

July 2009

## **PART 4**

# **RULES OF PROCEDURE**

July 2009

**JULY 2009**

**STEVENAGE BOROUGH COUNCIL  
GENERAL STANDING ORDERS**

## STEVENAGE BOROUGH COUNCIL

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## DEFINITIONS

These definitions are necessary to make sense of Standing Orders:

'1972 Act'	means the Local Government Act 1972.
'1989 Act'	means the Local Government and Housing Act 1989.
'2000 Act'	means the Local Government Act 2000.
'Chair'	means the elected Chair or in his/her absence the Vice-Chair of a Committee. The term includes a Member elected to preside in the absence of the Chair or Vice Chair.
'Clear Working Days'	excludes: <ul style="list-style-type: none"><li>• Saturday</li><li>• Sunday</li><li>• Bank and Public Holidays</li><li>• Where relevant, the day of despatch of an agenda, summons or notice</li><li>• Where relevant, the day of the meeting.</li></ul>
'Committee'	means any Committee, Sub-Committee, Panel, Working Party or Board, <b>formally established</b> , whether or not it includes co-opted Members, unless otherwise indicated.
'Confidential Information'	has the meaning given to it in section 100A(3) of the 1972 Act. That definition covers information provided to the Council by a Government department on terms which prohibit its disclosure and information which the Council is prohibited from disclosing by statute or by court order.
'Executive' (The)	the body appointed by Council to undertake Executive functions, as detailed in the Local Government Act 2000.
'Executive Member'	a Member serving on the Council appointed Executive.
'Exempt Information'	has the meaning given to it by section 100 of the 1972 Act. It includes a large number of different categories of information which the Council is not required to disclose/publicise. Usually this is for the protection of a Member of the public, to preserve the Council's negotiating position or to

	protect its ability to carry out its functions properly.
'Key Decision'	an Executive decision as defined in Article 13 of the Constitution.
'Member'	means an elected Member of the Council or of a Committee as appropriate. It includes the co-opted Members of Committees.
'Notice in Writing'	includes notice sent by post, fax or email.
'Ordinary Meeting'	means a meeting of the Council, Executive or Committee, as the case may be which is included in the calendar of meetings approved by the Council except the Annual Meeting of the Council.
'Political Group'	means political groups as defined in the Local Government (Committees and Political Groups) Regulations 1990. Essentially it covers any group of two or more Members who have notified the Chief Executive in writing that they wish to be treated as a political group.
'Senior Officer'	means an officer employed by the Council on Senior Officer salary scale or above.
'Standing Order'	means these Standing Orders and any reference to a particular numbered Standing Order will be construed accordingly.
'Urgent matter'	means a matter which is to be considered at a meeting of the Council, the Executive, a Committee or a Sub-Committee by virtue of section 100B(4) of the 1972 Act. That section provides that matters not appearing on the agenda published five clear working days before the meeting can be considered at the meeting, if by reason of special circumstances. That must be recorded in the Minutes, the Chair is of the opinion that the item should be considered at the meeting as a matter of urgency. For the purposes of good administration this also relates to reports concerning 'exempt information'.  (Additionally these Standing Orders and other rules of procedure detailed in this section of the Constitution provide for urgent matters to be

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dealt with outside the formal Council, Executive or Committee setting)

'Year'

means a municipal year running from one Annual Meeting of the Council until the next, unless a calendar year or a year commencing on any other date is specified.



## STEVENAGE BOROUGH COUNCIL

### STANDING ORDERS

#### 1. **COMPLIANCE WITH STANDING ORDERS**

Every meeting of a body formally established by the Council and both Members and officers shall comply with these Standing Orders and the Council's Constitution.

Copies of the Council's Constitution, including these Standing Orders, shall be made available to every elected Member upon their signing the 'declaration of acceptance of office' and to co-opted Members upon their appointment.

These Standing Orders should be read in conjunction with the remainder of the Council's Constitution.

### PART 1 – COUNCIL MEETINGS

#### 2. **Meetings**

The Annual Meeting of the Council and all ordinary meetings of the Council shall be held at the Council Offices. Subject to any legislative requirements, the meetings shall be held on dates and times in accordance with a programme of meetings approved annually. The Annual Council meeting must be held between 8 and 21 days after the retirement of Councillors in an election year, and in March to May in other years.

The Chief Executive (in consultation with the Mayor) may alter the date, time or place fixed for the holding of a meeting where he/she considers that a material change in circumstances makes it necessary.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- a. The Council by resolution.;
- b. The Mayor;
- c. The Monitoring Officer; and
- d. Any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or

has failed to call a meeting within seven days of the presentation of the requisition.

Meetings summonsed under these provisions will be called extraordinary meetings. Such extraordinary meetings shall be held at 7.00pm or fifteen minutes after the end of any other meeting taking place that evening, or at such other reasonable time as the Mayor or five Members concerned may determine.

The Chief Executive will give notice to Members and the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence.

The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **3. Chairing Meetings**

Any power or duty which the Mayor has for conducting a Council meeting can be exercised by the Deputy Mayor or any other Member elected to chair a meeting in their absence.

### **4. Leadership of the Council/Leadership of political groups and Opposition**

Two Members of the Council will be elected from time to time by the Council as Leader and Deputy Leader of the Council.

The political groups may each choose two Members as Leader and Deputy Leader of their group, and the largest group in Opposition may choose two Members as Leader and Deputy Leader of the Opposition. All the names when so appointed shall be notified to the Chief Executive for report to the Council.

### **5. \*Quorum**

No business can be dealt with unless there is a quorum of 10 Members present (one quarter of the Membership).

If there is no quorum within 10 minutes of the time at which the meeting was due to start, the meeting must be immediately adjourned; no business having been conducted in the meantime.

If, during the course of a meeting, the numbers in attendance fall below 10 Members the Mayor shall call a halt to business, and if a quorum is not formed with 10 minutes, the meeting will be adjourned.

In either instance the business will be postponed until:

- a. A time fixed by the Mayor at the adjournment.
- b. A time fixed by the Mayor during the following day, or as soon as possible thereafter; or
- c. If no such time and date are fixed by the Mayor, either at the time of the adjournment or subsequently, to the next ordinary meeting.

Any of the courses followed must allow five clear days notice to Members.

\*Schedule 12, Local Government Act, 1972

## **6. Council Meetings**

### **a. Annual Meeting of the Council**

The order of business at the annual meeting will normally be as follows:

- (i) Apologies for absence **and Declarations of Interest;**
- (ii) Approval of Minutes;
- (iii) To elect a Member as Mayor for the ensuing year;
- (iv) To elect a Member as Deputy Mayor for the ensuing year;
- (v) To nominate a Mayor Designate for the ensuing year;
- (vi) To elect the Leader/Deputy Leader of the Council;
- (vii) To note the appointment of the Leader and Deputy Leader of the Opposition and Leaders/Deputy Leaders of the minority groups;
- (viii) To agree the number of Members to be appointed to the Executive and appoint such Members;
- (ix) To appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees/panels as the Council considers appropriate to deal with matters which are neither reserved to the Council for decision nor are Executive functions;
- (x) To consider any other business set out in the notice convening the meeting.

**b. Ordinary Meetings of the Council**

The order of business at ordinary meetings will be:

- (i) To **elect** a Chair if both the Mayor and the Deputy Mayor are absent;
- (ii) To receive any apologies for absence **and Declarations of Interest;**
- (iii) To deal with any business required by law to be dealt with first;
- (iv) To agree the Minutes of the last meeting and sign them;
- (v) To deal with any other business required by law;
- (vi) To receive any communications received by the Mayor which he/she wishes to draw to Council's attention;
- (vii) To deal with any business remaining from the last meeting;
- (viii) **To deal with the main debate or Council Tax setting debate, as appropriate (Standing Orders 9 and 10);**
- (ix) To receive any petitions/deputations (Standing Order 11);
- (x) To deal with any questions from the public (Standing Order 12);
- (xi) To receive the Leader's updates (Standing Order 13).
- (xii) To deal with motions submitted with notice (Standing Order 14).
- (xiii) To deal with questions to Committee Chairs or Executive Members from Members (Standing Order 15);
- (xiv) To deal with reports from the Executive, the Council's Committees, and other Committees as may be appropriate;
- (xv) To deal with reports from officers;
- (xvi) To deal with any other business specified in the summons.

**c. Alterations to order of business**

The order of business under items (v) and (xvi) can be changed by the Mayor or by a motion passed without discussion. **This motion need not be in writing and advanced notice is not required.**

**7. Motions and Amendments which can be moved without Notice**

The following motions and amendments can be moved without notice:

- a. Nominating a Chair of the meeting;
- b. About the accuracy of the Minutes;
- c. Referring an issue to an appropriate body or individual;
- d. Changing the order of business under Standing Order 6c;
- e. Appointing a Committee or Member arising from an item on the summons for the meeting;
- f. That an item of business **that does not appear on the agenda** is referred to the next ordinary meeting;
- g. **That a deputation or petition of the Executive is received;**
- h. **Accepting recommendations a Committee or officers;**
- i. Motions and amendments arising out of recommendations of the Executive, a Committee or officers;
- j. Motions and amendments arising out of the Main Debate at Council;
- k. **Motions arising from the presentation of a Petition or Deputation, or a question of which notification has been given under Standing Orders 12 or 15 or the Leader's Update;**
- l. Amendments to motions;
- m. That an item of business is withdrawn;
- n. **Closure Motions under Standing Order 17f;**
- o. To give the consent of the Council where its consent is required by this Constitution;
- p. Excluding the public and press under section 100(A) of the Local Government Act 1972;
- q. **To suspend a particular Standing Order;**
- r. That a Member named under Standing Order 18 is not heard or must leave;
- s. Recording the Council's appreciation, best wishes or condolence;

- t. About the constitution of Committees;
- u. That a matter raised by a deputation or petition or arising out of a question from the public or a Member is referred to the appropriate Committee or other authority;
- v. Seeking clarification as to the Mayor's ruling on a matter relating to the Conduct of Council Meetings and the application of any particular Standing Order relating thereto as provided for under Standing Order 33;
- w. That a motion moved under Standing Order 14 be dealt with at the meeting at which it is proposed.

## 8. Minutes

- a. The Minutes of proceedings of each Council meeting will be drawn up and printed and a copy made available to each Member before the next ordinary meeting of the Council at which they are submitted for approval.
- b. No discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Mayor shall sign the Minutes.
- \*c. Where in relation to any meeting of the authority the next such meeting is a meeting called under Paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purpose of paragraph 41(1) and (2) (Signing of Minutes) of that Schedule.

\*Mandatory Standing Order; Local Authorities (Standing Orders) Regulations, 1993

## 9. Main Debate

At any ordinary meeting of the Council there may be a main debate, concentrating on a matter of interest to the community.

- a. The Chief Executive will consult with the Leader of the Council no later than four weeks prior to the Council meeting to agree the theme of the main debate for that meeting.
- b. The Council may receive a presentation, relevant to the subject matter of the debate, from a Councillor, officer and or other invited person(s). If the presentation is from a Councillor or officer it should last no longer than 10 minutes. If another person or persons are

making the presentation it should last no longer than 20 minutes. Collectively no presentations for a Main Debate should last longer than 30 minutes.

- c. The Mayor will call upon the appropriate Councillor to move the motion for debate.
- d. The mover and seconder of the motion, the Leader of the Council and the Leader of the Opposition shall be allowed to speak for up to six minutes. All other speakers are allowed up to three minutes. No-one other than the mover of the motion may speak more than once. The mover of the motion may only speak again as a right of reply.
- e. At the Mayor's discretion members of the public may ask questions or make statements in relation to the subject matter of the main debate. No member of the public may speak more than once and no speech shall last longer than three minutes.
- f. If the debate, excluding the presentation, is continuing after 40 minutes, the Mayor shall call for a conclusion of the debate. The Member speaking shall be permitted to finish her/his speech. The mover of the motion may have their right of reply and a vote taken without further discussion.

## 10. Council Tax Setting Debate

At the ordinary meeting of the Council where the Council Tax is to be set, this shall be the subject of the Main Debate.

- a. The Council may receive a presentation, relevant to the subject matter of the debate, from a Councillor, officer and/or other invited person(s). If the presentation is from a Councillor or officer it should last no longer than 10 minutes. If another person or persons are making the presentation it should last no longer than 20 minutes. Collectively no presentations for a Main Debate should last longer than 30 minutes.
- b. The Mayor will call upon the Leader of the Council (or her/his nominee) to move the formal motion setting the Council Tax and setting the budget in a speech that is not time-limited.
- c. The seconder of the motion, the Leader of the Opposition and the Leaders of any minority opposition groups shall be allowed to speak for up to 6 minutes. All other speakers are allowed up to three minutes. No-one other than the mover of the motion may speak more than once. The mover of the motion may only speak again as a right of reply (6 minutes).
- d. At the Mayor's discretion members of the public may ask questions or make statements in relation to the subject matter of the main

debate. No Member of the public may speak more than once and no speech shall last longer than three minutes.

## 11. Petitions and Deputations

### a. Petitions

- (i) At any ordinary meeting of the Council any Member of the public may ask to present a petition, signed by persons other than Members of the Council, which is relevant to some matter in relation to which the Council has functions, or which affects Stevenage, or part of it or people who live or work in Stevenage.
- (ii) A person wishing to present a petition shall give notice of her/his intention to do so to the Constitutional Services Manager by midday on Friday of the working week prior to the despatch of the agenda for the Council meeting at which she/he wishes to present it.
- (iii) The Chief Executive will decide which petitions will be presented to Council, following consultation with the Leader and Chair of the relevant Committee or relevant Executive Member. Details of each petition will be included on the agenda for Council. The agenda will also indicate which petitions will not be received, and the reason shall be briefly stated in each case.
- (iv) The person presenting the petition may be allowed to speak for up to three minutes, reading out or summarising the text of the petition, indicating the number of signatories and providing any other relevant commentary provided that it does not constitute a personal attack upon any person. The presenter of the petition will have no further right to speak.
- (v) After the petition has been presented, the relevant Executive Member, or Chair of the appropriate Committee or other nominated Member shall have the right to respond. The response shall be limited to no more than three minutes.
- (vi) Subject to (vii) below, at the Mayor's discretion Members of the Council and/or Members of the public may ask questions or make statements in relation to the subject matter of the petition. No Member of the public may speak more than once and no speech shall last longer than three minutes.
- (vii) In the event of a Councillor moving a motion in relation to the subject matter of the petition the normal rules of debate will apply (Standing Order 18).



- (viii) **Unless dealt with by way of a motion,** the petition will thereafter be referred by the Chair to the appropriate Committee, relevant Executive Member or to the relevant Strategic Director if the matter can be dealt with under delegated powers. The Committee, Executive Member or Strategic Director, as appropriate, shall provide a written reply with details of any action proposed, to be sent to the lead petitioner.
- (ix) No petition shall appear before Council within six months after a deputation or petition has appeared before it with the same or like objective.

b. **Deputations**

- (i) **At any ordinary meeting of the Council any Member of the public may ask that a deputation be received addressing a matter for which the Authority has a duty, or which affects Stevenage, or part of it, or people who live or work in Stevenage.**
- (ii) A request shall be made in writing to the Constitutional Services Manager, by midday on Friday of the working week prior to the despatch of the agenda for the Council meeting to which it relates, setting out the subject matter of the deputation and the reason why the deputation should be received.
- (iii) **A deputation shall comprise no more than six persons and one spokesperson.**
- (iv) The Chief Executive shall decide which deputations will be presented to the Council following consultation with the Leader, Chair of the relevant Committee or relevant Executive Member. The title and subject matter of each deputation will be included on the agenda for Council. The agenda will also indicate which deputations will not be received, and the reason shall be briefly stated in each case.
- (v) On being called by the person presiding, the spokesperson for the deputation may speak for up to three minutes addressing the subject matter of which notice has been given, provided that the remarks do not constitute a personal attack upon any person. The spokesperson will have no further right to speak.
- (vi) After the deputation has been heard, the Leader, Chair of the appropriate Committee, relevant Executive Member or other nominated Member shall have the right to respond. The response shall be limited to no more than three minutes.
- (vii) **Subject to (viii) below,** at the Mayor's discretion Members of

the Council and/or members of the public may ask questions or make statements in relation to the subject matter of the deputation. No Member of the public may speak more than once and no speech shall last longer than three minutes.

- (viii) In the event of a Councillor moving a motion in relation to the subject matter of the deputation, the normal rules of debate will apply (Standing Order 18).
- (ix) Unless dealt with by way of a motion, the substance of the deputation will thereafter be referred to the Chair of the appropriate Committee, relevant Executive Member or to the relevant Strategic Director, if the matter can be dealt with under delegated powers. The Committee, Executive Member or Strategic Director shall provide a written reply, with details of any action proposed, to be sent to the spokesperson of the deputation.
- (x) No deputation shall appear before the Council within six months after a deputation or petition has appeared before it with the same or like objective.

## 12. Questions from the Public

- a. At any ordinary meeting of the Council a Member of the public may ask one question which is relevant to some matter in relation to which the Authority has functions, or which affects Stevenage or part of it, or people living or working in the Town. Questions will not be considered if the name and address of the questioner is not provided or if the question relates to a matter concerning service delivery to an individual person or household.
- b. Questions must be submitted to the Constitutional Services Manager in writing by midday on Friday of the working week prior to the despatch of the agenda for the Council meeting to which it relates.
- c. The Chief Executive will decide which questions are to be asked at Council, following consultation with the Leader and Chair of the relevant Committee or relevant Executive Member. The Constitutional Services Manager will notify the individuals whether or not their question has been selected. The questions will be included on the agenda for Council. The agenda will also indicate which questions, of which notice has been given, will not be asked and the reason shall be briefly stated in each case.
- d. A maximum of six questions will be allowed at each meeting. Questions contained on the order papers should not be read out by the questioner. However, questioners may be invited by the Mayor to add a brief statement, of no more than two minutes duration, before their question is considered. This must not take the form of additional

questions.

- e. Answers will be given by the Leader, the relevant Committee Chair or Executive Member as appropriate or by a Member nominated if that Member agrees. An answer may be:
  - (i) An oral answer lasting no more than three minutes; or
  - (ii) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (iii) in writing (and circulated at the meeting); or
  - (iv) a combination of the above.
- f. With the Mayor's permission the questioner may ask a supplementary question relevant to the original question (or its answer). The questioner's supplementary question must not last longer than two minutes, and the answer to it, no longer than three minutes.
- g. Subject to (h) below, at the Mayor's discretion Members of the public, or Members of the Council, may ask questions or make statements in relation to the subject matter contained in a written question. No Member of the public, other than a questioner, may speak more than once and no speech shall last longer than three minutes. The relevant Member's response shall last no longer than three minutes.
- h. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 17).

### **13. Leader's Updates**

At all ordinary meetings of the Council:

- a. The Leader of the Opposition shall have the right to raise one item relevant to the Borough that has arisen since the last meeting. He/she shall have the right to speak on the one topic for no more than six minutes;
- b. The Leader of the Council may respond or nominate another Member to respond on her/his behalf. At the Mayor's discretion Members of the Council, may ask questions or make statements in relation to the subject matter;
- c. The Leader of the Council may speak to the Council about matters relevant to the Borough which have arisen since the last ordinary meeting;

- d. The Leader of the Council will briefly introduce each topic on which the Council is to be advised, and where he/she considers it appropriate, will nominate another Member to speak on the topic;
- e. At the Mayor's discretion Members of the Council may ask questions or make statements in relation to the individual matters raised, with the Leader having the right to respond on each topic. In any event the Leader of the Opposition shall have the right to speak on each topic;
- f. Subject to (g) below no Member other than the Leader of the Council and the Leader of the Opposition shall speak for longer than two minutes on any one subject;
- g. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 17).

**14. Motions subject to notice**

- a. Motions under Standing Order 8 can be moved without notice. Written notice of any other motion must be signed by the Member or Members giving the notice. Notice must be delivered to the Constitutional Services Manager not later than midday on the Friday of the working week prior to the despatch of the agenda for the Council meeting. **Every motion must be about something for which the Council has a responsibility or which affects the Borough.**
- b. If it appears to the Constitutional Services Manager that a motion of which he/she has received notice is not in order, or is framed in improper or unbecoming language, he/she shall take the direction of the Mayor as to whether and in what form it shall be placed on the agenda, and the decision of the Mayor, after consultation with the giver of the notice, shall be final.
- c. No Member shall place more than two new Notices of Motion on the agenda.
- d. All motions for which notice has been given will be printed on the Council agenda in the order received unless a Member giving notice stated, in writing, that he/she proposed to move it at a later meeting or has since written to withdraw it.
- e. **Any Member may, without notice, move a procedural motion to the effect that the motion detailed in the agenda is to be debated at the Council meeting. Where such a procedural motion has been moved and seconded,** that motion will be put to the Council without debate and with the support of a simple majority of those present determine that a motion, detailed in the agenda, be dealt with at the meeting at which it is proposed.

- f. With no such procedural motion being carried, once the motion detailed in the agenda is moved and seconded, there shall be no debate and the Motion shall stand referred to the Executive or such Committee as appropriate for consideration and decision.
- g. In the event of a motion detailed in the agenda being debated at the Council meeting (i.e. the relevant procedural motion has been carried) the normal rules of debate apply subject to the Chair of the appropriate Committee or relevant Executive Member (or her/his nominee) having the right of reply at the close of any debate, immediately before the mover of the motion.
- h. Any motion submitted under this Standing Order that seeks to change the agreed Budget and Policy Framework of the Council may be approved in principle only and will stand referred to the Executive (and subsequently considered by the Scrutiny Overview Committee) who, after considering an officer report thereon, will submit a recommendation to the next Council meeting.
- i. Where a motion is referred to the Executive or a Committee, the Member moving it shall, if he/she is not a Member of that body, be entitled to attend the meeting to explain her/his motion.

**15. Questions to Committee Chairs or Executive Members**

- a. At ordinary meetings of the Council a Member may submit one written question of a Committee Chair or Executive Member about something for which the Committee or Executive Member has a responsibility or which affects the Borough. Questions cannot be asked about subjects covered by Executive, Committee or officer recommendations appearing on the same agenda.
- b. The question must be put in writing and given to the Constitutional Services Manager by midday on Friday of the working week prior to the despatch of the Agenda for the Council meeting. The questions will be included on the agenda for Council. The answer to it must not last longer than three minutes.
- c. With the Mayor's permission, the questioner may ask one supplementary question, related to the original (or its answer). A Member's supplementary question must not last longer than two minutes, and the answer to it not longer than three minutes.
- d. A Member who has been asked a question can decline to answer, or may name an appropriate person to answer for her/him.
- e. An answer may be:
  - (i) An oral answer;

- (ii) Where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (iii) A written answer (circulated at the meeting); or
  - (iv) A combination of the above.
- f. Normally every question must be asked and answered without discussion but, at the Mayor's discretion, there can be a discussion on the issue in question. Other than the questioner and the person answering the question, no-one shall speak more than once and then for up to two minutes only.
- g. In the event of a Councillor moving a motion in relation to the subject matter of the question, the normal rules of debate will apply (Standing Order 17).

## **16. Matters referred from the Executive or a Committee**

The procedure for dealing with matters referred from the Executive or a Committee at Council meetings is set out below:

- a. The relevant Chair or Executive Member (or her/his nominee) will move formally that the recommendation from the Committee or Executive be reaffirmed if that is appropriate;
- b. The motion is to be seconded;
- c. The normal rules of debate at Council meetings will then apply. Motions and amendments may be moved in accordance with Standing Order 17.

## **17. Rules of Debate**

For the avoidance of doubt the rules in this Standing Order apply to all motions and amendments unless otherwise stated.

A motion or amendment cannot be discussed until it has been formally moved and seconded.

Any motion or amendment to change the budget and policy framework, and upon which no officer report has been submitted to Council, may only be carried 'in principle' unless the Chief Finance Officer confirms that he/she is content that any expenditure arising from the proposal can be contained within the Council's balances. Otherwise the matter will stand referred to the Executive (and subsequently considered by the Scrutiny Overview Committee) who, after considering an officer report thereon, will submit a recommendation to the next Council meeting.

a. **Motions**

- (i) A Member can alter a motion of which he/she has given notice, if her/his seconder and the Council agree.
- (ii) A Member can, without discussion, withdraw a motion with the permission of her/his seconder and of the Mayor. Unless this permission is refused, a Member cannot speak on the motion after the mover has asked permission to withdraw it.
- (iii) Only one motion can be moved and discussed at a time apart from those referred to in Standing Order 17(e) below. No other motion can be moved until the motion under discussion has been dealt with.
- (iv) A seconder of a motion may formally do so and then reserve her/his right to speak until later in the debate if they so wish.
- (v) The Mayor can allow two or more motions to be discussed together, if he/she feels this will help business to be dealt with more efficiently. Every motion must be voted on separately.

b. **Amendments**

- (i) An amendment must be relevant to the motion and must either:
  - Refer the subject under discussion to the Executive or a Committee, as appropriate, for consideration or reconsideration; or
  - Add words or leave out words (or a combination of the two)

Omissions or additions must not have the effect of nullifying the motion before the Council.

- (ii) The Member seconding an amendment may formally do so and then reserve her/his right to speak until later in the debate if they so wish.
- (iii) A Member can, without discussion, withdraw an amendment with the permission of the seconder and of the Mayor. Unless this permission is refused, a Member cannot speak about the amendment after the mover has asked permission to withdraw it.
- (iv) Only one amendment can be moved and discussed at a time. No further amendment can be moved until the amendment under discussion has been dealt with.

However, the Mayor can allow two or more amendments to be

discussed together, if he/she feels this will help business to be dealt with more efficiently.

Every amendment must be voted on separately.

- (v) If an amendment is lost, other amendments can be moved on the original motion but must not be to the same effect as an amendment that has been lost. If an amendment is carried, the amended motion becomes the substantive motion and takes the place of the original. Amendments to the substantive motion may be moved but may not be to the effect of reverting to the original motion.

**c. Procedure**

- (i) A Member must stand when addressing the Mayor. If more than one Member stands, the Mayor will ask one to speak and the other(s) must sit. Other Members must remain seated whilst a Member is speaking unless they want to make a point of order or a personal explanation. Members must refer to one another in meetings by their correct title of 'Councillor'.
- (ii) A Member can only speak about the matter under discussion or on a point of order, or in personal explanation.
- (iii) Time Limits for speakers during debates, unless otherwise stated elsewhere in these Standing Orders are as follows:
- Mover of a motion – six minutes
  - Secunder of a motion – six minutes
  - Leader of the Council – six minutes
  - Leader of the Opposition – six minutes
  - All other speakers – three minutes
  - Right of reply – three minutes
- (iv) A Member can only speak once on a motion except in the case of:
- Speaking once on an amendment to the motion moved by another Member;
  - Moving a further amendment if the motion on which he/she last spoke has been amended;
  - If her/his first speech was on an amendment moved by another Member, he/she can then speak on the original issue, whether or not the amendment on which he/she first spoke was carried;
  - In exercise of a right of reply;
  - On a point of order; or
  - In personal explanation.



d. **Rights of Reply**

- (i) Subject to (ii) below, before a vote is taken on any motion or amendment, the mover of the motion shall have the right of reply before a vote is taken.
- (ii) The mover of any closure motions shall have no right of reply before the vote on such motions is taken. However in the event of a motion to proceed to the next business being moved and seconded, the mover of the motion under debate may have a right of reply before this closure motion is voted upon.

e. **Other Motions**

When a motion is under debate, no other motion can be moved except to:

- (i) Amend the motion.
- (ii) Move a closure motion.
- (iii) Move that a Member is not further heard.
- (iv) Exclude the public and press under Section 100(A)(4) of the Local Government Act 1972.
- (v) Move that a Member leave the meeting.
- (vi) Move that the matter be referred back to the Executive or a Committee.

These motions can only be moved by Members who have not spoken on the motion under debate.

f. **Closure Motions**

At the end of any speech, a Member who has not spoken on the motion can move:

- (i) That the Council proceed to the next business.

If this motion is seconded, unless the Mayor thinks that the matter merits more discussion, he/she will give the mover of the substantive motion a right of reply. The motion to proceed to the next business will then be voted on.

- (ii) That the question is now put.

If this motion is seconded, the Mayor will first put to the vote the

motion that the question be now put. If it is carried:

- The mover of any amendment under discussion at that time has a right of reply
- The amendment is voted on
- The mover of the substantive motion has the right of reply, and
- The original motion or substantive motion, as appropriate, is voted on.

**(iii) That the debate be adjourned.**

If this motion is seconded, the Mayor will put the motion to the vote. The mover of the substantive motion has no right of reply. The matter under debate will stand adjourned until the next ordinary or extraordinary meeting, as appropriate.

**(iv) That the meeting be adjourned.**

If this motion is seconded, the Mayor will put the motion to the vote. The mover of the substantive motion has no right of reply. The matter under debate will stand adjourned until the next ordinary or extraordinary meeting, as appropriate.

**g. Point of Order**

A Member may raise a point of order at any time. The Mayor will hear the Member immediately. A point of order may only relate to an alleged breach of these Standing Orders or an Act of Parliament. The Member must specify the way in which he/she considers it has been broken. The ruling of the Mayor on the matter may only be challenged in accordance with Standing Order 33.

**h. Point of Personal Explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on a point of personal explanation may only be challenged in accordance with Standing Order 33.

**18. Conduct**

- a. When the Mayor stands during a debate any Member speaking at the time must stop talking and sit, and the Council must be silent.
- b. If any Member persistently disregards the ruling of the Mayor by behaving irregularly, improperly or offensively or intentionally obstructs Council business, the Mayor or any other Member can

move that the Member be not further heard. If the motion is seconded, it will be put to the vote without discussion.

- c. If the Member continues to misbehave after a motion under paragraph (b) above has been carried, the Mayor will either:
  - (i) Move that '(the Member) leave the meeting' and put the motion without seconding or discussion, or
  - (ii) Adjourn the meeting for as long as he/she thinks necessary.

## 19. Rescinding an Earlier Resolution

Unless as a result of a recommendation of the Executive or a Committee:

- a. A motion cannot be moved to rescind a Council decision made within the last six months;
- b. A motion or amendment in similar terms to one which has been rejected in the last six months cannot be moved.

## 20. Voting

- a. Voting shall be by a show of hands, unless at least ten Members present request a fully recorded vote. On receipt of such a request made before the item of business has been concluded, the individual votes of all Members seated in a seat reserved for Members shall be recorded in the following manner. **The Chief Executive will call the name of each Member in turn and it will be recorded if he/she say 'Yes', 'No' or 'Abstain'. These details shall be recorded in the minutes.**
- +b. Immediately after a vote is taken a Member may request that the Minutes shall record whether he/she voted for or against the motion or whether he/she abstained from voting.
- \*c. Decisions are to be made by simple majority voting.
- d. In the case of an equality of votes, the Mayor shall have a casting vote whether or not he or she has voted previously on the matter.
- e. Voting on appointments – where three or more persons are nominated for one position to be filled by the Council and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken on those remaining and so on until a majority of votes is given in favour of one person. **When voting, the names of each individual will be put to the Council in alphabetical order of the Members' family names.**

+ Mandatory Standing order, Local Authorities Standing Order Regulations 1993

\* Schedule 12, Local Government Act, 1972

**21. Inspection of Minutes**

Minutes of Council or Committee meetings must be available for inspection by any Member of the public at all reasonable times. Anyone may receive a copy at her/his own expense.

**22. Agenda and Reports**

Agenda and reports of any Council or Committee meeting, except those reports marked 'Part II – Confidential', must be available for inspection by Members of the public at all reasonable times. This should be at least five clear days before meetings take place and for a month after they have taken place. Anyone may receive a copy of these agenda and reports at her/his own expense.

A reasonable number of agenda and reports, apart from those marked "Part II – Confidential", must be supplied free of charge to Members of the public attending meetings.

**23. Attendance of the Press and Public at Meetings/Recording of Meetings**

The press and public will be admitted to all Council, Executive and Committee meetings subject to the Access to Information Rules in Part 4 of this Constitution, and to Standing Orders 23 and 30.

All matters considered by the Council and Committees during such time as they are not open to the public and press shall be regarded as confidential and not disclosed to any person until the Council has taken steps to make that business public.

Anyone who may attend a Council meeting may take written notes. No-one may make recordings of any other kind or take photographs at these meetings unless the Mayor has given written permission. If anyone does so, the Mayor can either require them to leave at once, and/or adjourn the meeting for as long as he/she thinks fit.

**24. Disclosure**

A Member shall not disclose to any person any papers, business or other information of the Council or Committee indicated to be confidential unless:

- a. The Council, Executive or the Committee has taken steps to make

that business public; or

- b. The relevant Chair expressly consents; or
- c. The law requires.

**25. Appointment of Committees**

At the Annual Meeting, the Council will appoint the Committees required by law or under Standing Order 39.

At any time it can appoint further Committees necessary to carry out the work of the Council. The term of office of each Committee runs until the next meeting of the Annual Council. However, no Member appointed to serve on a Committee may do so after their personal term of office as a Councillor is over.

Where the Council has established a Committee, Council can dissolve, change the name or its Membership at any time.

**26. Casual Appointments**

The Chief Executive, or in her/his absence the Constitutional Services Manager, will fill casual vacancies to Committees, but not the Executive, following the receipt of written instructions from a Group Leader (or in her/his absence, from a named alternative).

**27. Delegation of Powers and Duties**

Delegation of powers and duties are covered by Part 3 of these Standing Orders.

**28. Amendments to Standing Orders**

A motion to amend any or all of these Standing Orders, when proposed and seconded, must be adjourned without discussion to the next ordinary meeting where an accompanying officer report will be considered. This Standing Order does not apply to a general review of Standing Orders or the Constitution as a whole.

**29. Suspension of Standing Orders**

Any Standing Orders, except those marked \* or + which are mandatory, can be suspended for business at the meeting at which suspension is moved.

A motion to suspend Standing Orders cannot be moved without notice unless at least half the Members are present. To be carried the motion must have received the support of more than half of the Members

present.

**30. Disturbance by Members of the Public**

If a Member of the public interrupts the proceedings at any meeting, the Mayor will warn her/him. If he/she continues to interrupt, the Mayor will order her/his removal from the Council Chamber. If there is general disturbance in any part of the Council Chamber open to the public, the Mayor will order that part to be cleared or adjourn the meeting in accordance with Standing Order 31 below.

**31. Adjournment of Meeting**

The Mayor may, with the consent of the meeting, adjourn the meeting for such period as he/she considers expedient. A time for resumption, if the meeting is to continue that day, shall be stipulated at the time of adjournment.

**32. Adjournment of Debate**

Upon the passing of a motion to adjourn the debate, consideration of the matter under consideration shall stand adjourned to the next ordinary or extraordinary meeting of the Council.

**33. Interpretation of Standing Orders**

The Mayor's ruling on the conduct of Council meetings shall be accepted but all such rulings are subject to the right of a Member to challenge the Mayor's ruling as to the application of Standing Orders. Any Member choosing to exercise this right shall move a motion in accordance with Standing Orders 7(v) and 17, that the matter be decided by the Council.

**34. Record of Attendance**

Members attending a meeting must sign their names on the attendance sheet provided.

Their attendance will be recorded from these lists.

## **PART 2 - GENERAL**

### **35. Code of Conduct for Members**

#### **a. Disclosure of Personal and Prejudicial Interest at Meetings**

Members are required to declare Personal and Prejudicial Interests at meetings in accordance with the Code of Conduct as set out in Part 5 of this Constitution.

For the purposes of clarification, 'meeting' in this context means any meeting of:

- (i) The authority or any of its Committees, Sub-Committees, panels or Joint Committees etc.
- (ii) The Executive of the authority or its Committees, Sub-Committees, panels or Joint Committees.

#### **b. Council Tax**

Any Member who has failed to pay any sum defined by Section 106 of the Local Government Finance Act 1992 in respect of council tax for at least two months and is present at any meeting at which any matter specified in Section 106(2) is under consideration shall, at the meeting and as soon as practicable after it has started, disclose the fact that Section 106 applies to them and shall not vote on any question with respect to the matter. Failure to do so is an offence under subsection (3).

### **36. Register of Members' Interests**

Within 28 days of election or appointment to office, Members and co-opted Members entitled to vote must notify the financial and other interests specified in Part 3 of the Code of Conduct, or changes to those interests, in writing to the Monitoring Officer.

Members and co-opted Members entitled to vote must also within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

The Monitoring Officer must maintain a register of the financial and other interests specified in Part 3 of the Code of Conduct, which must be available for inspection by Members of the public at all reasonable hours.

### **37. Urgency Procedure Arrangements**

#### **a. Executive, Committees, Sub-Committees**

Where an urgent matter is to be considered by the Executive (or any body appointed by the Executive) and details have not been circulated five clear days prior to the meeting, the Chair must accept the matter as urgent and the reasons for doing so must be detailed in the Minutes. Such decisions must also be taken in accordance with the Access to Information Rules and Overview and Scrutiny Rules.

Where an urgent matter is to be considered by a Committee, Sub-Committee or Panel and details have not been circulated five clear days prior to the meeting, the Chair must accept the matter as urgent and the reasons for doing so must be detailed in the Minutes. Such decisions must also be taken in accordance with the Access to Information Rules.

#### **b. Key Decisions**

Where, because of the nature of the business, a key decision has to be taken urgently, it will be taken in accordance with the Access to Information Procedure Rules and the Overview and Scrutiny Procedure Rules, as appropriate, and the following:

- (i) If it is a matter for the Executive, and the decision cannot be left until the next scheduled meeting, it shall be taken by the Leader following advice from the Chief Executive or relevant Strategic Director, and **Monitoring Officer**. The Leader may consult the relevant Executive Member in this respect;
- (ii) If it is a matter delegated by the Executive to another Committee, and the decision cannot be left until the next scheduled meeting, it shall be taken by the Leader following advice from the relevant Strategic Director and Senior Officers. The Leader may consult the relevant Executive Member/Chair in this respect;
- (iii) Any other key decision which has to be taken urgently shall be taken by the person to whom it is delegated (which may be an officer – see scheme of delegation to officers at Part 3 of this Constitution) following advice **from the relevant Executive Member(s), Members of Strategic Management Board and Monitoring Officer**, and otherwise in accordance with the Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules as appropriate.

#### **c. Non-Key Executive Decisions**

**Where because of the nature of the business a decision (not being a**



key decision) has to be taken urgently and it cannot be left until the next scheduled meeting of the body delegated with the relevant power, it will be taken in accordance with the Access to Information rules and Overview and Scrutiny rules as appropriate and the following:

- (i) The decision will be taken by the relevant Executive Member(s) following advice from the relevant Member of Strategic Management Board, Monitoring Officer and Senior Officers;
- (ii) If it is a matter delegated by the Executive to another Committee (e.g. Neighbourhood Action Team) it shall be taken by the Leader and following advice from the relevant Strategic Director, Monitoring Officer and Senior Officers. The Leader may consult with the relevant Executive Member/Chair in this respect.

**d. Other Decisions**

If it is a matter which has been delegated to a Committee of the Council, it shall be taken by the relevant Strategic Director. The Strategic Director may consult the Chair of the relevant Committee in this respect.

If it is a decision reserved for the Council, but not reserved by law, it shall be taken by the Chief Executive. The Chief Executive may consult the Mayor in this respect.

**e. Urgent decisions outside the Budget and Policy Framework**

Where it is necessary to take a decision which falls outside the Budget and Policy Framework, and it is not practical to convene a quorate meeting of the Council, it will be dealt with in accordance with the provisions for urgent decisions under the Budget and Policy Framework Procedure Rules. If for any reason the body or person to whom the decision is normally delegated is unable to take it, then it shall be taken by the Leader of the Council, and otherwise in accordance with the Budget and Policy Framework Procedure Rules and Access to Information Rules.

**f. Reporting of Urgent Decisions taken**

Where an urgent decision is taken in accordance with the above procedures, it will be reported as soon as practicable to the body otherwise delegated with the relevant power and the Council where required.

**g. Non-Key Decisions**

Executive Members are empowered to take non-key executive decisions (including urgent non-key decisions) following advice from

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the relevant Strategic Director, Monitoring Officer and Senior Officers and in accordance with the Access to Information Rules and Overview and Scrutiny Rules.

## PART 3 – COMMITTEES – GENERAL

### 38. Application

Except where legislation provides otherwise or other specific provisions shown elsewhere in this Constitution, this section applies to the conduct of Council or Executive appointed Member-level bodies.

### 39. Meetings

- a. Meetings will be summoned by the Chief Executive who will send the agenda and any supporting papers to the Members at least five clear working days before the meeting. No business other than that specified in the agenda will be considered at the meeting, unless the Chair judges it to be an urgent matter, the reasons for which will be stated in the minutes. (Local Government Act 1972, Section 100B(4)). Where appropriate urgent business must be dealt with in accordance with the Access to Information Rules set out in Part 4 of the Council's Constitution.
- b. Failure to serve notice of a meeting on any Member of a Committee will not affect the validity of the meeting.
- c. The Chair of a Committee or a quarter of the Members of the Committee may in writing cause extraordinary meetings to be summoned by the Chief Executive who will send the agenda and any supporting papers to the Members at least five clear working days before the meeting. No business other than that specified in the agenda will be considered at the meeting, unless the Chair judges it to be an urgent matter, the reasons for which will be stated in the Minutes. (Local Government Act 1972, Section 100B(4)). Where appropriate urgent business must be dealt with in accordance with the Access to Information Rules set out in Part 4 of the Council's Constitution.
- d. The instruction to the Chief Executive in (c) must specify the business to be dealt with. No other business can be considered at the extraordinary meeting.
- e. Only extraordinary meetings can be held during the period between the fourth day after the ordinary day of election of Councillors and the date of the Annual Council Meeting.

Notwithstanding these provisions, all other procedure rules set out in this Constitution and provisions in the Articles set out in Part 2 also apply, as appropriate.

#### **40. Other provisions**

The following Standing Orders from Part 1 (Council Meetings) and Part II (General) shall apply to these bodies, allowing that 'Mayor' shall be substituted by 'Chair' or person presiding, as appropriate.

17 Rules of Debate except the following:

- c.(i) Speaker to Stand
- c.(iii) Length of Speech
- c.(iv) Speaking only once

18 Conduct

21 Inspection of Minutes

22 Agenda and Reports

23 Attendance of Press and Public

24 Disclosure

29 Suspension of Standing Orders

30 Disturbance by Members of the Public

31 Adjournment of Meeting

32 Adjournment of Debate

33 Interpretation of Standing Orders

34 Record of Attendances

35 Interests to be declared at Meetings

#### **41. Chairs and Vice-Chairs**

a. Executive

The Leader and Deputy Leader will be the Chair and Vice-Chair respectively of the Executive.

b. Committees of the Council

The Chair and Vice-Chair for the Municipal Year of each Committee of the Council shall be appointed by the Council at the time of the Committee's appointment. In the event of one of these positions falling vacant, the matter shall be reported to the next ordinary Council meeting.

In the absence of a Council-appointed Chair or Vice-Chair at a meeting, the Committee shall elect a person to preside from amongst its voting Members. The person so elected shall preside for the remainder of the meeting unless the Council-elected Chair or Vice-Chair arrive. If the Council elected Chair and Vice-Chair are absent and the Committee fails to elect a Chair for the meeting, the meeting shall be adjourned.

c. Joint Committees

The Chairs and Vice-Chairs of Joint Committees shall be elected at the first meeting of each Committee following its appointment. The first meetings may be held following the Stevenage Borough Council Annual meeting or at some other time after they have been appointed.

The Chair and Vice-Chair will be chosen from amongst the Stevenage Borough Councillors or the appointed representatives of other authorities represented on the Committee and in accordance with any detailed protocols agreed by the constituent Councils.

In the absence of a duly appointed Chair or Vice-Chair at a meeting, the protocols agreed by the constituent Councils will apply.

**42. Quorum**

Except where authorised by statute and ordered by the Council, no business will be transacted at a meeting of the Executive or a Committee (or any subsidiary bodies) unless at least one quarter of the body is present but with a minimum of three Members being present where the composition of the body is less than 12. The particular rules that apply to the Standards Committee in this respect are set out in Article 8 of this Constitution.

If there is no quorum within 10 minutes of the time at which the meeting was due to start, the meeting must be immediately adjourned; no business having been conducted in the meantime.

If, during the course of a meeting, the numbers in attendance fall below the quorum the Chair shall call a halt to business, and if a quorum is not formed within 10 minutes, the meeting will be adjourned.

In either instance the business will be postponed until:

- a. A time fixed by the Chair at the adjournment; or
- b. A time fixed by the Chair during the following day; or

- c. If no such time and date are fixed by the Chair, either at the time of the adjournment or subsequently, to the next ordinary meeting.

Any of the courses followed to allow five days notice to Members, urgency provisions notwithstanding.

#### **43. Co-opted Members**

All the provisions of these Standing Orders which govern the conduct of Members at Committee meetings will apply to the co-opted Members as they do to the other Members of the Committee (with the exception of Standing Order 44 (Voting)). However, the special arrangements relating to independent Members(s) of the Standards Committee and Audit Committee, who have an entitlement to vote at that Committee, should be noted.

#### **44. Voting**

Voting at Committee meetings shall be by show of hands.

\*Immediately after a vote is taken a Member may request that the Minutes shall record whether he/she voted for or against the motion or whether he/she abstained from voting.

\*Decisions are to be made by simple majority voting. In the case of an equality of votes, the Chair shall have a casting vote whether or not he/she has voted previously on the matter.

Voting on Appointments – where three or more persons are nominated for one position to be filled by the Council, and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken on those remaining and so on until a majority of votes is given in favour of one person. For each vote taken the names of the nominees should be called in alphabetical order.

#### **45. Recording of Committee Meetings**

Anyone authorised to attend these meetings may take written notes. No-one must make recordings of any other kind or take any photographs at these meetings unless the Chair has given written permission.

If anyone does so, the Chair can either require them to leave at once, and/or adjourn the meeting for as long as he/she thinks fit.

#### **46. Conclusion of Meetings**

Every meeting of the Executive, a Committee (or subsidiary body) shall finish by 10.30pm. Any remaining business may be dealt with by:

- a. Carrying it forward to the next Ordinary meeting of the Committee; or
- b. Such other way as the Committee shall decide.

\*Mandatory Standing Order, Local Authorities (Standing Order) Regulations, 1993

#### **47. General Conditions of Delegations**

Duties of the Executive or where powers and duties have been delegated by Council to a Committee (or subsidiary body), can be delegated by that body, to an appropriate officer, unless they are subject to special provisions for delegations in relation to the Executive.