



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>

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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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- (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.

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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).

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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.

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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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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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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

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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.¶~~

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

~~¶
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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Deleted: (For the avoidance of doubt, a proposer of a motion can speak on an amendment proposed to their motion as an ordinary member responding to the amendment in accordance with Standing Orders, namely after the exercise of the Chairman's right of reply. Any seconder of a motion or amendment must speak before the Chairman exercises their right of reply); ¶
(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.

Deleted: The motion shall then be opened for debate.¶
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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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.

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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.

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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.

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2.3 Speakers shall be called in the order of (1) objector (2) supporter (3) applicant/agent.

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](#).

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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.

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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.

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:
- all items of business referred to the committee, sub-committee, advisory panel or joint committee;
 - any reports submitted to the committee or sub-committee by the Chief Executive, Chief Operating Officer/Director, Heads of Service;
 - 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, [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

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.

Deleted: 12.1 A committee may not appoint a sub-committee unless the Council has expressly agreed to the creation of a sub-committee or it is mentioned in the Constitution.

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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