

STANDING ORDERS - DEFINITIONS AND STATUS

1. DEFINITIONS

1.1. In Standing Orders 1 to 51, the following terms have the following meanings. However a different meaning may be given if it is essential in order for the words to make sense in the passage:

"Authority" - the Runnymede Borough Council, or one of its Committees, Sub-Committees or Officers acting on the Council's behalf, using powers which have been delegated lawfully;

"Chairman" - the Member currently appointed or elected to be chairman of a committee or sub-committee;

"Chief Executive" - the head of the Council's paid service, designated under section 4 of the 1989 Act;

"Chief Officer" - a statutory or a non-statutory chief officer, as defined in section 2 of the 1989 Act;

"Committee" - a committee of the Council (whether a policy committee, an overview and scrutiny committee or other committee set up under the Council's statutory powers);

"Constitution" - the Council's constitution under Section 37 of the 2000 Act;

"Council" - the Runnymede Borough Council acting by the Council;

"employee" - an employee of the Council or the holder of a paid office appointed by the Authority, other than the Mayor, Deputy Mayor, any Councillor and any local officer of dignity appointed by the Authority under powers conferred by a Royal Charter;

"leader of a political group" - the person named as leader in a notice delivered to the proper officer by a political group under regulation 7 of the Local Government (Committees and Political Groups) Regulations 1990;

"Leader of the Council" or "Leader" – the leader of the majority group if there is one; otherwise a Member who is appointed as Leader by the Council should the Council choose to do so;

"majority group" - a political group which includes either:

- (i) more than half of the Members of the Council, or
- (ii) exactly half of the Members of the Council, including the Mayor

"Mayor" - the Member elected to be Mayor of Runnymede;

"Deputy Mayor" - the Member appointed to be Deputy Mayor of Runnymede;

"meeting" - a meeting of the Council, a committee or sub-committee;

"Member" - in relation to the Council, this means a Member of the Council; in relation to any committee or sub-committee it means a person who has been appointed as a Member of that committee or sub-committee, whether or not he is entitled to vote;

"minority group" - a political group which is not the majority group, if there is a majority group. If there is no majority group, the Council may designate any political group or groups as a minority group for the purposes of Standing Orders;

"monitoring officer" - the person designated as monitoring officer under section 5 of the 1989 Act. If that person is unable to act owing to absence or illness, the expression means a person nominated as his deputy under subsection (7) of that section or ;

"officer" - a member of the Council's staff;

"person presiding" - the person who is entitled, or appointed, to preside at any meeting. If an officer is the person presiding under one of these Standing Orders, he has no vote of any kind.

"policy committee" - a committee of the Council set up to discharge particular functions, with decision-making powers.

"political group" - any political group constituted in accordance with regulation 7 of the Local Government (Committees and Political Groups) Regulations 1990;

"rescind" and "rescission" - have the meaning given by Standing Order 25.18 and 25.19. (repeated in 39.15 and 39.16)

"Overview and Scrutiny Select Committee" - any committee named by the Council as such or designated as an overview and scrutiny committee under the 2000 Act; such committees

are overview and scrutiny committees for the purposes of the 2000 Act and regulations made under it.

"second tier officer" - an officer graded SMC or SMD on the Runnymede local salary scales who reports directly to a Chief Officer;

"Standards Committee" - means the committee set up under the Localism Act 2011 however named.

"sub-committee" - a sub-committee of a committee;

"Vice-Chairman" - the Member currently elected to be Vice-Chairman of a committee or sub-committee;

"the 1972 Act" - the Local Government Act 1972;

"the 1989 Act" - the Local Government and Housing Act 1989;

"the 2000 Act" - the Local Government Act 2000.

"the 2011 Act" – the Localism Act 2011.

"the whole number of Members" - in relation to the Council, the total number of persons who may become Members of the Council, not counting any person who is a member of the Council only by virtue of section 3(3) or section 5(2) of the 1972 Act (Chairman and Vice-Chairman to remain Members until replaced). (As at the date of adoption of these Standing Orders, this number is forty one);

"without comment" - in relation to the moving, seconding or putting of a Motion, this means without any Member speaking except to indicate the wording of the Motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the Motion.

"working days" - means any day upon which the Civic Centre at Addlestone are open to the public, excluding Saturdays, Sundays and Bank Holidays.

1.2 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

References to the Mayor, or Chairman, in the context of the person presiding at a meeting, include anyone lawfully presiding at the meeting. In the absence of the Mayor or Chairman, the Deputy Mayor or Vice-Chairman respectively may exercise any of the Mayor's or Chairman's functions (as the case may be) under these Standing Orders.

- 1.3 Any reference in any Standing Order to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that Standing Order bearing that number.

2. STANDING ORDERS - STATUS

- 2.1 No Committee, Sub-Committee or Officer may change, revoke, or suspend these Standing Orders 1 to 51.
- 2.2 The Council must not change or revoke these Standing Orders without having first considered a report from a suitable committee. Any Motion to change or revoke these Standing Orders at a Council meeting must be referred to the next meeting of an appropriate Committee, as identified by the Council, and shall be considered again at the next Council meeting. This procedure does not apply if the Motion is on the recommendation of a Committee.
- 2.3 A Standing Order cannot be revoked or suspended if it reproduces a statutory requirement. It is not necessary for the exact words of the statute to be repeated in the Standing Order. Such Standing Orders are to be identified in bold type with the relevant statutory reference following, but the presence or absence of bold type or of a reference does not affect the operation of this paragraph.
- 2.4 Any of the other Standing Orders 1 to 51 may be suspended by the Council provided that either
- (a) notice of intention to move the suspension has been included in the agenda for the meeting; or
 - (b) at least two thirds of the whole number of Members of the Council are present.
- 2.5 A suspension under paragraph 2.4 means that the Standing Order suspended is not in force during the period of suspension. The period can be specified in the resolution to suspend the Standing Order, but must not extend beyond the next annual meeting of the Council. If no period is specified the suspension lasts only for the meeting at which it is adopted.

- 2.6 The Corporate Head of Law and Governance must arrange to provide a printed copy of these Standing Orders to each Chairman of a policy Committee, and of the Overview and Scrutiny Select Committee and will notify each Member of how to access the document electronically as soon as possible after that Member has signed his or her Declaration of Acceptance of Office under Section 83 of the 1972 Act.
- 2.7 The person presiding at any meeting decides all questions about the meaning or relevance of these Standing Orders. His decision shall be final for the purposes of that meeting.

**STANDING ORDERS
FOR COUNCIL MEETINGS**

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FOR COUNCIL MEETINGS

3. MEETINGS OF THE COUNCIL

- 3.1 The Annual Meeting of the Council shall be held on a convenient day in May in accordance with the provisions of the Local Government Act 1972, and other meetings of the Council for the transaction of general business shall be held during the year on such dates and at such times as the Council may determine. (1972 Act, Schedule 12, paras 1 & 2).

4. EXTRAORDINARY MEETINGS OF THE COUNCIL

- 4.1 The Mayor may at any time call an extraordinary meeting of the Council. (1972 Act, Schedule 12, para 3)
- 4.2 If the office of Mayor is vacant, or if the Mayor is unable to act for any reason, the Deputy Mayor may at any time call an extraordinary meeting of the Council. (1972 Act, Section 5 (3)).
- 4.3 If the offices of Mayor and Deputy Mayor are both vacant, or if both the Mayor and Deputy Mayor are unable to act for any reason, the Leader of the Council may at any time call an extraordinary meeting of the Council.
- 4.4 If the Mayor, Deputy Mayor or Leader of the Council refuses to call an extraordinary meeting of the Council after a requisition for that purpose, signed by five members of the Council, has been presented to him, or if, without so refusing, the Mayor, Deputy Mayor or Leader of the Council does not call an extraordinary meeting within seven days after the requisition has been presented to him, then any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Council. (1972 Act, Schedule 12, para 3).
- 4.5 The Monitoring Officer may call an extraordinary meeting of the Council if he considers it necessary to discharge his statutory powers and duties.
- 4.6 Where any person or persons decide to call an extraordinary meeting of the Council, he/they shall signify to the Chief Executive that he has/they have done so, the business to be transacted, and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the notices and summonses required by paragraph 4(2) of schedule 12 to the 1972 Act are published and sent. (1972 Act, Schedule 12, para 4).

4.7 Any extraordinary meeting of the Council is to be held at the Civic Centre or another suitable place chosen by the Mayor (or in the absence of the Mayor, or Deputy Mayor, the Chief Executive).

4.8 No extraordinary meeting may be called except to transact business which, in accordance with the relevant enactments and these Standing Orders, may be transacted at that meeting.

5. ELECTION OF MAYOR AND APPOINTMENT OF DEPUTY MAYOR

5.1 The election of the Mayor from amongst the Members of the Council shall be the first business transacted at the Annual Meeting. (1972 Act, Section 4).

5.2 The procedure shall be that set out in Standing Order 25.5, save that the proposer may have up to five minutes to advance the case for his nominated candidate and the seconder one minute, whether or not any other candidates have been nominated.

5.3 The Council shall at the Annual Meeting appoint a Member of the Council to be Deputy Mayor (1972 Act, Section 5).

5.4 The procedure shall be that set out in Standing Order 25.5, save that the proposer may have up to five minutes to advance the case for his nominated candidate and the seconder one minute, whether or not any other candidates have been nominated

6. APPOINTMENT OF LEADER

6.1 If there is no majority group, the Council itself may appoint a Leader to exercise any functions falling to the Leader under these Standing Orders, the Terms of Reference, Scheme of Delegation, statute, or any other lawful authority.

6.2 However created, the Leader may appoint a Deputy Leader to exercise his functions in his absence. He must make the appointment by notice in writing to the Chief Executive.

6.3 The procedure shall be that set out in Standing Order 25.5, save that the proposer may have up to five minutes to advance the case for his nominated candidate and the seconder one minute, whether or not any other candidates have been nominated

7. PROCEDURE BEFORE THE NOMINATION AND ELECTION OF MAYOR AND DEPUTY MAYOR

7.1 The Authority will follow the procedure set out below before the election of the Mayor and the appointment of the Deputy Mayor in any year;

Mayor

- i) the appropriate Committee will consider candidates for the office of Mayor before the end of February in each calendar year;
- ii) that Committee will recommend one Member of the Council to be nominated as Mayor for the following Municipal Year. This recommendation will be considered at the first ordinary meeting of the Council after that Committee meeting; and
- i) if the Council approves the recommendations of the Committee, the nominee will be put forward as a candidate for the office of Mayor at the Annual Meeting in the next Municipal Year, provided that they are still a Member of the Council.

Deputy Mayor

- i) the March meeting of Council will consider candidates for the office of Deputy Mayor.
- ii) if there is more than one nomination, the selection of Deputy Mayor will be conducted by secret ballot. In the event of an equality of votes on the nomination, the Mayor would exercise a casting or second vote.
- iii) the nominee will be put forward as a candidate for office of Deputy Mayor at the Annual Meeting in the next Municipal Year, providing that they are still a Member of the Council.

Failure to follow this procedure will not prevent the Council from electing a Mayor and appointing a Deputy Mayor at the Annual Meeting.

7.2 In the event of a casual vacancy in the office of Mayor an election to fill the vacancy must be held in accordance with Section 88 of the 1972 Act.

8. CHAIRMANSHIP OF COUNCIL

8.1 The Mayor, if present, shall preside at each Meeting of the Council. If the Mayor is absent then the Deputy Mayor shall preside. (1972 Act, Schedule 12, para 5).

8.2 If both the Mayor and the Deputy Mayor are absent then the Chief Executive or another officer representing him shall become the person presiding and the first business of the meeting must be to elect a Member (but not the Leader or Deputy Leader) to take the chair and to preside over the rest of the meeting. That person shall have all the powers of the Mayor under these Standing Orders.

- 8.3 The election of a Member to preside shall be conducted in accordance with Standing Order 25.5 (voting on appointments).

9. QUORUM

- 9.1 No business may be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council are present. (1972 Act, Schedule 12, para 6). If there is no quorum at the time the meeting is summoned to start, the Mayor will allow a delay of 15 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. (Note: on the adoption of these Standing Orders the whole number of Members was 41 and a quorum was therefore 11.)
- 9.2 If, during any meeting of the Council, the Mayor after counting the number of Members present declares that there is not a quorum present, the meeting is automatically adjourned for fifteen minutes.
- 9.3 If, after fifteen minutes, there is still no quorum present, the meeting shall end.
- 9.4 The Mayor may fix a date and time to deal with any business which cannot be considered because of Standing Order 9.1 or 9.3 above. If he does not do so the business must be considered at the next ordinary meeting of the Council.
- 9.5 Where more than one-third of the whole number of Members of the Council become disqualified or have left office at the same time, then, until the number of Members qualified and in office rises to at least two-thirds of the whole number of members of the Council, the quorum of the Council shall be determined by reference to the number of Members of the Council remaining qualified instead of by reference to the whole number of Members of the Council. (1972 Act, Schedule 12, para 45).

10. ORDER OF BUSINESS

- 10.1 Business will be taken in the following order at every Council meeting, unless the order is altered under Standing Order 10.2.
- (a) To choose a Member of the Council (but not the Leader or Deputy Leader) to preside if the Mayor and Deputy Mayor are both absent;
 - (b) To consider any business which is legally required to be done before any other business.

- (c) To approve the Minutes of the last meeting of the Council as a correct record, and have them signed by the Mayor.
- (d) Mayor's announcements.
- (e) Speaking or questions from members of the public under Standing Order 12.
- (f) In the case of an extraordinary Council meeting, to consider the business set out in the summons.
- (g) Any of the following matters, if included in the Summons:
 - i. a change in the name of the area of the authority under Section 74 of the 1972 Act;
 - ii. the promotion or opposition of a Bill under Section 239 of the 1972 Act;
 - iii. the grant of the title of honorary alderman, or the admission of an honorary freeman, under Section 249 of the 1972 Act;
 - iv. a report from the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988;
 - v. a report of the monitoring officer under Section 5 of the 1989 Act.
- (h) To receive petitions.
- (i) To answer questions asked under Standing Order 13.
- (j) To finish business (if any) left over from the last meeting.
- (k) To consider recommendations from Committees.
- (l) To consider matters referred to the Council under Standing Order 25.10.
- (m) To consider decisions the subject of notice by a Member under Standing Order 25.12.
- (n) If any Notices of Motion have been lodged under Standing Order 15, to consider them in the order in which they were received.

(o) Any other lawful business set out in the Summons for the meeting.

10.2 The order of business in Standing Order 10.1 may be altered by

(a) The Mayor's direction, provided that no Member present objects; or

(b) a resolution of the Council, which must be moved, seconded and put without comment.

10.3 Neither the Mayor nor the Council can alter the order of items as set out in Standing Order 10.1 (a) - (h) (except (e))

10.4 If the Mayor decides that an item of business which was not set out on the Summons for the meeting should be taken as a matter of urgency under Section 100 B of the 1972 Act because of special circumstances, the Council will consider the matter at the end of the other items of business, unless it is taken earlier under 10.1 above.

10.5 An item of business specified on the agenda for the meeting may be withdrawn before the meeting starts by the Chief Executive or Corporate Head of Law and Governance with the agreement of the Mayor. In such a case no Motion shall be moved thereon, and the item shall not be subject to comment by any Member except the Mayor announcing the withdrawal.

11. MINUTES

11.1 Minutes of every meeting of the Council shall be submitted to, and signed at, that meeting or at the next suitable meeting of the Council. (1972 Act, Schedule 12, para 41). Any ordinary meeting of the Council may be regarded as suitable for this purpose.

11.2 The Mayor will ask whether the Council is content that the minutes submitted to the meeting be approved as a correct record.

11.3 The Council must not discuss the minutes except to debate their accuracy. If a Member wishes to challenge the accuracy of the minutes, he must propose a correction by Motion. The Mayor must sign the minutes as soon as questions relating to their accuracy (if any) have been disposed of, or as soon as it is clear there are none.

12. SPEAKING AND QUESTIONS BY THE PUBLIC

12.1 A member of the public who lives, works, attends an educational establishment, or owns or leases land in the Borough may ask one question or speak once at a Council meeting in accordance with this Standing Order. This right does not apply to the Annual meeting, a

meeting convened primarily for the purpose of setting the budget or Council Tax, or an extraordinary Council meeting.

- 12.2 A person who wishes to speak or ask a question must submit a written request to the Council's Chief Executive. The written request must arrive by 12.00 noon on the fifth working day before the Council Meeting (i.e. for a meeting on Thursday the request must arrive by 12.00 noon on the Thursday beforehand).
- 12.3 The written request must state:
- a) the topic the person wishes to speak about or the wording of the question he or she wishes to ask;
 - b) an address, e-mail address, or fax number at which the person can be contacted before and after the meeting.
 - c) whether the person lives, works, attends an educational establishment, or owns or leases land in the Borough if so, details.
- 12.4 The question or topic must relate to a matter which concerns the Council's powers or duties, or which affects the Borough or its inhabitants. It may not relate to a specific planning application or decision upon action under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of any individual, or a matter which is exempt from disclosure or confidential under the 1972 Act. A question may not be asked again if it or one to the same effect has been asked within the previous six months.
- 12.5 Following receipt of a written request the Chief Executive will ensure that the applicant is contacted and told whether their request complies with paragraphs 12.1 to 12.4 above, and if so what the procedure will be at the meeting.
- 12.6 At the Council meeting the Mayor will call applicants who have satisfied 12.1 to 12.4 above in the order of receipt of their written requests until the time allowed under Standing Order 12.12 has expired.
- 12.7 On being called by the Mayor the member of the public will have a maximum of five minutes to speak on the topic which he or she requested, or to make any introductory remarks and to ask the question as set out in his request.

12.8 A question may be answered by the Mayor, the Leader of the Council, or an appropriate Committee Chairman or Vice-Chairman as determined by the Mayor. The Councillor called may decline to answer, or may give an answer:

- a) orally at the meeting; or
- b) in writing despatched by the Corporate Head of Law and Governance as soon as possible after the meeting.

In either case the Councillor may refer to a publication where the answer, or further details, may be found. (if the Councillor declines to answer, the questions will not be referred to another Member).

12.9 If the questioner did not use the full five minutes in asking the question (not counting the Councillor's reply) he or she may ask one supplementary question within any time remaining, without any introductory or supporting remarks. The supplementary question must be relevant to the subject of the first question. The same Councillor shall be called to answer and shall have the same options as in 12.8 above.

12.10 No Councillor or member of the public may speak during this process except

- a) the Mayor;
- b) the member of the public in speaking on the nominated topic or in asking the specified question, under 12.7; or exercising the right to ask one relevant supplementary question under 12.9;
- c) the Councillor called upon to answer any such question and supplementary question.

12.11 After the member of the public has finished speaking on the specified topic, or as the case may be after the relevant Councillor has answered or declined to answer the specified question and any supplementary question, the Council shall proceed to the next business without any further comment.

12.12 The Mayor will continue calling applicants under 12.6 until thirty minutes have elapsed since the first was called. The applicant last called may complete his or her speech or question (including any supplementary question) and any answers may be given.

The Corporate Head of Law and Governance will ensure that a written response from the Councillor determined by the Mayor under 12.8 (who may decline to answer) is sent to any questioner whose question was accepted but who has not been dealt with.

The minutes of the meeting shall record any questions asked and answers (whether orally or in writing) either verbatim or as a fair summary.

13. QUESTIONS FROM MEMBERS OF THE COUNCIL

- 13.1 i) A Member of the Council may not ask more than one question at any Council meeting, if the requirements of this Standing Order are satisfied.
- ii) The question must be for the Mayor, the Leader of the Council, or the Chairman of any Committee.
- iii) The question must relate to a matter which concerns the Council's powers or duties, or which affects the Borough or its inhabitants.
- iv) The Member asking the question must give written notice of it to the Chief Executive. The Notice must arrive by 9.30 a.m. on the eighth working day before the Council meeting at which he or she wishes to ask it. (For a meeting on a Thursday, notice must arrive by 9.30 a.m. on the Monday of the previous week, if there are no intervening Bank Holidays).
- 13.2 Questions shall appear on the agenda in the order in which proper notice was received. At the meeting the Mayor shall call questions in the same order, unless he or she decides to vary it in order to group subject matter or for any other reasonable cause.
- 13.3 Every question must be put and answered without debate or comment from any other Member. The person to whom a question has been put is not obliged to answer.
- 13.4 An answer may be given:
- (a) orally at the meeting; or
- (b) by referring to a publication where the relevant information may be found; or
- (c) in writing, to be circulated to Members of the Council by the Corporate Head of Law and Governance as soon as possible after the meeting.
- 13.5 If the person questioned answers at the meeting by method (a) or (b) above, the questioner may ask one supplementary question which must be relevant to the subject of the first question. The use of artificial first questions as a device allowing an unforeseeable

supplementary question is not permitted. If in the opinion of the Mayor a supplementary question does not reasonably and fairly relate to the subject matter of the first question, he may prohibit it and no response shall be offered to it. The questioner may not otherwise speak in response to the answer given, either to the original question or any supplementary question.

13.6 After the original questioner has asked a supplementary question, declined to do so, or been prohibited from doing so, up to two other members may be allowed to ask one supplementary question each, without prior notice, on the same conditions as set out in 13.5 above.

13.7 The Mayor shall allow 30 minutes (if necessary) for questions and their replies at the meeting. If a question is being dealt with at the time limit, the answer must be completed within 5 minutes. Other questions will be deferred to the next meeting of the Council.

14. CONSIDERATION OF RECOMMENDATIONS FROM COMMITTEES

14.1 Except under Standing Order 25.10 or 25.12 below, or on reference from a Committee or Overview and Scrutiny Select Committee, or consequentially upon notice of Motion under Standing Order 15, the Council will not review decisions already made by Committees or officers exercising the Council's functions under Section 101 of the 1972 Act.

14.2 The Corporate Head of Law and Governance will send to each Member with the Council Summons a report of the recommendations being made to the Council by each Committee, in addition to the record of decisions required by Standing Order 25.9.

14.3 After the Mayor has announced that the next business is to consider the recommendations from a Committee:

- a) the Mayor will call the paragraph number relating to, or otherwise identify, each recommendation in turn as it is reached;
- b) after the Mayor has called the recommendation, the Chairman or another Member of the Committee may move that the recommendation be adopted. The mover may alternatively propose a decision different to the one which the Committee has recommended, or give further explanation of anything which appears in the report
- c) as he moves the Motion the mover may indicate corrections to the report, and
- d) after the Motion has been seconded, each recommendation will be debated in accordance with the procedural rules under Standing Order 17.

- 14.4 A Member may ask a question relating to any recommendation. This right is in addition to the right to ask questions given by Standing Order 13, and no notice is necessary. The question must be addressed to the mover of the Motion for adoption of the recommendation. That Member may decline to reply, or reply in one of the forms set out in Standing Order 13.4. He must indicate his response when the time comes for his final right of reply under Standing Order 17.11.
- 14.5 After the exercise of the final right of reply, there will be no further comment or question or discussion on that recommendation, and the Motion must be put to the vote.
- 14.6 Following the vote on the recommendation the Mayor shall proceed to the next numbered paragraph in the Committee's report.

15. NOTICES OF MOTION

Notice by Members

- 15.1 Any Member of the Council may propose a Motion at any meeting of the Council. No Member may propose more than one Motion at the same meeting. He must give notice in accordance with this Standing Order. A Motion may not be moved if it or one to the same effect has been moved within the previous six months.
- 15.2 No notice is needed in order to move the Motions set out in Standing Order 16. Subject to the powers of the Mayor to control debate, and to other provisions of these Standing Orders, there is no limit on the number of such Motions which may be moved by one Member at the same meeting.
- 15.3 A notice of Motion must be in writing and signed by the Member giving it. The notice must be delivered to the office of the Chief Executive by 9.30 a.m. on the eighth working day before the meeting of the Council at which it is to be considered. The Chief Executive must date the Notice with the date of receipt, number it and any other notices in the order in which they are received, and enter all notices in a book which is open to inspection by every Member of the Council. If it is not possible to give the period of notice required above the Motion may be accepted only if the Mayor considers that circumstances exist under Section 100B of the 1972 Act to justify consideration at the meeting. The Member must deliver his notice in writing to the Chief Executive as long as possible before the meeting with a note of the circumstances upon which he wishes the Mayor to rely under Section 100B(4) of the 1972 Act.

Notices of Motions must be set out in Summons

- 15.4 The Chief Executive must set out, in the summons for every Council meeting, all Motions for that meeting of which notice has been received. The agenda must list the Motions in the order in which they were received, except for notices which have been withdrawn by the Members giving them, or Motions which cannot be considered because of Standing Order 15.7.

Dealing with Notices of Motion at the Council Meeting

- 15.5 If a Member, or another Member on his behalf, does not move a Motion of which he gave notice when it is reached on the agenda, it shall be treated as withdrawn unless the Council agrees to postpone it. It cannot then be moved without fresh notice.

15.6 Once a Motion has been moved and seconded it must be dealt with in one of the following ways:

- a) unless (b) below applies, the Motion may be discussed according to the normal rules of debate but shall not be the subject of a final vote. It shall however be open to any Member at any stage during the debate to propose that the Motion be remitted to the appropriate Committee with a specified expression of the Council's preliminary opinion upon it. The mover or seconder of the original Motion may move such a proposal as he or she moves or seconds the original Motion, or any Member may do so subsequently. Once such a proposal is moved and seconded, it shall become the Motion under debate for the purposes of these Standing Orders.

If a proposal to remit the Motion to the appropriate Committee with an expression of opinion is moved, seconded, and carried, then the Motion shall stand referred to such Committee or Committees as the Corporate Head of Law and Governance shall determine as appropriate under the Terms of Reference. If no such proposal has been carried, then the Motion shall still stand referred to such Committee or Committees as the Corporate Head of Law and Governance shall determine as appropriate, but without any expression of Council opinion. In either case the Committee or Committees in question must consider the Motion and may either take action if they have delegated power to do so, or make a report and recommendation to the appropriate Committee or the Council in accordance with the Terms of Reference. The mover of the Motion may attend the relevant Committee meeting or meetings, and explain his Motion in addition to his rights (if any) to participate as a Committee Member.

- b) the Motion can only be determined at the Council meeting if (i), (ii) or (iii) below applies, as to which the opinion of the Mayor shall be final.

(i) the Member giving the notice and the Mayor both agree before the meeting that the matter is exceptionally urgent and will not allow delay for report to the appropriate Committee. Before deciding whether or not to agree the Mayor shall consult the Chief Executive and any Member or Members he sees fit. If the Member giving the notice of Motion believes that it should be dealt with under this procedure he must so inform the Mayor and the Chief Executive at the time he gives his notice. If the Mayor subsequently agrees that the Motion may be determined at the Council meeting, this shall if possible be specified in the summons.

(ii) the Motion seeks only:

- an expression of support or disapproval for some action being undertaken by another person or body; or
- the sending of greetings or congratulations to a person or body; or
- a result that does not require the Council to do anything new (except to permit the Leader of the Council or the Chief Executive to issue a communication to a third party, to give effect to any matter agreed in accordance with the two bullet points above) or to stop doing something and that carries no adverse legal or financial consequences.

(iii) in a case not meeting the conditions in (i) or (ii) above, the Mayor, the Leader of the Council, and the Chief Executive all agree that the Motion is such that it can safely be determined at Council without consideration of a report from a Committee.

15.7 Members may only move Motions which are relevant to the Council's powers or duties or to the interests of the inhabitants of the Borough. If the Chief Executive receives notice of a Motion which he considers irrelevant, illegal, improper, ultra vires, or incomprehensible, he must immediately refer it to the Mayor, and must not insert it on the Council summons and agenda without the Mayor's consent. If the Mayor refuses to accept the notice of Motion the Chief Executive will inform the Member who gave it.

16. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

16.1 The following Motions and amendments may be moved without notice under Standing Order 15:-

1. To appoint a Chairman for the meeting.
2. To correct the minutes.
3. To change the order of business set out in the summons.
4. To remit a matter to a committee.
5. To set up a committee or appoint its members, as a consequence of a matter mentioned in the summons to the meeting.
6. To adopt recommendations of committees or officers and to take any action resulting from such adoption.

7. To instruct under Standing Order 25.17 that no action be taken to implement a decision which has been the subject of debate or discussion at that meeting under Standing Order 25.10, pending a report on the possibility of rescission or amendment.
8. A Motion of which notice has been given under Standing Order 25.10.
9. That leave be given to withdraw a Motion.
10. A Motion which may be moved during debate, under Standing Order 17.15.
11. That the meeting terminate at specified time under Standing Order 21.1.
12. To authorise the sealing of documents.
13. To suspend Standing Orders, in accordance with Standing Order 2.4.
14. To give consent of the Council, where the consent of the Council is required by these Standing Orders.

17. RULES OF DEBATE FOR COUNCIL MEETINGS

Motions and Amendments

- 17.1 The Mayor must not allow discussion on a Motion or amendment unless it has been proposed and seconded. He may require it to be put into writing and handed to him for him to read to the Council before it is discussed further and must in any event ensure that the Meeting is aware of the words of the Motion or amendment before it is debated.

Secunder's Speech

- 17.2 The Member who seconds a Motion or amendment may speak then or, if he says so at the time, reserve his speech until later in the debate.

Only one Member to Stand at a Time

- 17.3 Members must stand when they wish to speak and wait until called by the Mayor. If two or more Members stand, the Mayor shall call on one to speak and any others must sit down. When a Member is speaking, other Members must stay seated unless they wish to make a point of order or give a personal explanation.

Content and Length of Speeches

- 17.4 Members must not speak about anything except the subject under discussion, a point of order, a personal explanation or a personal interest. Members must not speak for longer than 5 minutes except with the Mayor's consent.

Speaking more than once

- 17.5 A Member who has spoken on a Motion shall not speak again whilst it is the subject of debate, except:
- (a) to speak once on each amendment;
 - (b) if the Motion has been the subject of a vote on an amendment since that Member last spoke, to move a further amendment;
 - (c) if the first speech was on an amendment, to speak on the substantive Motion;
 - (d) in exercise of any right of reply given by Standing Order 17.11 to 17.14 inclusive;
 - (e) on a point of order (see Standing Order 17.18);
 - (f) by way of personal explanation (see Standing Order 17.18);
 - (g) in relation to a personal interest (see Standing Order 26);
 - (h) to ask a question, provided that the Member has not already done so on the Motion in question.

Amendments to Motion

- 17.6 An amendment must be relevant to the Motion. It must take the form of a proposal:-

- (a) to leave out words;
- (b) to leave out words and insert or add others;
- (c) to insert or add words;

but the effect of the proposal must not be to negate the Motion before the Council. The proposal is to be treated as negating the Motion if following its adoption the Motion would be of no effect or have a sense opposed to the original wording. For this purpose a Motion is to be read as a whole, and an amendment which negates one sentence or paragraph is not automatically to be treated as negating the whole. A Member wishing to propose a contrary Motion may not do so unless and until the original Motion is lost.

- 17.7 Once an amendment has been moved, no further amendments may be moved until the first amendment has been disposed of. This rule does not prevent a Member giving advance

notice to the Mayor prior to the vote being taken on the amendment under discussion that he intends to move a further amendment.

- 17.8 If an amendment is lost, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall become the substantive Motion upon which any further amendment may be moved.

Special Provisions for Amendments to Substantive Motions on Budget and Council Tax Setting

1. Proposed amendments to the budget must be finalised on the template supplied by the Council's S.151 officer, a minimum of six clear working days before the Council meeting at which the budget and council tax is to be considered.

2. Proposed amendments to the budget, submitted in accordance with 1 above, must be moved at the meeting and debated in accordance with the principles set out in these Standing Orders.

Commented [GL1]: Adjust numbering when final wording agreed.

Alteration of Motion

17.9 A Member may, with the consent of the Mayor, without comment -

- (a) alter a Motion of which he has given notice, or
- (b) with the further consent of his seconder alter a Motion which he has moved

if (in either case) the alteration is one which could be made as an amendment thereto.

Withdrawal of Motion or Amendment

17.10 The mover of a Motion or amendment may withdraw it with the consent of his seconder and of the Council. Consent is to be given without comment. Once the mover of a Motion or amendment has asked permission to withdraw it, no other Member may speak upon it unless permission is refused.

Rights of Reply

17.11 The mover of an original Motion has the right to reply at the close of debate on the substantive original Motion, immediately before it is put to the vote.

No other Member shall speak between the mover exercising this right of reply and the vote being taken.

- 17.12 If an amendment is moved to the original Motion under discussion the mover of that original Motion shall have a right of reply at the close of debate on the amendment immediately before it is put to the vote, but he shall not otherwise speak during the debate on the amendment. If he does so, he shall forfeit his right of reply.
- 17.13 The mover of an amendment shall have a right of reply to the debate on his amendment immediately before the right of reply allowed to the mover of the original Motion under Standing Order 17.12. above.
- 17.14 A Member exercising a right of reply shall confine himself to answering previous speakers and shall not introduce new matters or material; the Mayor's ruling on this shall be final and not open to comment.

Motions Which May Be Moved During Debate

- 17.15 When a Motion is under debate no other Motion shall be moved except the following -
- (a) to amend the Motion;
 - (b) to refer a recommendation of a committee back to that committee for reconsideration;
 - (c) to defer consideration of the matter until the next ordinary meeting of the council or until such a date as the Council may specify;
 - (d) to adjourn the meeting;
 - (e) to proceed to the next business;
 - (f) that a Member named under Standing Order 24.1 be not further heard;
 - (g) to exclude the public under Section 100A(4) of the 1972 Act.

Action upon special Motions moved during debate

- 17.16 A Motion specified in para 17.15 (b) - (g) above (a "special Motion") may be moved without comment by any Member (other than the proposer or seconder of the Motion and amendment (if any) under debate), at the conclusion of a Member's speech or immediately after the vote on an amendment has been concluded. If the special Motion is seconded the Mayor shall proceed as follows:
- (a) on a Motion to refer a committee's recommendation back to that committee for reconsideration: The Mayor shall give the Chairman of that committee (or if absent

the Member who moved the recommendation for adoption) the right of reply, after which he shall put the special Motion to the vote without comment;

- (b) on a Motion to defer consideration of the matter: The Mayor may refuse to accept the special Motion if he considers that the matter before the meeting can be sufficiently discussed at the meeting. If he so refuses, no further Motion to defer consideration shall be moved except by the Mayor. If the Mayor accepts the special Motion he shall put it to the vote without comment after giving the mover of the original Motion alone a right of reply. If the special Motion is passed the matter shall stand deferred to the next ordinary meeting of the Council unless a different arrangement is specified in the special Motion.
- (c) on a Motion to adjourn the meeting: The Mayor may refuse to accept the special Motion if less than three hours have elapsed since the start of the meeting. If he so refuses no further Motion to adjourn the meeting shall be moved until three hours have so elapsed. If the special Motion is moved and seconded after such a period, or if the Mayor accepts an earlier Motion for adjournment, he shall immediately put it to the vote without giving the mover of the Motion or amendment under debate the right of reply. If the special Motion is passed Standing Order 9.4 shall apply.
- (d) on a Motion to proceed to next business: The Mayor may refuse to accept the special Motion if he thinks that the Council needs to reach a decision on the matter at that meeting. No such Motion shall be moved in relation to a debate on the adoption of a committee recommendation. If the Mayor accepts the special Motion he shall give the mover of the original Motion a right of reply and then put the special Motion to the vote without comment. If the special Motion is carried the Council shall proceed to the next business on the agenda without a vote or further debate on the original Motion or any amendments. If it is lost the debate on the original Motion shall continue and no further Motion to proceed to next business shall be moved in respect of that matter.
- (e) on a Motion that a Member named under Standing Order 24.1 be not further heard: The Mayor shall put the special Motion to the vote without comment. If it is passed the named Member shall not be permitted to speak again during the meeting on any Motion or amendment relating to the same matter.
- (f) Motions to exclude the public: Unless the Motion appears on the agenda, the Mayor shall ascertain the grounds for the Motion and ascertain from the appropriate officers present whether the public can lawfully be excluded. If so, he shall allow the mover of the original Motion a right of reply on the proposal to exclude the public and shall

then put the special Motion to the vote. If it is passed the Mayor may at his discretion either immediately require the 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.

Mayor's Discretion to put Question

17.17 The Mayor may curtail the debate at any time if he considers that the Council has sufficiently discussed the matter. He 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.

Points of Order/Personal Explanation

17.18 If a Member stands to raise a point of order or give a personal explanation he is entitled to be heard at once.

- (a) A point of order relates only to an alleged breach of a Standing Order or statutory provision. The Member must specify which Standing Order or statutory provision is involved, and how he thinks it has been broken. Notwithstanding the 2011 Act, or Standing Order 26, an alleged failure to declare a personal interest shall not be treated as a point of order under this provision.
- (b) A personal explanation must be restricted to a relevant part of a speech made by him earlier which appears to have been misunderstood.

The Mayor's ruling on a point of order or on the admissibility of a personal explanation is final and no Member shall pass further comment.

Respect for Mayor

17.19 If the Mayor stands during the debate, any Member standing must sit down and the whole Council must be silent. The Mayor may interrupt the debate to restore order by using the command "order", or by striking the gavel, or by using the electronic interruption. The Council must then be silent until the Mayor calls upon a Member to speak.

17.20 All Members must address the Mayor when speaking during a Council meeting.

18. MOTIONS AFFECTING STAFF

18.1 If at any of its meetings the Council considers the appointment, promotion, dismissal, salary, superannuation, or conditions of service of any person employed by it, or the conduct of such a person, it must not discuss the matter until it has decided whether or not to exclude the public under Section 100 A (4) of the 1972 Act.

19. PETITIONS

19.1 Any member of the Council has the right to present a petition at a meeting of the Council. The petition must not be signed by Members of the Council. It must be relevant to the Council's functions, or the whole or part of its area or some or all of its residents. The Member who wishes to present the petition must check that these requirements are satisfied.

19.2 A Member who wishes to present a petition must notify the Chief Executive, or the Corporate Head of Law and Governance, that he wishes to present the petition, before the start of the meeting.

19.3 Petitions shall be presented to the Council as required under Standing Order 10. The Member presenting it has a maximum of 5 minutes to do so. He must do no more than read out or summarise the prayer of the petition, inform the Council of the number and description of the persons signing it, and make any relevant supporting remarks that he thinks fit. He shall then hand the petition to the person presiding.

19.4 Petitions shall be presented at any Council meeting in the order of which notice of them has been received.

19.5 Following the presentation of a petition, and subject to Standing Order 19.6 below, the Council shall refer it to the earliest meeting of the appropriate Committee at which it is

practical for the relevant officers to present a report, unless the petition contains an allegation that a Member is in breach of the Code of Conduct for Runnymede

Members, in which case it must be referred to the Standards Committee as well as the appropriate Committee;

- 19.6 The rights given by this Standing Order are supplementary to the other processes arising from the Council's Scheme for Responding to Petitions set out in this Constitution, and in particular there is no lower limit on the number of signatures on a petition that may be presented to Council under this Standing Order. In the event of any conflict between the provisions of this Standing Order and the Scheme for Responding to Petitions, the Scheme shall prevail.
- 19.7 Nothing in this Standing Order affects the right of an Overview and Scrutiny Select Committee to select any matter within its terms of reference for scrutiny or review.
- 19.8 There is to be no debate on the merits of the petition at the meeting at which it is presented.

20. OFFICERS' ADVICE AT COUNCIL MEETINGS

- 20.1 The Chief Executive or his representative may inform the Council as to matters of law, procedure, or record, at the invitation of the Mayor.
- 20.2 If the Chief Executive, the Monitoring Officer, the Chief Financial Officer, or a Chief Officer with relevant responsibilities, so requests, the Mayor must allow him the opportunity to offer essential advice to the Council before a matter is put to the vote. The Officer may require that this is to be achieved by referring the matter to the appropriate Committee to consider the Officer's report.
- 20.3 The Mayor or the Council may request oral advice from any Chief Officer (or representative) present and the Officer may then speak if he or she is able to offer the advice immediately. If the Officer is unable to offer the requested advice immediately, the Council must consider whether the matter should be referred to the appropriate Committee to allow the advice to be prepared and offered.

21. ENDING OF MEETING BY RESOLUTION

- 21.1 If at least 3 hours have elapsed since a Council meeting began, any Member may move without comment that the meeting shall end at a specified time.

21.2 The Mayor may refuse to accept the Motion if a Motion proposing a finish time has been rejected earlier in the same meeting. If the Motion is accepted, it shall be seconded and put without comment.

21.3 If the Motion is passed, when the time specified in it arrives:

- (a) no further points of order shall be raised except by the Mayor;
- (b) the Mayor shall interrupt the discussion of the question then before the meeting;
- (c) the Mayor must allow the mover of the Motion then under discussion to reply to the debate for not more than five minutes, unless he seeks leave to withdraw his Motion;
- (d) unless the Motion has been withdrawn, the Mayor shall put, without further discussion, all the questions necessary to dispose of that Motion;
- (e) all outstanding Committee recommendations must be deferred to the next suitable Council meeting;
- (f) Any Motions of which notice has been given under Standing Order 15 will be deferred to the next suitable Council meeting or, if the Member who has given notice so requests, to the next meeting of the appropriate Committee (as designated by the Mayor).
- (g) the Mayor shall then close the meeting.

22. APPOINTMENT OF COMMITTEES AND SUBSTITUTION OF MEMBERS

22.1 Subject to sections 101 and 102 of the 1972 Act and other appropriate legislation, at their annual meeting the Council:

- a) shall approve the Constitution for the coming Municipal Year;
- b) shall appoint policy and regulatory Committees and the Overview and Scrutiny Select Committees, the Standards and Audit Committee, the Licensing Committee, and any other Committees the Council deems appropriate in accordance with the Constitution. The terms of reference and numbers of voting Members of each committee shall be recorded in the Constitution;

- c) may resolve that non-voting Members shall also be appointed to any such committee where it is lawful to do so;
 - d) if it resolves to make appointments under sub-paragraph (c), shall specify what number of appointments are to be made, and what functions in relation to the committee each person so appointed may exercise; and
 - e) shall specify which Members of the Council shall be eligible for an appointment to a particular Committee in accordance with Standing Order 22.8, in place of any Member appointed under Standing Order 22.1 (b).
- 22.2 No Committee shall have power to appoint a Sub-Committee without the approval of the Council, unless the Sub-Committee is referred to in the Constitution.
- 22.3 The Council may at any time amend resolutions made under paragraph 22.1 in accordance with the 2000 Act.
- 22.4 Every committee set up under this Standing Order, and every sub-committee set up by such a committee, shall continue to discharge the functions committed to them until the Council or committee, as the case may be, resolve otherwise.
- 22.5 Subject to section 102(5) of the 1972 Act (councillor leaving office to cease to be a Member of a committee) and Standing Order 22.6 to 22.8, 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 committee shall continue as such until the appointment is terminated by the authority.
- 22.6 Whenever
- a) the Council is required to review the allocation of seats on committees between political groups, or
 - b) the Council resolves to carry out such a review, or
 - c) a committee is required to review the allocation of seats on a sub-committee between political groups, or
 - d) a committee resolves to carry out such a review the Corporate Head of Law and Governance shall submit a report to the Council or committee (as the case may be) showing what allocation of seats would in his opinion best meet the requirements of section 15(4) of the 1989 Act.
- 22.7 In the light of such a report, the Council or committee, as the case may be, shall determine the allocation of seats to political groups.

22.8 Whenever -

- i. an appointment of a voting Member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and
- ii. whenever such an appointment falls to be terminated in accordance with such wishes, then:

the Council or the relevant committee as the case may be, or the Chief Executive, Corporate Head of Law and Governance, or Democratic Services Manager, shall make or terminate the appointment in accordance with the wishes of that political

group (and this paragraph shall be treated as an arrangement for any of those Officers to perform that function under Section 101 of the 1972 Act).

The wishes of a political group are to be taken as those expressed to the Chief Executive or the Corporate Head of Law and Governance or Democratic Services Manager:

- (a) orally or in writing by the leader of the group or by its representative as named in a notice given under regulation 8 (4) of the Local Government (Committees and Political Groups) Regulations 1990; or
- (b) in a written statement signed by a majority of the Members of the group.

In the event that different wishes of a political group are notified in accordance with paragraphs (a) and (b) above, the wishes notified in accordance with paragraph (b) shall prevail.

A political group shall express its wishes as to any changes of appointments before the start of the earliest meeting at which they are to take effect, and shall comply with Standing Order 22.1 (e). If neither the Chief Executive nor the Corporate Head of Law and Governance or Democratic Services Manager is available to receive such expression of wishes, the proper officer for the purposes of the Local Government (Committees and Political Groups) Regulations 1990 shall be the most senior member present of the staff of the Corporate Head of Law and Governance, who shall also be authorised to effect the change of appointment in question.

- Note:
1. The Membership of the Licensing Committee is not subject to the political balance requirements of the 1989 Act and the above mechanism for changing appointments to it is therefore not available;
 2. Members of the Regulatory Committee must be Members of the Licensing Committee.

22.9 The Council may, at any meeting including the annual meeting, appoint a Chairman, or one or more Vice-Chairmen, or both for a committee in accordance with Standing Orders 31.7 and 31.8, provided that a Chairman or Vice-Chairman has not so far been appointed or elected in that municipal year.

23. MINORITY GROUP PRIORITY BUSINESS

23.1 A minority group may require that any one item of business to be placed on the Agenda for any meeting of the Council shall be treated as minority group priority business. It must do this by a notice in writing given to the Chief Executive not later

than the latest time for the receipt of notices of Motion for that meeting (see Standing Order 15.3).

23.2 Where the Chief Executive receives more than one such notice for any meeting, he shall decide what notice shall be effective so as to ensure that as far as possible each minority group's share of effective notices in the period since the last annual meeting of the Council fairly reflects the relative sizes of those groups.

23.3 The Chief Executive must indicate on the agenda which (if any) item of business is to be treated as minority group priority business.

23.4 If consideration of an item of minority group priority business has not begun two hours after the start of the meeting, that item shall be taken immediately after the conclusion of the business then under discussion.

24. GOOD ORDER IN MEETINGS

Disorderly conduct by Members

24.1 If any Member:

- (a) Persistently disregards the ruling of the person presiding; or

- (b) Behaves improperly or offensively; or
- (c) Deliberately disregards established procedure; or
- (d) Deliberately obstructs the business of the meeting;

then the Mayor may name the Member and require him both to apologise and to correct his behaviour immediately, or to do either.

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

- (a) he may forbid the Member from speaking for some or all of the rest of the meeting;
- (b) he may order the Member to leave the meeting for all or part of the remaining business.
- (c) he may order the Member to be removed from the meeting.
- (d) he may adjourn the meeting for 15 minutes or any other period he wishes.

24.3 A Member may not impute improper motives, or use any offensive expression, to any other Member. The Mayor 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

24.4 If a Member of the public interrupts the proceedings the Mayor must warn him. If he continues to interrupt, the Mayor may order him to leave the meeting room. If he does not leave, the Mayor may order him to be removed from the room or the building.

24.5 If a Member of the public persistently creates a disturbance, the Mayor may adjourn the meeting for 15 minutes or any other period he wishes.

24.6 If there is a general disturbance in any part of the Chamber or meeting room open to the public, the Mayor must order that part cleared and may adjourn the meeting for 15 minutes or any other period he wishes.

24.7 The Mayor may also exercise any other lawful powers available to him to control the meeting.

Smoking

24.8 In accordance with legal requirements smoking is prohibited on Council premises.

General

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

Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings

24.10 Members of the public are permitted to film, audio-record, take photographs or make use of social media (tweet/blog) at Council meetings provided that this does not disturb the business of the meeting. If a member of public wishes to film or audio-record a particular meeting, the relevant Council Officer should be informed prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Mayor will make the final decision in all matters of dispute in regard to the use of social media, audio recording, photography, and filming in a Council meeting.

If the Mayor considers the filming/recording/photography is disrupting the meeting in any way or any pre-meeting agreement has been breached, the operator of the equipment will be required to stop.

If someone refuses to stop recording when requested to do so, the Mayor will ask the person to leave the meeting. If the person recording refuses to leave then the Mayor may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the Constitution.

Anyone asked to leave a meeting because they have refused to comply with the Mayor's request may be refused permission to film/record/photograph at future Council meetings.

The Mayor has a right to withdraw consent to film/record/photograph at any time during the meeting.

Banners, placards, etc

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

25. RULES OF PROCEDURE AT MEETINGS

Voting

- 25.1 Unless one of the paragraphs below applies to the contrary, voting shall be by show of hands.
- 25.2 At a meeting of the Council, or at a meeting of a committee or sub-committee, any Member may request that the vote be recorded to show who voted for and against the proposal and who abstained. For a recorded vote, the Chief Executive or the Corporate Head of Law and Governance, or representative, 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. At a Council Meeting the Mayor and Deputy Mayor will be called first. At a Committee or Sub-Committee meeting the Chairman and Vice-Chairman will be called first. A recorded vote will be taken at the Special Council meeting which sets the budget.

a) This is a mandatory standing order under the 'Local Authorities (Standing Orders) England) (Amendment) Regulations 2014' and cannot therefore be suspended or deleted.

i. after any vote is taken at the Council's budget setting meeting on any decision relating to the making of a calculation there will be recorded in the minutes of that meeting the names of those voting for or against the decision or who abstained from voting.

ii. for the avoidance of doubt; rule 25.2a)i. applies to proposed amendments as well as to a substantive motion.

iii. the voting will be recorded as set out in rule 25.2.

- 25.3 Except where a recorded vote has been taken, any Member present at the vote may immediately afterwards require that his vote or abstention shall be recorded separately in the minutes.
- 25.4 The Mayor must ascertain the numbers voting for or against any Motion or amendment, or for any candidate. He or an officer present shall inform the meeting of the numbers. Once he has satisfied himself as to the totals his declaration of the result cannot be questioned.

Voting on nominations and appointments

- 25.5 Unless Standing Order 5 or 6 applies, the Member nominating each candidate shall be allowed a maximum of two minutes to identify the candidate, and his or her qualifications for

the position, to the meeting. If the meeting has to vote on a Motion to nominate, appoint, or elect one or more persons to any position (other than to serve on a body to which statutory political balance rules apply) any other Member wishing to speak on the proposed nomination or appointment shall also have a maximum of 2 minutes.

If more names have been nominated and seconded than the number of vacancies, the following procedure shall be followed:-

- (a) each Member shall be entitled to vote for as many different individuals as there are vacancies, but need not use all or any of his votes;
- (b) for a single vacancy, the person presiding shall put the names of the candidates to the meeting in alphabetical order and the Members voting for each candidate shall indicate their votes by raising their hands;
- (c) if there are two or more vacancies on the body in question, an appropriate officer shall call the name of each Member present who shall thereupon state for which candidate or candidates (if any) he is voting. The officer shall keep a tally of votes cast for each person nominated and shall inform the person presiding;
- (d) The vacancy or vacancies shall be filled by the nominee or nominees with the greatest number of votes, provided that each received votes from more than half of the Members present and voting (or half together with the Mayor's second or casting vote). The Mayor or an appropriate officer shall announce the voting figures, and shall identify the successful candidates, to the meeting.
- (e) If all the vacancies cannot be filled by candidates satisfying (d) above the candidate with the smallest number of votes shall be struck from the list (subject to this paragraph) and the voting process shall be repeated until this requirement is satisfied for all vacancies. Any candidate whose election has satisfied (d) above is elected. If at least one candidate has been elected, no other candidates will be struck from the list for the next vote.
- (f) Any Member may request that the vote on a nomination or appointment be recorded. In such event the vote shall be taken by the method set out in paragraph (c) above regardless of the number of vacancies.

Nomination of Mayor

25.6 Notwithstanding that when the appropriate Committee considers candidates for nomination under Standing Order 7, it is not voting on the appointment or election, and the procedure set out in paragraph 25.5 shall be followed.

Second or casting votes

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

- i. if he voted at the same time as the other Members (i.e. used his first vote), he shall use his second vote.
- ii. if he did not vote at the same time as the other Members he shall use his casting vote.
- iii. he shall not be permitted to delay his first vote in order to ascertain the voting figures and then use it to produce an equality of votes in order to use his second vote
- iv. he may decline, without explanation, to use either his second vote or his 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.

Record of Attendance

25.8 Every Member attending a meeting of the Council, or any committee or sub-committee, must sign his name in the attendance book or sheet provided for the purpose. Every Member attending some other meeting, conference, inspection or approved duty must sign his name in such register as may be made available for the purpose.

Review of Decisions Made under Delegated Power

25.9 Before every Council meeting the Corporate Head of Law and Governance shall send to every member of the Council a record of the matters considered or decided by the Council, Committees, and Sub-Committees, and decisions taken by officers under Standing Order 42, up to such date as he shall determine. In addition, as soon as reasonably practicable after a Committee or Sub-Committee has met, he will send to each Member of the Council a list summarising the decisions taken at that meeting.

25.10 Matters decided under delegated powers shall not normally be considered by the Council unless otherwise provided in the Constitution. However the leader of any Political Group represented on the Council may serve notice on the Chief Executive that the Group wishes the Council to have the opportunity of discussing a decision taken by a Committee, a Sub-Committee, or an officer. He must also state which of the courses of action set out in 25.11 a

Member of his group will move. Such a notice must be in writing and must be delivered to the Chief Executive by 9.30 a.m. on the eighth working day before the meeting of the Council at which it is to be considered. Each group may only serve one such notice for each meeting. The Chief Executive must ensure that the relevant matter is then included on the Summons for that Council meeting and that a copy of the relevant Committee report or record of officer decision is appended to the Summons, together with any supporting information the Chief Executive decides is necessary.

25.11 No further notice of the proposed Motion is necessary and Standing Order 15 does not apply except for 15.4. When the item of business is reached on the agenda, the only decisions available to the Council are:

- a) to take no further action;
- b) to request the appropriate Committee to consider the matter and to recommend appropriate policy for similar matters in the future;
- c) to request the appropriate Overview and Scrutiny Select Committee to review and report to Council, with the further comments of the appropriate Committee on the merits of the decision;
- d) to refer the decision back to the appropriate Committee with a request to consider and report on the possibility of rescission or amendment.

Only the action specified in the notice served under 25.10 may be moved. If the Motion fails or if a Member fails to move it, the effect will be that no further action is taken. No further action may be moved under that notice, nor may the decision in question be the subject of a further notice under 25.10.

25.12 A Member may give one notice that he wishes a single decision made by a Committee, a Sub-Committee or an Officer since the last Council meeting to be the subject of discussion at the next Council meeting. He must give notice in writing to the Chief Executive before 9.30 a.m. on the eighth working day before the meeting of the Council at which it is to be considered. The Chief Executive must ensure that the relevant matter is then included on the summons for that Council meeting and that a copy of the relevant Committee report or record of Officer decision is appended to the summons, together with any supporting information the Chief Executive decides is necessary. If more than one notice is received, the Chief Executive shall place them on the agenda in order of receipt.

When the relevant item of business is reached on the Council Agenda, the Member who gave the notice may speak first, but neither he nor any other Member may move any Motion on the matter in question. The normal rules of debate shall apply subject to any necessary modification to allow for the fact that there is no Motion under debate. During the discussion Members may pass comment or ask a question of the policy Committee Chairman for the function concerned. When the Mayor is satisfied that sufficient discussion has taken place he shall call upon the Chairman to respond to the issues raised. The Chairman need not make any comment and may, if he wishes, indicate that additional information will be circulated by an Officer in writing, or refer a questioner to a document where the relevant information may be found.

Once the Chairman has concluded his or her comments, the discussion on that matter shall be at an end.

The total time allocated to consideration of all matters raised under this Standing Order 25.12 shall not exceed one hour without the consent of the Mayor. If there is insufficient time to deal with all such matters, those not reached shall fall, but nothing shall prevent any Member from exercising any right to request their examination by an Overview and Scrutiny Select Committee.

Rescission of Decisions

25.13 If, a decision was taken more than six months previously, or if the circumstances set out in Standing Order 25.14 or 25.15 exist:

- a) the Council may rescind a decision of a Committee, a Sub-Committee, or an officer;
- b) a Committee may rescind a decision of a Sub-Committee or officer;
- c) an officer may rescind his own decision or that of a predecessor or subordinate.

This power is subject to Standing Order 25.16.

25.14 The circumstances in the case of rescission decided by the Council, or a Committee, are:

EITHER

- a) i. the decision to rescind has been recommended by a Committee or Sub-Committee which has considered a written report from the appropriate officers as to the legal, financial, and practical effects such rescission would

have (which advice shall be appended to any report on the matter to Council); and

- ii. the Council or Committee taking the decision to rescind is satisfied, having regard to the time at which the original decision was taken, present Council policy, the Council's legal obligations, and all other relevant matters, that it is appropriate to rescind.

OR

- b) if the circumstances set out in a) above do not apply, the decision to rescind is taken by the Council and the following conditions are satisfied:
 - i. the Council takes the decision after considering the report from a Committee to whom a matter was referred back under Standing Order 25.11 (d); and
 - ii. there is appended to the Committee's report a copy of the officers' advice mentioned in paragraph (a) (i) above; and
 - iii. at least two thirds of the whole number of Members are present; and
 - iv. the Council is satisfied as mentioned in (a) (ii) above.

25.15 In the case of rescission decided by an officer, the circumstances are:

- a) that the officer has received written advice from the appropriate officers as to the legal, financial, and practical effects such rescission would have;
- b) that the Council's Monitoring Officer has been informed of the proposal and has raised no objection;
- c) that the officer is satisfied as mentioned in 25.14 (a) (ii) above.

25.16 A decision or part of a decision which has already been implemented cannot be rescinded. The advice of the Council's Monitoring Officer as to whether a decision or part of a decision has been implemented is final.

25.17 Although the Council or a Committee may be awaiting a further report before reaching a decision on whether to rescind a decision, it may if it sees fit instruct that pending such decision no further action should be taken to implement the decision being reconsidered.

Before resolving to issue such an instruction it must take into account advice from the appropriate officers as to the legal, financial, and practical effects such an instruction would have.

Meaning of Rescission

25.18 For the purposes of these Standing Orders the rescission of a decision means cancelling it so that henceforth the effect is as if it had not been made.

25.19 Varying or amending the effect of a decision does not fall to be treated as rescission unless the variation or amendment would have been treated as negating the Motion if it had been proposed as an amendment before the original resolution was passed. However the Council may not vary or amend a Committee's decision except after a report requested from that Committee under paragraph 25.11 (d) above.

Other restrictions on departure from previous decisions

25.20 Any Motion or amendment to the same effect as a Motion or amendment which has been rejected by the Council, a Committee, or a Sub-Committee within the previous six months is subject to the same restrictions as if it were a proposal to rescind a decision. The same applies to a Motion under Standing Order 25.11 which has failed.

26. INTERESTS OF MEMBERS

26.1 Where any Member has a disclosable pecuniary interest and/or a non-pecuniary interest in a matter under consideration he shall comply with the Code of Conduct for Members set out in Part 5 of this Constitution.

26.2 If a Member is uncertain as to whether the Code affects him in particular circumstances, he may ask for the opinion of the Mayor who must consult the Monitoring Officer or such senior officers as may be available and appropriate to advise on the matter. If the Mayor then expresses the opinion that the Member should withdraw the Member must abide by that opinion for the meeting.

26.3 If a Member is concerned that another Member might have omitted to declare an interest under the Code of Conduct for Members, he may rise and upon referring to this Standing Order shall be entitled to be heard at once. He may then without offering detail or explanation request that a named Councillor be invited to consider whether he should have declared an interest in the matter under debate.

The Mayor shall thereupon invite the named Councillor to consider his position and respond.
The named Councillor shall, without further detail or explanation:

- i indicate that he or she has no such interest; or
- ii declare such an interest, and take any other action required by this Standing Order 26; or
- iii seek the opinion of the Mayor under Standing Order 26.2, and abide by that opinion.
The Mayor may if he sees fit adjourn the meeting for so long as is necessary to seek advice and offer such opinion in private.

STANDING ORDERS
FOR MEETINGS OF COMMITTEES AND
SUB-COMMITTEES

STANDING ORDERS FOR MEETINGS OF COMMITTEES AND SUB-COMMITTEES

27. COMMITTEE AND SUB-COMMITTEE AGENDAS AND TIMETABLE

- 27.1 The Corporate Head of Law and Governance will prepare a timetable of Committee and Sub-Committee meetings each year and submit it to the Authority for approval. Meetings shall be organised in accordance with the approved timetable. The Corporate Head of Law and Governance may cancel a meeting if he and the Chairman of the Committee or Sub-Committee in question are both satisfied that there is insufficient business to justify the meeting being held, or for other reasons which in their view are sufficient. The date of a meeting may be changed with the consent of the leaders of all political groups. When a meeting is cancelled or the date is changed, the Corporate Head of Law and Governance shall arrange for every Member of the Council to be notified in writing of the cancellation or change and of the reasons for it.
- 27.2 The Corporate Head of Law and Governance must send out an agenda at least five clear working days before every meeting of a Committee or Sub-Committee, or as soon as the meeting is called whichever is later. The agenda shall be sent to every person entitled to receive the papers of the Committee or Sub-Committee.
- 27.3 Subject to any requirements of the Chairman, the Corporate Head of Law and Governance must arrange the order of business on the agenda as he thinks will ensure the effective despatch of business.
- 27.4 The agenda must include:
- (a) all items of business referred to the Committee or Sub-Committee by the Council or another committee or sub-committee;
 - (b) any reports submitted to the Committee or Sub-Committee by a Chief Officer;
 - (c) any item of business which the Chairman requires to be included;
 - (d) any other item of business within the Committee's Terms of Reference which two Members of the Committee or Sub-Committee request to be included by notice in accordance with Standing Order 27.5 below. No two Members may give notice of more than one item of business for any meeting under this provision.

- 27.5 Members who wish to request that a particular item of business be included must give notice in writing to the Chief Executive by 9.30 a.m. on the eighth working day before the date of the meeting.
- 27.6 If it is impossible 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 Corporate Head of Law and Governance shall circulate it to every person entitled to receive the papers of the Committee or Sub-Committee as soon as practicable after it has been prepared. Wherever possible, all Members of the Council would be given advance warning by email of any such reports. In cases where it is not possible due to operational or administrative reasons to include a report requested by a Member on an Agenda for the meeting in question it will be included on the Agenda for a subsequent meeting.
- 27.7 An item of business specified on the agenda for the meeting may be withdrawn before the meeting starts by the Chief Executive, Corporate Head of Law and Governance, or whose Department is responsible for the subject matter, with the agreement of the Chairman. In such a case no Motion shall be moved thereon, and the item shall not be subject to comment by any Member except the Chairman announcing the withdrawal.

Call-in

- 27.8 The Overview and Scrutiny Select Committee has the right, in the exceptional circumstances mentioned in paragraph 12 of the overview and scrutiny procedure rules, to call in any decision of a policy Committee or Sub-Committee, other than a recommendation to the Council or parent Committee, subject to the requirements of this Standing Order. The Overview and Scrutiny Procedure Rules in Part 4 of the Constitution will be followed. If a decision is called in, it shall not take effect until the following procedure has been completed:
- a) the request for call-in must be on the standard proforma and specify the reasons for the call-in, by explaining what evidence the Members have to indicate the decision in question was not made in accordance with Article 12 of the constitution or have evidence that Council Policy or legal requirements were disregarded when the decision was made, be signed by at least two Members of the Overview and Scrutiny Select Committee and must be delivered to the office of the Chief Executive before 5.00 p.m. on the fourth working day after the policy committee has taken the decision;
 - b) no such request can be effective if the Chairman of the Overview and Scrutiny Select Committee agrees that the policy committee or sub-committee has determined that the interests of the Council or the Borough would be prejudiced

by delay in implementing the decision, and that this determination is correct and that the decision is a reasonable one. Any Officer seeking to rely on this provision must contact the Chairman of Overview and Scrutiny Select Committee to obtain their agreement and explain in the relevant report the justification for such a decision.

- c) Call-in requests may not be made in respect of decisions on individual planning applications, enforcement notices, tree preservation orders, the grant or refusal of statutory permits or local authority licences authorising any use of land or activity, or the taking of regulatory or enforcement action under any statute. Any such request is void, but the Overview and Scrutiny Select Committee may consider and pass comment on the merits of the decision or the underlying policy.
- d) When an effective call-in request is received, the Corporate Head of Law and Governance must arrange a meeting of the Overview and Scrutiny Select Committee at a time suitable to the subject matter and the urgency of the case. Such a meeting must normally be held within ten days of the receipt of the request;
- e) The Committee may consider the matter either by report, advice and debate in the usual manner, or by conducting a scrutiny hearing. The Chairman must determine the method within one working day of being notified of the call-in request (or its receipt if he signed it), and must inform the Corporate Head of Law and Governance. If the Chairman makes no determination the method will be by report, advice, and debate.
- f) When it considers the matter, the Overview and Scrutiny Select Committee may either refer the matter back to the policy Committee or Sub-Committee, or report to the Council, with any comments and recommendations it wishes to make.
- g) The matter will be reconsidered at the next ordinary meeting of the policy Committee or Sub-Committee, or the Council, unless the matter is sufficiently urgent to require a special or extraordinary meeting. The subsequent decision of the policy Committee or Sub-Committee or the Council upon the matter will not be subject to further call-in.

28. SPECIAL MEETINGS OF COMMITTEES AND SUB-COMMITTEES

- 28.1 The Chairman of a Committee or Sub-Committee (or in his absence the Vice-Chairman), or the Mayor, may call a special meeting of that Committee or Sub-Committee at any time. The Corporate Head of Law and Governance may call a special meeting to consider business under Standing Order 27.8.

- 28.2 If:
- (a) a requisition for a special meeting of a Committee or Sub-Committee, signed by at least two, or one quarter of the total number, of the voting members of a Committee or Sub-Committee, whichever is greater, has been presented to the Chairman or in his absence the Vice-Chairman; and
 - (b) either he has refused to call a meeting or, without him so refusing, no special meeting has been called within seven days of the presentation of the requisition,

then any two, or one quarter of the number, of the voting Members of the Committee or Sub-Committee, whichever is greater, may forthwith call a special meeting of the committee or sub-committee.

28.3 Any requisition under Standing Order 28.2 (a) above may be presented by being left with the Chief Executive.

28.4 When a special meeting has been called under this Standing Order, the person calling it must immediately give notice of that fact to the Chief Executive. The notice must state the business to be done. The Chief Executive must fix a date for the meeting which so far as practicable is appropriate for the proper despatch of that business. Standing Order 27.2 will then apply.

29. RIGHTS AND DUTIES OF MEMBERS TO ATTEND MEETINGS

29.1 Except for the cases set out in Standing Order 29.2 below:

- (a) Any Member of the Council may attend the meetings of all Committees and Sub-Committees, but may not speak without the permission of the Chairman unless he is a Member of the Committee or Sub-Committee in question. Unless he is such a Member, he may not move a resolution or vote.
- (b) A non-voting Member of a Committee or Sub-Committee 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 he was appointed to the body. Non-voting Members may not speak on the appointment of a Chairman or Vice-Chairman or be elected to those offices.

- (c) A non-voting Member of a Sub-Committee may attend meetings of the parent Committee (or Committees in the case of a Joint Sub-Committee). With the Chairman's permission, he may speak on matters relevant to the purpose of his appointment but may not move a resolution.

29.2 In the case of the Committees, Sub-Committees, or other bodies listed in this paragraph, or specified by resolution of the Authority, Members who are not Members of the Committee, Sub-Committee or other body, or who have entered the Meeting late, have no right to attend or speak except with the permission of the Chairman. This permission may be given (if at all) subject to such conditions as to seating position, duration of attendance, and any other matters as the Chairman (acting on legal advice) may think proper. The committees, sub-committees and other bodies are:

- (a) The Standards and Audit Committee.
- (b) The Licensing Committee and its Sub-Committees.
- (c) The Regulatory Committee and its Sub-Committees

29.3 The Overview and Scrutiny Select Committee may require any Member or Officer to attend one of its meetings to provide information or to explain a decision. If a Member fails to attend without reasonable excuse, his conduct shall be referred to the Standards and Audit Committee. If an Officer fails to attend without reasonable excuse, his conduct shall be referred to the Chief Executive. In this paragraph "reasonable" means reasonable in the opinion of the Overview and Scrutiny Select Committee.

29.4 Notwithstanding anything said above, a Member of the Council who has moved a Motion which has been referred to any Committee has the right to attend the meeting, and if he attends must be given an opportunity to explain the Motion.

30. QUORUM

30.1 The quorum of a Committee or Sub-Committee is one quarter of the total number of Members of that Committee or Sub-Committee rounded up to the next whole number, but shall never be less than three.

30.2 If there is no quorum at the time the meeting is summoned to start, the person presiding 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.

30.3 If during any meeting of a Committee or Sub-Committee the person presiding 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.

30.4 The person presiding may fix a date and time to deal with any business which cannot be dealt with because of Standing Order 30.2 or 30.3 above. If he does not do so, the business shall be dealt with at the next timetabled meeting of the Committee or Sub-Committee.

31. ELECTION OF CHAIRMEN OF COMMITTEES AND SUB-COMMITTEES

Chairmen and Vice-Chairmen

31.1 If the Council (or as the case may be the parent Committee) has not appointed a Chairman and Vice-Chairman under 31.7 below, every Committee and Sub-Committee shall, at its first meeting, before proceeding to any other business, elect a Chairman or one more Vice-Chairmen (or if required both) for the municipal year. In addition, a Committee or Sub-Committee may elect an additional Vice-Chairman at any time. (Note: This Standing Order, and so much of 31.2 below as would require a Chairman and Vice-Chairman to be elected for the municipal year, shall not apply to Sub-Committees of the Licensing Committee, Regulatory Committee or Standards and Audit Committee, which are free to elect such Members meeting by meeting.)

31.2 If the Chairman and Vice-Chairman are absent from a meeting, or not yet appointed, the Mayor shall take the chair if present and willing. If the Mayor is absent, or if he does not wish to chair the meeting, the Chief Executive or the Corporate Head of Law and Governance (or a member of his staff) shall become the person presiding and the first business of the meeting shall be to elect a Chairman and Vice-Chairman for the municipal year. If they have already been elected, the Committee or Sub-Committee must elect a Member to take the chair and to preside over the rest of the meeting.

31.3 The election of a Member to preside shall be conducted in accordance with Standing Order 39.6 (voting on appointments).

31.4 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. The same shall apply to the Vice-Chairman in relation to the Chairman.

31.5 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting, except that an officer shall not be entitled to a vote of

any kind, nor shall the Mayor or Deputy Mayor presiding under paragraph 31.2 above unless he is a member of the Committee. If the result is that the vote on the appointment of Chairman is tied, all the business of the meeting shall be deferred to a further meeting to be appointed, and the Council (or the parent Committee as the case may be) shall have the power to appoint two Members of the Committee or Sub-Committee to be its Chairman and Vice Chairman.

31.6 If the Chairman resigns or becomes incapable of acting as such, the Vice Chairman shall become the Chairman until a Chairman is elected at the first meeting after this has occurred, when the Committee or Sub-Committee must elect a Chairman (and if necessary Vice Chairman) for the remainder of the municipal year. If the Vice-Chairman resigns or becomes incapable of acting as such, the Committee or Sub-Committee must elect a new Vice-Chairman at its next meeting.

31.7 Notwithstanding anything above:

- a) the Council may appoint a Chairman or one or more Vice-Chairmen or both for a Committee
- b) a parent Committee may appoint a Chairman or one or more Vice-Chairmen or both for a Sub-Committee

provided that no such appointment or election has so far been made in that Municipal Year.

31.8 Whether elected under 31.1 above or appointed under 31.7, a Chairman or Vice-Chairman must be drawn from the membership of the Committee or Sub-Committee concerned.

32. MINUTES

32.1 The Minutes of every meeting of a Committee or Sub-Committee shall be drawn up and presented to the next suitable meeting of that body, as soon as is consistent with good administrative practice.

32.2 The person presiding over the Committee or Sub-Committee shall put the question that the Minutes of the meeting of the relevant Committee or Sub-Committee held on the specific date be confirmed and signed as a correct record.

32.3 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 person presiding shall sign the Minutes.

32.4 If the Committee or Sub-Committee 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 the 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.

33. SCHEME OF DELEGATION

33.1 A Committee or Sub-Committee shall act in accordance with its terms of reference and delegated powers as agreed by the Council and set out in the Constitution.

34. RULES OF DEBATE

Meetings of Committees and Sub-Committees 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 rules of debate shall be followed:

Motions and Amendments

34.1 A Motion or amendment, other than at the Planning Committee in respect of development management decisions and exceptionally at other Committees where the Chairman may wish to consider the benefits of debating the recommendation before it before a Motion is made, shall not be discussed until it has been proposed and seconded, and the person presiding may require it to be submitted in writing so that he may read it to the Meeting before it is discussed.

34.2 Members must not speak about anything except the subject under discussion, a point of order, a personal explanation, or a personal interest. Members must not speak for longer than 5 minutes except with the Chairman's consent.

34.3 An amendment must be relevant to the Motion. It must take the form of a proposal:-

- (a) to leave out words;
- (b) to leave out words and insert or add others;
- (c) to insert or add words;

but the effect of the proposal must not be to negate the Motion before the Committee or Sub-Committee. The proposal is to be treated as negating the Motion if following its adoption the

Motion would be of no effect or have a sense opposed to the original wording. For this purpose a Motion is to be read as a whole, and an amendment which negates one sentence or paragraph is not automatically to be treated as negating the whole. A Member wishing to propose a contrary Motion may not do so unless and until the original Motion is lost.

- 34.4 Once an amendment has been moved, no further amendments may be moved until the first amendment has been disposed of. This rule does not prevent a Member giving advance notice to the person presiding prior to the vote being taken on the amendment under discussion that he intends to move a further amendment.
- 34.5 If an amendment is lost, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall become the substantive Motion upon which any further amendment may be moved.

Alteration/Withdrawal of Motion

- 34.6 A Member who has moved a Motion may alter it or withdraw it with the consent of his seconder.

Rights of Reply

- 34.7 The same rights of reply shall be available in debate in Committees and Sub-Committees as exist in debate at meetings of the Council (Standing Order 17.11-17.14).

Motions Which May Be Moved During Debate

- 34.8 When a Motion is under debate no other Motion shall be moved except the following -
- (a) to amend the Motion;
 - (b) to refer a recommendation of a Sub-Committee back to that Sub-Committee for reconsideration;
 - (c) to defer consideration of the matter until the next ordinary meeting of the Committee;
 - (d) to adjourn the meeting;
 - (e) to proceed to the next business;
 - (f) that a Member named under Standing Order 38.1 be not further heard;
 - (g) a Motion under Section 100A(4) of the 1972 Act to exclude the public.

Action upon special Motions moved during debate

34.9 A Motion specified in para 34.8 (b) - (g) above (a "special Motion") may be moved without comment by any Member (other than the proposer or seconder of the Motion and amendment (if any) under debate), at the conclusion of a Member's speech or immediately after the vote on an amendment has been concluded. If the special Motion is seconded the person presiding shall proceed as follows:

- (a) on a Motion to refer a Sub-Committee's recommendation back to that Sub-Committee for reconsideration: The person presiding shall give the Chairman of that sub-committee (or if absent the Member who moved the recommendation for adoption) the right of reply, after which he shall put the special Motion to the vote without comment;
- (b) on a Motion to defer consideration of the matter: The person presiding may refuse to accept the special Motion if he considers that the matter before the meeting can be sufficiently discussed at the meeting. If he so refuses, no further Motion to defer consideration shall be moved except by the person presiding. If the person presiding accepts the special Motion he shall put it to the vote without comment after giving the mover of the original Motion alone a right of reply. If the special Motion is passed the matter shall stand deferred to the next ordinary meeting of the Committee unless a different arrangement is specified in the special Motion.
- (c) on a Motion to adjourn the meeting: The person presiding may refuse to accept the special Motion if less than three hours have elapsed since the start of the meeting. If he so refuses no further Motion to adjourn the meeting shall be moved until three hours have so elapsed. If the special Motion is moved and seconded after such a period, or if the person presiding accepts an earlier Motion for adjournment, he shall immediately put it to the vote without giving the mover of the Motion or amendment under debate the right of reply. If the special Motion is passed Standing Order 30.4 shall apply.
- (d) on a Motion to proceed to next business: The person presiding may refuse to accept the special Motion if he thinks that the Committee needs to reach a decision on the matter at that meeting. No such Motion shall be moved in relation to a debate on the receipt and adoption of a Sub-Committee report. If the person presiding accepts the special Motion he shall give the mover of the original Motion a right of reply and then put the special Motion to the vote without comment. If the special Motion is carried the Committee shall proceed to the next business on the agenda without a vote or further debate on the original Motion or any amendments. If it is lost the debate on the original Motion shall continue and no further Motion to proceed to next business shall be moved in respect of that matter.

- (e) on a Motion that a Member named under standing order 38.1 be not further heard:
The person presiding shall put the special Motion to the vote without comment. If it is passed the named Member shall not be permitted to speak again during the meeting on any Motion or amendment relating to the same matter.

- (f) Motions to exclude the public: Unless the Motion appears on the agenda, the person presiding shall ascertain the grounds for the Motion and ascertain from the appropriate officers present whether the public can lawfully be excluded. If so, he shall allow the mover of the original Motion a right of reply on the proposal to exclude the public and shall then put the special Motion to the vote. If it is passed the person presiding may at his discretion either immediately require the 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 question

- 34.10 The person presiding may curtail the debate at any time if he considers that the Committee has sufficiently discussed the matter. He 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.

Points of Order/Personal Explanation

- 34.11 If a Member stands to raise a point of order or give a personal explanation he is entitled to be heard at once.
- (a) A point of order relates only to an alleged breach of a Standing Order or statutory provision. The Member must specify which Standing Order or statutory provision is involved, and how he thinks it has been broken. Notwithstanding the 2011 Act, or Standing Order 40, an alleged failure to declare a pecuniary or non-pecuniary interest shall not be treated as a point of order under this provision.

 - (b) A personal explanation must be restricted to a relevant part of a speech made by him earlier which appears to have been misunderstood.

The ruling of the person presiding on a point of order or on the admissibility of a personal explanation is final and no Member shall pass further comment.

Respect for Chairman

34.12 If the person presiding stands during the debate, the whole Committee must be silent. The person presiding may interrupt the debate to restore order by using the command "order", or by striking the gavel, or by using the electronic interruption. The Committee must then be silent until the person presiding calls upon a Member to speak.

34.13 All Members must address the person presiding when speaking during a Committee meeting.

Ending of Meeting by Resolution

34.14 If at least 3 hours have elapsed since a Committee meeting began, any Member of the Committee may move without comment that the meeting shall end at a specified time, subject to officers informing the Committee of any implications for outstanding business before any vote is taken on ending of a meeting.

- i) The Chairman may refuse to accept the Motion if a Motion proposing a finish time has been rejected earlier in the same meeting. If the Motion is accepted, it shall be seconded and put without comment.
- ii) If the Motion is passed, when the time specified in it arrives:
 - (a) no further points of order shall be raised except by the Chairman;
 - (b) the Chairman shall interrupt the discussion of the question then before the meeting;
 - (c) the Chairman must allow the mover of the Motion then under discussion to reply to the debate for not more than five minutes, unless he seeks leave to withdraw his Motion;
 - (d) unless the Motion has been withdrawn, the Chairman shall put, without further discussion, all the questions necessary to dispose of that Motion;
 - (e) all outstanding Committee business must be deferred to the next suitable Committee meeting;
 - (f) the Chairman shall then close the meeting.

General

34.15 The person presiding may if he wishes in exercising his control of the debate have regard to the rules of debate for Council meetings in Standing Order 17, but subject to the above is not obliged to follow them.

35. PAPERS AND ADVICE

35.1 A copy of every paper which is circulated to Members for consideration at a meeting of a Committee or Sub-Committee shall be sent to the Chief Officers of the Council who are concerned in the work of that Committee or Sub-Committee.

35.2 Any question as to which Chief Officers are concerned with the work of any Committee or Sub-Committee shall be determined by the Chief Executive.

35.3 Before they conclude their consideration of any question, every Committee and Sub-Committee shall, at his request, afford a Chief Officer who is entitled to receive papers under this Standing Order (or another officer nominated by him) an opportunity to advise on that question, either in writing or orally.

35.4 The Chairman of a Overview and Scrutiny Select Committee may require if he sees fit that the same officer does not advise both a policy Committee and a Overview and Scrutiny Select Committee on the merits of the same decision. This shall not prevent a Overview and Scrutiny Select Committee from requesting or requiring any officer it chooses to attend its meeting to provide information or explanation, in addition to any officer appointed to advise it for that meeting.

36. SUB-COMMITTEES (INCLUDING SUBSTITUTION OF MEMBERS)

36.1 A Committee may not appoint a Sub-Committee unless the Council has expressly agreed to the creation of the Sub-Committee, or it is mentioned in the Constitution.

36.2 Subject to 36.1 every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.

36.3 Every Sub-Committee set up by a Committee shall continue to discharge the functions committed to it until the Committee resolves otherwise.

36.4 Subject to section 102(5) of the 1972 Act (Councillor leaving office to cease to be a Member of a Committee) and Standing Order 36.7, 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 as such until the appointment is terminated by the Authority.

- 36.5 Whenever
- a) a Committee is required to review the allocation of seats on a Sub-Committee between political groups, or
 - b) a Committee resolves to carry out such a review

the Corporate Head of Law and Governance shall submit a report to the Committee showing what allocation of seats would in his opinion best meet the requirements of section 15(4) of the 1989 Act.

- 36.6 In the light of such a report, the Committee shall determine the allocation of seats to political groups.

- 36.7 Whenever -
- i. an appointment of a voting Member of a Sub-Committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and
 - ii. whenever such an appointment falls to be terminated in accordance with such wishes, then:

the relevant Committee or the Chief Executive, the Corporate Head of Law and Governance, or the Democratic Services Manager, shall make or terminate the appointment in accordance with the wishes of that political group (and this paragraph shall be treated as an arrangement for the any of those officers to perform that function under Section 101 of the 1972 Act).

The wishes of a political group are to be taken as those expressed to the Chief Executive or the Corporate Head of Law and Governance or Democratic Services Manager:-

- (a) orally or in writing by the leader of the group or by the representative named in a notice given under regulation 8 (4) of the Local Government (Committees and Political Groups) Regulations 1990; or
- (b) in a written statement signed by a majority of the Members of the group.

In the event that different wishes of a political group are notified in accordance with paragraphs (a) and (b) above, the wishes notified in accordance with paragraph (b) shall prevail.

A political group shall express its wishes as to any changes of appointments before the start of the earliest meeting at which they are to take effect. If neither the Chief Executive nor the Corporate Head of Law and Governance or Democratic Services Manager is available to receive such expression of wishes, the proper officer for the purposes of the Local Government (Committees and Political Groups) Regulations 1990 shall be the most senior member present of the staff of the Corporate Head of Law and Governance, who shall also be authorised to effect the change of appointment in question.

36.8 Every Member of a Committee shall be eligible for appointment to a Sub-Committee of that Committee under Standing Order 36.7.

37. MOTIONS AFFECTING STAFF

37.1 If a meeting is to consider the appointment, promotion, dismissal, salary, superannuation or conditions of service of any person employed by the Council, or his conduct, it must not discuss the matter until it has decided whether to exercise the power to exclude the public under Section 100 A (4) of the 1972 Act.

38. GOOD ORDER IN MEETINGS

Disorderly conduct by Members

38.1 if any Member:

- (a) Persistently disregards the ruling of the person presiding; or
- (b) Behaves improperly or offensively; or
- (c) Deliberately disregards established procedure; or
- (d) Deliberately obstructs the business of the meeting;

then the person presiding may name the Member and require him both to apologise and to correct his behaviour immediately, or to do either.

38.2 If a Member named by the person presiding under the paragraph above continues his misconduct, the person presiding may do any or all of the following at his discretion at any time during the meeting:

- (a) he may forbid the Member from speaking for some or all of the rest of the meeting;
- (b) he may order the Member to leave the meeting for all or part of the remaining business
- (c) he may order the Member to be removed from the meeting.
- (d) he may adjourn the meeting for 15 minutes or any other period he wishes.

38.3 A Member may not impute improper motives, or use any offensive expression, to any other Member. The person presiding 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

38.4 If a Member of the public interrupts the proceedings the person presiding must warn him. If he continues to interrupt, the person presiding may order him to leave the meeting room. If he does not leave, the person presiding may order him to be removed from the room or the building.

38.5 If a Member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for 15 minutes or any other period he wishes.

38.6 If there is a general disturbance in any part of the Chamber or meeting room open to the public, the person presiding must order that part cleared and may adjourn the meeting for 15 minutes or any other period he wishes.

38.7 The person presiding may also exercise any other lawful powers available to him to control the meeting.

Smoking

38.8 In accordance with legal requirements, smoking is prohibited on Council premises.

General

38.9 The decision of the person presiding as to acceptable conduct whether by Members or the public shall be final.

38.10 **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

Members of the public are permitted to film, audio-record, take photographs or make use of social media (tweet/blog) at Committee meetings provided that this does not disturb the business of the meeting. If a member of public wishes to film or audio-record a particular meeting, the relevant Council Officer should be informed prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision in all matters of dispute in regard to the use of social media, audio recording, photography, and filming in a Committee meeting.

If the Chairman considers the filming/recording/photography is disrupting the meeting in any way or any pre-meeting agreement has been breached, the operator of the equipment will be required to stop.

If someone refuses to stop recording when requested to do so, the Chairman will ask the person to leave the meeting. If the person recording refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the Constitution.

Anyone asked to leave a meeting because they have refused to comply with the Chairman's requests may be refused permission to film/record/photograph at future Committee meetings.

The Chairman of the meeting has a right to withdraw consent to film/record/photograph at any time during the meeting.

Banners, placards, etc

38.11 The person presiding may require to be left outside the meeting room any banner, placard, or other object being carried by any person.

39. RULES OF PROCEDURE AT MEETINGS

Voting

- 39.1 Unless one of the paragraphs below applies to the contrary, voting shall be by show of hands.
- 39.2 At a meeting of a Committee or Sub-Committee, any Member of the Committee or Sub-Committee may request that the vote be recorded to show who voted for and against the proposal and who abstained. For a recorded vote, the Chief Executive or the Corporate Head of Law and Governance, or representative, 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. The Chairman and Vice-Chairman will be called first.
- 39.3 Except where a recorded vote has been taken, any Member of the Committee present at the vote and entitled to vote may immediately afterwards require that his vote or abstention shall be recorded separately in the minutes.
- 39.4 The person presiding must ascertain the numbers voting for or against any Motion or amendment, or for any candidate. He or an officer present shall inform the meeting of the numbers. Once he has satisfied himself as to the totals his declaration of the result cannot be questioned.
- 39.5 In the Overview and Scrutiny Select Committee, if the Members of a political group have agreed beforehand how they will vote, that fact shall be declared at the meeting and recorded in the Minutes.

Voting on nominations and appointments to outside bodies

- 39.6 Unless Standing Order 5 or 6 applies, any Member seeking nomination to outside/internal bodies (excluding formal Committees) must complete and submit a nomination form by the date notified. Consideration of nominations will normally be considered by Corporate Management Committee in May. Voting on appointments will be by hand and no debate or new nominations are allowed at this stage. Nomination forms would not be required for a small number of charitable trusts as the Trusts themselves proactively seek appointees which are then recommended to the Council by the Trusts for appointment. The Trusts themselves undertake the necessary suitability checks required by the Charity Commission before recommending a suitable appointment to Council. Council is asked to note the recommendation from the Trust as to candidate for office and appoint in accordance with the recommendation of that body.

If more names have been nominated than the number of vacancies, the following procedure shall be followed:-

- (a) each Member shall be entitled to vote for as many different individuals as there are vacancies, but need not use all or any of his votes;
- (b) for a single vacancy, the person presiding shall put the names of the candidates to the meeting in alphabetical order and the Members voting for each candidate shall indicate their votes by raising their hands;
- (c) if there are two or more vacancies on the body in question, an appropriate officer shall call the name of each Member present who shall thereupon state for which candidate or candidates (if any) he is voting. The officer shall keep a tally of votes cast for each person nominated and shall inform the person presiding;
- (d) The vacancy or vacancies shall be filled by the nominee or nominees with the greatest number of votes, provided that each received votes from more than half of the Members present and voting (or half together with the Chairman's second or casting vote). The Chairman or an appropriate officer shall announce the voting figures, and shall identify the successful candidates, to the meeting.
- (e) If all the vacancies cannot be filled by candidates satisfying (d) above the candidate with the smallest number of votes shall be struck from the list (subject to this paragraph) and the voting process shall be repeated until this requirement is satisfied for all vacancies. Any candidate whose election has satisfied (d) above is elected. If at least one candidate has been elected, no other candidates will be struck from the list for the next vote.
- (f) Any Member may request that the vote on a nomination or appointment be recorded. In such event the vote shall be taken by the method set out in paragraph (c) above regardless of the number of vacancies.

If, after the annual meeting of the Council, there remain vacancies on outside bodies, group leaders will be permitted to submit nominations to Democratic Services up to one clear working day before the meeting of the next available ordinary Corporate Management Committee.

A member appointed to an outside body shall be required to submit a report at the conclusion of their tenure (and before the closing date for nominations for the next year) supplying the following:

- Details of the number of meetings they have attended

- An overview of the topics discussed, or copies of supporting papers supplied to them by the outside body (subject to respecting any confidentiality arrangements with the outside body).
- The outside body's terms of reference.

Commented [GL2]: To adjust numbering when wording finalised.

Nomination of Mayor

39.7 Notwithstanding that when the relevant Committee considers candidates for nomination under Standing Order 7, it is not voting on the appointment or election, the procedures set out in paragraph 39.6 shall nevertheless be followed.

Second or casting votes

39.8 If the votes are tied on any issue, the person presiding (if entitled to vote at the meeting) may use a second or casting vote as follows:

- i. if he voted at the same time as the other Members (i.e. used his first vote), he shall use his second vote.
- ii. if he did not vote at the same time as the other Members he shall use his casting vote.
- iii. he shall not be permitted to delay his first vote in order to ascertain the voting figures and then use it to produce an equality of votes in order to use his second vote
- iv. he may decline, without explanation, to use either his second vote or his 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.

Record of Attendance

39.9 Every Member attending a meeting of any Committee or Sub-Committee must sign his name in the attendance book or sheet provided for the purpose. Every Member attending some other meeting, conference, inspection, or approved duty must sign his name in such register as may be made available for the purpose.

Rescission of earlier Decisions

39.10 If, a decision was taken more than six months previously, or if the circumstances set out in Standing Order 39.11 or 39.12 exist:

- a) the Council may rescind a decision of a Committee, a Sub-Committee, or an officer;
- b) a Committee may rescind a decision of a Sub-Committee or officer;
- c) an officer may rescind his own decision or that of a predecessor or subordinate.

This power is subject to Standing Order 39.13.

39.11 The circumstances in the case of rescission decided by the Council or a Committee are:

EITHER

- a)
 - i. the decision to rescind has been recommended by a Committee or Sub-Committee which has considered a written report from the appropriate officers as to the legal, financial, and practical effects such rescission would have (which advice shall be appended to any report on the matter to Council); and
 - ii. the Council, or Committee taking the decision to rescind is satisfied, having regard to the time at which the original decision was taken, present Council policy, the Council's legal obligations, and all other relevant matters, that it is appropriate to rescind.

OR

- b) if the circumstances set out in a) above do not apply, the decision to rescind is taken by the Council and the following conditions are satisfied:
 - i. the Council takes the decision after considering the report from a Committee to whom a matter was referred back under Standing Order 25.11 (d); and
 - ii. there is appended to the Committee's report a copy of the officers' advice mentioned in paragraph (a) (i) above; and
 - iii. at least two thirds of the whole number of Members are present; and
 - iv. the Council is satisfied as mentioned in (a) (ii) above.

39.12 In the case of rescission decided by an officer, the circumstances are:

- a) that the officer has received written advice from the appropriate officers as to the legal, financial, and practical effects such rescission would have;
- b) that the Council's Monitoring Officer has been informed of the proposal and has raised no objection;
- c) that the Officer is satisfied as mentioned in 39.11 (a) (ii) above.

39.13 A decision or part of a decision which has already been implemented cannot be rescinded. The advice of the Council's Monitoring Officer as to whether a decision or part of a decision has been implemented is final.

39.14 Although the Council or a Committee may be awaiting a further report before reaching a decision on whether to rescind a decision it may if it sees fit instruct that pending such decision no further action should be taken to implement the decision being reconsidered. Before resolving to issue such an instruction it must take into account advice from the appropriate officers as to the legal, financial, and practical effects such an instruction would have.

Meaning of Rescission

39.15 For the purposes of these Standing Orders the rescission of a decision means cancelling it so that henceforth the effect is as if it had not been made.

39.16 Varying or amending the effect of a decision does not fall to be treated as rescission unless the variation or amendment would have been treated as negating the Motion if it had been proposed as an amendment before the original resolution was passed. However the Council may not vary or amend a Committee's decision except after a report requested from that Committee under Standing Order 25.11 (d) above.

Other restrictions on departure from previous decisions

39.17 Any Motion or amendment to the same effect as a Motion or amendment which has been rejected by the Council, a Committee, or a Sub-Committee within the previous six months is subject to the same restrictions as if it were a proposal to rescind a decision. The same applies to a Motion under Standing Order 25.11 which has failed.

Implementation of Committee Decisions

39.18 A decision of a policy Committee or Sub-Committee which is vulnerable to call-in under Standing Order 27.8 and/or the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution shall not be implemented until the fifth working day after it has been made.

Public Speaking and Process at the Planning Committee

39.19 Provided that at least three written objections to an application for planning permission have been received, a person who has lodged such an objection may speak against the grant of planning permission at the meeting of the Planning Committee at which the application is to be discussed by complying with these paragraphs 39.19 to 39.27.

39.20 A person who wishes to speak against an application for planning permission which appears on the agenda for a meeting of the Planning Committee must make a written request to the Corporate Head of Development Management and Building Control after the agenda is published but by 12 noon two working days before the Committee meeting (i.e. for a meeting on Wednesday, by 12 noon on the preceding Monday). The written request must state:-

- i) the planning application number or address, and;
- ii) his or her name and address.

No-one may speak against more than one planning application per meeting.

39.21 The Corporate Head of Development Management and Building Control will notify the applicant for planning permission (through the agent or contact address given on his or her application) of any requests from the public to speak against his or her application. If such a speech is in fact made, the applicant will have the right to speak either in person or through a person appointed to speak on his or her behalf.

39.22 Only one member of the public may speak against a single application. The member of the public who first lodged his or her request to speak under 39.20, and who has notified his or her presence in any register provided or by such other means as the Chairman may approve, shall have this right. The right may be waived in favour of the next person entitled. Alternatively several members of the public may appoint one person to speak on behalf of them provided there is nobody with a prior right to speak who wishes to exercise it.

39.23 With the Chairman's permission, the right to speak shall also extend to an application linked with the specified application, such as an application for listed building consent. Otherwise a person may speak against only one application at any meeting of the Planning Committee unless the Chairman considers that exceptional circumstances exist. The right to speak does

not apply to and cannot be extended to applications for certificates of lawfulness under Section 191 or 192 of the Town and Country Planning Act 1990.

No new documents shall be circulated to the Committee on the day of the meeting or at the meeting except the Committee addendum and any other documentation provided by officers. The Committee addendum will contain information pertinent to the application provided to the case officer after the Committee report publication date and up to noon of the two working day before the date of the Committee meeting. It shall be at the discretion of the CHDMBC if any further updates are to be accepted after this point.

39.24 The speaker shall have a maximum of five minutes to address the Committee and must confine his or her remarks to the application specified in the request. The address shall be in the form of a statement, and should not attempt to question the applicant or other persons.

39.25 The applicant for planning permission (or a person on their behalf) may register an intention to speak if an objector has requested the right to speak on that application. The applicant must register this intention by notifying an Officer of the Council in the room in which the meeting will be held no later than fifteen minutes before the start of the meeting.

If the applicant does so, he or she will have a maximum of five minutes to address the Committee prior to the debate, following remarks made by any person who has spoken against the granting of planning permission about their application.

Under normal circumstances the applicant shall not normally be permitted to speak unless an objector has spoken, however in rare circumstances with the Chairman's permission, the right to speak may be extended to an applicant where the chairman considers that this is in the interests of fairness or if the chairman considers it will add significantly to the understanding of the proposal.

39.26 After hearing representations and any remarks on behalf of the applicant, the Committee may proceed to debate and determine the application.

39.27 The minutes of the meeting shall record whether representations were made, and by whom and on whose behalf, but need not report their content.

39.28 At the chairman's discretion written statements may be read out on behalf of the objector or applicant (for example if the speaker is unexpectedly unwell). This is not an additional speaking right and is only engaged where the individual would normally have the right to speak and had been successful registering to speak, the reading out of the speech is in lieu of normal speaking

rights. The statement shall be read out by the legal officer, democratic services officer or another appropriate office of the council. The 5 minute rule shall apply.

39.29 Written speeches by non-committee members shall not be read out by committee members.

Where a non-committee member is unable to attend the meeting and wishes for their views to be heard at the meeting they should prepare a written speech and provide it to democratic services by email by 4pm on the day of the meeting. This speech shall be no more than 600 words long. It shall be read out by the Council's legal officer or another appropriate officer. The chairman shall have discretion to decide at which point such representations are read out.

40. INTERESTS OF MEMBERS

40.1 Where any Member has a disclosable pecuniary interest and/or a non-pecuniary interest in a matter under consideration he shall comply with the Code of Conduct for Members set out in Part 5 of this Constitution.

40.2 If a Member is uncertain as to whether the Code affects him in particular circumstances, he may ask for the opinion of the person presiding who must consult such senior officers as may be available and appropriate to advise on the matter. If the person presiding then expresses the opinion that the Member should withdraw the Member must abide by that opinion for the meeting.

40.3 If a Member is concerned that another Member might have omitted to declare an interest under the Code of Conduct for Members, he may rise and upon referring to this Standing Order shall be entitled to be heard at once. He may then without offering detail or explanation request that a named Councillor be invited to consider whether he should have declared an interest in the matter under debate. The person presiding shall thereupon invite the named Councillor to consider his position and respond. The named Councillor shall, without further detail or explanation:

- i indicate that he or she has no such interest; or
- ii declare such an interest, and take any other action required by this Standing Order 40; or
- iii seek the opinion of the person presiding under Standing Order 40.2, and abide by that opinion. The person presiding may if he sees fit adjourn the meeting for so long as is necessary to seek advice and offer such opinion in private.

GENERAL PROCEDURES AND ARRANGEMENTS

GENERAL PROCEDURES AND ARRANGEMENTS

41. OFFICERS' INTERESTS

41.1 If an Officer knows that he has a "disclosable interest" in any contract or other matter, other than:

- a) his contract of employment with the authority or
- b) the tenancy of any dwelling provided by the authority

he must give written notice of the fact to the Chief Executive as soon as possible. This duty is in addition to any duty under Section 117 of the 1972 Act or other provisions.

41.2 For the purposes of this Standing Order, a "disclosable interest" is an interest which would be a disclosable pecuniary or non-pecuniary interest under the Members' Code of Conduct if the officer were a Member of the Council.

41.3 The Chief Executive must enter in a register any notice given by an officer under Section 117 of the 1972 Act or paragraph 41.1. This register must be available for inspection by any Member of the Council during office hours.

41.4 Wherever possible, an officer must avoid personal involvement in a matter in which he has declared an interest either by statute or under this Standing Order. If this is not practicable, he must mention in any report on the matter that he has made such a declaration and give brief details of it, in a separate paragraph at the commencement of the report. If he is advising a meeting orally he must mention his declaration orally.

41.5 Officers must also comply with the Code of Conduct for officers adopted by the Authority, which contains further guidance on matters of probity.

42. URGENT ACTION

42.1 If a matter which would ordinarily need a decision or authority from the Council, a Committee (including the Licensing Committee), or a Sub-Committee arises when it cannot reasonably be delayed until the next meeting of the Council or the appropriate Committee or Sub-Committee, then any necessary decision can be taken by a Chief Officer whose departmental functions include the subject matter or by the Chief Executive. The Chief Officer must not act until he has consulted any other relevant Chief Officers and obtained the agreement of the Chief Executive and Chairman and Vice Chairman of the Committee whose functions include

the function in question. In the absence of either the relevant Chairman or Vice Chairman the Chief Officer must obtain the agreement of the Leader of the Council, or in his absence the Deputy Leader to ensure two Members are consulted-in regard to the proposed action .In the unlikely event that both Chairman and Vice Chairman are absent, the Leader and Deputy Leader can act.

If the Chairman and Vice Chairman are Leader and Deputy Leader of the Council and are absent, then the Chairman and Vice Chairman of the Standards and Audit Committee will be consulted on the proposed action.

- 42.2 Action taken under this Standing Order shall be recorded in writing, signed by the Officer responsible, and countersigned by the Member and Officers consulted.

Officers shall have regard to the Guidance issued by the Corporate Head of Law and Governance set out at the end of this Section of Standing Orders.

- 42.3 The relevant Chief Officer must notify the Corporate Head of Law and Governance of any action to be taken under paragraph 42.1 above (if practical the Corporate Head of Law and Governance will arrange the despatch of the consultation form to the Member concerned), and the Corporate Head of Law and Governance must maintain a register of such action. A report on the action taken must be submitted to the next practicable meeting of the appropriate Committee but requires no further approval or ratification.

- 42.4 This procedure may only be used for property acquisitions where the proposed acquisition is in accordance with the Property Investment Strategy adopted by the Council from time to time and the value of the acquisition is no greater than £1m excluding associated costs (e.g. stamp duty, agents fees).

(Note: This Standing Order has been approved by the Licensing Committee for the purposes of licensing functions under the Licensing Act 2003 and so ranks as a delegation of functions agreed by the Committee in accordance with that Act, in addition to its application to other functions of the Council)

43. EXERCISE OF DELEGATED FUNCTIONS AND RECORDING OF DECISIONS MADE BY OFFICERS UNDER DELEGATED POWERS

- 43.1 If the Council has authorised a Chief Officer to discharge any function under Section 101 of the 1972 Act, and that Chief Officer is absent, then unless the contrary has been expressed by the Authority, the authorisation shall include any second tier Officer reporting to that Chief Officer, any other Officer designated for the purpose by the Council and any Officer expressly

authorised for the purpose by the Chief Officer. The same applies to any function or action to be carried out by a particular Chief Officer under any Standing Order of the Council whether under Section 101 of the 1972 Act or otherwise, unless the Standing Order in question provides to the contrary.

43.2 An Officer must produce a written record of any decision they make which falls within Standing Order 43.3 below.

43.3 A decision falls within this Standing Order if it would otherwise have been taken by Council, a Committee, Sub-Committee or a joint committee in which the Council participates, but it has been delegated to an Officer of the Council either –

- a) under a specific express authorisation; or
- b) under a general authorisation to Officers to take such decisions and, the effect of the decision is to –
 - i) grant a permission or licence;
 - ii) affect the rights of an individual; or
 - iii) award a contract or incur expenditure, which, in either case, materially affects the Council's financial position.

43.4 The written record must be produced as soon as reasonably practicable after the decision-making Officer has made the decision and must contain the following information –

- a) the date the decision was taken;
- b) a record of the decision taken along with reasons for the decision;
- c) details of alternative options, if any, considered and rejected; and
- d) where the decision falls under Standing Order 43.3 (a) the names of any Member of the Council who has declared a conflict of interest in relation to the decision.

43.5 The duty imposed by Standing Order 43.2 is satisfied where, in respect of a decision, a written record containing the information referred to in Standing Order 43.4 sub-paragraphs (a) and (b) is already required to be produced in accordance with any other statutory requirement.

43.6 Any Officer exercising the function to which Standing Orders 43.3 to 43.4 apply shall comply with the requirements of the Openness of Local Government Bodies Regulations 2014 in relation to the retention of documents associated with any such decision to facilitate their inspection.

44. ACCESS OF MEMBERS TO DOCUMENTS INFORMATION AND LAND

44.1 Any Member of the Council may inspect any document or other recorded information possessed or controlled by the Council relating to business to be transacted at a meeting of the Council, or of a Committee or Sub-Committee which he is entitled to attend.

44.2 Any Member of the Council may inspect any document which relates to the discharge of a function of the authority by an officer under Section 101 of the 1972 Act.

44.3 If a member of the Council or of a Committee or Sub-Committee wants to enter land or buildings occupied by the Council, and neither the public nor Members normally have access, he must apply to the Chief Executive. The Chief Executive must give permission unless he thinks there is a good reason why access should not be available. He may attach conditions to the permission, which may include a condition that the Member must be accompanied by a specified officer of the authority.

45. THE COMMON SEAL

45.1 The Corporate Head of Law and Governance must keep the common seal of the Council in a safe place.

45.2 If a document needs sealing, the Corporate Head of Law and Governance must arrange this. The common seal is to be affixed to a document only on the authority of:

- a) a resolution of the Council; or
- b) a resolution of a Committee or Sub-Committee exercising delegated powers; or
- c) a decision by the Council, or by a duly authorised Committee, Sub-Committee or officer, to do anything where a document under the common seal is necessary to complete the action.

45.3 The affixing of the common seal is to be authenticated by the signature of the Chief Executive or of the Corporate Head of Law and Governance. In the absence of both Standing Order

45.4 will apply. Each document sealed must be numbered consecutively and noted together with the nature of the authorisation in a register kept by the Corporate Head of Law and Governance. Each entry in the register shall be signed by the person who has authenticated the seal.

45.4 If both the Chief Executive and the Corporate Head of Law and Governance are absent the affixing of the common seal may be authenticated by the signature of

- a) any Solicitor employed within the department of the Corporate Head of Law and Governance; or in the absence of any Solicitor
- b) any Chief Officer.

45.5 Notwithstanding the above, the Chief Executive or the Corporate Head of Law and Governance may invite the Mayor to authenticate the affixing of the common seal to any document, together with the authorised officer or officers.

46. SIGNING OF CONTRACTS ETC

46.1 No document purporting to bind the Council to legal duties or obligations may be signed on behalf of the Council unless authorised or required by a decision of the Authority.

46.2 Such a document must be executed by a person or persons able to authenticate the common seal of the Authority, unless the Authority has authorised some other person to do so for the purpose in question.

46.3 All Corporate Heads can sign contracts with a value up to £20,833 but a contract should be only signed by the relevant Corporate Head unless otherwise unavailable. Each document of the kind mentioned in standing order 46.1 and which deals with obligations by the Council exceeding a value of £20,833 must be consecutively numbered and recorded in a register kept by the Corporate Head of Law and Governance. The register (which must be separate from the seal register kept under standing order 45.3) must note the date of signing and the nature of the authorisation, and be signed by the person or persons signing the document for the Council. The Corporate Head of Law and Governance may also include in the register such other documents requiring formal signature as he sees fit.

47. PROPER OFFICERS AND CERTIFICATION OF DOCUMENTS

47.1 The proper officer for the purposes of Section 234 of the 1972 Act (authentication of documents) and for the purposes of the Local Government (Committees and Political Groups)

Regulations 1990 (notification of Group membership, allocations of seats, etc.) is the Chief Executive or the Corporate Head of Law and Governance, as well as any other officer who may be authorised by resolution of the Council.

47.2 The proper officer for the purpose of any other provision shall be the officer designated for that purpose by the Authority or, if none is expressly designated, the Chief Executive. If it is lawful for there to be more than one proper officer, the Chief Officer of the department administering the function shall also be the proper officer.

47.3 The proper officer for the purposes of Section 229 of the 1972 Act (photographic copies of documents) is the Chief Executive or the Corporate Head of Law and Governance, as well as any other Officer who may be authorised by resolution of the Council.

GUIDANCE ON USE OF STANDING ORDER 42

Standing Order 42 provides an urgent procedure to authorise actions which cannot wait for Council or Committee approval. It does this by authorising the relevant Corporate Heads/Directors to act without taking a report to Committee, provided the relevant Chairman and Vice Chairman agrees the action.

N.B. Although the Chairman and Vice Chairman have to agree, it is the Corporate Head/Director who is authorising the action and needs to be prepared to answer for it.

(SO 42 is not a way of exercising an authority which has already been formally delegated to an Officer but which may happen to need member agreement. There is no detailed procedure for this, but the file should clearly demonstrate that the relevant agreement has been obtained, preferably by something in writing from the Member such as a countersigned letter. See also the pages on "Informing and Consulting Members" in Part 3 of the Constitution.)

When would it be wrong to use SO 42?

SO 42 must not be used if it is practicable to wait until the next Committee meeting. It should not be used for highly politically sensitive decisions where, whatever the legal niceties, Members may feel they should have the chance to debate the matter. It should be avoided for major expenditure if possible. It should not be used if there is corporate disagreement on the issue (see below).

The main alternatives to SO 42, if there is time, are using the reserve power of Corporate Management Committee, or arranging a special Committee meeting if the matter is important and urgent enough.

What procedure should be followed?

1. **Consult** other business centres whose views are relevant, just as you need to for a Committee report. Ensure any financial implications are known to and agreed by the Finance Business Centre. In the case of unbudgeted expenditure all Corporate Heads/Directors should be advised.

Their agreement to your proposed action is necessary because you will have to get them to countersign the form (see 2 below)

If there is any disagreement which cannot be resolved by discussion between Corporate Heads/Directors, it will be necessary to involve the Chief Executive or CLT.

2. **Use the standard written form** which ensures that all the relevant information is passed to the Chairman and Vice Chairman. This must be signed by the Corporate Head/Director, or if he or she is absent, a second tier officer reporting to that Corporate Head/Director. No-one else is currently authorised to act under SO 42.

The form must be countersigned by the other Corporate Heads/Directors who you have consulted (or their authorised representatives) and the Chief Executive to show that they agree with the action. You will need to incorporate any advice they offer in your wording to the Chairman and Vice Chairman. Please note the need to consult the Corporate Head of Human Resources if the matter concerns a staffing issue.

3. **Give the form to the Democratic Services Section** who will log it, send it out and ensure that it is properly tracked and subsequently reported to Committee. It is important that this is done, or the organisation runs the risk of losing track of actions which must be recorded with the same care as Committee authorities.

The Democratic Services Section will tell you when a reply is received. *You have no authority to act until the Chairman and Vice Chairman have agreed.*

What happens then?

The Democratic Services Section keep a register of SO 42 actions and ensures that they are reported in full to Committee as required by the Standing Order. This is important when you bear in mind that they would normally have needed a full report to Committee and a minuted decision.

N.B. The Democratic Services Section are instructed not to report an action to Committee if the correct procedure has not been followed. Instead, the defect must be corrected. If, for example, you have failed to consult the Assistant Chief Executive on the financial implications of the action, you will be required to do so and either get his signature on the form or, if important advice has been omitted,

redraft the form and ensure that the Chairman and Vice Chairman are still happy to agree. If it turns out that a Corporate Head or Director who should have been consulted feels obliged to advise against the action, you will have to find a corporately acceptable way forward.

What do I do if action is needed so urgently that I cannot wait for the form?

This should be very rare. It has been known to happen, for example, when a boiler in a sheltered housing block failed in mid-winter and needed immediate replacement.

Check, if you have not done so already, that neither your Corporate Head/Director nor anyone else has delegated authority which allows action without reference to Committee. Most operational matters are delegated. If in doubt seek a view from the Corporate Head of Law and Governance.

If there is no delegated power, consult other Officers who need to be involved as above. The Corporate Head/Director or an appropriate senior manager should then speak to the Chairman and Vice Chairman to ensure that agreement will be forthcoming. The form should then be completed.

Always consider the practicability of avoiding reliance on verbal agreement by agreeing with the Democratic Services Section that you or a colleague will visit the Chairman and Vice Chairman with the form and bring it back signed. Otherwise it should still be sent by the Democratic Services Section (it could be faxed, scanned and emailed or couriered round if need be), but if the Chairman and Vice Chairman verbally agrees (ideally after reading the form, to avoid ambiguity or confusion), this will suffice to act. Approval by email is the preferred method.

It is most important that a full note is kept of what has been agreed, how, and when. The Democratic Services Section contact must be kept informed. The Chairman and Vice Chairman should still sign and return the written form to complete the record, but the action can proceed in the meantime provided that there is no doubt that the Chairman and Vice Chairman have agreed.

What do I do if the Chairman and Vice Chairman have not returned the form?

If he or she fails to do so following reminders, confer with the Democratic Services Section. The only answer may be to complete a duplicate and place it in front of the Chairman and Vice Chairman for signature. Do not assume that the Chairman and Vice Chairman have agreed if you do not know that this is the case. Corporate Heads/Directors have no authority to act under SO 42 without agreement, and merely notifying the Chairman and Vice Chairman is not enough.

What do I do if the Chairman and Vice Chairman are away?

If either the Chairman or Vice Chairman are absent, clearly consult the one who is present and Leader or Deputy Leader of the Council to ensure two Members are consulted in regard to the proposed action.

In the unlikely event that both Chairman and Vice Chairman are absent, the Leader and Deputy Leader can act but in this event it is best to double check with one of the legal staff.

If the Chairman and Vice Chairman are Leader and Deputy Leader of the Council, then the Chairman and Vice Chairman of Standards and Audit Committee will be consulted on the proposed action.

Corporate Head of Law and Governance

July 2020

APPOINTMENT, DISMISSAL AND DISCIPLINE OF STAFF

APPOINTMENT DISMISSAL AND DISCIPLINE OF STAFF

APPOINTMENT DISMISSAL AND DISCIPLINE OF STAFF

48. APPOINTMENT OF CHIEF OFFICERS

No Committee or Sub-Committee or Officer shall be empowered to suspend these Standing Orders.

48.1 Where the Authority proposes to appoint a chief officer, and it is not proposed that the appointment be made exclusively from among its existing officers, it shall arrange for a Committee, Sub-Committee or Chief Officer of the Authority to:-

- (a) draw up a statement specifying:-
 - (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it, and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

48.2 (i) Where a post has been advertised as provided in standing order 48.1(b), the Authority shall

- (a) interview all qualified applicants for the post, or
- (b) select a shortlist of such qualified applicants and interview those included on the shortlist.

(ii) Where no qualified person has applied, the Authority shall make further arrangements for advertisement in accordance with standing order 48.1(b).

48.3 Subject to 48.4 every appointment of a Chief Officer shall be made by the Council, or a Committee or Sub-Committee exercising delegated powers.

48.4 Where a Committee, Sub-Committee or Officer is discharging, on behalf of the Authority, the function of the appointment of an officer designated as the Chief Executive, the Council must approve that appointment before an offer of appointment is made to that person.

48.5 If the Authority proposes to appoint a Chief Officer exclusively from amongst its existing Officers, it shall arrange for a Committee, Sub-Committee or Chief Officer of the Authority to follow Standing Orders 48.1 (a) and 48.2 (i) (a).

49. DISCIPLINARY ACTION AGAINST HEAD OF PAID SERVICE, MONITORING OFFICER OR CHIEF FINANCE OFFICER, AND DISMISSAL OF HEAD OF PAID SERVICE, MONITORING OFFICER OR CHIEF FINANCE OFFICER

49.1 In the following paragraphs—

- (a) *“the 2011 Act”* means the Localism Act 2011(b);
- (b) *“chief finance officer”, “disciplinary action”, “head of the authority’s paid service”* and *“monitoring officer”* have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

- (c) *“independent person”* means a person appointed under section 28(7) of the 2011 Act;
- (d) *“local government elector”* means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) *“the Panel”* means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) *“relevant meeting”* means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) *“relevant officer”* means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

49.2 A relevant officer may not be the subject of disciplinary action or dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

49.3 In the event of an allegation of misconduct is made against the head of the authority's paid service, monitoring officer or the chief finance officer the authority shall convene a Panel whose role shall be as follows:

- (a) To screen potential disciplinary/dismissal issues to consider whether they require investigation and whether the relevant officer should be suspended.
- (b) In the event that the Panel concludes that suspension is appropriate it shall have the authority to suspend the officer concerned and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect unless extended by the Panel prior to the expiry of the two month period.
- (c) To organise the investigation of any allegation, including the appointment of an investigator.
- (d) To review the results of the investigation to consider what disciplinary action if any is appropriate, after hearing the views of the officer. At any such meeting the officer shall be entitled to be accompanied by a fellow worker, a trade union official or legal adviser to assist them in putting forward their views.
- (e) Where dismissal is a recommendation to refer the matter to Full Council with its views, advice and recommendations for Full Council to determine whether it approves the proposal to dismiss. At any such meeting of Full Council the officer shall be provided with the appropriate paperwork in advance of the meeting, be allowed to attend the meeting to make their representations and be accompanied by a fellow worker, a trade union official or legal adviser to assist them in putting forward their views.
- (f) In the event that the Full Council approves dismissal the panel shall be authorised to action the dismissal by issuing the notice of dismissal.
- (g) Where the Panel decides that action short of dismissal, or no disciplinary action at all is appropriate, to put that in place as appropriate without referral to the Full Council.
- (h) The Panel shall be provided with advice and assistance by such officers who are qualified in legal and personnel matters. If felt necessary officers from other authorities may be invited to provide assistance in order to avoid any conflicts of interest. Any such officers will be appointed under the provisions of Section 113 Local Government Act 1972 so that they may be treated as officers of the authority.

- 49.4 The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 49.5 In paragraph 49.4 "*relevant independent person*" means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
- 49.6 Subject to paragraph 49.7, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 49.4 in accordance with the following priority order—
- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 49.7 An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 49.4 but may do so.
- 49.8 The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 49.9 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 49.10 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.
- 49.11 Where a Committee, Sub-Committee or officer is discharging, on behalf of the Authority, the function of the dismissal of an officer designated as the head of the Authority's paid service, as the Authority's chief finance officer, or as the Authority's monitoring officer, the Council must approve that dismissal before notice of dismissal is given to that person.

50. DISCIPLINARY ACTION AGAINST STAFF OTHER THAN CHIEF OFFICERS OR THEIR DEPUTIES

50.1 In this Standing Order -

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and

"member of staff" means a person appointed to or holding a paid office or employment under the Authority.

50.2 Subject to 50.3 and 50.4, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under Section 4 (1) of the 1989 Act as the head of the authority's paid service, or by an officer nominated by him.

- 50.3 Paragraph 50.2 shall not apply to the appointment or dismissal of, or disciplinary action against -
- (a) the officer designated as the head of the authority's paid service;
 - (b) a statutory chief officer within the meaning of section 2 (6) of the 1989 Act (politically restricted posts);
 - (c) a non-statutory chief officer within the meaning of section 2 (7) of the 1989 Act;
 - (d) a deputy chief officer within the meaning of section 2 (8) of the 1989 Act; or
 - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- 50.4 Nothing in paragraph 50.2 shall prevent a person from serving as a Member of any Committee or Sub-Committee established by the authority to consider an appeal by -
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
 - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

THE STANDARDS AND AUDIT COMMITTEE
HEARINGS AND COMPLAINTS

THE STANDARDS AND AUDIT COMMITTEE

51. PROCEDURE FOR HEARINGS AND CONSIDERATION OF COMPLAINTS

- 51.1 In assessing and determining allegations that any Member has broken the Council's Code of Conduct for Members, the Committee shall follow the procedures set out in the Arrangements following this Standing Order.
- 51.2 In the event that when an allegation has been made that any Member has breached the Council's Code of Conduct for Members an issue has been identified which would mean it was inappropriate for the Monitoring Officer to discharge their duties under the Arrangements following this Standing Order then the following process shall be adopted.
- 51.2(a) The Monitoring Officer shall as soon as practicable notify the Chief Executive and the Chairman of the Standards and Audit Committee in writing of the existence of the issue and its nature.
- 51.2(b) The Monitoring Officer shall confirm that they will not be involved in the consideration of the allegation in respect of which the issue exists.
- 51.2(c) The Deputy Monitoring Officer shall undertake the conduct of the matter.
- 51.2(d) Should the Deputy Monitoring Officer be unable to have conduct of the matter, for any reason, the Chief Executive shall approach Monitoring Officers appointed by other local authorities in Surrey and invite them to take on the role of the Council's Monitoring Officer in relation to the matter.
- 51.2(e) If a Monitoring Officer appointed by another local authority in Surrey accepts the invitation to take on the role of the Council's Monitoring Officer that individual shall be entitled to exercise the powers of the Councils' Monitoring Officer save that they shall not be entitled to authorise any expenditure, enter any contracts on behalf of the Council or supervise Council staff. The Chief Executive shall select a suitable Council officer to assist that Monitoring Officer in discharging their functions.
- 51.2(f) In the event that no Monitoring Officer appointed by another local authority in Surrey accepts the invitation the Chief Executive is authorised to contact Monitoring Officers appointed by other local authorities in England with a view to identifying one who will agree they take on the matter and
- 51.2(g) In the event that a Monitoring Officer appointed by another local authority, whether in Surrey or elsewhere in England, is only willing to accept the invitation subject to the reimbursement of costs then appropriate authorisation of the payment of such costs shall be sought prior to the appointment of that Monitoring Officer.
- 51.3 For the purposes of this Standing Order examples of the types of situations when it would be inappropriate for the Monitoring Officer to discharge their duties are as follows (this list is not exhaustive):
- the Monitoring Officer is in some manner connected with the complainant
 - the Monitoring Officer is in some manner connected with a witness in relation to the matter
 - the Monitoring Officer has been the subject of disciplinary action in relation to the Member who is the subject of the complaint

ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS UNDER THE LOCALISM ACT 2011

1. Context

- 1.1 These Arrangements are made under section 28 of the Localism Act 2011. They set out the process that Runnymede Borough Council has adopted for dealing with complaints that an elected or co-opted member has failed to comply with the Code of Conduct.

2. Interpretation

- 2.1 'Council' means Runnymede Borough Council.
- 2.2 'Code of Conduct' means the Code of Conduct, which the Council has adopted under section 27(2) of the Localism Act 2011.
- 2.3 'Complainant' means a person who has submitted a complaint in accordance with these Arrangements alleging that a Member has breached the Code of Conduct.
- 2.4 'Disclosable Pecuniary Interest' means those disclosable pecuniary interests that meet the definition prescribed by regulations (as amended from time to time) as set out in the Code of Conduct.
- 2.5 'Hearing Panel' means the panel appointed by the Council to determine the outcome of any complaint alleging a breach of the Code of Conduct by a Member in accordance with these Arrangements.
- 2.6 'Independent Person' means a person or persons appointed by the Council under section 28(7) of the Localism Act 2011:
- (a) whose views must be sought and taken into account by the Council before a decision is made on any complaint alleging a breach of the Code of Conduct by a Member;
 - (b) who may be consulted by a Member about a complaint.
- 2.7 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake a formal investigation of a complaint alleging a breach of the Code of Conduct by a Member. The Investigating Officer may be another senior officer of the Council, an officer of another authority or an external investigator.
- 2.8 'Monitoring Officer' is a senior officer of the Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the arrangements for dealing with any complaint alleging a breach of the Code of Conduct by a Member. It includes any other officer of the Council nominated by the Monitoring Officer to act on their behalf.
- 2.9 'Parties' means the Complainant, Member and the Investigating Officer, as appropriate.
- 2.10 'Member' means an elected member or co-opted member of the Council against whom a complaint has been made alleging a breach of the Code of Conduct.

3. Appointment of Independent Person

- 3.1 The Council shall appoint the Independent Person (and any substitute) in accordance with the requirements of section 27 of the Localism Act 2011 upon such terms as to remuneration and expenses as may be determined by the Council from time to time.

4. Making a complaint

- 4.1 A complaint alleging a breach of the Code of Conduct by a Member must be made in writing and addressed to the Monitoring Officer, Runnymede Borough Council, Civic Centre, Station Road, Addlestone, Surrey, KT15 2AH, Tel: 01932 425640, mario.leo@runnymede.gov.uk. Complainants who find difficulty in making their complaint in writing (e.g. because of a disability), will be offered assistance.
- 4.2 The Member will normally be informed of the identity of the Complainant and details of the complaint made against them, but the Complainant's identity and/or details of their complaint may be withheld at the Complainant's request if it appears to the Monitoring Officer that there are sound reasons for granting such a request (refer to paragraph 5 of Annex 1 to these Arrangements).
- 4.3 The Monitoring Officer will normally acknowledge receipt of a complaint within 7 working days of receiving it. At the same time, the Monitoring Officer will send a copy of the complaint to the Member in accordance with paragraph 2 of Annex 1 to these Arrangements.

5. Criminal conduct

- 5.1 In accordance with section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, a Member:
- (a) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day you become, or are re-elected or re-appointed, a Member or Co-opted Member of the Authority;
 - (b) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day you become aware of it, where you are acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter) and the interest is not already registered or is not the subject of a pending notification to the Monitoring Officer;
 - (c) fails to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
 - (d) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day you disclose it at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
 - (e) takes part in discussions or votes at meetings that relate to the Disclosable Pecuniary Interest, unless a dispensation has been granted;
 - (f) knowingly or recklessly provides false or misleading information in any of the above disclosures or notifications.
- 5.2 Where a complaint against a Member relates to conduct of a criminal nature referred to above, the Monitoring Officer will deal with the complaint in accordance with paragraph 4(4) of Annex 1 to these Arrangements.

6. Anonymous complaints

- 6.1 Complainants must provide their full name and address. An anonymous complaint will only be accepted by the Monitoring Officer in consultation with the Independent Person, providing it is accompanied by corroborating evidence that indicates to the Monitoring Officer that it is in the public interest to accept the complaint.

7. Role of Independent Person

- 7.1 The Independent Person must be consulted and have their views taken into account before the Council makes a finding as to whether a Member has failed to comply with the Code or

decides on action to be taken in respect of that Member. At any other stage of the complaints process under these Arrangements, the Independent Person may be consulted by the Monitoring Officer and/or the Member. If a Member wishes to consult an Independent Person concerning a complaint that should be a different Independent Person to the one consulted by the Monitoring Officer.

8. Preliminary tests

- 8.1 The Monitoring Officer will, in consultation with the Independent Person, put the complaint through a number of preliminary tests, in accordance with paragraph 1 of Annex 2 to these Arrangements.
- 8.2 In the event that the Independent Person is unavailable or unable to act, the time limits specified in paragraph 1 of Annex 1 may either be extended by the Monitoring Officer or the Monitoring Officer may act alone in taking the decision or action.
- 8.3 Dormant complaints against Councillors will be closed after 4 weeks have elapsed following one reminder e-mail to the complainant.

9. Informal resolution

- 9.1 The Monitoring Officer, in consultation with the Independent Person, may consider that the complaint can be resolved informally at any stage in accordance with paragraph 6 of Annex 1 to these Arrangements.

10. Investigation

- 10.1 If the Monitoring Officer, in consultation with the Independent Person, decides that the complaint merits formal investigation, they will, appoint an Investigating Officer to undertake the investigation, and inform the Parties of the appointment.
- 10.2 The Investigating Officer will investigate the complaint in accordance with Annex 2 to these Arrangements.

11. Hearing

- 11.1 If the Monitoring Officer, in consultation with the Independent Person, considers that informal resolution is not appropriate or is unlikely to be achieved, then they will convene a meeting of the Hearing Panel to determine the outcome of the complaint in accordance with Annex 3 to these Arrangements.

12. Sanctions

- 12.1 Where a Member has been found by the Hearing Panel to have breached the Code of Conduct, the Hearing Panel may apply any one or more sanctions in accordance with paragraph 4 of Annex 3 to these Arrangements.

13. Appeal

- 13.1 **There is no right of appeal for the Complainant or the Member against decisions of either the Monitoring Officer or the Hearing Panel.**

ANNEX 1

PROCEDURE ON RECEIPT OF A COMPLAINT

1. Preliminary tests

- 1.1 The complaint will be assessed by the Monitoring Officer in consultation with the Independent Person against the legal jurisdiction test in paragraph 1.2 below and, if applicable, the local assessment criteria test in paragraph 1.4 below.

1.2 Legal jurisdiction criteria test:

- (a) Did the alleged conduct occur before the adoption of the Code of Conduct?
- (b) Was the person complained of a Member of the Council at the time of the alleged conduct?
- (c) Was the person complained of acting in an official capacity at the time of the alleged conduct?
- (d) Did the alleged conduct occur when the person complained of was acting as a Member of another authority?
- (e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?
- (f) The complaint is about dissatisfaction with the Council's decisions, policies and priorities, etc.

- 1.3 If the complaint fails one or more of the jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 14 working days of receipt of the complaint by the Monitoring Officer. **There is no right of appeal against the Monitoring Officer's decision.**

1.4 Local assessment criteria test:

If the complaint satisfies the jurisdiction test, the Monitoring Officer will then apply the following local assessment criteria test:

- (a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous, unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The complaint is malicious, trivial, politically motivated or 'tit-for-tat';
- (e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (f) The alleged misconduct happened more than 6 months from the receipt of the complaint;
- (g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
- (h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- (i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (k) The complaint is about a deceased person;
- (l) The complaint is about a person who is no longer a Council Member.

- 1.5 If one or more of the local assessment criteria applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, within 14 working days of receipt of the complaint by the Monitoring Officer. **There is no right of appeal against the Monitoring Officer's decision.**
- 2. Notification of complaint to Member**
- 2.1 Subject to any representations from the Complainant on confidentiality (see paragraph 5 below), the Monitoring Officer will notify the Member of the complaint.
- 2.2 The Monitoring Officer may invite the Member to submit initial views on the complaint within 14 working days, which will be taken into account by the Monitoring Officer when they decide how to deal with the complaint (see paragraph 4 below). Views received from the Member after the 14 working day time limit may be taken into account at the discretion of the Monitoring Officer, providing the views are received before the Monitoring Officer issues their written decision on how the complaint will be dealt with.
- 3. Asking for additional information**
- 3.1 The Monitoring Officer may ask the Complainant and the Member, for additional information before deciding how to deal with the complaint.
- 4. What process to apply - informal resolution or investigation and/or no action?**
- 4.1 The Monitoring Officer may at any stage seek to resolve the complaint informally in accordance with paragraph 6 below. Where the Member or the Monitoring Officer or the Council make a reasonable offer of informal resolution, but the Complainant is not willing to accept this offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 4.2 The Monitoring Officer in consultation with the Independent Person may refer the complaint for formal investigation when:
- (a) it is serious enough, if proven, to justify the range of sanctions available to the Standards and Audit Committee (see paragraph 4 of Annex 3 to these Arrangements);
 - (b) the Member's behaviour is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it short of investigation. In considering this, the Monitoring Officer may take into account the time that has passed since the alleged conduct occurred.
- 4.3 Where the complaint is referred for formal investigation, the Monitoring Officer will appoint an Investigating Officer who will conduct the investigation in accordance with the procedure at Annex 2 to these Arrangements.
- 4.4 If the complaint identifies potential criminal conduct or potential breach of other regulations by the Member or any other person, the Complainant will be advised by the Monitoring Officer to report the complaint to the police or other prosecuting or regulatory authority. In such cases, the complaints process under these Arrangements will be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and, in consultation with the Independent Person, will apply the local assessment criteria test in paragraph 1.4 above.
- 4.5 The Monitoring Officer in consultation with the Independent Person, will take no action on the

complaint when one or more of the following apply:

- (a) on-going criminal proceedings or a police investigation into the Member's conduct or where the complaint is suspended in accordance with paragraph 4.4 above;
- (b) investigation cannot be proceeded with, without investigating similar alleged conduct or needing to come to conclusions of fact about events which are also the subject of some other investigation or court proceedings;
- (c) the investigation might prejudice another investigation or court proceedings;
- (d) on-going investigation by another prosecuting or regulatory authority;
- (e) genuine long term (3 months or more) unavailability of a key party;
- (f) serious illness of a key party.

4.6 Within 24 working days of receipt of the complaint, the Monitoring Officer will notify the Complainant, Member of their decision and reasons for applying one of the following processes in the format of the Decision Notice template (appended to this Annex 1):

- (a) not to refer the complaint for investigation; or
- (b) to refer the complaint for investigation; or
- (c) to apply the informal resolution process either before or after an investigation; or
- (d) following investigation, to refer the complaint to the Hearing Panel; or
- (e) to take no action and close the matter; or
- (f) to refer the complaint to the relevant political group leader for action.

4.7 The decision notice will be published on the Council's website. **There is no right of appeal against the Monitoring Officer's decision.** However, in the event that the Complainant submits additional relevant information, the Monitoring Officer will consider and decide if the matter warrants further consideration under these Arrangements, in which case it shall be treated as a fresh complaint. [The Ombudsman can investigate complaints from locally elected councillors where they allege they have suffered a personal injustice because of actions taken by a body in the Ombudsman's jurisdiction](#)

4.8 The Monitoring Officer may withhold the Member's identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Member or any other person (e.g. a witness):

- (a) is either vulnerable or at risk of threat, harm or reprisal;
- (b) may suffer intimidation or be victimised or harassed;
- (c) suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this);
- (d) it would not be in the public interest to do so.

4.9 In making this decision the Monitoring Officer will have regard to the following factors in making such a decision:

- (a) to facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others;
- (b) to raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;
- (c) justice to an individual: the balance of the public interest may favour disclosure of the complaint;
- (d) bringing out in the open serious concerns about the behaviour/conduct of an individual.

5. Confidentiality

5.1 If the Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer in consultation with the Independent Person when they initially

assess the complaint (see paragraph 1 above).

- 5.2 As a matter of fairness and natural justice, the Member will usually be told who the Complainant is and will also receive details of the complaint. However, in exceptional circumstances, it may be appropriate to keep the Complainant's identity confidential or not disclose details of the complaint to the Member during the early stages of an investigation. The Monitoring Officer may withhold the Complainant's identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Complainant or any other person (e.g. a witness):
- (a) is either vulnerable or at risk of threat, harm or reprisal;
 - (b) may suffer intimidation or be victimised or harassed;
 - (c) works closely with the Member and are afraid of the consequences,
e.g. fear of losing their job;
 - (d) suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this);
 - (e) may receive less favourable treatment because of the seniority of the person they are complaining about in terms of any existing Council service provision or any tender/contract they may have with or are about to submit to the Council.

OR where early disclosure of the complaint:

- (a) may lead to evidence being compromised or destroyed; or
- (b) may impede or prejudice the investigation; or
- (c) would not be in the public interest.

5.3 Relevant public interest factors favouring disclosure (not an exhaustive list) include:

- (a) to facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others;
- (b) to raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;
- (c) justice to an individual: the balance of the public interest may favour disclosure of the complaint to the Member when it may not be in the public interest to disclose it to the world at large;
- (d) bringing out in the open serious concerns about the behaviour/conduct of an individual.

5.4 The Monitoring Officer, in consultation with the Independent Person, will balance whether the public interest in accepting the complaint outweighs the Complainant's wish to have their identity (or that of another person) withheld from the Member. If the Monitoring Officer decides to refuse the Complainant's request for confidentiality, they will offer the Complainant the option to withdraw their complaint. The Complainant will be notified of the Monitoring Officer's decision, with reasons, within 24 working days of receipt of the complaint by the Monitoring Officer. **There is no right of appeal against the Monitoring Officer's decision to refuse the Complainant's request for confidentiality.**

6. Informal resolution

6.1 These Arrangements enable the Monitoring Officer, in consultation with the Independent Person, to resolve complaints informally, either before or after investigation. In so doing, the Monitoring Officer will consult with the Complainant and the Member to agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.

6.2 Informal resolution may be the simplest and most cost effective way of resolving the

complaint and may be appropriate where:

- (a) The Member appears to have a poor understanding of the Code of Conduct and/or related Council procedures; or
- (b) There appears to be a breakdown in the relationship between the Complainant and the Member; or
- (c) The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct; or
- (d) The conduct complained of appears common to a number of members of the Council, demonstrating a lack of awareness, experience or recognition of the particular provisions of the Code of Conduct and/or other Council procedures, etc; or
- (e) The conduct complained of appears to the Monitoring Officer not to require a formal sanction; or
- (f) The complaint appears to reveal a lack of guidance, protocols and procedures within the Council; or
- (g) The Complainant and the Member are amenable to engaging in an informal resolution; or
- (h) The complaint consists of allegations and retaliatory allegations between councillors; or
- (i) The complaint consists of allegations about how formal meetings are conducted; or
- (j) The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

6.3 Informal resolution may consist of one or more of the following actions, which do not have to be limited to the Member, but may extend to other councillors including the whole Council where it may be useful to address systemic behaviour:

- (a) training;
- (b) conciliation/mediation;
- (c) mentoring;
- (d) apology;
- (e) instituting changes to the Council's procedures;
- (f) conflict management;
- (g) development of the Council's protocols;
- (h) other remedial action by the Council;
- (i) other steps (other than investigation) if it appears appropriate to the Monitoring Officer in consultation with the Independent Person.

6.4 If the Member is agreeable to and complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards and Audit Committee for information, but will take no further action.

6.5 Where the Member will not participate in the informal resolution process or if, having agreed to one or more actions under the informal resolution process, the Member refuses or fails to carry out any agreed action, the Monitoring Officer will report the matter to the Standards and Audit Committee. The Standards and Audit Committee will be invited to refer the complainant for investigation.

EXAMPLE TEMPLATE - DECISION NOTICE (of the Monitoring Officer): e.g. REFERRAL FOR INVESTIGATION

Parties should take care when passing on information that is in the notice or about the notice. For example, some details such as names and addresses may be confidential or private in nature, or may be personal information.

Complaint No: Complaint

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Decision

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to refer the complaint for investigation.

Potential breaches of the Code of Conduct identified

At this stage, the Monitoring Officer is not required to decide if the Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

[detail relevant Code of Conduct paragraphs]

Notification of decision

This decision notice is sent to the:

Complainant
Member against whom the complaint was made
Surrey County Council's Monitoring Officer (*applicable only where the Member is serving at both District and County level*)

What happens now

The complaint will now be investigated under the Council's Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011.

Appeal

There is no right of appeal against the Monitoring Officer's decision.

Additional Help

If you need additional support in relation to this decision notice or future contact with the Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

Signed:**Date****Print name:**

Monitoring Officer of Runnymede Borough
Civic Centre
Station Road
Addlestone
Surrey
KT15 2AH

ANNEX 2

PROCEDURE FOR INVESTIGATING THE COMPLAINT

1. Preliminaries

- 1.1 The Investigating Officer will be appointed by the Monitoring Officer and will be aware of their obligations under the Data Protection Act 2018, Equalities Act 2010, the Human Rights Act 1998 and other relevant legislation.
- 1.2 The Investigating Officer is responsible for gathering all the facts, documents and, where applicable, for interviewing witnesses with knowledge of the facts, and they should remain objective, impartial and unbiased at all times.
- 1.3 The Member and the Complainant will be advised that the investigation is for fact finding purposes only.
- 1.4 Witnesses will be identified at the investigation stage and their evidence supported by signed and dated witness statements and/or notes of interview with the Investigating Officer. The Investigating Officer cannot compel the attendance of witnesses or their co-operation.
- 1.5 The Investigating Officer will not make recommendations on sanctions.
- 1.6 Within 10 working days of being appointed, the Investigating Officer will notify the Member and the Complainant of their appointment and:
 - (a) provide details of the complaint to the Member;
 - (b) detail the procedure to be followed in respect of the investigation and the relevant timescales for responses and concluding the investigation;
 - (c) detail the sections of the Code of Conduct that appear to be relevant to the complaint;
 - (d) request contact details of any potential witnesses;
 - (e) require that confidentiality is maintained and that details of the complaint not be disclosed to any third party, unless disclosure is to a representative, witness, immediate family members or otherwise as may be required by law or regulation.
- 1.7 It may be necessary for the Investigating Officer to agree with the Member which documents will be submitted in evidence. This will generally include documents that will be relied on, or in support of, the Member's case and which are relevant to the complaint.
- 1.8 The Investigating Officer may terminate their investigation at any point, where they are satisfied that they have sufficient information to enable them to report to the Monitoring Officer or Hearing Panel.

2. The draft report

- 2.1 On the conclusion of their investigation the Investigating Officer will issue a draft report (clearly labelled 'DRAFT AND CONFIDENTIAL') to the Monitoring Officer for review.
- 2.2 Following review by the Monitoring Officer, the draft report will be sent in confidence to the Member and the Complainant (not witnesses) for comment. The draft report will be clearly labelled 'CONFIDENTIAL' and will detail:
 - (a) the relevant provisions of the law and the relevant paragraphs of the Code of Conduct;
 - (b) a summary of the complaint;
 - (c) the Member's response to the complaint;
 - (d) relevant information, explanations, etc, which the Investigation Officer has obtained in the course of the investigation;

- (e) a list of any documents relevant to the matter;
- (f) a list of those persons/organisations who have been interviewed;
- (g) a statement of the Investigating Officer's draft findings of fact and reasons;
- (h) the Investigating Officer's conclusion as to whether the Member has or has not failed to comply with the Authority's Code of Conduct;
- (i) that the Investigating Officer will present a final report once they have considered any comments received on the draft.

2.3 Once the Investigating Officer has received any responses from the Member and/or the Complainant, they will finalise the draft report and make their final conclusions and recommendations to the Monitoring Officer. The report will be clearly labelled 'FINAL AND CONFIDENTIAL'.

3. Consideration of Investigating Officer's final report

3.1 The Monitoring Officer will review the Investigating Officer's final report and any comments submitted by the Parties, in consultation with the Independent Person.

3.2 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is no evidence of a failure to comply with the Code of Conduct; they will inform the Parties in writing that no further action is considered necessary. **There is no right of appeal against the Monitoring Officer's decision.**

3.3 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Code of Conduct, they will either:

- (a) seek informal resolution or
- (b) refer the matter for consideration by the Hearing Panel in accordance with the relevant procedure detailed in Annex 3 to these Arrangements.

ANNEX 3

Hearing Panel Procedure

1. Pre Hearing Procedure

- 1.1 In order to allow the hearing to proceed fairly and efficiently, the Monitoring Officer may in appropriate cases use a pre-hearing procedure to:-
- Identify which facts in the investigation report are agreed and which are in dispute.
 - Determine whether any fresh evidence not mentioned in the investigation report may be put before the hearing.
 - Determine whether documentary evidence which a party wishes to put before the hearing is admissible.
 - Establish whether the parties intend to attend; whether the parties intend to be represented in accordance with paragraph 2 below and, if so, by whom; and the number and identity of witnesses to be called.
 - Determine whether the whole or any part of the hearing should be held in private.
 - Determine whether the whole or any part of the investigation report or other relevant documents should be withheld from the public.
- 1.2 The Monitoring Officer will notify the parties of the date, time and place for the hearing.

2. Rules of procedure

- 2.1 The Hearing Panel consists of three voting elected Members drawn from the Standards and Audit Committee, one of whom shall be elected as Chairman.
- 2.2 The quorum for a meeting of the Hearing Panel is three elected Members of the Standards and Audit Committee.
- 2.3 The Independent Person's views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing but in the event that this is not possible, may instead submit their views on the complaint to the Hearing Panel in writing.
- 2.4 The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Hearing Panel. The hearing will be held in private no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Member.
- 2.5 All matters/issues before the Hearing Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.
- 2.6 Where the Member fails to attend the Hearing Panel and where the Hearing Panel is not satisfied with their explanation for their absence from the hearing, the Hearing Panel may in the first instance, have regard to any written representations submitted by the Member and may resolve to proceed with the hearing in the Member's absence and make a determination or, if satisfied with the Member's reasons for not attending the hearing, adjourn the hearing to another date. The Hearing Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously.

3. Right to be accompanied by a representative

3.1 The Member may choose to be accompanied and/or represented at the Hearing Panel by a fellow councillor, friend, colleague or representative.

4. The conduct of the hearing

4.1 Subject to paragraph 4.2 below, the order of business will be as follows:

- (a) elect a Chairman;
- (b) apologies for absence;
- (c) declarations of interests;
- (d) in the absence of the Member, consideration as to whether to adjourn or to proceed with the hearing (refer to paragraph 2.6 above);
- (e) introduction by the Chairman, of members of the Hearing Panel, the Independent Person, Monitoring Officer, Investigating Officer, complainant and the Member and their representative;
- (f) to determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.

4.2 The Chairman may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

4.3 The Hearing Panel may adjourn the hearing at any time.

4.4 Presentation of the complaint

- (a) The Monitoring Officer or Chairman may each make an introductory statement outlining the nature of the complaint and the purpose of the hearing, and the procedure to be followed.
- (b) The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points will be permitted;
- (c) The Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer;
- (d) The Hearing Panel may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer.

4.5 Presentation of the Member's case

- (a) The Member or their representative presents their case and calls their witnesses;
- (b) The Investigating Officer may question the Member and any witnesses called by the Member;
- (c) The Hearing Panel may question the Member and any witnesses called by the Member.

4.6 Summing up

- (a) The Investigating Officer sums up the complaint;
- (b) The Member or their representative sums up their case.

Views/Submissions of the Independent Person

4.7 The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Hearing Panel, there has been a breach of the Code of Conduct.

4.8 **Deliberations of the Hearing Panel**

Deliberation in private

- (a) The Hearing Panel will adjourn the hearing and deliberate in private (assisted on matters of law by the Monitoring Officer) to consider whether or not, on the facts found, the Member has failed to comply with the Code of Conduct.
- (b) The Hearing Panel may at any time come out of private session and reconvene the hearing, in order to seek additional evidence from the Investigating Officer, the Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and by whom.

Announcing decision on facts found

- 4.9 (a) The Hearing Panel will reconvene the hearing and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct.
- (b) Where the Hearing Panel considers that there has been a breach of the Code of Conduct, the Chairman will invite the Independent Person to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.
- (c) When deciding whether to apply one or more sanctions, the Hearing Panel will ensure that the application of any sanction is reasonable and proportionate to the Member's behaviour. The Hearing Panel will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:
 - (i) What was the Member's intention and did they know that they were failing to follow the Council's Code of Conduct?
 - (ii) Did the Member receive advice from officers before the incident and was that advice acted on in good faith?
 - (iii) Has there been a breach of trust?
 - (iv) Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
 - (v) What was the result/impact of failing to follow the Council's Code of Conduct?
 - (vi) How serious was the incident?
 - (vii) Does the Member accept that they were at fault?
 - (viii) Did the Member apologise to the relevant persons?
 - (ix) Has the Member previously been reprimanded or warned for similar misconduct?
 - (x) Has the Member previously breached of the Council's Code of Conduct?
 - (xi) Is there likely to be a repetition of the incident?
- (d) Having heard the representations of the Independent Person, and the Member on the application of sanctions, the Hearing Panel will adjourn and deliberate in private.
- (e) If evidence presented to the Hearing Panel highlights other potential breaches of the Council's Code of Conduct, then the Chairman will outline the Hearing Panel's concerns and recommend that the matter be referred to the Monitoring Officer as a new complaint.

Final Decision

- 4.10 (a) Where the complaint has a number of aspects, the Hearing Panel may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.
- (b) The Hearing Panel will make its decision on the balance of probabilities, based on the evidence before it during the hearing.
- (c) Having taken into account the Independent Person and the Member's representations on the application of sanctions, the Hearing Panel will reconvene and the Chairman will announce:
- (i) the Panel's decision as to whether or not the Member has failed to comply with the Code of Conduct, and the principal reasons for the decision;
 - (ii) the sanctions (if any) to be applied;
 - (iii) the recommendations (if any) to be made to the Council or Monitoring Officer;
 - (iv) that there is no right of appeal against the Panel's decision and/or recommendations.

5. Range of possible sanctions

- 5.1 Where the Hearing Panel determines that the Member has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied/recommended:
- (a) Recommending to the Council that the Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
 - (b) Recommending to the Member's Group Leader, or in the case of a ungrouped Member, to the Council that they be removed from committees or sub-committees of the Council;
 - (c) Instructing the Monitoring Officer to arrange training for the Member;
 - (d) Recommending to the Council that the Member be removed from one or more outside appointments to which they have been appointed or nominated by the Council;
 - (e) Recommending to the Council that it withdraws facilities provided to the Member by the Council, such as a computer, website and/or email and internet access;
 - (f) Recommending to the Council the exclusion of the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council committee and sub-committee meetings;
 - (g) Reporting the Panel's findings to the Council for information;
 - (h) Instructing the Monitoring Officer to apply the informal resolution process;
 - (i) Sending a formal letter to the Member;
 - (j) Recommending to the Council to issue a press release or other form of publicity;
 - (k) Publishing its findings in respect of the Member's conduct in such manner as the Panel considers appropriate.

5.2 The Hearing Panel has no power to suspend or disqualify the Member or to withdraw basic or special responsibility allowances.

- 5.3 The Hearing Panel may specify that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

6. Publication and notification of the Hearing Panel's decision and recommendations

- 6.1 Within 20 working days of the Hearing Panel's announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Member and a summary of the Hearing Panel's decision and recommendations and reasons for the decision

and recommendations on the Council's website.

- 6.2 Within 20 working days of the announcement of the Hearing Panel's decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, in the format of the Decision Notice template below to:
- (a) the Member;
 - (b) the Complainant;
 - (c) Surrey County Council's Monitoring Officer (*applicable only where the Member is serving at both District and County level*);
- 6.3 The Hearing Panel may decide to withhold the Member's identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Member or any other person (e.g. a witness):
- (a) is either vulnerable or at risk of threat, harm or reprisal;
 - (b) may suffer intimidation or be victimised or harassed;
 - (c) suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this);
 - (d) it would not be in the public interest to do so.
- 6.4 In making this decision the Hearing Panel will have regard to the following factors in making such a decision:
- (a) to facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others;
 - (b) to raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;
 - (c) justice to an individual: the balance of the public interest may favour disclosure of the complaint;
 - (d) bringing out in the open serious concerns about the behaviour/conduct of an individual.
- 6.5 The Monitoring Officer will report the Hearing Panel's decision and recommendations to a meeting of the Standards and Audit Committee for information.

TEMPLATE – DECISION NOTICE (of Hearing Panel)

Complaint No: xxxx

On [insert date], the Hearing Panel of Runnymede Borough Council considered a report of an investigation into the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Findings

After considering the submissions of the parties to the hearing and the views of the Independent Person, the Hearing Panel reached the following decision(s):
[Summarise the finding of facts and the Hearing Panel's decision against each finding of fact in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel, but substitute the Investigating Officer for the Hearing Panel. Please note that the Hearing Panel's findings may differ from that of the Investigating Officer]

The Hearing Panel also made the following recommendation(s) [Detail recommendations]

Sanctions applied

The breach of the [insert authority name] Code of Conduct warrants a [detail sanctions applied].

Appeal

There is no right of appeal against the Hearing Panel's decision. The Ombudsman can investigate complaints from locally elected councillors where they allege they have suffered a personal injustice because of actions taken by a body in the Ombudsman's jurisdiction.

Notification of decision

This decision notice is sent to the:

- Councillor [name of councillor]
- Complainant
- Monitoring Officer
- Surrey County Council's Monitoring Officer *[applicable only where the Councillor is serving at both District and County level]*

Additional help

If you need additional support in relation to this decision notice or future contact with the Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

Signed:

Date

Print name:

Chairman of the Hearing Panel
Runnymede Borough Council
Civic Centre
Station Road
Addlestone
Surrey
KT15 2AH

