

## **1. DEFINITIONS**

### **1.1 Definitions**

In these Standing orders the following definitions will apply:

'Cabinet Members' means those elected members appointed to the cabinet.

'Chair of the Council' means the elected member elected by the council annually to preside over meetings of the council.

'Committees' shall include sub-committees.

'Council' means any formal meeting to which all elected members are summoned to attend.

'Head of Paid Service' means the person designated as such under Section 4 of the Local Government and Housing Act 1989.

'Leader' means the elected member appointed by the council to lead the cabinet.

'Leader and Portfolio Holder Sessions' shall mean sessions convened to enable individual cabinet members to take decisions under delegated powers.

'Local Member' shall mean an elected member who takes decisions under delegated powers in respect of his/her electoral division.

'Meeting' means any formal meeting of the council, cabinet, any committee or sub-committee, any joint committee or joint sub-committee.

'Monitoring Officer' means the person designated as such under Section 5 of the Local Government and Housing Act 1989 or his/her deputy.

'Municipal year' means the period between annual meetings of the council which are usually held in May.

'Vice-Chair' means the elected member elected by the council annually to preside in the chair's absence.

'Written Notice' unless otherwise stated shall mean notice given in writing, by hand, by fax or electronically. Electronic signatures are acceptable.

## **2. APPOINTMENTS**

### **2.1 Duration - Leader of the Council**

The appointment of the leader continues until:

- (i) the person appointed is replaced or removed by the council; or
- (ii) the person appointed ceases to be an elected member; or
- (iii) the person appointed resigns.

Where at a meeting the council has replaced or removed the leader it must appoint a new leader at the same meeting.

## 2.2 Duration - Cabinet and Deputy Leader

Appointments to the cabinet continue until:

- (i) the person appointed is replaced or removed by the leader; or
- (ii) the leader is replaced or removed by the council; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

The leader must appoint one of the cabinet members to be the deputy leader. The deputy leader will hold office until:

- (i) the person appointed is replaced or removed by the leader; or
- (ii) the leader is removed or replaced by the council; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

Should both the leader or deputy leader be unable to act or their offices be vacant then the cabinet as a collective body must act in the leader's place or arrange for a member of the cabinet to act in his/her place.

## 2.3 Duration - Committees

Appointments to committees continue until:

- (i) the person appointed is replaced or removed by the council or the appropriate body; or
- (ii) the appointment is changed by the relevant political group; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

## 2.4 Changes by Political Groups - Committees

If the appointment of an elected member to any committee is changed by their political group, the change is effective two clear days after written notice is received from the secretary or leader of that group by the head of paid service.

## 2.5 Continuity

After a four-yearly election those elected members who are re-elected shall continue to carry out the tasks of the relevant body until successors are appointed.

## 2.6 Outside Bodies

Appointments to outside bodies continue until they are:

- (i) terminated or replaced by the council or the appropriate body; or
- (ii) in the case of an elected member he/she is disqualified from membership of the council; or
- (iii) in the case of another appointee there is a legal requirement to remove him/her; or
- (iv) the appointee resigns.

## 2.8 Vacancies

A vacancy on the council or any committee or other body cannot invalidate its powers to make decisions or discuss appropriate items.

## 2.9 Appointment of Chairs

The council must elect a chair of the council and appoint a vice-chair at each annual meeting and when there is any vacancy. The leader shall be the chair of the cabinet. The council may

also appoint the chair of the audit and standards committee. Other bodies must elect a chair at their first meeting after each annual council meeting and when there is any vacancy. Overview and scrutiny committee(s) and the regulatory committee may also appoint a vice-chair.

## **2.10 Duration - Chairs and Vice-Chairs**

Every chair and any vice-chair shall remain in office until he/she resigns, ceases to be an elected member or until a successor is appointed. In an election year the chair and vice-chair of the council, even if he/she has not been re-elected, shall remain in office until a new chair of council is appointed.

## **3. SPECIAL RULES FOR MEETINGS OF THE COUNCIL**

### **3.1 Annual Meeting**

The council shall hold an 'annual meeting' once a year. All elected members are summoned to the annual council meeting, which takes place at Shire Hall, Warwick at 10am or such other time or place as fixed. The dates on which the annual meeting can be held are fixed by statute.

At the annual meeting the council will:

- (i) elect a person to preside if the chair of the council is not present;
- (ii) elect the chair of the council;
- (iii) elect the vice-chair of the council;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the chair of the council and/or the head of paid service;
- (vii) appoint the leader (if the leader's four year term of office has ended or come to an end under Standing order 2.1);
- (viii) appoint at least one overview and scrutiny committee, an audit and standards committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the council nor are executive functions; and
- (ix) consider any other business set out in the summons to the meeting.

### **3.2 Ordinary Meetings**

Ordinary meetings of the council will take place in accordance with a programme decided by the council. Ordinary meetings will:

- (i) elect a person to preside if the chair of the council and vice-chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chair of the council, leader, cabinet members or the head of paid service;
- (v) receive and consider any petitions in accordance with the council's petitions scheme;
- (vi) receive any addresses from the public in accordance with the Public Speaking provision under Standing order 34;
- (vii) receive any addresses from external speakers invited to address the council;
- (viii) receive periodic updates including a 'State of Warwickshire' address from the leader, reports from cabinet portfolio holders, member feedback from external bodies to which they are appointed by the county council;
- (ix) consider any reports on policy development areas brought forward for discussion by the leader;
- (x) deal with any business from the last council meeting;
- (xi) consider any reports from the cabinet, committees, the head of paid service, the joint managing directors or strategic directors;
- (xii) consider any reports about joint arrangements and external organisations;
- (xiii) consider motions; and

(xiv) consider any other business specified in the summons to the meeting.

### **3.3 Extraordinary Meetings**

The chair of the council may call an extraordinary meeting at any time. The following may also require the head of paid service to call such a meeting:

- (i) the council by resolution
- (ii) the monitoring officer; or
- (iii) any five elected members who have presented a signed written request for an additional meeting to the chair of the council and he/she has either refused to call the meeting or has failed to call the meeting within 7 days.

### **3.4 Business**

The only business that can be conducted at an extraordinary meeting shall be as specified in the summons to the meeting. Extraordinary meetings shall not consider previous minutes.

## **4. QUORUM AT COUNCIL**

The quorum for a meeting of the council will be one quarter of the total number of members. In the unlikely event of more than one third of elected members being disqualified the quorum for the council shall be determined by reference to the number of elected members remaining.

## **5. MOTIONS ON NOTICE**

### **5.1 Motions on Notice**

At meetings of the council, except for motions which can be moved without notice under Standing order 32, written notice of each full motion, signed by at least one elected member and seconded by another elected member, must be delivered to the head of paid service not later than 10 clear working days before the date of the meeting.

### **5.2 Motions Set Out on the Agenda**

Motions on notice will be listed on the agenda and taken in the order first received, unless the member giving notice states, in writing, that they propose to defer it to a later meeting or withdraw it.

### **5.3 Powers of the Chair of the Council**

The chair of the council, in consultation with the head of paid service, may refer a motion to another body before being debated at council.

If the chair, after consultation with the head of paid service, considers it inappropriate to take a motion to council, he/she acting reasonably may provide written reasons for the refusal or take the issue to council for a decision as to whether or not it should be taken.

The proposed mover of the motion and the proposed seconder will normally be notified before the agenda is printed.

## **6. SPEECHES AND RULES OF DEBATE AT COUNCIL**

### **6.1 Speeches Generally**

Any motion must be moved at the meeting. Before a proposed motion can be considered by a meeting of full council, it must first be seconded by another elected member of full council. No elected member may speak in support of a motion until it has been seconded.

When seconding a motion, an elected member may reserve their speech until later in the

debate. An elected member proposing a motion has the right to reply at the end of the debate before the motion is put to the vote. (See Standing order 32.4 for the order in which rights of reply may be exercised.)

## 6.2 Standing to Speak

No one shall speak or stand whilst the chair of the council is either speaking or standing. When the chair stands during a debate the meeting, including any elected member speaking at the time, must be silent.

When speaking at council elected members must stand (unless unable) and address the meeting through the chair of the council. Other elected members must remain seated during speeches unless they wish to make a point of order or a point of personal explanation. The chair has the final say where two elected members stand to speak at the same time.

## 6.3 Speaking More Than Once Upon an Issue

Elected members will normally only be allowed to speak once upon any issue under consideration. Exceptions to this are to exercise a right of reply, to make a point of order, to provide a personal explanation, to speak on a proposed amendment or after proposing or seconding a motion. This list is not exhaustive and other occasions shall be at the discretion of the chair of the council.

## 6.4 Length of Speeches and Relevancy

Speeches will be limited to five minutes except when specific time limits are issued with the papers for the meeting or with the consent of the chair of the council. Speeches must at all times be relevant to the council business under consideration.

## 6.5 Length of Debates

With the exception of debates on the annual budget, the chair of the council has discretion to limit debate but not to less than one hour. Any motion to curtail debate shall not be moved less than one hour into any debate.

## 6.6 Motions that may be Moved During Debate

When a motion is under debate, only the following procedural motions may be moved:

- (i) to withdraw the motion;
- (ii) to amend the motion;
- (iii) to proceed to next business in accordance with Standing order 32.3;
- (iv) that the question now be put in accordance with Standing order 32.3;
- (v) to adjourn the debate in accordance with Standing order 32.3;
- (vi) to adjourn the meeting in accordance with Standing order 32.3;
- (vii) that the meeting continue beyond 6 hours in duration;
- (viii) to exclude the public and press in accordance with Standing order 36; and
- (ix) to not hear further a member named under Standing order 37.1 or to exclude them from the meeting under Standing order 37.2.

## 6.7 Amendments to Motions

The chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the council's business.

Amendments must be relevant to the motion and *must not negate* the motion. The ruling of the chair on the admissibility of an amendment is not open to challenge.

Amendments will either be:

- to leave out words; and/or
- to insert or add words; and/or
- to refer the matter to another body or person.

Amendments shall be voted on in the order in which they have been seconded.

If an amendment is carried the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

## **6.8 Point of Order**

An elected member may raise a point of order at any time. A point of order may only relate to an alleged breach of these Standing orders or the law. The elected member must cite the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

## **6.9 Personal Explanation**

An elected member may at any time make a personal explanation, on a matter relating to some material part of his/her earlier speech, which appears to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

## **7. ELECTED MEMBER QUESTION TIME**

**7.1** At each ordinary council meeting a maximum of thirty minutes will be allocated for questions to the Leader, Cabinet Portfolio Holders, and Chairs of Overview and Scrutiny Committees. This is in addition to the normal rights of any elected member to ask a question without notice about an item in any report which is under consideration at the meeting.

Any member may ask one or more questions provided it relates to Warwickshire. No prior notice of any question is required. However, members are encouraged to provide at least three working days' notice of questions to the head of paid service, in order that an informed answer may be given.

Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

All written answers given following the meeting will be circulated to all elected members and, unless the contents would involve disclosure of exempt or confidential information, shall normally be made public.

Questions will normally be taken in the order that they were received but the chair may at his/her discretion group the questions by subject matter.

At the meeting, the questioner will be invited to put the question and the relevant member will be invited to reply. The Chair may impose a time limit subject to a maximum time of five minutes for each question.

A copy of any written answers will be attached as an appendix to the minutes unless the answer would involve the disclosure of exempt or confidential information.

## **7.2 Power to Reject Questions**

The chair, after consultation with the head of paid service and acting reasonably, has the power to exclude any question which:

- (i) has already been answered; or

- (ii) is not relevant to council business; or
- (iii) he/she considers unsuitable

## **8. SUSPENSION / AMENDMENT OF STANDING ORDERS**

### **8.1 Suspension**

All or any part of these Standing orders, subject to any statutory constraints, may only be suspended by the council if at least one half of the whole number of councillors are present and on a majority of two thirds of those voting and then only for such time as is specified in the resolution. The extent and duration of suspension shall be proportionate to the result to be achieved.

### **8.2 Amendment**

Any motion to add to, vary or revoke these Standing orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council unless the motion conforms in all material respects with the recommendation in a report of the monitoring officer that is under consideration at the meeting. The decision of the monitoring officer on the conformity of the motion with the recommendation shall be final.

The motion may only be carried on a majority of two thirds of those voting.

## **9. SPECIAL RULES FOR MEETINGS OF THE CABINET**

### **9.1 Frequency of Meetings**

The cabinet will meet at least five times per municipal year at times to be agreed by the leader.

### **9.2 Calling of Meetings**

A cabinet meeting may be called by the leader or by the head of paid service if he/she considers it necessary or appropriate and must be called if required under Standing order 9.4 below.

### **9.3 Business**

At each meeting of the cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest;
- (iii) receive and consider any petitions in accordance with the council's petitions scheme;
- (iv) receive any addresses from the public in accordance with the Public Speaking Standing Order 34;
- (v) matters referred to the cabinet for their reconsideration in accordance with these Standing orders;
- (vi) consideration of reports from overview and scrutiny committees;
- (vii) consideration of officer reports; and
- (viii) any other business specified in the agenda for the meeting.

### **9.4 Agendas for Meetings of the Cabinet**

The leader, in consultation with the head of paid service, sets the agenda for meetings of the cabinet and may add any agenda item he/she wishes.

The following may also require the head of paid service to include an item on the agenda of the next available meeting of the cabinet:

- (i) the monitoring officer;
- (ii) the chief finance officer; or
- (iii) the head of paid service.

At the request of any elected member the leader can agree to add up to two additional items to the agenda of the next available meeting of the cabinet. Notice of the meeting will give the name of the member making the request and he/she may be invited by the leader to attend for that item.

If an item requires a decision before the next scheduled meeting of the cabinet any person(s) entitled to include an item on the agenda may require that a meeting be convened at which the item will be considered.

## **9.5 Organising the Agenda of Cabinet Meetings**

The cabinet will organise its agenda according to the following rules:

- (i) any public petitions submitted in accordance with the council's petitions scheme;
- (ii) any matters for consideration at the meeting;
- (iii) any decisions which need to have immediate effect; or
- (iv) other decisions subject to the call-in procedures and/or referral to the council.

## **9.6 Officers' Attendance at Cabinet Meetings**

The head of paid service, the chief finance officer and the monitoring officer, and their nominees are entitled to attend any meeting of the cabinet, its committees or sub-committees. The cabinet, its committees or sub-committees may not meet unless these officers have been given reasonable notice that a meeting is to take place.

## **SPECIAL RULES FOR EXECUTIVE DECISIONS**

### **10. Leader and Portfolio Holder Decisions**

#### **10.1 Key Decision Procedure and Call-In to Apply**

Any leader or portfolio holder decision shall comply with the procedure for taking key decisions set out in Standing orders 16 to 18. This means that advance notice of the proposed decision should be given in the forward plan unless the requirements for a general exception notice or an urgent decision have been met.

Any decision made by the leader or a portfolio holder shall be subject to the call-in procedure under Standing order 13 unless the requirements for an urgent decision have been met under Standing order 18.

#### **10.2 Reports and Process for Leader and Portfolio Holder Decisions**

A report in the standard format for reports to member bodies shall be prepared for each proposed decision in accordance with the council's procedures and consultation requirements for reports.

Once the report has received the appropriate clearances, democratic services will submit the report to the leader or portfolio holder as appropriate for decision together with a draft decision record.

The leader or portfolio holder may confirm agreement with the proposed recommendation and draft decision record by electronic means provided the proposed decision is in accordance with the recommendations in the report.

However, where the leader or portfolio holder intends to make a substantive departure from a



recommendation in the report he/she shall meet with a representative of democratic services to ensure that an appropriate decision record is produced. The portfolio holder may, in any circumstance, take the decision at a meeting open to other members and the public (subject to the exclusion of the public for any particular item as set out in Standing order 36).

### **10.3 Record of Decisions and Publication**

A record of any decision made by the leader or a portfolio holder shall comply with Standing order 20.

The decision will normally be published by democratic services within 2 working days of the decision being taken.

No step may be taken to implement the decision until the decision has been published and any relevant call-in period has expired or, if called in, the call-in process has been completed.

### **11. Local Member Decisions**

11.1 The leader or the council may delegate powers to local members to make decisions in relation to their electoral divisions provided they relate to local government matters and affect the electoral division of the member concerned.

11.2 At least 2 weeks' notice of an intention to make a local member decision shall be given in the forward plan.

11.3 Standing orders 13 to 15 shall apply to local member executive decisions.

11.4 If a local member executive decision would fall within the definition of a key decision then the decision-making process also must comply with the requirements for key decisions.

11.5 Standing order 20 (record of decisions) shall apply to all local member decisions and, subject to meeting any requirements set out above, no local member decision may take effect until 5 working days after the record of the decision has been published by democratic services.

### **12. KEY DECISIONS - Meaning**

A key decision means a decision made in the exercise of an executive function by any person (including officers) or body, which meets one or more of the following conditions:

- (i) the decision is likely to result in the local authority incurring expenditure or the making of savings in excess of £1,000,000. Excluded from this are all loans to banks or other financial institutions made in accordance with the treasury management strategy.

Chief officers' delegated powers to make executive decisions are subject to the key decision/call-in regime where it is likely the local authority would incur expenditure or make savings above the threshold of £1,000,000.

In relation to letting contracts the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of £1,000,000 to £1,500,000 or 5% for contracts of over £1,500,000.

**OR**

- (ii) the decision is likely to be significant in terms of its effects on communities living or working in any electoral division in Warwickshire.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

In making this decision consultation should be undertaken with members whose electoral divisions might be affected in accordance with paragraph 13 of the Protocol on Member/Officer Relations in part 4 section 3 of this constitution.

**OR**

(iii) the consideration by the executive of any matters which involve proposals or decisions:

- to change any plan or strategy included in the policy framework; or
- to develop any major new plan or strategy; or
- for the annual budget; or
- which would otherwise be contrary to and not in accordance with the policy framework or budget.

**13. CALL-IN**

13.1 Subject to Standing orders 15 and 18 below call-in applies to the following executive decisions i.e. decisions made by:

- the leader or any portfolio holder;
- the cabinet;
- committees of the cabinet;
- local members making executive decisions; or
- officers making key executive decisions.

13.2 Any such decision shall be published electronically, normally within 2 working days of being made. Chairs of all overview and scrutiny committees will be sent copies of the records of all such decisions at the same time.

13.3 The decision will come into force and may then be implemented on the expiry of 5 working days after the date of electronic publication of the decision, unless the monitoring officer receives a written request as set out in 13.4 below.

13.4 During that period if the monitoring officer receives a written request from:  
(i) the chair of the relevant overview and scrutiny committee; or  
(ii) any four members of the council;

he/she will notify the decision-maker and the chair of the relevant overview and scrutiny committee that the decision has been called in. Any such request must set out the nature of the concern and the reasons for the call-in.

13.5 Where it appears that the decision might reasonably be considered by the monitoring officer to be contrary to the policy framework or budget the monitoring officer may refer the matter for consideration by the full council instead of the overview and scrutiny committee with the agreement of the chair of the relevant overview and scrutiny committee and the chair of the council.

13.6 The relevant overview and scrutiny committee or the council in relation to referrals under Standing order 13.5 shall meet to consider the decision no later than 10 working days after receipt of the call-in request.

13.7 Having considered the decision the relevant overview and scrutiny committee may:

- (i) refer it back to the decision-making person or body for reconsideration setting out in writing the nature of its concern; or
- (ii) decide to take no action.

The outcome of the overview and scrutiny committee consideration will normally be published electronically within 2 working days of the meeting.

13.8 If the overview and scrutiny committee decides to take no action, the decision shall take effect on the date of the overview and scrutiny committee meeting. If the overview and scrutiny committee refers the decision back to the decision-making person or body the decision will take effect on the date the decision-maker determines the matter.

13.9 The council may, after considering a decision referred under Standing order 13.5:

- (i) make the decision with or without amendment, if it falls within the council's power to do so; or
- (ii) decide to take no action.

13.10 If the council decides to take no action or makes the decision itself the decision shall take effect on the date of the council meeting.

13.11 Once the call-in has been considered either by the relevant overview and scrutiny committee or by the Council under Standing order 13.5, no further right of call-in may be exercised.

#### **14. Cabinet Call-in of Local Member Decisions**

Any member of the cabinet may call-in an executive decision made by a local member within 5 working days of the publication of the decision.

Where a decision has been called-in under this Standing order the decision made by the local member shall be of no effect.

Any call-in by a cabinet member under this Standing order shall invalidate any call-in of the local member decision under Standing order 13.

The cabinet or leader or portfolio holder shall consider the called-in decision at the next available meeting or session and shall have power to make such decision as it sees fit in respect of the matter provided it falls within its powers to do so.

Nothing in this Standing order prevents the decision once made by the cabinet or the leader or portfolio holder being called-in under Standing order 13.

#### **15. Limitations on Call-in**

In order to ensure that call-in does not cause unreasonable delay and is not abused, the following limitations shall apply:

The call-in procedure may only be used once in respect of any particular decision.

Where, as a result of call-in, the matter is referred back to the decision-maker for final decision or the decision is otherwise deemed to take effect no further call-in may be exercised.

Only key executive decisions made by officers shall be subject to call-in. There shall be no right of call-in in relation to operational or day-to-day management decisions.

Call-in shall not apply to urgent decisions that comply with Standing order 18 below.

## 16. Procedure Before Taking Key Decisions

- 16.1 Subject to Standing orders 17 (general exception) and 18 (urgency), a key decision may not be taken by any person or body unless:
- (a) notice has been given in the published forward plan in connection with the matter in question; and
  - (b) at least 5 clear days have elapsed since the publication of the forward plan; and
  - (c) where the decision is to be taken at a meeting of the cabinet or its committees notice of the meeting has been given in accordance with Standing order 28.2 (notice of meetings).
- 16.2 A copy of any report submitted to an individual decision-taker (member or officer) in connection with a proposal to take a key decision shall be supplied as soon as reasonably practicable to the chair of any relevant overview and scrutiny committee or all members of that committee if there is no chair. Any such report shall be retained for public inspection unless it contains confidential or exempt information and shall include a list of background papers.

## 17. General Exception

Where a matter which is likely to be a key decision has not been included in the forward plan the decision may still be taken if the following conditions are met or the conditions for taking urgent decisions under Standing order 18 are met:

- (a) it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates; and
- (b) the monitoring officer has given written notice to the chair of a relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee of the matter about which the decision is to be made; and
- (c) the monitoring officer has made copies of that notice available to the public at the designated officer of the council; and
- (d) at least 5 clear days have elapsed since the monitoring officer complied with (b) and (c).

Where such a decision is taken by a member body or by the leader or portfolio holder, it must be taken in public unless it would involve the disclosure of confidential or exempt information.

## 18. Urgency

This Standing order applies to any key decision and any decisions made by:

- the leader or portfolio holders;
- the cabinet;
- committees of the cabinet;
- local members making executive decisions; or
- officers making key executive decisions.

Where the decision is urgent and it is impracticable to comply with Standing orders 16 and 17 the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision obtains the consent of the chair of a relevant overview and scrutiny committee or, if no chair of an overview and scrutiny committee is able to act, the consent of the chair of the council or in his/her absence the vice-chair, in writing that:

- (i) the decision cannot reasonably be deferred; and
- (ii) the decision should be treated as a matter of urgency; and
- (iii) where the proposed decision is contrary to or not wholly in accordance with the policy framework or budget it is not practicable to convene a quorate meeting of the full council.

The record of the decision and the notice by which it is made public shall state whether or not the decision is an urgent one.

A decision will be urgent if any delay likely to be caused by call-in would seriously prejudice the council or the public interest.

## **19. REPORTS TO COUNCIL**

### **19.1 General Requirements**

The leader will report to council on an annual basis details of urgent decisions taken under Standing order 18 (urgency) containing the details of each decision taken and the reason for the urgency.

The call-in and urgency procedures shall be monitored annually and a report submitted to the council by the monitoring officer with proposals for review if necessary.

### **19.2 When an Overview and Scrutiny Committee can Require a Report**

If the relevant overview and scrutiny committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure (Standing order 17); or
- (c) the subject of an agreement under Standing order 18;

that committee may require the leader to submit a report to the council in accordance with Standing order 19.3 below.

### **19.3 Leader's Report to Council**

Where required under Standing order 19.2 the leader will prepare and submit a report to the next available council meeting. The next available council meeting means the next council meeting falling at least 7 clear days after the relevant overview and scrutiny committee meeting. The report to the council will set out the decision and reasons for the decision, the individual or body making the decision and, if the leader is of the opinion that it was not a key decision, the reasons for that opinion.

## **20. RECORD OF DECISIONS**

20.1 After any meeting of the cabinet or any of its committees or sub-committees or leader and portfolio holder decisions under Standing order 10 or local member decisions under Standing order 11, whether taken in public or private, the monitoring officer will produce a record of every decision taken as soon as practicable. The record will include:

- (i) a record of the decision;
- (ii) the reasons for the decision;
- (iii) any alternative options considered and rejected;
- (iv) any declaration of interest by any member relating to the decision and any dispensation granted by the audit and standards committee;
- (v) a list of any reports considered; and
- (vi) a list of any background papers.

20.2 Where any officer takes a key executive decision he/she shall produce a written statement in accordance with Standing order 20.1.

The officer shall forward a copy of that written statement and any reports considered immediately to the monitoring officer.

- 20.3 The monitoring officer shall make any written record or written statement and any reports considered available for public inspection, unless it would involve the disclosure of confidential or exempt information.

## **21. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS**

### **21.1 Rights to Copies**

Subject to Standing order 21.2 below, a member of an overview and scrutiny committee (including its sub-committees if any) will be entitled to copies of any document which is in the possession or control of the leader or portfolio holder, cabinet, its committees or sub-committees, local member or an officer and which contains material relating to:

- (a) any business transacted at a public or private meeting of the cabinet, its committees or sub-committees; or
- (b) a leader or portfolio holder decision under Standing order 10;
- (c) a local member decision under Standing order 11;
- (d) any key decision that has been made by an officer of the authority.

### **21.2 Limit on Rights**

A member of an overview and scrutiny committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he/she is reviewing or scrutinising or relevant to any review contained in any programme of work of such a committee or sub-committee.

## **22. RIGHTS OF ALL MEMBERS TO INSPECT DOCUMENTS**

All members will be entitled to inspect any document which is in the possession or under the control of the cabinet, its committees or sub-committees, the leader or portfolio holder in relation to decisions under Standing order 10 or a local member in relation to decisions under Standing order 11 and contains material relating to any business previously transacted in private or any key decision made by an officer unless it contains confidential or exempt information falling within paragraphs 1 to 7 of the categories of exempt information.

## **23 THE FORWARD PLAN**

### **23.1 Annual Notice of the Forward Plan**

The monitoring officer will publish a notice once a year stating:

- (a) that key decisions are to be taken on behalf of the council;
  - (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
  - (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
  - (d) that each plan will be available for inspection at reasonable hours free of charge at the designated office;
  - (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
  - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
  - (g) that other documents may be submitted to decision takers;
  - (h) the procedure for requesting details of the documents (if any) as they become available;
- and

- (i) the dates of each month in the following year on which each forward plan will be published and available to the public at the designated office.

### **23.2 Period of Forward Plan**

Forward plans will be prepared by the council to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

### **23.3 Publication of the Forward Plan**

The forward plan must be published at least 14 days before the start of the period covered.

### **23.4 Contents of the Forward Plan**

The forward plan will contain matters which the council has reason to believe are likely to be the subject of a key decision to be taken by the leader, portfolio holder, cabinet or body or person exercising delegated powers during the period covered by the plan. Any outstanding matters contained in the previous forward plan must be included in the latest forward plan.

Exempt information need not be included in a forward plan and confidential information cannot be included.

Subject to the above it will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an officer, his/her name and title, if any and, where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult, where appropriate, before taking the decision;
- (e) the means by which any such consultation (if appropriate) is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

## **24. DEVELOPING THE BUDGET AND POLICY FRAMEWORK**

- 24.1** The council is responsible for agreeing the budget and policy framework as set out in Article 4. Once the budget or policy framework is agreed, the leader is responsible for implementing the agreed policy framework within the set budget.

The leader is also responsible for leading the development of the policy framework and putting forward proposals for the draft budget, plans and strategies for the council to consider.

### **24.2 Approved Changes to the Budget or Policy Framework**

The leader, or person(s) or body nominated by him/her, are authorised to make changes to the budget by:

- (a) approving virements for revenue and capital monies in accordance with the financial regulations approved by the council;
- (b) agreeing any increases or reductions in capital starts/payments totals as part of the capital review process;
- (c) approving the addition to the capital programme of projects costing less than £2,000,000 which are fully funded from external grants, developer contribution or from revenue; and

(d) approving individual projects within the allocations made by the council.

- 24.3** The strategic director for resources and the head of finance are authorised to exercise those powers set out in the revenue and capital budget resolutions.
- 24.4** The leader or the cabinet shall have power to amend, modify, vary or revoke the policy framework to the extent that:
- (a) it is required for giving effect to the requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy or any part thereof submitted for his/her approval; or
  - (b) it is authorised by the council when approving or adopting a plan or strategy; or
  - (c) it is authorised by the council to update and maintain any action plans supporting a plan or strategy within the policy framework.
- 24.5** The council, when approving or adopting any plan or strategy, shall consider the extent to which the leader or the cabinet may make changes to the plan or strategy.
- 24.6** Any other changes to the policy and budgetary framework are reserved to the council.
- 25. LEADER OR CABINET PROPOSALS FOR THE BUDGET**
- 25.1** The leader or cabinet shall produce an outline budget proposal at the December cabinet meeting in any year. A detailed proposal shall be produced at the January meeting of cabinet. Any opposition proposals shall be produced no later than three clear working days before the council meeting at which the budget is to be considered. These provisions do not restrict any amendments to proposals being made on the day of the budget meeting.
- 25.2** If the leader fails to make proposals for the draft budget by 8th February preceding the commencement of the financial year to which the budget relates, the council may make a decision that has immediate effect and Standing order 25.3 – 25.9 below shall not apply.
- 25.3** In reaching a decision, the council may adopt the leader's or the cabinet's proposals, amend them, refer them back to the leader or the cabinet for further consideration, or substitute its own proposals in their place.
- 25.4** Where the council accepts the recommendation of the leader or the cabinet without amendment, the council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision.
- 25.5** The council must inform the leader of any objections it has to the proposals and instruct the leader to reconsider any proposal in the light of those objections within the period specified by the council, which shall not be less than 5 working days beginning with the day after the date the leader receives those instructions.
- 25.6** An in-principle decision will automatically take effect after the end of the specified period unless the leader informs the head of paid service in writing within that period that he/she objects to the decision becoming effective and provides reasons why.
- 25.7** Where an objection from the leader is received the head of paid service will call a council meeting within a further 5 working days. The council must meet to re-consider its decision and the leader's written submission within a further 10 working days.
- 25.8** After considering the leader's objection and the reasons for it, the council may:
- (i) approve the leader's or the cabinet's recommendation by a simple majority of votes cast at the meeting; or
  - (ii) approve a different decision that does not accord with the recommendation of the leader or the cabinet by a simple majority.
- 25.9** Any decision made under Standing order 25.6 above has immediate effect.



## **26. SPECIAL RULES FOR OVERVIEW AND SCRUTINY COMMITTEES**

### **26.1 Frequency of Meetings**

There shall be at least four meetings of each overview and scrutiny committee in each municipal year.

### **26.2 Calling of Meetings**

An overview and scrutiny committee meeting may be called by the chair of the relevant overview and scrutiny committee, by any five members of the committee or by the head of paid service if he/she considers it necessary or appropriate.

### **26.3 Business**

Overview and scrutiny committees and sub-committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision under Standing order 13 above;
- (iv) responses of the leader, portfolio holder or the cabinet to reports of the overview and scrutiny committee; and
- (v) any other business specified in the agenda for the meeting.

### **26.4 Agenda Items for Overview and Scrutiny Committee Meetings**

Any person appointed to an overview and scrutiny committee or sub-committee, may require the head of paid service to include an item on the agenda of the next available meeting.

Any five members of the council who are not members of the overview and scrutiny committee may give written notice to the chief executive that they wish an item to be included on the agenda of an overview and scrutiny committee or sub-committee. Notice of the meeting will give the name of the member(s) making the request and the first named member may be invited by the chair to attend for that item.

## **27. COUNCILLOR CALL FOR ACTION**

**27.1** A member may, in respect of a matter affecting his/her electoral division, refer the matter to the relevant overview and scrutiny committee for consideration (councillor call for action) by giving notice to the monitoring officer.

**27.2** The monitoring officer will refer the councillor call for action to the chair of the relevant overview and scrutiny committee unless it relates to an excluded matter.

**27.3** The monitoring officer will reject a councillor call for action where it deals with excluded matters. A copy of the decision will be sent to the chair of the relevant overview and scrutiny committee.

**27.4** The relevant chair of the overview and scrutiny committee will either refer the matter back to the member on the basis it is premature and specify what steps the member should take towards resolving the matter OR refer the matter to the next available meeting of the overview and scrutiny committee.

**27.5** If a councillor call for action is included on the agenda of an overview and scrutiny committee, any further action is entirely within the discretion of the committee.

**27.6** Further guidance on the use of the councillor call for action can be found in part 4 section 3 of this constitution.

## **28. GENERAL RULES FOR ALL MEETINGS**

### **28.1 Time and Place**

With the exception of the annual meeting of the council, and meetings of the cabinet, leader and portfolio holder sessions and the overview and scrutiny committees which are dealt with above, the time and place of other meetings will be determined by the relevant body, the chair of the relevant body, or the head of paid service as appropriate.

### **28.2 Notice of and Summons to Meetings**

The head of paid service will give at least 5 clear days' notice to the public of the time and place of any meeting by posting details at Shire Hall, Warwick, which is the designated office and by publication on the council's website. Meeting includes for these purposes any leader or portfolio holder session.

At least 5 clear days before a meeting, a summons signed by the head of paid service must be sent by post to every member of the relevant body or decision-makers or left at their usual place of residence or such other alternative address as notified to the head of paid service in writing or by electronic means. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Lack of proper service of a summons upon any member will not invalidate the meeting.

### **28.3 Agenda Items**

With the exception of the annual meeting of the council, meetings of the cabinet, leader and portfolio holder sessions and the overview and scrutiny committees which are dealt with above, the agendas for other meetings will be fixed by the relevant chair in consultation with the head of paid service subject to any legal requirements.

### **28.4 Public Access to Agenda and Reports**

The monitoring officer will make copies of the agenda and accompanying reports available for inspection by the public at the designated office at least 5 clear days before the meeting.

Where a report is not included with the agenda the head of paid service shall make each such report available to the public for inspection as soon as the report is completed and sent to councillors.

Nothing in this rule requires the disclosure of any report containing confidential or exempt information as defined in Standing order 40.

### **28.5 Quorum**

With the exception of the council, the quorum at meetings of member bodies shall be one fifth of the number on that body or two, whichever is the greater. Any legal requirements which from time to time specify a particular quorum for a body will be observed.

### **28.6 No Proper Quorum**

If the chair declares there is no quorum, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair or, if none, at the next meeting of that body.

### **28.7 Duration of Meetings**

Unless the majority of members present vote for the meeting to continue, any council meeting that has lasted for 6 hours and any other meeting of a member body that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair or, if none, at the next meeting of that body. This rule does not apply to council meetings at which the annual budget is being debated.

## **28.8 Attendance by Elected Members as Observers**

Except at meetings dealing with disciplinary matters or staff appointments any elected member can attend any meeting of an elected member body or leader and portfolio holder session as a non-speaking observer. Such an observer may be invited at the chair's, the leader's or relevant portfolio holder's discretion to speak at that meeting, but may not vote.

## **28.9 Record of Attendance**

Each member present during the whole or any part of any meeting must sign his/her name in the relevant attendance book.

## **29. MINUTES**

### **29.1 Taking Minutes**

Minutes will be taken of every meeting to which these Standing orders apply.

### **29.2 Form of Minutes**

Minutes will contain all motions and amendments moved at the relevant meeting.

### **29.3 Approving and Signing the Minutes**

Every set of minutes must be taken to the next suitable meeting where the chair will move that they be approved as an accurate record. Once approved the minutes shall be signed by the chair.

An extraordinary meeting shall not be treated as a suitable meeting for the purposes of this Standing order.

## **30. THE CHAIR**

### **30.1 Powers and Duties**

It shall be the duty of any chair to conduct the meeting efficiently and effectively and at all times to act reasonably. The chair shall have full power to conduct the meeting in the way that he/she considers most expedient and to decide upon any points of procedure subject only to statutory requirements (if any) and these Standing orders. The decision of the chair shall be final, however, where two or more elected members raise a point about procedure or the conduct of the meeting the chair must seek and take account of the advice of the monitoring officer (or his/her nominee) before giving any decision.

### **30.2 Power to Adjourn**

If at any meeting there is a general disturbance making orderly conduct of business not reasonably possible, the chair may adjourn the meeting for as long as he/she thinks necessary.

### **30.3 Absent Chair**

If at any meeting the relevant chair or vice-chair is not present to preside, another member chosen by those present shall preside for that meeting. In the event that no member is

chosen to preside, the head of paid service (or his/her nominee) may chair the meeting.

### **30.4 Powers of the Person Presiding**

Any person presiding at the meeting has the same powers and duties as the chair with the exception that where the head of paid service presides he/she does not have a power to vote.

## **31. VOTING**

### **31.1 Majority**

All issues will be decided by a majority of those present and voting unless the law or these Standing orders specifically require otherwise. Unless allowed by law co-opted members will not have the power to vote.

### **31.2 Chair Casting Vote**

In the event of equality of votes the chair, if otherwise eligible to vote, will have a casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

### **31.3 Show of Hands**

Unless a recorded vote is demanded under Standing order 31.4, the chair will take the vote by show of hands or, if there is no dissent, by affirmation of the meeting. Standing order 31.4 applies only to meetings of the council.

### **31.4 Recorded Vote**

There must be a recorded vote at a council meeting when deciding on the annual budget, setting the precept or making requisite calculations. In relation to any other matter at a council meeting before the vote is taken the chair, or three or more elected members present at the meeting, may demand that a poll of the results be recorded in writing and entered into the minutes.

### **31.5 Right to Require Individual Vote to be Recorded**

Immediately after the vote is taken any member at any meeting can require that their individual vote be recorded in the minutes.

### **31.6 Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is no clear majority in favour of one person, the person with the least votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **32. MOTIONS**

### **32.1 Scope of Motions**

All motions (which includes any suggested amendments) must be moved at the meeting and must be about matters for which the council has a responsibility or which affect the area.

### **32.2 Procedural Motions**

At meetings procedural motions may be moved without notice. Procedural motions generally, but not exclusively, relate to:

- (a) Procedural matters on the agenda - such as appointing a chair, accuracy of the minutes, changing the order of business, amending or withdrawing a motion, extending the duration of meeting;

- (b) General matters of procedure such as referring an item to an appropriate body or individual, receiving reports or adopting recommendations of the cabinet or committees or officers and any motions or amendments following from them, excluding the public and press in accordance with Standing order 36, not to hear further a member named under Standing order 37.1 or to exclude him/her from the meeting under Standing order 37.2;
- (c) Closure motions - to proceed to the next business, that the question now be put, to adjourn a debate or to adjourn a meeting.

In rare circumstances urgent item motions which the chair of the relevant body considers are genuinely urgent and can be dealt with at the meeting may be moved without notice in accordance with these Standing orders.

### 32.3 Closure Motions - Procedure

Closure motions shall be moved without comment by a member who has not spoken on the matter, at the conclusion of the speech of another member.

- (i) If a closure motion '**to proceed to the next business**' is seconded the chair, if he/she considers there has been sufficient discussion about the matter shall, without further discussion, give the mover(s) of the original motion and any amendments a right of reply before the closure motion is put to the vote.
- (ii) If a closure motion '**that the question now be put**' is seconded, the chair, if he/she considers there has been sufficient discussion about the matter, will immediately put the closure motion to the vote without debate. If the closure motion is passed, then without further discussion the mover(s) of the original motion and any amendments will be given a right of reply before the original motion is put to the vote.
- (iii) If a closure motion '*to adjourn the debate*' or '*to adjourn the meeting*' is seconded, the chair, if he/she considers there has been sufficient discussion about the matter, will immediately put the closure motion to the vote without discussion.
- (iv) If a closure motion is not carried the same motion shall not be moved within a period of 30 minutes without leave of the chair.

### 32.4 Rights of Reply - Order

Rights of reply shall be exercised in the following order

- (a) the mover of an amendment;
- (b) where there is more than one amendment the rights of reply shall be exercised in the order the amendments were moved;
- (c) the mover of the original (substantive) motion.

A member exercising a right of reply shall confine his/herself strictly to answering previous observations and shall not introduce any new matter.

### 32.5 Motion to Rescind a Previous Decision

No motion or amendment which would have the effect of rescinding a decision made at a council meeting within the previous 6 months can be moved unless the written notice of the proposed motion or amendment is signed by at least four members.

### 32.6 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a council meeting in the previous 6 months cannot be moved unless the written notice of the proposed motion or amendment is signed by at least four members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 6 months.

### **33. RULES OF DEBATE**

Subject to legal requirements and also to the agreed formats for local authority meetings, it is intended that meetings other than the council have the greatest amount of flexibility to conduct business in the way that they consider most effective.

The conduct of business, including speeches and debates at such meetings, will be at the discretion of the chair acting reasonably. The chair may impose the limits set out in Standing orders 6.1, 6.4, 6.5 and 6.6 above.

### **34. PUBLIC SPEAKING**

#### **34.1 Applicability**

This Standing order shall apply to council, cabinet and overview and scrutiny committees.

#### **34.2 General**

The chair of a meeting shall have power to manage public speaking in a way that facilitates the proper and timely conduct of the meeting including placing a limit on the time allotted for public speakers. The chair has discretion to reject any statement or question that:

- (i) has already been put to this or a previous meeting;
- (ii) is not relevant to the business of the body; or
- (iii) he/she considers unsuitable.

#### **34.3 Eligibility**

Any member of the public who is resident or working in Warwickshire or whom is in receipt of services from the council may speak meetings of the council, cabinet or an overview and scrutiny committee.

Speakers at cabinet and council meetings may only speak on matters that relate the agenda of that meeting. Speakers at overview and scrutiny committee meetings may address any matter relevant to the remit of that committee. Any address must not contain any defamatory, frivolous or offensive statements.

A member of the public for the purposes of this Standing order does not include:

- any employee of the council in relation to any matter connected with his/her employment;
- any representative of an employee of the council or group of such employees;
- any person in a contractual relationship with the council in relation to any matter connected with that contract;
- any member of any local authority on a matter concerning that authority;
- any person who is an applicant for a consent, approval, permission, licence or similar decision given by the council;
- any person intending to refer to any confidential or exempt matter on the agenda; or
- a person who is engaged professionally to speak on behalf of another.

#### **34.4 Procedure**

Any member of the public who wishes to speak on an item must give notice in writing or by electronic means to the head of paid service at least 3 working days before the meeting. Any questions should be notified in writing or by electronic means and received by the head of paid service at least 3 working days before the meeting.

Each speaker must give their name and address and the subject upon which they wish to speak.

If more than one person wishes to speak on a subject the first person shall have priority. At the chair's discretion a second person may speak on the subject if it is clear that the area of concern is different and/or it will enable the meeting to receive a balance of views.

Each speaker shall have a maximum of three minutes to speak.

A summary of addresses made by the public will be recorded in the minutes of the meeting.

### **34.5 Absence of the Speaker**

In the absence of a speaker the chair has discretion over how to deal with the matter and may put the question/statement him/herself to the meeting.

### **34.6 Form of Answers**

Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

All written answers given following the meeting will be circulated to all members of the body and, unless the contents would involve disclosure of exempt or confidential information, shall normally be made public.

### **34.7 Referral of a Matter**

The chair has discretion to decide whether discussion will take place on any matter raised by a public speaker, but any member may move that the subject matter be referred to the cabinet or another appropriate committee. Once seconded, such a motion will be voted on without discussion.

### **34.8 Public Speaking at Regulatory Committee**

Standing orders 34.8 and 34.9 apply only to applications for planning permission, and for approvals under planning conditions, decided by the Regulatory Committee.

A councillor of any local authority (including town and parish councils) representing the area in which the application site is situated, and anyone who has made written representations mentioned in the officer report, is eligible to speak to the committee.

If a person speaks against an application, the applicant has a right of reply. Anyone entitled to speak may nominate a representative to speak on their behalf. Speakers may be questioned by officers and members of the committee.

No more than three objectors and three supporters (not counting local councillors with a right to speak) may speak on any one application. If more than three request to speak in either category, they will be asked to agree a smaller number of representatives. If they fail to agree, the chair shall have discretion to select the representatives.

Anyone wishing to speak to the committee must make a request either by letter or electronic means to the development group at least three working days before the committee meets.

The chair may stop a speaker if what they are saying is irrelevant or offensive or if they attempt to introduce substantial new issues or evidence. Speakers cannot circulate new documents other than photographs and no presentation aids may be used.

Speakers will not be permitted to question any other person and will not be allowed to speak more than once. If it is necessary to make a factual correction after speaking, the information

should be supplied to an officer.

If the committee defers an application to obtain further information or to visit the site, speakers will be allowed to speak when the application is next considered only if they spoke at the first meeting and only in order to address any new information which has emerged in the meantime.

### **34.9 Order of Speaking at Regulatory Committee**

Applications on which people have requested to speak will be dealt with before other items on the agenda. Public speaking on each application will take place after the planning officer has introduced the application. Each speaker has a maximum of 3 minutes. The order of speaking will be:

- (i) the county councillor;
- (ii) other councillors;
- (iii) objectors;
- (iv) supporters;
- (v) applicant.

The chair may exercise discretion to depart from the rules of this scheme in exceptional circumstances

## **35. PETITIONS - Public Rights under the Petition Scheme**

- 35.1** Members of the public have a right to petition the council in accordance with the petitions scheme approved by the full council.
- 35.2** On receipt of a petition which meets the requirements of the scheme the democratic services manager will notify the appropriate portfolio holder, strategic director and, if appropriate, the local member of the receipt of the petition and its subject matter.
- 35.3** The democratic services manager will make arrangements for the petition to be included on the agenda of the next available meeting of the body concerned. The petition organiser or a person he/she nominates will have a right to speak for up to five minutes in support of the petition at that meeting. A petition may only be presented once.
- 35.4** Following presentation of the petition to the meeting the petition will normally be referred to the relevant strategic director or chief officer for consideration and response. The strategic director will normally advise the petitions organiser within 10 working days of the meeting of the action proposed to be taken in response to the petition.
- 35.5** Where more than one petition is received in time for a particular meeting, supporting the same outcome on a particular matter (duplicate petitions), each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

## **36 ACCESS BY THE PUBLIC TO MEETINGS**

Members of the public may attend all meetings including leader and portfolio holder sessions subject only to the exceptions in these Standing orders.

### **36.1 Confidential Information - Requirement to Exclude Public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.



### **36.2 Meaning of Confidential Information**

Confidential information means information given to the council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by or under any enactment or by court order.

### **36.3 Exempt Information - Discretion to Exclude Public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

### **36.4 Meaning of Exempt Information**

Subject to (i) and (ii) below exempt information means information falling within the seven categories set out in column 1 of the table at the end of these Standing orders subject to any qualification in column 2 for that category:

- (i) Exempt information is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (ii) Information is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and County Planning General Regulations 1992.

### **36.5 Removal of a Member of the Public**

Any member of the public who interrupts proceedings or acts improperly shall firstly be warned by the chair that, if their conduct continues, the chair will request that they leave or order them to be removed from the meeting.

### **36.6 Clearance of Part of the Meeting Room**

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

## **37. DISORDERLY CONDUCT BY MEMBERS**

### **37.1 Member Not to be Heard Further**

If at any meeting a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member not be heard further. If seconded, the motion will be voted on without discussion.

### **37.2 Member to Leave the Meeting**

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

## **38. THE PARTY WHIP**

**38.1** It will not normally be appropriate for the party whip to operate in relation to overview and scrutiny functions.

**38.2** When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter.

The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

- 38.3** A party whip shall not be applied in any situation where members are considering planning applications, appeals of any sort or acting as a tribunal.

**39. PROBITY AND ETHICS**

(a) Members will abide by any ethical rules or guidance set out in any of the following:

- (i) as stipulated by law (whether common law, statute, subsidiary legislation, statutory code or guidance);
- (ii) as issued by any other organisation/body if such rules or guidance are adopted by the local authority;
- (iii) as set out in the council's code of conduct for members in part 4 of this constitution;
- (iv) any other rules or guidance issued by the local authority itself.

(b) A member attending a meeting where a matter arises in which he/she has a disclosable pecuniary interest must (unless he/she has a dispensation) leave the meeting room until the matter has been dealt with.

**40. ACCESS TO INFORMATION AND CONFIDENTIALITY**

Any confidential or exempt information and documentation shall be kept confidential by all members.

Any disputes relating to the rights of access of any person under these Standing orders or any statutory provision or common law rights shall be referred to the monitoring officer of the council.

These Standing orders do not affect any more specific rights to information contained elsewhere in this constitution or the law.

**41. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the monitoring officer thinks fit, the council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Standing order 36, the meeting is likely not to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

**42. ACCESS TO MINUTES ETC. AFTER THE MEETING**

The council will retain copies of the following for public inspection for six years after the date of the meeting or the date of the decision:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the council, the cabinet or any committees and any leader and portfolio holder sessions excluding any part of the minutes or record when the meeting was not open to the public which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes or record of the decision open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting or session;
- (d) reports relating to items when the meeting or session was open to the public;
- (e) local member decisions under Standing order 11 and officer key decision records excluding any part of the record which would disclose exempt or confidential information.

## **43. BACKGROUND PAPERS**

### **43.1 List of Background Papers**

The chief officer originating the report, or in the case of a joint report the first named chief officer, shall ensure that every report includes a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report;

except published works or those which would disclose exempt or confidential information (as defined in Standing order 36).

### **43.2 Public Inspection of Background Papers**

The council will retain for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **44. FILMING AND USE OF SOCIAL MEDIA AT MEETINGS**

### **44.1 General**

The chair of any meeting has powers to deal with issues relating to the conduct of those present to ensure the due and orderly dispatch of business.

The purpose of this standing order is to provide guidance on the conduct within meetings which is acceptable, particularly in the context of the use of modern media tools (e.g. blogging and tweeting) and filming and recording at meetings.

The principle is that the proceedings of the meeting concerned should not be impaired or handicapped by the use of media tools and that it is a matter for the chair to determine on the day, in the particular circumstances, what he or she regards as not appropriate.

The standing order attempts to recognize the different obligations which rest on elected members, representatives of the media and members of the public respectively.

### **44.2 Press and public recording of meetings**

Any member of the public (including press or individuals) may report on the meeting using any communication method (including filming, audio recording and social media).

Any person who wishes to film or record a meeting is encouraged to contact Democratic Services at least 24 hours before the meeting so that arrangements can be made to accommodate them at the meeting, and so that notice can be given to other attendees before/at the start of the meeting that they will be/are being recorded.

Any recording must respect the wishes of members of the public who reasonably do not wish to be recorded.

The chair will have discretion to terminate or suspend recording at any time if the chair considers continuation would prejudice the conduct of the meeting.

Recordings should be of sufficient quality so that listeners or viewers cannot misunderstand, misconstrue or be misinformed as a result of a poor quality broadcast.

### **44.3 Councillor responsibilities**

Councillors are in a different position to members of the public and their actions affect the

reputation of the council. Councillors have an obligation to pay close attention to the proceedings of meetings they attend and demonstrate that they are playing an active part. This is in addition to the general point of showing respect and courtesy to other participants. Any use of modern media tools by councillors in meetings should be considered in this context.

Councillors should also ensure that their use of social media does not misrepresent council proceedings, misinform the public or show a lack of respect for other councillors. Councillors must also respect confidentiality

#### **45. SUPPLY OF COPIES**

The council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any local member decision under Standing order 11 or officer key decision record which is open to public inspection;
- (c) any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- (d) if the monitoring officer thinks fit, copies of any other documents supplied to councillors in connection with an item;

to any person on payment of a charge for postage and any other costs.

#### **46. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the designated office.

#### **47. DELEGATION OF POWERS**

The council's scheme of delegation setting out the local authority's decision-making functions is set out in part 2 of the constitution as issued and approved from time to time.

#### **48. PROTOCOLS AS FURTHER GUIDANCE**

The council may approve 'protocols' from time to time, which will stand as further guidance.

**APPENDIX: TABLE OF EXEMPT INFORMATION ~ STANDING ORDER 36**

	Category of Exempt Information	Qualifications
1.	Information relating to any individual.	
2.	Information which is likely to reveal the identity of an individual.	
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act, Building Societies Act.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office holders under, the authority.	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the authority proposes: to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	
7.	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
<i>The following additional categories apply only to a committee or sub-committee exercising the functions of a standards committee under section 58(1)(c), 60(2) or (3), 64(2), 70(4) or (5) or 71(2) Local Government Act 2000 or considering any matter under Regulation 13 or 16 to 20 Standards Committee (England) Regulations 2008</i>		
7A.	Information which is subject to any obligation of confidentiality.	
7B.	Information which relates in any way to matters concerning national security.	
7C.	The deliberations of a standards committee or sub-committee in reaching any finding on a matter referred.	