

PART 4A - PROCEDURAL STANDING ORDERS

STANDING ORDER NO. 1

Meetings of the Council

- 1.1 The annual meeting of the Council and other meetings of the Council shall be held at such places, on such dates and at such times as may be fixed by the Council.
- 1.2 Extraordinary meetings of the Council may be called at any time by the Chairman of the Council; or alternatively by the Chief Executive if he / she receives a request in writing for one to be held from five or more members of the Council.
- 1.3 Those listed below may call a special meeting of the Council, after consultation with the Chairman of the Council, or instruct the Chief Executive or in his / her absence the Chief Officer responsible for Democratic Services to (after consultation with the Chairman of the Council) call a special meeting of the Council:
 - a. The Council by resolution;
 - b. The Head of the Paid Service;
 - c. The Monitoring Officer;
 - d. The Section 151 Officer; and
 - e. The Leader

STANDING ORDER NO. 2

Election of Chairman and Vice-Chairman

- 2.1 The Chairman of the Council shall be elected and the Vice-Chairman of the Council shall be appointed at the annual meeting.
- 2.2 At a meeting of the Council the Chairman, if present, shall preside. If the Chairman is absent from a meeting of the Council, then the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent, another member of the Council chosen by the members of the Council present shall preside.

STANDING ORDER NO. 3

Chairman of Meeting

- 3.1 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.

STANDING ORDER NO. 4

Quorum

- 4.1 The quorum of the Council shall be **one-third** of the total number of its members. Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the **quorum** shall be

determined by reference to the number of members remaining qualified instead of by reference to the whole number of members of the authority.

- 4.2 If during any meeting of the Council the Chairman after counting the number of members present declares that there is not a quorum present the meeting shall stand adjourned
- 4.3 The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if he / she does not fix a time, to the next ordinary meeting of the Council.

STANDING ORDER NO. 5

Order of Business

- 5.1 The quorum of the Council shall be **one-third** of the total number of its members.
- 5.2 Except as otherwise provided by the following paragraph (variation of order of business) of this Standing Order, the order of business at every ordinary or annual meeting of the Council shall be:
- (a) Elect a person to preside if the Chairman and Vice-Chairman are not present.
 - (b) To deal with any business required by statute to be done before any other business.
 - (c) Approve and sign the minutes of the last meeting
 - (d) To receive any declarations of interests from members
 - (e) To deal with any business expressly required by statute to be done.
 - (f) Receive any announcement from the Chairman, Leader or Cabinet Members.
 - (g) Answer any Questions on Notice-
 - (h) Answer any Questions without Notice
 - (i) To receive reports from the Cabinet and minutes and reports from the Council's committees and Panels.
 - (j) To receive the Cabinet's Key Decision Plan
 - (k) To consider motions in the order in which notice has been received under Standing Order No. 7.
 - (l) Receive any petitions in accordance with the current Petitions Scheme agreed by Council.
 - (m) Receive written reports from Councillors who represent the Council on outside bodies. Reports will normally be for information only. However, members may recommend that a matter be considered or investigated by officers and that the investigating officer be asked to submit a further detailed report.
 - (n) Other business, if any, specifically referred to in the summons.

- (o) Any item of business which the Chairman is of the opinion should be considered as a matter of urgency by reason of special circumstances which shall be specified in the minutes.

5.3 Variation of order of business

5.3.1 Business falling under items (a), (b), or (c) of the above paragraph shall not be displaced, but the order of the remaining business may be varied:

- (a) By the Chairman at his/her discretion, or
- (b) By a resolution passed on a motion (which need not be in writing) duly moved and seconded, this shall be moved and put without discussion.

STANDING ORDER NO. 6

Questions on notice

6.1 Questions on notice at an ordinary or annual meeting of full Council

Subject to paragraph (6.3) a member of the Council may, at a meeting of the full Council, ask:

- (a) the Chairman of the Council;
- (b) a Cabinet member; or
- (c) the Chairman of any committee, sub-committee or Panel

a question on any matter in relation to which the Council has powers or duties or which affects the district.

6.2 Questions on notice at committees, sub-committees and panel meetings

Subject to paragraph (6.3) a member of a committee, sub-committee or panel may, at a meeting of that committee, sub-committee or panel, ask the chairman a question on any matter in relation to which the Council has powers or duties or which affect the district and which falls within the terms of reference of that committee, sub-committee or panel.

6.3 Notice of questions.

(This rule **cannot** be suspended).

A member may only ask a question under paragraph (6.1) or (6.2) if either:

- (a) he/she has given notice in writing of the question to the Chief Executive which must be received not later than 9.00 am three clear Working Days before the day of the meeting (which shall not include the day of receipt or the day of the meeting); or
- (b) the question relates to urgent matters, he/she has the consent of the chairman or Cabinet Member to whom the question is to be put, the content of the question is given to the Chief Executive by midday on the day of the meeting and the Chief Executive does not consider the question to be out of order.

6.4 Response

An answer to a question under paragraph (5.1) or (5.2) may take the following form:

- (a) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (b) A written answer circulated at the meeting or within 5 Working Days of the meeting to the questioner and all members. The answer may also be read out at the meeting in addition to a circulated written reply.
- (c) The question shall be put and answered without discussion.

6.5 Supplementary question

A member asking a question under paragraph (5.1) or (5.2) may ask one supplementary question, without notice, of the member to whom the first question was put or by whom it was answered. The supplemental question must arise directly out of the original question or the reply.

6.6 Response to Supplementary question

If the Chief Executive considers the supplementary question to be out of order no response will be necessary. Otherwise an answer to a supplementary question under paragraph (d) may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated within 5 Working Days of the meeting where practicable to the questioner and all other members.
- (d) The question shall be put and answered without discussion.

STANDING ORDER NO. 7

Questions without notice

(Except for paragraph (6.8) below this Rule **cannot** be suspended.)

- 7.1 A member of the Council may ask the Leader or appropriate Cabinet Member any question without notice on any matter within the Leader's or Cabinet Member's area of responsibility. When asking the question the member shall state why he/she believes the particular Cabinet Member is responsible for answering it.
- 7.2 The Cabinet member to whom a question is put may, with the consent of the Chairman of the meeting, ask that another Cabinet Member answers the question if it is considered that the other Cabinet Member is the appropriate Cabinet Member to answer it but reasons must be given.
- 7.3 If the Cabinet Member to whom the question is put is unable to answer the question a reply may be given by the Leader or in his/her absence the Deputy Leader.
- 7.4 A member asking a question under this Standing Order may ask one supplementary question, without notice, of the Cabinet Member who answered the original question. The supplementary question must arise directly out of the original question or the reply.

- 7.5 Answers to questions or supplementary questions under this Standing Order shall take the form of:
- (a) a direct oral reply; or
 - (b) with the consent of the chairman of the meeting, a written answer where it is of a technical nature. Answers given in writing shall be given within 5 Working Days of the meeting and shall be sent to all members.
- 7.6 Questions and supplementary questions shall be put and answered without discussion.
- 7.7 Members wishing to ask a question under this Standing Order shall indicate such a wish by raising his/her hand. The Chairman of the meeting shall determine the order for asking questions subject to the leader of the opposition group (or in his/her absence the deputy leader) being afforded the right to ask the first question. Where there is more than one opposition/minority group the leader of each group shall be afforded the right to ask a question at each meeting and the order shall be determined by the size of the group, the leader of largest group being given priority. Subject to (6.8) below, there shall be no limit on the number of questions that any member, including the leader of the opposition or minority groups, shall be permitted to ask.
- 7.8 The period for questions under this Standing Order shall be limited to not more than 30 minutes per meeting, subject to the right for the Council to suspend this in accordance with Standing Orders.

STANDING ORDER NO.8

Notice of Motion

- 8.1 Notice of every motion other than a motion which may be moved without notice under Standing Order 7 shall be given in writing, signed by the member or members of the Council giving notice, and delivered, at least 9 clear Working Days before the next meeting of the Council, at the office of the Chief Executive by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the Council.

Motions to be set out in summons

- 8.2 The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member or members giving the notice intimates in writing, when giving that notice, that he/she proposes to move it at some later meeting, or it has since been withdrawn in writing by all those giving it.

Motion not moved

- 8.3 If a motion set out in the summons is not moved either by a member who gave notice of it or by some other member on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Automatic reference to Committee

- 8.4 If the subject matter of any motion of which notice has been duly given comes within the province of any Sub-Committee, Committee or Committees, it shall, upon being moved and seconded, stand referred without discussion to such Sub-Committee, Committee or Committees, or to such other Sub-Committee, Committee or Committees as the Council may determine, for consideration and report.

Provided that the Chairman may, if he / she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

Scope of motions

- 8.5 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the district

STANDING ORDER NO.9

Motions and amendments which may be proposed without notice

- 9.1. The following motions and amendments may be proposed without notice:-
- (a) appointment of a Chairman of the meeting at which the motion is made.
 - (b) motions relating to the accuracy of the minutes.
 - (c) that an item of business specified in the summons has precedence.
 - (d) remission to a Committee or Cabinet of a matter properly before the Council
 - (e) reference back to Committee or Cabinet for further consideration of an item of report of that Committee.
 - (f) appointment of a Committee or members thereof or working group, occasioned by an item mentioned in the summons to the meeting.
 - (g) adoption of reports and recommendations of Committees or Cabinet or officers and any consequent resolutions.
 - (h) that leave be given to withdraw a motion.
 - (i) extending the time limit for speeches.
 - (j) amendments to motions.
 - (k) that the Council proceed to the next business.
 - (l) that the Council postpone consideration of an item until later in the meeting or to a later meeting .
 - (m) that the question be now put.
 - (n) that the debate be now adjourned.
 - (o) that the Council do now adjourn.
 - (p) suspending Standing Orders, in accordance with Standing Order No.55.
 - (q) motion under Section 100(A)(4) of the 1972 Act to exclude the press and public.
 - (r) that a member named under Standing Order 12 be not further heard or do leave the meeting.
 - (s) giving consent of the Council where the consent of the Council is required by these Standing Orders.
 - (t) where the position of Leader has become vacant, to elect a new Leader.
- 9.2 If on the passing of any motion or amendment under paragraph 1(e) of this Standing Order (reference back to Committee or Cabinet), action has previously been taken pursuant to the delegated powers of the Committee or Cabinet to an extent which makes it impracticable to deal with the item in the manner desired by the Council the motion or amendment shall have effect as requiring the Committee or Cabinet to re-examine the policy involved and report to the Council thereon before taking any further

decisions or implementing decisions already taken involving the same question of policy.

- 9.3 A motion by the Chairman under paragraph 1(q) of this Standing Order (exclusion of press and public) shall take precedence over any other motion and shall without the need of a seconder be put forthwith without discussion or question. Provided that after the withdrawal of the press and public pursuant to any such motion a member may, notwithstanding any other provision of these Standing Orders, move that the press and public be re-admitted and upon that motion being seconded it may be discussed and voted upon.

STANDING ORDER NO.10

Minutes

10.1 Signing the Minutes:

The Chairman will sign the minutes of the proceedings at the next suitable meeting (including the annual meeting of the Council). The Chairman will invite a member to move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

10.2 No requirement to sign minutes of previous meeting at extraordinary or special meeting.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the 1972 Act (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) of schedule 12 relating to signing of minutes.

STANDING ORDER NO.11

Rules of Debate for Council Meetings

11.1. **Presentation of Committee or Cabinet reports**

- (a) When the Chairman calls an agenda item consisting of the report of a Committee or the Cabinet, the Chairman of that Committee or the Leader shall rise and present the report.
- (b) The Chairman shall then ask if any member wishes to speak.
- (c) If no member wishes to speak, the Chairman of the Committee or the Leader shall move the report and the Chairman shall put the report to the Council to be received and adopted.
- (d) If a member wishes to speak, the Chairman shall put the report to the Council page by page or paragraph by paragraph, and it shall be open to members to speak to items in the report, to raise questions thereon and to propose motions or to move amendments in respect thereof as the relevant page or paragraph is called.
- (e) Any committee or cabinet decision which requires the approval of Council shall be reported separately at the next available Council meeting.

11.2 **Only one member to speak at a time**

A member shall only address the Council when the Chairman calls upon him / her to speak. While a member is speaking, the other members shall remain silent and

seated, but may indicate to the Chairman a request to speak on a point of order or in personal explanation.

11.3 **Content and length of speeches**

- a) A member shall direct a speech to the question under discussion or to a personal explanation or to a point of order.
- (b) No speech shall exceed five minutes in the case of the mover of a motion, and three minutes in all other cases except by consent of the Council

11.4 **Motions and amendments**

A motion (other than a motion that the report of a Committee or Cabinet be received and/or adopted) or an amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 6 it shall, if required by the Chairman, be put into writing and handed to the Chairman or the Chief Executive before it is further discussed or put to the meeting.

11.5 **Seconders' speech**

A member seconding a motion or amendment may reserve a speech until a later period of the debate if this is declared at the time.

11.6 **When a member may speak**

- (a) Once when proposing a motion (see paragraph 3(b) above
- (b) once on an amendment moved by another member;
- (c) if the motion has been amended since he / she last spoke, to move a further amendment;
- (d) if his / her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he / she spoke was carried;
- (e) in exercise of a right of reply given in paragraph 12 or 14 of this Standing Order;
- (f) on a point of order;
- (g) by way of personal explanation.

11.7 **Amendments to motions**

An amendment shall be relevant to the motion and shall be either:-

- (a) to refer a subject of debate to a Committee or Cabinet for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

11.8. Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

11.9. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which further amendment may be moved.

11.10 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

11.11 Alteration to motion

A member may with the consent of the Council signified without discussion:-

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

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

11.12 Withdrawal of motion

A motion or amendment may be withdrawn by the mover with the consent of his / her seconder and of the Council, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless the permission has been refused.

11.13 Right of reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is proposed, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

A member exercising a right of reply shall confine this to points raised by previous speakers and shall not introduce fresh matter

11.14 Motions which may be moved during debate

When a motion is under debate no other motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to adjourn the meeting
- (c) to adjourn the debate;
- (d) to postpone consideration of the motion
- (e) to proceed to the next business
- (f) that the question be now put;
- (g) that a member be not further heard;
- (h) a motion by the Chairman under Standing Order 12 that a member do leave the meeting;
- (i) a motion under section 100A(4) of the 1972 Act to exclude the press and public;
- (j) that the subject of debate be remitted to a Committee or Cabinet or working group for consideration;
- (k) be referred back to a Committee or Cabinet for further consideration;
- (l) That the meeting not go beyond four hours in duration.

11.15 Closure motions

A member may propose without comment at the conclusion of a speech of another member:-

- (a) that the Council proceed to the next business,
- (b) that the subject of debate be remitted to a Committee or Cabinet,
- (c) that the subject of debate be referred back to a Committee/Cabinet for further consideration,
- (d) that the question be now put,
- (e) that the debate be now adjourned, or
- (f) that the Council do now adjourn.

11.16 On the seconding of a closure motion the Chairman shall proceed as follows:-

- (a) on a motion to proceed to next business or to remit or refer back to a Committee or Cabinet:

Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed he / she shall first give the mover of the original motion his / her right of reply (under paragraph 12 of this Standing Order) and then put to the vote the closure motion;

- (b) on a motion that the question be now put.

Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, he / she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his / her right of reply under paragraph 12 of this Standing Order before putting his/her motion to the vote;

- (c) on a motion to postpone consideration of a motion or to adjourn the debate or the meeting.

If in the Chairman's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he / she shall put the postponement or adjournment motion to the vote without giving the mover of the original motion his / her right of reply on that occasion

11.17 **Points of order**

A member may indicate a wish to speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he / she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him / her which may appear to have been misunderstood in the present debate.

The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

STANDING ORDER NO.12

Motions affecting persons employed by the Council

- 12.1 If any question arises at a meeting of the Council or at a Committee or Sub-Committee or Cabinet as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, Committee, Sub-Committee or Cabinet, as the case may be, has decided whether or not the power of exclusion under section 100A(4) of the 1972 Act shall be exercised.

STANDING ORDER NO.13

Conduct

13.1 Standing to speak

When a member speaks at full Council he/she must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

13.2 Chairman standing

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

13.3 Disorderly conduct

If at a meeting any member of the Council, in the opinion of the Chairman notified to the Council, misconducts himself / herself by persistently disregarding the rules of the Chairman, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Chairman or any other member may propose "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

13.4 Continuing misconduct by a named member

If the member named continues his / her misconduct after a motion under the previous paragraph has been carried the Chairman shall either:-

- (a) move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
- (b) adjourn the meeting of the Council for such period as he / she in his / her discretion shall consider expedient.

If, after such a motion has been carried, the member named fails to observe the Council's decision, the Chairman may give such direction as he / she shall consider appropriate for the removal of the member and the restoration of order.

13.5 General disturbance

In the event of general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman in addition to any other power vested in him/her may, without the question being put, adjourn the meeting of the Council for such period as he / she in his / her discretion shall consider expedient.

STANDING ORDER NO.14

Disturbance by member of the public

- 14.1 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him / her. If he / she continues the interruption the Chairman shall order his / her removal from the Council Chamber. In case of general disturbance in any part of the chamber open to the public the Chairman shall order that part to be cleared.

STANDING ORDER NO.15

Rescission of previous resolution (full Council only)

- 15.1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance

of Standing Order 6 bears the names of at least one third of the members of the Council

- 15.2 When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months
- 15.3 The ruling of the Chairman as to whether any motion or amendment comes within the terms of this Standing Order shall be final and accepted without question.
- 15.4 This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee or Cabinet or Chief Officer.

STANDING ORDER NO.16

Voting

- 16.1 All questions coming or arising before the Council shall be decided by a majority of the members of the authority present and voting thereon. In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.
- 16.2 The method of voting at meetings of the Council shall be by show of hands. If in the opinion of the Chairman the result is uncertain he / she shall call upon the Council to determine the question by a recorded vote, in which case the names of all members voting for and against the motion or amendment shall be taken down and recorded in the minutes.
- 16.3 On the requisition of any member of the Council made before the vote is taken and supported by twelve other members who signify their support by rising in their places the voting on any question shall be taken by a recorded vote as above.
- 16.4 Where at a meeting any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that member voted for the question, against the question or abstained from voting.
- 16.5 The Chairman may, at his / her discretion, ask that the number of members voting for and against a motion or amendment be recorded in the minutes.

STANDING ORDER NO.17

Voting on appointments

- 17.1 Subject to paragraph 4 of this Standing Order where there are more than two persons nominated for any single position or vacancy to be filled by the Council, the person having the greatest number of votes given in accordance with paragraph 2 of this Standing Order shall fill such position or vacancy.
- 17.2 The Chairman may at his / her discretion call upon the Council to vote:
 - (a) by each member, when called upon, announcing to the Council the name of the person for whom he/she votes;
 - (b) by each member entering that name upon a voting paper to be signed by him / her and delivered to the Chief Executive;Provided that any member may demand that method (b) be employed and if one third of other members signify their support by rising in their places the vote shall be taken.
- 17.3 Subject to paragraph 4 of this Standing Order where appointments to more than one position or vacancy is involved and the number of persons nominated exceeds the number of positions or vacancies by more than one, voting papers shall be distributed and a vote shall be taken:-

- (a) by each member writing on a voting paper the names of no greater number of the persons nominated than would be required to fill the positions or vacancies under consideration;
- (b) the names of the number of persons having the greatest number of votes in descending order shall be declared by the Chairman to be the names of the persons appointed to fill the required number of positions or vacancies.

17.4 In the event of there being an equality of votes for the only position or vacancy or the last position or vacancy, the votes shall be taken again between those persons who received an equality of votes and if there remains an equality of votes the Chairman shall have a second and casting vote

17.5 Where the number of persons nominated does not exceed the number of positions or vacancies by more than one, the appointment may be determined on a motion.

STANDING ORDER NO.18

Record of attendances

18.1 All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. The names of members present at a meeting or part of a meeting will be recorded in the minutes.

STANDING ORDER NO.19

Interpretation of Standing Orders

19.1 The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

STANDING ORDER NO.19A

Postponement of full Council Meeting

19A.1 *Where exceptional circumstances apply and the Chairman of the Council, following consultation with the Vice-Chairman of the Council, the Chief Executive and the Leaders of the political groups, considers that attendance at a convened meeting of the full Council would involve health and safety issues (eg inclement weather) the Chairman of the Council may postpone the meeting. Following postponement, notification must immediately be given to all members of the Council and to the press, and notice of the postponement must be posted at the Council Offices and on the Council's website. Where a meeting is postponed, no less than five clear working days' notice (or such other period as may be required by law) shall be given of the new date for the meeting*

SECTION 2 – COUNCIL AND THE EXECUTIVE

STANDING ORDER NO.20

Form of Executive

20.1 The form of the Executive shall be Leader and Cabinet.

STANDING ORDER NO.21

Appointment of Leader and Deputy Leader

- 21.1 The Leader will be elected by Full Council at the first Annual Meeting after the election by simple majority, and their term of office will extend, subject to below, until the Annual Meeting after the next election (usually four years).
- 21.2 The Leader's appointment will terminate at any time on the passing in full Council of a vote of no confidence, provided that the vote is on a formal motion under Standing Order 8 or on his/her resignation or disqualification during their term.
- 21.3 Should the position of Leader become vacant at any time, a new Leader shall be elected for the remainder of the term at the next Council meeting or at a special Council meeting called for this purpose.
- 21.4 The Leader may appoint up to two Deputy Leaders, who shall remain in office (unless removed by the Leader) until the end of the term of office of the Leader.

STANDING ORDER NO.22

Delegation of Executive Functions

- 22.1 The Leader shall have the power to determine any delegations of Executive Functions to Cabinet, Committees of the Cabinet, Executive Area Committees, Cabinet Members and officers. The delegations and the procedures relating to them shall be included in the Constitution
- 22.2 The Leader shall have the power to appoint up to nine Cabinet Members (including the Deputy Leader), Any of these appointments or changes will become effective on receipt of formal notification in writing by the Chief Executive. The Chairman and Vice-Chairman of the Council may not be appointed as Cabinet members.
- 22.3 Appointment as a Cabinet Member will automatically debar that member from sitting on any Scrutiny Committees or Scrutiny Panels.

22.4 Delegation by the Leader

- a) Where the Leader delegates any functions he / she will prepare a record of the delegations. This record will contain the following information about Executive Functions in relation to the term of office of the Cabinet:
 - (i) the names, addresses and wards of the people appointed to the Cabinet by the Leader;
 - (ii) the extent of any authority delegated to individual Executive Members, including details of any limitation on their authority;
 - (iii) the terms of reference and constitution of such committees of the Cabinet as the Leader may appoint and the names of Executive Members appointed to them;
 - (iv) the nature and extent of any delegation to any other authority under joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and
 - (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

- (b) The Leader may amend the scheme of delegation relating to Executive Functions at any time during the term of office of the Cabinet. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole.
- (c) Where the Leader seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he / she has served it on the chairman of that committee.

NOTE:

The Council is also responsible for a scheme of delegation which is set out in Part 3 Section F and in a schedule of delegation to officers maintained by the Senior Legal Officer. Officer delegation by the Cabinet appears in this list. However, the Cabinet is not responsible for other delegations contained in the Schedule (which are the responsibility of other decision making bodies such as the Council, Planning Committee, Licensing Panel, etc.).

STANDING ORDER NO.23

Constitution of the Cabinet

23.1 The Cabinet shall consist of the Leader and the Cabinet Members. The Chairman and Vice-Chairman of the Council may not be appointed as Cabinet members.

STANDING ORDER NO.24

Incapacity of Leader

24.1 In the temporary absence or incapacity of the Leader, his / her powers will be exercisable by the Deputy Leader(s).

STANDING ORDER NO.25

Responsibilities of the Cabinet

25.1 The Cabinet will have overall responsibility for proposing to full Council, after reference to the relevant Overview and Scrutiny Committee.

- (a) the Policy Framework or any element of or amendment to it; and
- (b) the draft Budget and Council Tax.

25.2 The Cabinet will carry out all Executive Functions in accordance with the Policy Framework, and have primary responsibility for implementing the Policy Framework.

25.3 The Cabinet will be responsible for spending or overseeing the spending of the Budget, subject to these Standing Orders and Financial Regulations in accordance with the Finance Procedure Rules in Part 4 of this Constitution.

STANDING ORDER NO.26

Urgent Action

26.1 Subject to the advice of the Chief Executive, the Monitoring Officer and the Section 151 Officer (or their representatives) the Cabinet can authorise action which either involves expenditure not wholly in accordance with the Budget or is contrary to the Policy Framework in accordance with the Finance Procedure Rules.

STANDING ORDER NO.27

Minor Amendments to Policy Framework

27.1 The Cabinet can make minor amendments to any plan or policy approved by Council if:

- (a) the previous wording was impracticable or incorrect; and
- (b) the amendment has little or no effect on the community

27.2 The matter must be reported to the next Council meeting.

STANDING ORDER NO.28

Recording of Executive Decisions

28.1 All Executive decisions shall be recorded in writing together with reference to the reasons for such decisions and shall be taken after all appropriate professional advice has been considered. All Executive Decisions shall comply with the Access to Information Procedure Rules and relevant legislation.

STANDING ORDER NO.29

Conflict between Council and Cabinet

29.1 Where the full Council has any objections to the Cabinet's proposals in respect of the Policy Framework or any element or amendment to it or the Budget (including the Council Tax setting), then before amending, approving or adopting the proposals:

- (a) Full Council will advise the Leader of the objections and require the Cabinet to reconsider the proposals within a specified period of at least 5 Working Days from receipt of the requirement by the Leader.
- (b) The Leader may within the specified period submit a revision with reasons or state the Cabinet's disagreement with the Council's objections with reasons
- (c) The Council will take the revision or statement of disagreements from the Cabinet into account before determining the proposals if they are received within the specified period.
- (d) The Council will not reconsider the proposals until after the specified period.

STANDING ORDER NO.29A

Cancellation or Postponement of Cabinet Meeting

29A.1 The Leader may cancel a meeting of the Cabinet before the agenda has been issued if there is a lack of business for the meeting. Where exceptional circumstances apply and the Leader considers that attendance at a convened meeting of the Cabinet would involve health and safety issues (eg inclement weather) the Leader may postpone the meeting. Following postponement, notification must immediately be given to all members of the Council and to the press, and notice of the postponement must be posted at the Council Offices and on the Council's website. Where a meeting is postponed, no less than five clear working days' notice (or such other period as may be required by law) shall be given of the new date for the meeting.

**SECTION 3 - NON-EXECUTIVE FUNCTIONS
STANDING ORDERS RELATING TO COMMITTEES**

STANDING ORDER NO.30

Appointment of Committees for Non-Executive Functions

- 30.1 The Council shall at each Annual Meeting or at the Annual Meeting after the appointment of each Standing Committee expires (as appropriate) appoint the members of its Standing Committees, and may at any time appoint such other Committees as are necessary to carry out the Non-Executive Functions of the Council, but, subject to any statutory provision in that behalf:-
- (a) may at any time dissolve a Committee or alter its membership. Appointments to Standing Committees may be made for more than one municipal year, including periods up to the date of the next District Council election.

STANDING ORDER NO.31

Proceedings to be confidential

- 31.1 All draft agenda, reports and other documents and all proceedings of Committees and Sub-Committees shall be treated as confidential unless and until they become public in the ordinary course of the Council's business or at the direction of a Committee exercising delegated powers.

STANDING ORDER NO.32

Ex-officio members of Committees

- 32.1 Except where otherwise provided by statute or a scheme made under statutory authority, the Chairman and Vice-Chairman of the Council shall be ex-officio members of every Standing Committee unless they have been appointed to such Committees by name, or unless they signify to the Chief Executive that they do not wish to serve, provided that:-
- (a) they shall have no rights to vote except on such of those Committees to which they have been specifically appointed by name; and
- (b) this provision does not apply to Licensing Committee, the Appeals Panel, Joint Appointments and Disciplinary Committee and Joint Appointments and Disciplinary Appeals Committee.

STANDING ORDER NO.33

Information to be sent to Members

- 33.1 The agenda of each Committee and Cabinet shall be made available to every member of the Council for information.
- 33.2 A summary of all decisions or the unconfirmed minutes made by the Cabinet shall be sent to all members as soon as possible and normally within three working days of the decision or as soon as possible thereafter.

STANDING ORDER NO.34

Election of Chairmen and Vice-Chairmen of Committees

- 34.1 Every Committee shall continue in being until its successor is appointed.

34.2 At the Annual Meeting of the Council or as soon as possible thereafter, or (where the Council has appointed a Standing Committee for more than one year under Standing Order no. 30) at the Annual Meeting of the Council after the appointment of that Standing Committee expires, and from time to time as necessary, the Council shall appoint the Chairman and Vice-Chairman of each Standing Committee.

34.3 In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting shall be appointed by the Committee.

STANDING ORDER NO.35

Postponement or Cancellation of Committee Meeting

35.1 The Chairman of a Committee may postpone or cancel a meeting of the Committee at any time after consultation with the Vice-Chairman of that Committee and the Chief Executive, provided that any such postponement or cancellation should, if possible, be at least seven days before the scheduled date of the meeting. Where exceptional circumstances apply and the Chairman of the Committee in consultation with the Vice-Chairman of the Committee and the Chief Executive considers that attendance at a convened meeting of the Committee would involve health and safety issues (eg inclement weather) the Chairman of the Committee may postpone the meeting at shorter notice. Following any postponement or cancellation, notification must immediately be given to all members of the Council and to the press, and notice of the postponement or cancellation must be posted at the Council Offices and on the Council's website. Where a meeting is postponed, no less than five clear working days' notice (or such other period as may be required by law) shall be given of the new date for the meeting.

STANDING ORDER NO.36

Special Meetings of Committees

36.1 The Chairman of a Committee or the Chairman of the Council or Chief Executive may call a special meeting of the Committee at any time.

36.2 A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee, delivered in writing to the Chief Executive and signed personally by each of the members requisitioning the meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons (save urgent business pursuant to section 100(B)(4)(b) of the 1972 Act) shall be considered at that meeting.

STANDING ORDER NO.37

Sub-Committees

37.1 Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.

37.2 The Chairman and the Vice-Chairman of the Committee shall be ex-officio members of every Sub-Committee appointed by that Committee, unless they signify to the Chief Executive that they do not wish to serve. This provision does not apply to Licensing Committee, the Appeals Panel, the Joint Appointments and Disciplinary Committee and the Joint Appointments and Disciplinary Appeals Committee.

STANDING ORDER NO.38

Quorum of Committees and Sub-Committees

38.1 The quorum of each Committee and Sub-Committee shall be three or one-third, whichever is the greater, of the total number of its members not including non-voting

ex-officio members or as otherwise specified in legislation, or as specified below. In any event, the quorum shall never be less than 3.

38.2 The quorum for meetings of the Cabinet shall be three.

38.3 The quorum of Joint Appointments and Disciplinary Committee and of Joint Appointments and Disciplinary Appeals Committee shall be 4, consisting of 2 members from South Holland District Council and 2 from Breckland Council

STANDING ORDER NO.39

Voting in Committees and Sub-Committees

39.1 Voting at a meeting of a Committee or Sub-Committee shall be by show of hands.

39.2 A member may request that his / her own name be recorded in the minutes as voting for or against or abstaining when voting on a motion or amendment.

39.3 The Chairman or any member of the Committee or Sub-Committee may, at his discretion, ask that the numbers voting for and against a motion or amendment be recorded in the minutes.

STANDING ORDER NO.40

Standing Orders to apply to Committees and Sub-Committees

40.1 The following Standing Orders shall, with any necessary modification, apply to Committee and Sub-Committee meetings.

Standing Order No.

SO 11	Rules of Debate (except the parts relating to standing and to speaking more than once)
SO 12	Motions affecting persons employed by the Council
SO 13	Recording Votes
SO 18	Record of Attendance
SO 31	Proceedings to be confidential
SO 33	Information to be sent to Members
SO 42	Rights of other members to attend Committee or Sub-Committee
SO 45	interest of members in contract and other matters
SO 55	Suspension of Standing Orders
SO 59	Appointment of other Joint Chief Officers and Deputy Chief Officers
SO 60	Disciplinary Action: Protected Officers
SO 61	Dismissal/Disciplinary: Non-Protected Staff

STANDING ORDER NO.41

Public Speaking

41.1 A Committee, Sub-Committee or Working Party of the Council may, unless alternative arrangements for public speaking are in place elsewhere in this Constitution and if it resolves to do so, allow members of the public to address the meeting. In this case, that body may set rules and procedures under which such a scheme will operate.

- 41.2 Additionally the Chairman may at any time invite a person to speak where he/she considers it to be appropriate.

STANDING ORDER NO.42

Rights of other members to attend Committee or Sub-Committee

- 42.1 Any member of the Council shall be entitled to attend any meeting of a Committee or Sub-Committee to which he / she has not been appointed, subject to (2) and (5) below.
- 42.2 Subject to any other rules contained in this constitution any member shall be allowed to address a Committee or Sub-Committee of which he /she is not a member (but not to vote) on any matter on an agenda other than one in which he / she has a Disclosable Pecuniary Interest.
- 42.3 A member of the Council who has moved a motion which has been referred to any Committee or Sub-Committee by the Council shall have notice of the meeting of the Committee or Sub-Committee at which it is proposed to consider the motion.
- 42.4 A member of the Council shall have the right to attend any public meeting arranged by an officer or any meeting of a Committee or Sub-Committee called to make any inspection of any site or works within his / her electoral ward or which is to consider the making of any Compulsory Purchase Order of land or buildings within such ward. He / she shall have notice of any such meeting and if he / she attends shall have the right to give his / her views.
- 42.5 (a) Any member of the council who attends any meeting of a Committee or Sub-Committee shall be entitled to remain at any such meeting notwithstanding the exclusion of the public and the press and regardless of the item under consideration provided that he / she does not have a Disclosable Pecuniary Interest.
- (b) This right shall not apply to meetings of Hearings Panels of Standards Panel, Licensing Committee, Appeals Committee, Joint Appointments and Disciplinary Committee and Joint Appointments and Disciplinary Appeals Committee when the Committee is considering its decision in the absence of the parties to the matter.
- (c) In exceptional circumstances a member or members may attend one of the meetings listed in (b) above for training purposes. Such attendance shall only be permitted where the Monitoring Officer and the Chairman of the meeting approve the same and where no objection is received from any member of the committee or any affected parties. Any members who attend for training purposes shall not participate in the meeting in any way.
- 42.6 No co-opted member (or their named substitute) of any Committee or Sub-Committee of the Council shall be entitled to attend or speak at meetings of the Council or any of its Committees or Sub-Committees in respect of any matter of exempt or confidential business unless the Council (or, as the case may be, a Committee or Sub-Committee) resolves that they may be present for that part of the meeting.

STANDING ORDER NO.43

Consideration of Matters by Overview and Scrutiny Committee

- 43.1 Where a matter has been considered and debated by an Overview and Scrutiny Committee and the outcome has subsequently been reported to Council, the matter shall not again be the subject of debate at an Overview and Scrutiny Committee at any time during the next six months from the date of the report to Council unless:

- (a) a majority of members of an Overview and Scrutiny Committee formally so request in writing to the Chief Executive; or
- (b) the matter is referred back to an Overview and Scrutiny Committee for further consideration by Council, Cabinet or any other committee to sub-committee; or
- (c) the matter has been deferred to a subsequent meeting by an Overview and Scrutiny Committee.

STANDING ORDER NO.44

Ad Hoc Bodies

- 44.1 Where a working party or other “ad hoc” Committee is appointed by the Council or by a Committee or Sub-Committee to carry out investigations into a matter and report back to the appointing body, in every case the working party shall include with their conclusions and recommendations a written report which refers to all relevant information taken into account and either involves the data itself or indicates where the data may be inspected.
- 44.2 Reports must include a summary of findings, the relevant background information or a list of information taken into account and where the information may be inspected, their conclusions and (where appropriate) their recommendations.

SECTION 4 – GENERAL REGULATION OF BUSINESS

STANDING ORDER NO.45

Interest of members in contracts and other matters

- 45.1 The Council’s Code of Conduct will apply where a member has a Disclosable Pecuniary Interest and the term ‘Disclosable Pecuniary Interest’ in these Standing Orders has the same meaning as defined in regulations.
- 45.2 Where a member has a Disclosable Pecuniary Interest the member must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a member is permitted to remain as a result of the grant of a dispensation.

STANDING ORDER NO.46

Interest of officers

- 46.1 The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under section 117 of the 1972 Act, of a pecuniary interest and the book shall be open during office hours to the inspection of any member of the Council.

STANDING ORDER NO.47

Employment - Canvassing of and recommendations by members

- 47.1 Canvassing of members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any particulars relating to appointments or in any form of application.

- 47.2 A member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

STANDING ORDER NO.48

Employment - Relatives of members or officers

- 48.1 A candidate for any appointment under the Council who knows that he/she is related to any member or Chief Officer or Deputy Chief Officer of the Council shall when making application disclose that relationship to the Officer named in the advertisement. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and Chief Officer or Deputy Chief Officer of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/ herself and any person whom he/she knows is a candidate for an appointment under the Council.
- 48.2 The purport of this Standing Order shall be included in any particulars relating to appointments or in any form of application.
- 48.3 For the purpose of this Standing Order persons shall be deemed to be related if they are husband and wife or partner or if either of them or the spouse/partner of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse/partner of the other.

STANDING ORDER NO.49

Common Seal and Signing of Documents

- 49.1 The Common Seal of the Council shall be kept by the Monitoring Officer in some safe place, and an entry of the sealing of every deed and document to which the Common Seal shall have been affixed shall be made by the Monitoring Officer or any officer authorised by the Monitoring Officer and consecutively numbered in a book to be provided for that purpose.
- 49.2 The Common Seal shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee or Sub-Committee or Cabinet passed in the exercise of powers with which it is endowed by statute or which have been delegated to it in relation to the subject matter of the document, or is authorised by a Cabinet Member or by a Chief Officer or Deputy Chief Officer in pursuance of powers properly delegated to him / her; but the authorisation of any act which should or may be recorded or effected by means of a document under seal shall be sufficient authority for sealing any document necessary to record or give effect to the authorisation.
- 49.3 The affixing of the Common Seal to any document shall be in the presence of and attested by the Chief Executive or Monitoring Officer or the Senior Legal Officer, or other person authorised by the Chief Executive or the Monitoring Officer or Senior Legal Officer, or any Chief Officer acting as Proper Officer under Paragraph 15(c) of Part F1 Delegations to Officers for a matter falling within that Chief Officer's jurisdiction.
- 49.4 A proper authorisation for the doing of any act which should or may be recorded or effected by means of a document under hand shall be sufficient authority for the signing of such document by the appropriate officers specified in Contract Standing Orders.

49.5 Any contract entered into on behalf of the Council shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must be signed or sealed in accordance with the Contract Procedure Rules.

STANDING ORDER NO.50

Authentication of documents for legal proceedings

50.1 In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be:

- (a) The Chief Executive;
- (b) The Monitoring Officer;
- (c) The Senior Legal Officer;
- (d) Any Chief Officer of the Council concerned with the matter to which the document relates; or,
- (e) Any officer authorised in writing by such Chief Officer or by the Monitoring Officer in relation to matters within the jurisdiction of that officer.

STANDING ORDER NO.51

Inspection of documents

51.1 A member of the Council may inspect any document which is in the possession or control of the Council in accordance with statute and common law.

51.2 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he has a Disclosable Pecuniary Interest in so far as that document is not open to public inspection.

51.3 Except insofar as a Sub-Committee, Committee or the Council shall have made the matter public, a member who has inspected a document or minute shall not communicate the contents thereof to any member whose inspection thereof would be barred by paragraph 2 above nor to any person other than a member of the Council.

51.4 All reports made or minutes kept by any Committee or working group shall, as soon as the Committee has concluded action on the matter to which such reports or minutes relate, be open for the inspection of any member of the Council, subject to paragraph 50.3 above.

STANDING ORDER NO.52

Inspection of lands, premises, etc.

52.1 Unless specifically authorised to do so, a member of the Council shall not issue any order regarding any works or services which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any land or premises which the Council have the power or duty to inspect or enter.

STANDING ORDER NO.53

Variation and revocation of Standing Orders

53.2 Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council. This requirement shall not apply to any report designed to amend the Constitution and which has been approved by the Monitoring Officer.

STANDING ORDER NO.54

Suspension of Standing Orders

- 54.1 Subject to paragraph 2 of this Standing Order, any of the preceding Standing Orders may be suspended by full Council or a Committee in relation to any business at the meeting where its suspension is moved.
- 54.2 A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order No.7) unless there shall be present at least one-half of the whole number of the members of the Council or the Committee as appropriate.

STANDING ORDER NO.55

Standing Orders to be given to members

- 55.1 A copy of the Standing Orders, and of such statutory provisions as regulate the proceedings and business of the Council, shall be given to each member of the Council by the Chief Executive upon delivery to him/her of the member's declaration of acceptance of office on the member being first elected to the Council.

STANDING ORDER NO.56

Vacation of Office by failure to attend Meetings

- 56.1 If a member, for a period of four consecutive months, fails to attend any meeting of the Council, Cabinet, Committee or Sub-Committee, or joint committee the Chief Executive should notify the member, in writing, of the period of his absence and the implications of Section 85 of the 1972 Act.
- 56.2 If a member for a period of six consecutive months fails to attend any meeting of the Council, Cabinet, Committee or Sub-Committee, joint committee or any other body as a representative of the Council the member shall cease to be a member of the Council unless the failure was due to some reason approved by the Council before the expiry of that period (in accordance with section 85 of the 1972 Act)

SECTION 5 - STANDING ORDERS RELATING TO STAFF

STANDING ORDER NO.57

NOTE: Neither Councillors nor the Council have responsibility for staffing matters relating to Merged Services Organisation.

In Standing Orders nos. 57 to 61

“Councils” means both Breckland District Council and South Holland District Council

“Joint” means appointed jointly for both the Breckland District Council and South Holland District Council.

Recruitment of Joint Chief Officers and Joint Deputy Chief Officers

- 57.1 Where the Councils propose to appoint a Joint Chief Officer or a Joint Deputy Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Councils will:
- 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.

57.2 Where a post has been so advertised a committee or sub-committee of the Councils shall:

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

57.3 Where no qualified person has applied, the Councils shall make further arrangements for advertisement in accordance with Standing Order 59(1) (b).

STANDING ORDER NO.58

Appointment of Joint Head of the Paid Service

58.1 Appointment of the Joint Head of the Paid Service is subject to approval by the full Councils following consideration of the recommendation of such an appointment by a Joint committee or sub-committee of the Councils. That committee or sub-committee must include at least one Cabinet Member of Breckland Council and at least one Cabinet Member of South Holland District Council.

58.2 The full Councils may only make or approve the appointment of the Joint Head of the Paid Service where no material or well-founded objection has been made by any Cabinet Member of the Councils in accordance with current regulations.

STANDING ORDER NO.59

Appointment of other Joint Chief Officers and Deputy Chief Officers

59.1 A joint committee or sub-committee of the Councils will appoint all other Joint Chief Officers and Joint Deputy Chief Officers. That Joint committee or sub-committee must include at least one Cabinet Member of Breckland District Council and at least one Cabinet Member of South Holland District Council.

59.2 An offer of employment as a Joint Chief Officer or Joint Deputy Chief Officer shall only be made after notice of the proposed appointment has been circulated to all Cabinet Members of Breckland District Council and all Cabinet Members of South Holland District Council and where no material or well-founded objection from any Cabinet Members has been received in accordance with current regulations.

STANDING ORDER NO.60

Disciplinary Action:

Protected Officers (ie Head of the Paid Service, Monitoring Officer and Section 151 Officer)

Suspension

60.1 The Joint Head of the Paid Service, Joint Monitoring Officer and Joint Chief Finance Officer may be suspended by a Joint committee or sub-committee of the Councils without approval of the full Councils whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

Disciplinary action short of dismissal

60.2 A Joint committee or sub-committee of the Councils will make recommendations to each full Council on any proposed disciplinary action, including issues relating to capability, against the Joint Head of the Paid Service, Joint Monitoring Officer and Joint Section 151 Officer and both full Councils must approve any action before it is taken. Where dismissal is proposed Standing Order 60(3) will apply.

Dismissal

60.3 The Joint Head of the Paid Service, Joint monitoring officer and Joint Section 151 Officer may not be dismissed unless the following procedure has been complied with as required by current regulations:

- (i) the Councils must invite relevant independent persons to be considered for appointment to a Joint panel appointed for the purposes of advising the Councils on such matters;
- (ii) The Councils must appoint to the panel such relevant independent persons who have accepted an invitation in accordance with the following priority order :
 - a relevant independent person who has been appointed by the authority and who is a local government elector;
 - any other relevant independent person who has been appointed by the authority;
 - a relevant independent person who has been appointed by another authority or authorities.
- (iii) The Councils must appoint the panel at least 20 Working Days before the first of the two Council meetings which consider whether or not to approve a proposal to dismiss.
- (iv) Before the taking of a vote at the Councils' meetings on whether or not to approve such a dismissal (by a simple majority vote of those members present), each authority must take into account, in particular:
 - any advice, views or recommendations of the panel;
 - the conclusions of any investigation into the proposed dismissal; and
 - any representations from the Head of the Paid Service, Section 151 Officer or monitoring officer.

Notice of dismissal may only be made where no material or well-founded objection from any Cabinet Member of Breckland District Council or South Holland District Council has been received in accordance with current regulations.

STANDING ORDER NO.61

Dismissal/Disciplinary Action:

Non-Protected Staff (i.e. all other Joint Chief Officers and Deputy Chief Officers)

61.1 A Joint committee or sub-committee of the Councils will be responsible for taking disciplinary action, including dismissal where appropriate against any other Joint Chief

Officers or Joint Deputy Chief Officers. Those Joint Chief Officers and Joint Deputy Chief Officers have a right of appeal against such action to a joint appeal panel (excluding any member who was a member of the Committee whose decision is appealed)

- 61.2 Notice of dismissal may not be made until details of the proposed dismissal have been circulated to all Cabinet Members of Breckland District Council and South Holland District Council and no well-founded objection from any Cabinet Member has been received, in accordance with current regulations.
- 61.3 Councillors will not be involved in the dismissal of any officer below the grade of Deputy Chief Officer) except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

STANDING ORDER NO.62

Assistants for Political Groups

- 62.1 No appointment to any post for an assistant to a Political Group which falls within Section 9 of the 1989 Act or any re-enactment thereof shall be made until an equivalent post has been allocated to each of the Political Groups which qualify for one.
- 62.2 No assistant for a Political Group shall be allocated to a group which does not qualify for one under the 1989 Act.
- 62.3 No more than one post shall be allocated to any one Political Group.
- 62.4 An appointment of an assistant to a Political Group shall be made in accordance with the wishes of that Political Group.

SECTION 6 – STANDING ORDERS RELATING TO POLICY FRAMEWORK AND BUDGET

STANDING ORDER NO. 63

Procedure for approval of plans and strategies

- 63.1 In this Standing Order
- “plan or strategy” means the plans and strategies comprising the Council’s Policy Framework, and any plan or strategy for the control of the Council’s borrowing or capital expenditure.”
- 63.2 Where the Cabinet has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.
- 63.3 Before the authority—
- (a) amends the draft plan or strategy;
 - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (c) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

63.4 Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five Working Days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may—

- (a) submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or
- (b) inform the authority of any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for any such disagreement.

63.5 When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when—

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy.

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for that disagreement, which the Cabinet leader submitted to the authority, or informed the authority of, within the period specified.

STANDING ORDER NO. 64

Procedure for approval of Council Tax/Budget

64.1 Where, before 8th February in any financial year, the authority's Cabinet submits to the authority for its consideration in relation to the following financial year—

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

64.2 Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 1(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

64.3 Where the authority gives instructions in accordance with paragraph 2, it must specify a period of at least five Working Days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may—

- (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
- (b) inform the authority of any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for any such disagreement.

64.4 When the period specified by the authority, referred to in paragraph 3, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 1(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account—

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Cabinet's reasons for those amendments;
- (c) any disagreement that the Cabinet has with any of the authority's objections; and
- (d) the Cabinet's reasons for that disagreement,

which the Leader submitted to the authority, or informed the authority of, within the period specified.

STANDING ORDER NO. 65

Recording of Budget decisions

65.1 Immediately after any vote is taken at a Budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or

who abstained from voting Budget decision is defined in Local Authorities (Standing Orders) (England) Regulations 2001.

STANDING ORDER NO. 66

Filming/Audio Recording of meetings

- 66.1 People attending may record meetings of the Council, Cabinet and Committees using whatever non-disruptive methods that they consider appropriate, including filming, photographing, audio recording and use of social media.
- 66.2 Anyone filming a meeting is asked to only focus on those actively participating.
- 66.3 All attendees should be made aware that they may be filmed or recorded whilst attending a meeting and that attendance at the meeting signifies consent to this.
- 66.4 The Chairman of the meeting has the discretion to halt any recording for a number of reasons including disruption caused by the filming or the nature of the business being conducted.
- 66.5 Questions should be addressed to the Senior Legal Officer (members of the press should contact the Press Office).