

COUNCIL	AGENDA ITEM No. 16(b)
16 APRIL 2014	PUBLIC REPORT

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STANDING ORDERS

R E C O M M E N D A T I O N S	
FROM : Director of Governance	
It is recommended that:	
1	<p>Standing Orders are varied in that Council:</p> <p>(a) revoke the following Standing Orders as set out in the Constitution at:</p> <ul style="list-style-type: none"> (i) Part 4, Section 1 of the Council's Constitution - The Council's Rules of Procedure; (ii) Part 4, Section 2 of the Council's Constitution - Standing Orders which relate to Committees only; and (iii) Part 4, Section 3 of the Council's Constitution - Standing Orders which apply to Council and Committees; and <p>(b) adopt the Council Standing Orders set out at Appendix 1</p>
2	That the Constitution Review Working Group consider the revisions following six months of operation and report to Council as necessary.

1. PURPOSE AND REASON FOR REPORT

- 1.1 A Constitution Review Group, a Member Working Group, (CRG) has been undergoing a process of updating the Council's Constitution. The first tranche of work was to assess the standing orders applying to meetings of the Council and its Committees and Sub-Committees, resulting in the recommendations contained within this report.
- 1.2 A set or draft revised Council Standing Orders were presented to the December Council meeting and were held over for debate. At the following meeting the Council referred the matter back to the Constitutional Review Group to allow for members to fully consider the proposed changes. The resulting revisions are presented here.

2. BACKGROUND AND CONSIDERATIONS

- 2.1 The Constitution Review Group, a Member Working Group, (CRG) has been meeting in its current form as of July 2013, charged with reviewing the Council's Constitution. The

CRG is made up of Cllr Harrington, Cllr Johnson, Cllr Sandford and Cllr Seaton. Officers in attendance and supporting the Group's work were the Interim Head of Legal & Governance Services, Mr Philip McCourt, then Head of Governance, Mrs Diane Baker and a Senior Governance Officer, Ms Gemma George. Given previous comments in Council, the CRG began its work with standing orders for the council and its committees and sub-committees.

- 2.2 A process was undertaken to compare the current standing orders to model standing orders. These were the model provided with the introduction of the Local Government Act 2000 and a revised model produced in 2012, both of which are an iteration of much earlier model standing orders issued to local government. This process could then highlight those elements where Peterborough City Council's standing orders differ from the models, allowing consideration of whether this 'drift' from the model was a conscious choice or not and whether the differences should remain as a positive part of a revised set of standing orders or be discarded as being no longer relevant or out of sync with current law or good practice.
- 2.3 Alongside this, Members of the CRG raised areas of possible change to the current Standing Orders, based on requests communicated to themselves or their group or criticisms of current practice. Some of these were about custom and practice rather than a change to the core rules, however, and would be dealt with elsewhere. The matters raised for consideration as revised standing orders were then worked through by the Group as outlined in the previous report.
- 2.4 Following a number of meetings, the draft revisions to Council Standing Orders were recommended to the Council meeting of 4th December 2013 and stood over until the following meeting for debate. By general consent the Council then referred these suggested changes back to the CRG to allow Members time to fully consider the changes.
- 2.5 Discussions were had separately at each of the political groups and the Constitutional Review Group then came together on 11th March 2014. The CRG came to the view that:
 - (i) the resulting revised Council Standing Orders (attached as **Appendix 1**) are to be recommended to Council for adoption; and
 - (ii) an associated revised petition scheme is to be presented to Cabinet for recommendation on to Council.
- 2.6 The revised standing orders are intended to replace those currently in place for Council and the committees and sub-committees of Council, combining and amending the procedure rules set out in Part 4, Sections 1, 2 and 3 of the Council's Constitution.
- 2.7 Many of the changes are technical in nature, to correct errors or to account for changes in law, but a number will be seen to be significant in altering the flow of the Council meeting. The principle changes and most obvious to Members and the public will be
 - (a) Questions from the public and from Members to the Leader, cabinet members, chairs and group leaders under separate procedures.
 - (b) A clear 30 minutes allowed for public questions
 - (c) A set of time limits for both the asking and answering of questions and supplemental questions, including an overall time limit of 20 minutes allowed for members' questions on notice.

- (d) Submission of petitions to be referred on in a straightforward way and as part of a new petition scheme.
- (e) Amendments to motions to be submitted in advance of the Council meeting and in writing, other than in exceptional circumstances, so as to be shared with members and the public prior to the meeting.
- (f) The deletion of a 'point of information', which is an uncommon addition, and the introduction of a 'point of accuracy' which may only be raised with the consent of the Mayor.
- (g) Provision for the public to record the meeting
- (h) Description of the Annual Meeting in two parts
- (i) Inclusion of a standing order to respond to the updated Nolan Principle on conflicts of interest.

2.8 Since the last Council meeting, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 were issued, which provide for compulsory recorded votes at budget meetings of full council and which came into force on 25th February 2014. This change has been reflected in the draft at Appendix 1

2.9 A further change to mandatory standing orders is proposed by Ministers. This will reflect for meetings of the Council the current statutory requirements on meetings of the cabinet, that,

'while the meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report'.

This removes the current standing order, derived from the Local Government Act 1972, by which the Mayor's permission is required before audio or photographic recordings may be taken of the meeting. In being a change to the law it also removes the uncertainties around protection of privacy where the Council undertakes this change itself, as was the proposal in the draft. This has also been reflected in the draft at Appendix 1.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications for any of the above report.

4. LEGAL IMPLICATIONS

4.1 There are a number of standing orders that are mandatory or are a direct repetition of the relevant Act or Regulation. These are included where required.

5. BACKGROUND DOCUMENTS

5.1 Notes and agenda of the Constitution Review Group.
Table of comments on comparing PCC and model standing orders

5.2 All other background papers are otherwise published.

DRAFT COUNCIL STANDING ORDERS

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1. ANNUAL MEETING OF THE COUNCIL

1.1. Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

1.1.1 The Ceremonial Meeting (Mayor Making)

The Meeting will:

- i. elect a person to preside if the chair of Council (the Mayor) is not present;
- ii. elect the chair of Council (the Mayor);
- iii. elect the vice chair of Council (the Deputy Mayor);
- iv. receive the retiring mayor's report.

1.1.2 The Business Meeting

The Meeting will:

- i. approve the minutes of the last meeting;
- ii. receive any announcements from the Mayor and/or Head of the Paid Service;
- iii. upon retirement of the previous Leader, which shall be at least once every four years, elect the Leader of the executive (the Cabinet)
- iv. be notified by the Leader of the number of members to be appointed to the Cabinet, those Members' names and their intended portfolio of responsibilities;
- v. appoint a licensing committee, a health and wellbeing board, at least one overview and scrutiny committee and such other committees as are required or the Council considers appropriate to deal with matters that are neither reserved to the Council nor are executive functions (as set out or will be set out in Part 3(2) of this Constitution);
- vi. receive the Leader's scheme of delegation of executive functions (as set out at Part 3(3) of this Constitution);

- vii. approve a programme of ordinary meetings of the Council for the year; and
- viii. consider any business set out in the notice convening the meeting.

1.1.3 Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.

1.2. Selection of Councillors on Committees and Outside Bodies

At the annual (business) meeting, the council meeting will:

- i. decide which committees to establish for the municipal year;
- ii. decide the size and terms of reference for those committees;
- iii. decide the allocation of seats to political groups in accordance with the political balance requirements
- iv. receive nominations of councillors to serve on each committee and outside body; and
- v. appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive
- vi. appoint the Chairs and Vice-Chairs of all the Council's committees, other than those which the Council has decided should be appointed by the committee itself.

The Council may decide at subsequent meetings to dissolve committees, alter their terms of reference or to appoint new committees.

The Council shall always have the power to exercise any power delegated to a committee, sub-committee or an officer.

2. ORDINARY MEETINGS

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

- i. elect a person to preside if the Mayor and Deputy Mayor are not present;
- ii. approve the minutes of the last meeting;

- iii. receive any declarations of interest from members;
 - iv. receive any announcements from the Mayor, Leader or the head of paid service (which, with the exception of the Mayor, will normally be limited to five minutes), followed by any question on the announcement from a leader of an opposition group (which will normally be limited to one minute);
 - v. receive questions from, and provide answers to, the public in accordance with Standing Order 10;
 - vi. receive petitions from the public in accordance with Standing Order 11;
 - vii. deal with any business from the last Council meeting;
 - viii. receive reports from the Cabinet and Council Committees for consideration, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate;
 - ix. receive reports about and receive questions and answers on decisions made by members of the Cabinet;
 - x. receive any other reports from the Council's committees and receive questions and answers on any of those reports;
 - xi. receive any reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - xii. receive questions from, and provide answers to, Members in accordance with Standing Order 12.2
 - xiii. consider motions; and
 - xiv. consider any other business specified in the summons to the meeting.
- 2.2 Unless otherwise determined by statute, the Mayor may vary the order of the agenda at his/her absolute discretion and may allocate or re-allocate an appropriate time for the transaction of each item.
- 2.3 The Mayor may determine that an item of business that has not been open to public inspection, both as an item set out in the agenda and any accompanying published report, may be considered because he or she is of the opinion that, by reason of special circumstances, which shall be specified in the minutes, the item should be considered at the meeting as a matter of urgency.

3. EXTRAORDINARY MEETINGS

3.1. Calling extraordinary meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor (or the Deputy mayor if the mayor is unable to act);
- (c) the Monitoring Officer; or
- (d) any five members of the Council if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2. Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Mayor may at his or her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

Committee members (including substitute members) are appointed by the Council or the monitoring officer under delegated powers (as requested in writing by the relevant Political Group's Whip or Leader or Deputy Leader and in accordance with political balance requirements) on the same day where the request is made before noon. Sub-Committee members (including substitute members) are appointed by the parent committee or the monitoring officer under delegated powers (as requested by the relevant Political Group's Whip (or Leader or Deputy Leader) and in accordance with political balance requirements) on the same day where the request is made before noon.

4.2 Number

For each committee or sub-committee, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee.

4.3 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the designated substitute;
- (b) where the ordinary member will be absent for the whole of the meeting; and
- (c) after notifying the monitoring officer by noon on the day of the meeting of the intended substitution.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the monitoring officer and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Standing Orders (Procedure Rules). At least five clear days before a meeting, the monitoring officer 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 (the agenda) and will be accompanied by the relevant reports.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these Standing Orders apply to committee and sub-committee meetings, references to the Mayor also include the chair of committees and sub-committees.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

9.1 Meeting recess

The Mayor will adjourn the meeting for a period of ten minutes at a convenient time after two hours.

9.2 Interruption of the meeting

Where four hours have elapsed after the commencement of any Council meeting (and in the case of an Extraordinary meeting when two hours have elapsed since commencement of the meeting) the Mayor shall interrupt the meeting and call for the vote immediately on the item under discussion. Any Member speaking must immediately cease doing so and sit down. The vote will be taken without further discussion

9.3 Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with within the four hour period (or two hour period in the case of an Extraordinary meeting), they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

9.4 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

9.5 Motions which may be moved

During the process set out in Standing Order 9.2 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

9.6 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

10. QUESTIONS BY THE PUBLIC

10.1 General

10.1.1 Members of the public who are residents of the City may ask questions of Members of the Cabinet, the Chair of a Committee, the Chair of an Overview and Scrutiny Committee/Commission or a leader of a political group on the Council at meetings of the Council, other than the Annual Meeting and, except at the discretion of the Mayor, Extraordinary Meetings.

10.1.2 The total time allocated for Questions by the Public shall be limited to 30 minutes.

10.2 Order of questions

The order in which questions shall be presented to the meeting shall be determined by a draw for each section of the meeting. The draws shall be conducted by the monitoring officer (or senior officer appointed for this purpose). The draws may be attended by any Member of the Council by prior notice delivered in writing to the monitoring officer before the deadline for submission of questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the monitoring officer no later than midday five working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

10.4 Number of questions

At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

10.5 Scope of questions

If the monitoring officer considers a question:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

- requires the disclosure of confidential or exempt information

he or she will inform the Mayor who will then decide whether or not to reject the question.

10.6 Record of questions

The monitoring officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

10.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice. Three minutes are allowed for putting the question. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Standing Order 10.5 above. One minute is allowed for putting the supplementary question.

10.9 Answers

Three minutes are allowed for answering a question and two minutes are allowed for answering a supplementary question. Any question which cannot be dealt with, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

10.10 Reference of question to the Cabinet or a committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

11. PETITIONS

11.1 Petitions may be presented to the Council. The person presenting the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Mayor will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion and in accordance with the Council's petition scheme unless a relevant item appears elsewhere on the Agenda.

12 QUESTIONS BY MEMBERS

12.1 On reports of Cabinet or Committees

At a meeting of the Council, other than the Annual Meeting, a Member of the Council may ask the Leader or the chair of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.

12.2 Questions on notice at full Council

12.2.1 Subject to Standing Order 12.4, a member of the Council may ask:

- the Mayor;
- the Leader or member of the Cabinet; or
- the chair of any committee or sub-committee

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

12.2.2 The total time allocated for Questions under this item shall be limited to 20 minutes.

12.3 Questions on notice at committees and sub-committees

Subject to Standing Order 12.4, a member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affect the City and which falls within the terms of reference of that committee or sub-committee.

12.4 Notice of questions

A member may only ask a question under Standing Order 12.2 or 12.3 if either:

- a) they have given at least five working days notice in writing of the question to the monitoring officer; or
- b) the question relates to urgent matters, they have the consent of the Mayor to whom the question is to be put and the content of the question is given to the monitoring officer by noon on the day of the meeting.

12.5 Response

An answer may take the form of:

- a) a direct oral answer of up to three minutes;
- b) by reference to published material of the Council which is readily available to Members; or
- c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

12.6 Supplementary question

Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the Member who put the question shall be allowed one supplementary question, of up to one minute, provided that it arises directly out of the original question or the reply and does not introduce any new subject matter.

The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked will have up to two minutes to answer or may decline to answer.

13 MOTIONS ON NOTICE

13.1 Notice

Except for motions which can be moved without notice under Standing Order 14, written notice of every motion, must be delivered to [the proper officer] not later than ten o'clock six clear working days before the date of the meeting (not including the day of the meeting). These will be entered in a book open to public inspection.

13.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting.

13.3 Scope

If the monitoring officer considers that a motion:

- is not about a matter for which the local authority has a responsibility or which affects the City;
- is illegal, improper, defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

he or she will inform the Mayor who will then decide whether or not to reject the motion.

14 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- a) to appoint a chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;

- l) that the meeting continue beyond 4 hours in duration (2 in the case of an extraordinary meeting);
- m) to suspend a particular standing order;
- n) to exclude the public and press in accordance with the Access to Information Standing Orders;
- o) to not hear further a member named under Standing Order 22.3 or to exclude them from the meeting Standing Order 22.4; and
- p) to give the consent of the Council where its consent is required by this Constitution.

15 STANDING ORDERS OF DEBATE

15.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

15.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

15.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

15.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, statement of accuracy or point of order.

No speech may exceed five minutes by the mover of the motion or by three minutes in all other cases without the consent of the Mayor.

15.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;
- b) to move a further amendment if the motion has been amended since he or she last spoke;

- c) 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 or she spoke was carried);
- d) in exercise of a right of reply;
- e) on a point of order;
- f) by way of personal explanation and
- g) statement of accuracy.

15.6 Amendments to motions

- a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- b) Except in relation to motions that can be moved without notice under Standing Order 14, written notice of every intended amendment to a motion or to recommendations from Cabinet or the Council's committees:
 - (i) must be delivered to the monitoring officer in its initial form not later than noon two working days before the date of the meeting (not including the day of the meeting) at which the motion is to be considered; and
 - (ii) must be delivered to the monitoring officer in its intended final form not later than noon one working day before the date of the meeting (not including the day of the meeting) at which the motion is to be considered. If no withdrawal, confirmation or change is received by the monitoring officer, it will be assumed that the amendment is to be considered in its initial form.

No other amendment may be moved at the meeting except where the Mayor may permit, at his or her absolute discretion and to

ensure the efficient or proper discharge of the Council's business, a further amendment or amendments to be moved.

- c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- d) If an amendment is not carried, other amendments to the original motion may be moved.
- e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.7 Alteration of motion

- a) A member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

15.8 Withdrawal of motion

A member may withdraw a motion which he or she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.9 Right of reply

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has no right of reply to the debate on his or her amendment.

15.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) that the meeting continue beyond 4 hours in duration (or two hours if an extraordinary meeting);
- g) to exclude the public and press in accordance with the Access to Information Standing Orders;
- h) to not hear further a member named under Standing Order 22.3 or to exclude them from the meeting under Standing Order 22.4; and
- i) that a specific standing order be suspended

15.11 Closure motions

- a) A member may move, without comment, the following motions at the end of a speech of another member;
 - (i) to proceed to the net business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed he or she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.12 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Standing Orders or the law. The member must indicate the Standing Order or rule of law and the way in which he or she considers has been broken. The ruling of the Mayor on the matter will be final.

15.13 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 the admissibility of a personal explanation will be final.

15.14 Statement of accuracy

A member may make a request to the Mayor to make a statement of accuracy at any time. If permitted, the statement will be limited to the accuracy of a fact cited by the member speaking and may not exceed thirty seconds. The ruling of the Mayor on the admissibility of a statement of accuracy will be final.

16 STATE OF THE CITY DEBATE

16.1 Calling of debate

The Leader may call a state of the City debate annually on a date and in a form to be agreed with the Mayor.

16.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the City debate.

16.3 Chairing of debate

The debate will be chaired by the Mayor.

16.4 Results of debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

17 PREVIOUS DECISIONS AND MOTIONS

17.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five members.

17.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18 VOTING

18.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

18.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

18.3 Show of hands

Unless a recorded vote is demanded under Standing Orders 18.4 and 18.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.4 Recorded vote

If one quarter of members present and entitled to vote at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in writing and entered into the minutes.

18.5 Budget decision

At a budget decision meeting of the Council the names of the persons who cast a vote for the decision or against the decision or who abstained from voting will be recorded in writing and entered into the minutes of the proceedings of that meeting

For the purposes of this Standing Order:

- (a) “budget decision” means a meeting of the Council at which it—
 - (i) makes 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; or
 - (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; and
- (c) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

18.6 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

18.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19 MINUTES

19.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will 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.

19.2 No requirement to sign minutes of previous meeting at extraordinary 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 Local Government Act 1972 (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.

19.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

20 RECORD OF ATTENDANCE

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.

21 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Standing Orders in Part 4 of this Constitution or Standing Order 23 (Disturbance by Public).

22 MEMBERS' CONDUCT

22.1 Speaking and address system

When a member speaks at full Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor 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, a point of personal explanation or a statement of accuracy.

22.2 Mayor

When the Mayor speaks or stands during a debate or otherwise indicates that the meeting should come to order, any member speaking at the time must stop and sit down. The meeting must be silent.

22.3 Member not to be heard further

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

22.4 Member to leave the meeting

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

22.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he or she thinks necessary.

22.6 Conflicts of Interest

Members of the Council are under a duty to base their decision making on a consideration of the public interest. Members must avoid conflict between personal interest and the public interest, declare any personal interest when it arises and resolve any conflict between the two interests, at once, and in favour of the public.

23 DISTURBANCE BY PUBLIC

23.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

23.2 Clearance of part of meeting room

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

24 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE
STANDING ORDERS

24.1 Suspension

All of these Council Standing Orders of Procedure except Standing Order 18.5 and 19.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

24.2 Amendment

Any motion to add to, vary or revoke these Council Standing Orders of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

25 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Standing Orders of Procedure apply to meetings of full Council. None of the Standing Orders apply to meetings of the Cabinet.

Standing Orders 1-3, 10, 15.6(b), 16 and 18.5 do not apply to committees or sub-committees.