as appropriate. The senior staff who can be called to give evidence are:

- The Chief Executive
- Monitoring Officer
- Chief Operating Officer/Directors
- Chief Finance Officer
- Any deputies who report directly to those officers

You should be aware that the Audit, Crime & Disorder and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting the Scrutiny Officer up to three working days before the meeting.

E-Petitions

The Council is working to put in place an e-petitions scheme by the end of November 2010. Petitions can then be created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months but you can choose a shorter or longer timeframe, up to a maximum of twelve months.

When you create an e-petition, it may take five working days before it is published online. This is because we will have to check that the content of your petition is suitable before it is made available for signature. If you feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change or re-submit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the "rejected petitions" section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services team. In the same way as a paper petition, you will receive an

acknowledgment within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Legal and Democratic Services on 01372 732000 within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement will also be published on this website.

Details of how to sign an e-petition will be given on the Council's website when it is possible to create and submit them later in 2010.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Scrutiny or Crime and Disorder Committee, as appropriate, review the steps that the Council has taken in response to your petition. It is helpful to everyone and can improve the prospects of a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The appropriate Committee will endeavour to consider your request within 30 days of receiving it. Should the Committee determine we have not dealt with your petition adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendation to the appropriate Committee or arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered, the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

Representation on an Outside Body and Confirmation of Committee Membership

Head of Service/Contact: Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached): None
Other available papers (not attached): None

Report summary

To approve appointments vacancies on Council Committees and appoint to a vacancy on an Outside Body.

Recommendation (s)

- (1) To appoint to the vacancy on the Epsom and Walton Down's Training Management Board;**
- (2) To approve the appointment of nominated members to**
 - (a) Planning, Licensing & Planning Policy**
 - (b) Strategy and Resources Committee and the**
 - (c) appointment of Councillor David Reeve as Vice Chairman of the Licensing & Planning Policy Sub-Committee**

as set out in this report.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 Good Corporate Governance underpins delivering the Council's Key Priorities

2 Background

- 2.1 At its Annual Meeting, the Council constitutes its main committees in accordance with the principles set out in Section 15 of the Local Government & Housing Act 1989 and, in accordance with the said Act and the Council's Rules of Procedure, gives effect to the wishes of the relevant Groups as to their membership.

- 2.2 At the same meeting, the Council appoints and/or nominates representatives to sit on external bodies.

3 Representation on Epsom and Walton Downs Training Management Board

- 3.1 Councillor Lucie Dallen has indicated a wish to step down as the Council's representative on the Epsom and Walton Downs Training Management Board.
- 3.2 The Constitution states that where there are any appointments to be made to outside bodies by the Council and the number of persons nominated exceeds the number of vacancies, a secret ballot shall be held. Each member shall be entitled to vote for as many individuals as there are vacancies. The nominee (s) with the most votes shall be taken to be appointed. The Chief Executive shall announce the voting figures and shall identify the successful candidate (s) to the meeting, which shall be asked to give its consent to the appointments.

4 Confirmation of Committee Appointments

- 4.1 Following the Nonsuch Ward By-election on 20 September 2018, the wishes of the relevant Group as to Committee membership were as follows:
- 4.1.1 to appoint Councillor Mike Teasdale to the Planning Committee
- 4.1.2 to appoint Councillor Robert Foote to the Licensing and Planning Policy Committee
- 4.1.3 to appoint Councillor David Reeve as the Vice Chairman of Licensing & Planning Policy Committee
- 4.2 To appoint Councillor Colin Keane to the Strategy and Resources Committee to replace Councillor Liz Frost.
- 4.3 The Council is asked to formally endorse the wishes of the relevant group in this regard.

5 Financial and Manpower Implications

- 5.1 ***Chief Finance Officer's comments:*** None for the purposes of this report

6 Legal Implications (including implications for matters relating to equality)

- 6.1 Section 15 and 16 of the Local Government and Housing Act 1989 ("the 1989 Act") sets out how committees must be constituted when the Council is divided into one or more political groups. It is the duty of the Council to make appointments to Committees in accordance with the wishes expressed by political groups following determination under section 15, namely the allocation of seats to political groups.

6.2 Whenever, during the course of the year, an appointment of a member or substitute member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated or whenever such an appointment falls to be terminated in accordance with such wishes, the Chief Legal Officer shall make or terminate such appointments in accordance with the wishes of that political group. The wishes of a political group are taken to be those expressed to the Chief Legal Officer in writing by the leader of the political group. The appointments are then taken to the next meeting of Council for approval.

6.3 **Monitoring Officer's comments:** *None arising out of the contents of this report.*

7 Sustainability Policy and Community Safety Implications

7.1 There are no implications arising from the contents of this report.

8 Partnerships

8.1 This is important to appoint Members to places for Members on outside bodies.

9 Risk Assessment

9.1 The appointment to vacancies that arise is an important step in mitigating the risk to decision making.

10 Conclusion and Recommendations

10.1 It is important to ensure all Council Committees and outside bodies maintain the required levels of member representation. It is therefore recommended the Council confirms the appointments being made.

Ward(s) Affected: (All Wards);

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Notices of Motion

Head of Service/Contact:	Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached):	Annex 1: Motion 1: Women 100 Annex 2: Motion 2: Variation to Car Park Charges Annex 3: Motions flowchart
Other available papers (not attached):	EEBC Constitution

Report summary

This report sets out notices of motions ruled in order by the Mayor in consultation with the Chief Legal Officer.

Recommendation (s)

To consider any notices of motions in accordance with Standing Orders.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

1.1 Good Corporate Governance underpins all the Council's activities.

2 Background

2.1 The rules regarding the submission of motions to Council are set out in Part 4 of the Council's Constitution (Rules of Procedure)

2.2 Notices of Motions must be given in writing and delivered to the Chief Legal Officer by no later than 5pm on the eighth clear working day before the date of the meeting at which it is intended to be considered.

2.3 All motions must be relevant to some matter on which the Council has powers or duties, or which affects the Borough.

2.4 If notice is given of any motion which in the opinion of the Mayor, following consultation with the Chief Legal Officer, is out of order it shall not be accepted and placed on the Agenda.

3 Motions

- 3.1 The process for dealing with Motions is set out in part 4 of the Council's Constitution.

Motion 1: "Women 100"

- 3.2 The first Motion is the entitled "Women 100" and is proposed by Councillor Dalton and Seconded by Councillor Wormington. A copy of the Motion is included at Annex 1. The relevant Committee is Strategy & Resources, the Chairman of which is Councillor Kington.

- 3.3 The Motion ask that the Council

"Notes and welcomes the work undertaken by the HR Team and officers across the Council to ensure that our policies and procedures promote equality, and which makes Epsom and Ewell an excellent and welcoming place for women to work and succeed.

In this year marking the centenary of the first time women exercised the right to vote in a General Election, this Council also commends and celebrates the significant achievements of women in the Borough, and their important contribution to the history and development of Epsom and Ewell across a wide range of social, political, cultural, educational and environmental changes and advance."

Motion 2: "Variation to Car Park Charges"

- 3.4 The second Motion is entitled "Variation to Car Parking Charges" and is proposed by Councillor Mountain and Seconded by Councillor Clarke. A copy of the motion is included at Annex 2. The relevant Committee is Environment and Safe Communities Committee, the Chairman of which is Councillor O'Donovan.

- 3.5 The Motion asks that the Council

"should agree that the first half an hour of parking in all Epsom & Ewell Borough Council car parks, should be free".

Procedure for debate

- 3.6 The process and procedure for debate is set out in Section A (a) of Part 4 of the Constitution. A summary process flowchart for dealing with Motions and amendments is attached at Annex 3.

4 Financial and Manpower Implications

- 4.1 Implications are not provided on Motions
- 4.2 **Chief Finance Officer's comments: not applicable**

5 Legal Implications (including implications for matters relating to equality)

5.1 Implications are not provided on Motions

5.2 *Monitoring Officer's comments: not applicable*

6 Sustainability Policy and Community Safety Implications; Partnerships

6.1 No comment for the purposes of this report.

7 Risk Assessment

7.1 No comment for the purposes of this report.

8 Conclusion and Recommendations

8.1 Council are asked to consider the two motions which have been brought.

Ward(s) Affected: (All Wards);

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Please complete all boxes	
Proposed Title of Motion	Women 100
Proposer	Cllr Hannah Dalton
Seconder	Cllr Tella Wormington
<p>Motion</p> <p>Set out motion in full</p>	<p>“Notes and welcomes the work undertaken by the HR Team and officers across the Council to ensure that our policies and procedures promote equality, and which makes Epsom and Ewell an excellent and welcoming place for women to work and succeed.</p> <p>In this year marking the centenary of the first time women exercised the right to vote in a General Election, this Council also commends and celebrates the significant achievements of women in the Borough, and their important contribution to the history and development of Epsom and Ewell across a wide range of social, political, cultural, educational and environmental changes and advance.”</p>
Relevant Committee(s) Motion would relate to	Strategy and Resources Committee
Name of the Chairman of such Committee	Cllr Eber Kington

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Please complete all boxes	
Proposed Title of Motion	Variation to Car Park Charges
Proposer	Cllr Tina Mountain
Seconder	Cllr Alex Clarke
Motion Set out motion in full	“The Council should agree that the first half an hour of parking in all Epsom & Ewell Borough Car Parks should be free”
Relevant Committee(s) Motion would relate to	Environment & Safe Communities Committee
Name of the Chairman of such Committee	Cllr Peter O’Donovan

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Motions Flowchart

Dealing with all Motions/ Amendments/ recommendations from Committees

1. Recommendations from Committees

(for the purposes of Rules of Debate each recommendation arising out of a Committee's minutes shall be deemed a separate motion. The Chairman of the Committee from which the recommendation has come or in their absence any other member, shall move the recommendation which shall be seconded by another member. Each recommendation is open to discussion in accordance with the rules on Motions without Notice)

2. Process for all Motions including Recommendations from Committees

- Mover of motion to move his /her motion and speak (5 minutes)
- Secunder to speak (or can reserve the right to speak later, but must speak before relevant Committee Chairman) (3 minutes)
- Any other Member who wishes to speak in the debate (except mover of original motion or relevant Chairman) (3 minutes)
- Secunder must have spoken
- Committee Chairman to reply to motion (5 minutes)
- Summing up by original mover of the motion (3 minutes)
- Proceed to the vote on the motion

A member may move an amendment to a motion.

3. Process for Amendments

All proposed amendments must be in writing

- Mover of amendment moves amendment and identifies Secunder, and speaks to the amendment (5 minutes)
- Secunder of amendment to speak (or reserve right) (3 minutes)
- Any other member who wishes to speak in the debate (except Mover of original motion or relevant Chairman) (3 minutes)
- Secunder of amendment (if not spoken already)
- The Chairman's right to reply (to speak at close of debate) (5 minutes)
- The Mover of the original motion may reply to the proposed amendment. (3 minutes)
- Proceed to the vote on the amendment

If the amendment is agreed it **then becomes the substantive motion before the Council, which the Mayor will read out to confirm. The motion will then be debated in accordance with 2 above.**

Any further amendments on the same item to be moved and dealt with as above