

CONSTITUTION

October 2026

Part A2

Part A2 Standing Orders

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Standing Orders

Descriptions and Rules of Procedure

Note: The prefix of an asterisk(*) against any Standing Order indicates that it is a mandatory provision required by Law.

Chapter 1 - Description Of Provisions Relating to All Meetings

SO.1) Dates and Times of Meetings

The Annual Meeting of the Council will set dates and times for its meetings and for Committees (and Sub-Committees) throughout the council year. These dates can be changed by committees and sub-committees either at a meeting or where proposals are canvassed outside a formal meeting, provided that no member objects to the proposals.

SO.2) Responsibility for Convening Meetings

The Monitoring Officer is Clerk to the Council (proper officer) and is responsible for convening all Member meetings.

SO.3) Time Limit for Meetings

No meeting of any body of the Council will continue for more than 4 hours or beyond 11pm unless the meeting agrees to do so. If the meeting ends, any business will stand adjourned.

The meeting, or the Chair, or the Monitoring Officer will decide the date/time of the adjourned session. If the Monitoring Officer acts, they will consult with the relevant Chair for the meeting.

SO.4) Political Groups

For a political group to be recognised by the Council:

- The Monitoring Officer must receive a notice signed by at least 2 Councillors who wish to be treated as a political group.
- The notice must identify the name of the political group, and the name of the group's leader and any deputy group leader (each must sign the notice).
- All Members who wish to be regarded as members of the political group must sign the notice.

SO.5) Appointment of Members

Under this Standing Order, the Monitoring Officer is given delegated authority to appoint Members to committee seats allocated to political groups (or other nominating bodies) or give effect to temporary membership changes ("substitutions") in accordance with the wishes of those groups or nominating bodies.

SO.6) Appointments to Outside Bodies

Council will make appointments (or nominations) to outside bodies. Council can delegate these appointments to committees. The appointing body shall have regard to Council policy

on appointments and overall proportionality across all such appointments or successful nominations. The allocation of appointments shall be to political groups, with the appointment of named individuals being by the Monitoring Officer in accordance with the wishes of the political group concerned under the delegated procedure set out above.

In determining nominations for consideration by an outside body for appointment to it, the appointing body need not have regard to overall proportionality. However, if any nominations are successful, they will be taken into account in subsequent calculations of overall proportionality.

SO.7) Agenda Despatch

The items to be discussed at any meeting of the Council will be set down in the agenda. Agenda will be sent to Members at least 5 clear days before the meeting. This excludes Saturdays, Sundays, public holidays and other days on which the Council's main offices are closed. A 'clear day' is calculated from the day after the despatch of an agenda. The last 'clear day' is the day before the meeting.

The agenda and non-exempt papers become available to the public at the time of despatch to Members. This reflects the Council's ethos and commitment to giving the public rights to information and attendance at meetings which are more generous than the minimum legal requirements.

In the case of an emergency meeting a shorter period of notice may be given.

SO.8) Order of Business

The Monitoring Officer will determine the initial order of the agenda. The meeting Chair or the meeting may decide to vary the order of business.

SO.9) Six-month Rule

Meetings will not consider any matter which has already been considered within the previous six months. The exception to this is for Council on the receipt of a report of a committee or under the provisions for special meetings.

SO.10) Items from The Public

A member of the public is entitled to make a submission to a meeting of the Council, as detailed in the "Public Participation" Section.

In relation to Full council meetings, the total time allocated for public participation will not normally exceed 1 hour.

SO.11) Submissions from Employees

The Council has established procedures for consulting employees and listening to their views. Submissions from employees, in their capacity as private citizens, will be accepted under the public participation scheme but not if they relate to employment issues.

SO.12) Confidential or Exempt Business

It may be necessary for a meeting to move into confidential or exempt session when the public and press will be asked to leave the meeting. The agenda will state whether this course of action is being recommended. It will also state the legally defined categories of private information that apply to the item. The Monitoring Officer will advise the meeting as necessary.

In accordance with its commitment to openness, the Council will strive to keep the need to go into private session to a minimum.

SO.13) Register of Attendance

Members will sign a Register of Attendance.

SO.14) Urgent Business

There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting.

SO.15) Chair's Right to Add to Agenda

When an urgent matter has arisen after the despatch of an appropriate agenda the following procedure applies:-

The Chair of the meeting has the authority to agree to take urgent items not on the agenda.

The Chair (with advice from the Monitoring Officer as appropriate) needs to be satisfied as to the need for urgency under the following criteria:-

(a) the item has arisen between the compilation of the agenda and the date of the meeting. In all cases the reason for the urgency shall be clearly stated
(b) the item requires an urgent decision in the public interest which cannot be dealt with by other means.

SO.16) Special Meetings

A special meeting of any council body can be called. The urgent matter to be considered may mean that the meeting has to be convened with less than five clear days' notice. Provision exists for this to happen under the Local Government Act 1972 (as Amended).

Chapter 2 – Description of Provisions Specific to Council Meetings

SO.17) Annual Meeting of Council

The Annual Meeting of the Council will be held on a date fixed in advance in May. In a year of ordinary elections, the Annual Meeting is held either on the 8th day after the day of retirement of Members or within the 21 days immediately following the day of retirement.

SO.18) Chair of The Council and Vice-Chair of The Council

The first business at the Annual Meeting of the Council is to elect a Councillor to be Chair of the Council for the council year. The Annual Meeting will also elect a Vice-Chair of the Council.

SO.19) Special Meetings

Occasionally, it will be necessary to call a Special (or Extraordinary) meeting of the Council to deal with specific business only.

A special meeting may be called and a date and time set:

- by the Council
- by the Chair of the Council, at their own discretion or in response to a written request from 5 Members;
- by the Monitoring Officer after consultation with the Chair

The agenda papers will explain the reason for the meeting. When 5 Members give written notice of their wish to call a meeting, the Chair may:

- call a meeting within a reasonable time;
- refuse to call a meeting;
- take no action.

If the Chair refuses to call a meeting within 7 days, or takes no action, the 5 named Members may require the Monitoring Officer to convene a meeting on a date which they will determine.

SO.20) Quorum (minimum number of Councillors at a meeting)

A meeting of the Council cannot, by law, take place unless at least one quarter of the whole number of its Members are present. The Quorum for meetings of the Council is 18 Members.

SO.21) Agenda Content – Council Meetings

(AM) = Annual meeting of Council only

The Council will:

(a) elect a person to preside if the Chair of Council is not present;

(b) elect the chair of Council; (AM)

(c) elect the vice chair of Council; (AM)

(d) note the emergency evacuation procedure;

(e) receive any declarations of interest

(f) approve the minutes of the last meeting;

(g) receive any announcements from the chair and/or head of the paid service;

(h) in election years, receive details of those persons elected to the Council; (AM)

(i) receive the annual business report (AM) to include:

i) Formation of political groups (in ordinary election years)

ii) Appointment of Committees, Sub Committees, Topic Forums and other bodies of the council and terms of reference

iii) Appoint Chairs of Committees

iv) Appointments to outside bodies, joint committees and partnerships

v) Constitutional changes

vi) Scheme of delegation

vii) Calendar of meetings

(j) receive items from the public;

(k) receive petitions, questions and motions from members, save that for the budget setting meeting of Council (annually in February), only motions limited to the setting of the Council's Budget will be permitted;

(l) consider any business set out in the agenda

(m) consider any other business which the Chair accepts as urgent.

SO.22) Reports of Committees

The Council may receive reports from committees. Minutes of their meetings will not be submitted to Council.

SO.23) Matters Referred to Council by Committees

The Council will receive reports from its committees or under the referencing-up procedure as set out in the Standing Orders.

SO.24) Petitions from Members

A Member may present a petition (no minimum number of signatures).

There is no requirement to give prior notice, although it is helpful for the Monitoring Officer to be advised before the meeting starts.

The council will normally receive the petition and refer it without debate to the appropriate Member or officer. However, if the petition relates to a matter on the Council agenda, it will be referred for consideration with that item.

SO.25) Questions from Members

A member may ask a written question of the Leader of the Council, any Group Leader, any Executive Member, a Committee Chair or chief officer, on any function of the Council. Questions must relate to the responsibilities of the person questioned. The question can include a short preamble to explain the context and purpose of the question. This must be submitted at the same time as the question. The responder may answer the question, ask an officer to answer it, offer a written response or decline to answer and may give reasons.

(a) **Period of Notice** – The deadline for the submission of questions for Council is 5.00pm on the day before dispatch of the Council Agenda. Questions must be submitted in writing to the Monitoring Officer by this deadline.

(b) **Urgent Question** – With the permission of the Chair, an urgent question may be asked, provided it has been notified to the Monitoring Officer by 5.00 pm on the day prior to the meeting. Any request for a mini-debate on an urgent question must also be submitted by this deadline.

(c) **Circulation of Questions** – The answers to questions will be circulated to all councillors at least 1 hour before the start of the Council meeting.

(d) **Supplementary Questions** - At the meeting itself, the Member who has asked the original question may ask one supplementary question which is relevant to the original question. When putting the supplementary question, the member may give a short explanation for the purpose of the question. The purpose of speaking at this time is to ask a supplementary question and therefore statements must be confined to a succinct and relevant explanation.

(e) If a written response is promised at the meeting, it will be provided within one calendar month.

(f) The total time allocated for questions and mini debates will not normally exceed 1 hour

SO.26) Motions from Members

A Member of the Council may bring a motion before the Council on any matter for which the Council has a responsibility or which affects the well-being of South Gloucestershire.

(a) **Period of Notice** – Written notice of the motion must be received by the Monitoring Officer at least 10 clear days before the meeting.

(b) **Urgent Motions** – With the permission of the Chair, an urgent motion may be presented, provided it has been notified to the Monitoring Officer by 5.00 pm on the day prior to Council. The motion may only be discussed if the Council considers that it has before it, all the information and advice necessary to make a proper decision. The meeting may choose to defer the motion until the next meeting to be considered within the benefit of officer advice.

SO.27) Open Debates

The Council may have open debates on issues of significance to the area and encourage community participation in them.

Normal debating rules apply.

Chapter 3 – Description of Provisions Specific to The Executive

SO.28) Membership of The Executive

In the year of ordinary elections, the Annual Meeting of the Council will elect the Leader of the Council (the Executive Leader).

The Leader of the Council will appoint between 2 and 9 Executive Councillors.

The Leader and executive councillors comprise the Council's Executive.

Members of the Executive when meeting together form the Cabinet.

The Leader will appoint one of the executive councillors to be Co-leader of the Council.

SO.29) Portfolio Responsibilities

The Leader will allocate portfolio responsibilities and delegated powers to each member of the executive at his discretion.

The Leader of Council will determine any detailed interpretation needed at any time on the contents of portfolios.

SO.30) Who may make Executive Decisions?

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council. The arrangements provide for executive functions to be discharged by:

(a) the Executive as a whole, meeting as the Cabinet;

(b) a committee of the Cabinet;

(c) an individual member of the executive;

(d) an officer;

(e) joint arrangements; or

(f) another local authority

SO.31) Delegation by The Leader

The Leader is responsible for the discharge of all executive functions and may delegate responsibility to executive councillors, officers, cabinet committees or by other means.

The Council will receive a written record of delegations to be included in the Council's scheme of delegation and as set out in Part A1 to this Constitution.

The document will contain the following information about executive functions:

(a) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;

(b) the terms of reference and constitution of any executive committees.

(c) the nature and extent of any delegation of executive functions to any other authority or any joint or partnership arrangements; and

(d) 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.

SO.32) Sub-Delegation of Executive Functions

(a) Where the Cabinet, a committee of the Cabinet or an individual executive councillor is responsible for an executive function, they may delegate further.

(b) Even where executive functions have been delegated, that fact does not prevent the discharge of the delegated functions by the Leader.

SO.33) The Council's Scheme of Delegation and Executive Functions

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council.

(b) If the Leader decides to delegate an executive function, written notice must be given to the Monitoring Officer. The notice must set out the extent of the delegation, amendment to the scheme of delegation and whether it entails the withdrawal of a delegation from any person or body. The Monitoring Officer will report the changes, for information, to the next ordinary meeting of the Council. The Constitution will be amended to reflect the revised scheme of delegation to include the changes, which are effective from the date of the notice.

SO.34) Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.

(b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.

(c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest

arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members.

SO.35) Key Decisions

A key decision is a decision that requires expenditure of more than £500,000 or impacts on more than one ward and is of general significance to the Council area.

SO.36) Publication of Proposed Decisions and Decisions Taken

All proposed decisions will be published on the Forward Plan and all decisions taken will be published on Modern.Gov.

SO.37) Cabinet Meetings – When and Where?

The Cabinet will meet at times and in locations agreed and published in advance.

SO.38) Meetings of The Cabinet

As part of South Gloucestershire Council's commitment to openness in decision making, all formal meetings of the Cabinet will be held in public (subject to the Access to Information Rules).

SO.39) Chair and Vice-Chair

The Leader of the Council is the chair of the Cabinet. In his/her absence, the Deputy Leader will act as chair. In exceptional circumstances when both the Leader and Deputy Leader are absent, the meeting may appoint one of its number to act as chair for the duration of the meeting.

SO.40) Casual Vacancies

When a vacancy arises on the Executive, the Leader will appoint a new executive councillor at the earliest opportunity, or reallocate portfolio responsibilities, at his/her discretion. Pending any new appointment, the Leader of the Council will allocate temporary responsibility for the vacant executive councillor's portfolio, to one or more of the remaining members of the Executive, or discharge the functions himself. The Leader will confirm this in writing to the Democratic Services Manager.

SO.41) Quorum

A meeting of the Cabinet cannot take place unless at least 3 of the whole number of its Members are present.

SO.42) Special (or Extraordinary Meetings)

A special (or extraordinary) meeting of the Cabinet may be called by the Leader of the Council signing a notice to the Monitoring Officer setting out the business of the meeting and, if appropriate, the time scale in which the meeting is to be held.

The Monitoring Officer will call the meeting as soon as reasonably practicable.

The Monitoring Officer may also convene a special (or extraordinary) Meeting in consultation with the Leader. (Note: this is subject to the SO 4).

SO.43) Ex-Officio Members

There are no ex-officio members of the Executive.

SO.44) Substitution

Executive Councillors are not able to appoint substitutes if they are unable to attend Cabinet meetings.

SO.45) Absence of Executive Councillors

An executive councillor may be absent and unable to take a decision or be consulted by an officer. When this happens, the Leader of the Council (or in his/her absence the Deputy Leader) may designate any Member of the Executive to take temporary responsibility for the absent member's portfolio and for any associated decision making. The arrangements made will be published by the Democratic Services Manager.

SO.46) Appointment of Committees

The Cabinet may appoint committees to discharge any of its functions or to assist with policy development.

SO.47) Appointment of Ad Hoc Advisory Panels

The Cabinet may appoint (on a task and finish basis) informal ad hoc advisory panels comprising executive and non-executive councillors, officers and external participants to assist with policy development.

Participants will be selected by the Cabinet with regard to their personal contribution to the work to be undertaken.

SO.48) Appointment of Topic Forums

The Cabinet may establish topic forums to promote dialogue and partnership working on broad areas of significance to the Council, the community and other organisations.

SO.49) Advice from The Scrutiny Commission

The Cabinet will seek advice from the Scrutiny Commission on the development of the policies which comprise the Council's policy framework.

The Cabinet or individual executive councillors may seek advice from the Scrutiny Commission on any other matter of their choosing.

SO.50) Call-In

When a decision is made by the Cabinet, an individual executive councillor, committee of the Cabinet, the decision will be published in accordance with the Call-In Procedure Rules.

The Scrutiny Commission or any five members of Council are entitled to give notice to the Democratic Services Manager of their requirement for the decision to be called-in for review by the Scrutiny Commission under the Call-In Procedures.

In the case of urgent decisions, the call-in would be for post-implementation review.

Decisions "called-in" will be referred to the next meeting of the Scrutiny Commission for consideration. The action the Scrutiny Commission may take is set out in chapter 6. Any consequent report of the Scrutiny Commission will be submitted to the relevant decision-taker for consideration.

Preparation for Cabinet Meetings

SO.51) Agenda Preparation

Prior to the agenda being finalised, Officers will brief the Leader and Deputy Leader of the Council on matters coming to the meeting for consideration.

SO.52) Agenda Despatch

The items to be considered at a meeting will be set down in the agenda. The agenda and supporting papers will be dispatched 5 clear days before the meeting.

The agenda and non-exempt papers become available to the public at the time of despatch to Members.

In the case of an emergency meeting of the Cabinet, a shorter period of notice may be given.

SO.53) Agenda Content / Order of Business

The agenda content and order of business at a meeting of the Cabinet will be as follows:

i) summons to the meeting

ii) any declarations of interest from Members in relation to items on the agenda

iii) minutes of previous meetings

iv) items from the public (petitions, questions and statements)

v) items from Members (petitions, questions and statements)

vi) reports from the Scrutiny Commission

vii) matters referred by the Council or the Scrutiny Commission

viii) reports of Chief Officers

ix) urgent business

x) exempt business (in private session)

The order of business may be varied by the Chair.

SO.54) Urgent Agenda Business

The Chair may agree to take at the meeting, urgent items not on the agenda providing:-

i) the item has arisen between the compilation of the agenda and the date of the meeting; or

ii) the item requires an urgent decision in the public interest which cannot be dealt with by other means.

SO.55) Items from the Public

Any Member of the public is entitled to make a submission to or participate at a meeting of the Cabinet as detailed in the Public Participation scheme.

SO.56) Items from Members and Notice Required

Any Member of the Council may, in relation to meeting of the Cabinet:-

i) Present a petition (no notice required)

ii) Make a submission on any matter, whether or not it is a meeting agenda (no prior notice required);

iii) Ask a question of the Leader or any executive councillor (no prior notice required);

iv) participate and contribute views during the course of the meeting on matters under consideration at the discretion of the chair.

Notice (where required) to be given to the Monitoring Officer.

SO.57) Advice on Content of Items from Members

The Monitoring Officer will have the right to give advice to a Member about the content of any proposed items referred to above.

SO.58) Members Attending Cabinet Meetings

Any Member of Council has the right to attend a meeting of the Cabinet and participate and contribute views at the discretion of the chair.

When the Council receives a petition or a motion from a Member and refers it to the Cabinet for consideration, the Member concerned will have the right to attend and address any meeting which considers the matter.

SO.59) Matters Referred by Council, Scrutiny Commission or Topic Forums

The Cabinet will receive reports on matters referred by Council or the Scrutiny Commission.

SO.60) Reports of Officers

Reports to the Cabinet will be in the name of the relevant Chief Officer. The report will indicate the contact officers within the lead Department(s) for advice or information about the issues raised in the report.

SO.61) Confidential (or Exempt Business)

The public will only be excluded from a meeting when matters relating to confidential or exempt information are considered.

SO.62) Casting Vote

In law, the Chair is entitled to vote a second time in order to obtain a decision from equality of voting “for” and “against”.

By convention in this Council, the Chair does not exercise a second or casting vote at meetings, although to do so will not invalidate the decision.

SO.63) Items from the Public

(a) Petitions

The Chair will invite the person presenting the petition to address the meeting for no more than 5 minutes.

The Cabinet may either ask an executive councillor/officer to consider the matter and respond to the petitioner or report on the matter to a future meeting or, if the matter relates to an item already on the agenda for the meeting, defer consideration of the petition until that item is reached.

(b) Questions

The person will be asked to address his/her question to the Leader or relevant executive councillor.

No speech will be allowed and the person must put the specific question.

The person asked the question may:

i) answer the question;

ii) ask an Officer to answer it;

iii) offer a written answer; or

iv) decline to answer the question and may give reasons.

(c) Statements

The person (or people) making the statement will be invited to address the meeting for normally no more than 5 minutes.

Members of the Cabinet may ask questions of the presenter of the statement to clarify points made or to establish facts.

At the chair's discretion, statements may be made at the beginning of any agenda item to which they relate. This is an alternative to them being made at an earlier part of the meeting.

The meeting may (1) ask an executive councillor/officer to consider the matter and respond to the person concerned or report to the next, or next following, meeting on the issues raised in the submission; or (2) agree to note the submission; or (3) if it relates to a matter on the meeting's agenda, to defer consideration until that item is reached.

(d) Time Limit

The Chair will exercise discretion on the overall time allowed for public participation either at the beginning of the meeting or in connection with any particular item. This will take into account the issues people wish to raise and the other business of the meeting.

SO.64) Items from Members

The following rules explain how items from, and general participation by, Members of the Council are dealt with at meetings.

(a) Petitions

The Chair will invite each Councillor to present the petition by briefly reading it or summarising the issue.

The meeting may either ask an executive councillor/officer to consider the matter and respond to the petitioner or report on the matter to a future meeting or, if the matter relates to an item already on the agenda for the meeting, defer consideration of the petition until that item is reached.

(b) Questions

The Chair will call in turn each Councillor giving notice to ask his/her question. The person asked the question may:

- answer the question;
- ask an officer to answer it;
- offer a written answer; or
- decline to answer it and may give reasons.

(c) Urgent Questions

The Chair will call the Councillor giving notice to ask his/her question and will explain to the meeting the reason why he/she has accepted the question as urgent.

(d) Submissions

The Chair will call the Councillor to make a statement on an item on the agenda and speak for no more than 5 minutes.

At the chair's discretion, submissions may be made at the beginning of any agenda item to which they relate. This is an alternative to them being made at an earlier part of the meeting.

The meeting may (1) ask an executive councillor / officer to consider the matter and respond to the member or (2) report to the next, or next following, meeting on the issues raised in the submission; or (3) agree to note the submission; or (4) if it relates to a matter on the meeting's agenda, to defer consideration until that item is reached.

(e) Contribute views during the course of the meeting.

The chair will give Members of Council the opportunity during each item on the agenda to contribute their views on the matter being discussed.

(f) Time Limit

The chair will exercise discretion on the overall time allowed for members participation. This will take into account the issues Members wish to raise and the other business of the meeting.

SO.65) Rules of Debate

Formal rules of debate are generally not appropriate in Cabinet meetings. An informal discussion-based approach will be guided by the Chair.

SO.66) Decision-Making

Decisions will be carried by a simple majority of members present and voting.

SO.67) Matters referred to Council by The Cabinet

The Council will receive reports from the Cabinet-

(1) making recommendations on the policies which comprise the budget and policy framework;

(2) informing the Council of key matters of significance (in exceptional circumstances).

The relevant executive councillor or the Leader of the Council will present the report to the Council on behalf of the Cabinet.

SO.68) Officers Speaking at Cabinet Meetings

Officers will be entitled to offer advice and guidance at meetings.

Chapter 4 – Urgent Business of The Executive

There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of the Executive or sub-committee having delegated powers.

SO.69) Urgent Executive Decisions

An executive decision may be taken by an executive councillor, the Cabinet, Cabinet Committee on an urgent matter provided:-

(1) the matter is urgent and implementation cannot await the full publication process;

(2) the decision is within the Council's Budget and Policy Framework or any other relevant policy;

(3) the decision is published under the publication procedure and is subject to postimplementation review under the Call-In Procedure Rules.

(4) **General Exception Provision**

Where it is impracticable to meet the 28 days' notice publication on the Forward Plan and the matter would be a key decision that decision shall only be made after the Chair of the Overview and Scrutiny Commission has been informed by notice in writing, of the matter about which the decision is to be made. A copy of that notice to be published on the website. After 5 clear days have elapsed that decision may be taken. The notice should explain why there was non-compliance with the 28 days' notice.

(5) **Special Urgency Provisions**

Where it is impracticable to meet the 28 days' notice and it is also not possible to achieve the 5 days General Exception provisions then special urgency provisions may apply. The use of this provision requires the agreement of the Chair of the Scrutiny Commission that the making of the decision is urgent and cannot reasonably be deferred.

(i) Such a notice must be published on the website setting out the reasons that the decision is urgent and cannot be deferred.

(ii) If the Chair of the Overview and Scrutiny Committee does not agree with the Special urgency, then the 5 days General Exception Provision applies.

(6) The call-in procedure set out in Standing Order 106 below shall not apply where the decision has been taken as an Urgent Decision in accordance with (4) or (5) above, Standing Order 107 shall apply

(7) In all cases, a report will be submitted by the Chief Executive or chief officer to the relevant executive councillor, the Leader and to the Scrutiny Commission chair (or Chair of Council) under cover of a completed “Urgent Executive Decision” sheet. The reason(s) for urgency will be given.

(8) All urgent Executive decisions taken will be published by the Democratic Services Manager on the Executive Decisions Schedule.

SO.70) Urgent Decisions outside the Budget or Policy Framework

Such decisions are subject to the Budget and Policy Framework Rules.

Chapter 5 – Description of Provisions Specific to Non-Executive Committee Meetings

SO.71) Powers and Duties of Committees

The Council sets terms of reference which delegates specified functions to committees.

SO.72) Chair

The chair of each committee is appointed by the Council and the presumption is that the Chair will serve for the Council term of office. However Council can review Chair appointments should the need arise. The chair responsible for leading and guiding the work of the Committee and for the conduct of meetings

SO.73) Lead Members

The Chair is the principal spokesperson and the lead member for the committee. Other political groups will appoint one of their committee members to be their lead member.

Lead members have a co-ordination role within their groups.

SO.74) Appointment of Lead Members

Appointments or subsequent changes will be effective immediately once the Monitoring Officer has received written notification from the political group leader.

Vacancies

Vacancies which occur on committees will be filled on behalf of the Council by the Monitoring Officer using delegated powers.

SO.75) Quorum (minimum numbers of Councillors at a meeting)

A meeting of a committee cannot take place unless at least one third but not less than 3 of the whole number of its Members who have voting rights are present.

SO.76) Special (or Extraordinary Meetings)

A special (or extraordinary) meeting may be called by at least one quarter of the committee (or sub-committee) membership signing a notice to the Monitoring Officer, setting out the business of the meeting and the timescale in which the meeting is to be held. The Monitoring Officer will call the meeting as soon as reasonably practicable.

The Monitoring Officer may also convene a special (or extraordinary) meeting in consultation with the relevant committee Chair.

SO.77) Ex-Officio Members

The Political Group leaders of the Council shall be ex officio, non-voting members of all committees except those dealing with planning appeals, complaints or appointments and consultative bodies (this does not apply when the Member has been appointed to serve on a committee by name).

Ex officio members may participate fully in a meeting, including proposing or seconding motions and amendments. However, they cannot vote unless acting as a substitute or sitting as a full member of the committee.

SO.78) Substitution (temporary membership change)

Where any member of a meeting (whether voting, ex-officio, added, co-opted etc) is unable to attend, a political group (or in the case of non-councillor members, the appropriate nominating body), may request the Monitoring Officer to use delegated powers to effect a temporary membership change ("substitution") for the duration of the meeting.

Any temporary membership change ("substitution") made under this Standing Order shall continue for the duration of the meeting except when the meeting is adjourned to a different date. However, if the meeting adjourned without completing an item, no membership change is permissible until that item is completed.

If a lead member is absent, the political group to whom they belong may nominate a substitute to carry out the full roles and responsibilities of the lead member for the duration of that meeting. If that substitute is already a Member of the committee, then a further temporary appointment may be made to fill that Member's normal place on the committee as a non-lead member.

SO.79) Joint Meetings

Committees may have joint meetings with other committees to discuss matters of mutual interest and make decisions.

The joint meeting will appoint (by simple majority of all Members voting) from amongst its number a chair for the meeting. Any decision-making must be by the committee responsible for the decision and be recorded appropriately. If necessary, the joint meeting may need to adjourn to enable the constituent bodies to elect their own chair and make their decisions. A single set of minutes will be taken of the joint meeting and any decisions taken by its constituent committees.

SO.80) Appointment of Sub-Committees

Committees can recommend the creation of sub-committees to the Council. Subcommittees may be given powers to act on the committee's behalf or make recommendations to the committee.

Council will decide the size and proportionality of seats among political group members on sub committees.

SO.81) Agenda Meeting (With the Exception of Planning Committee#)

Prior to the agenda being finalised, officers will brief the chair on matters coming to the meeting for consideration. Political group leaders and political group assistants can attend any agenda meeting which will be chaired by the committee chair.

SO.82) #Planning Committee Agenda Meeting

No later than 10 clear days prior to the Committee meeting (and in any event prior to any site visit), a list of the applications to be brought forward to the next committee will be circulated electronically to all Members in order to give advanced notice of the forthcoming agenda and prompt Councillors to discuss with officers whether sufficient information will be contained within the committee report and to ensure that all options are addressed.

No less than 3 working days prior to the Committee meeting a full briefing will be held with the Chair and lead members on the full agenda. Officers will brief the chair and lead members on matters coming to the meeting for consideration. Political Group Leaders may attend. The meeting will be chaired by the chair of the committee.

Purpose of Agenda Meeting

The purpose of the agenda meeting is to:

(a) To enable the chair and lead members to be briefed on the agenda for a forthcoming meeting of a committee or sub-committee.
(b) To raise and agree with the chair and lead members any particular points relating to the meeting itself (conduct, procedural issues, nature of paperwork).
(c) As appropriate to consider whether sufficient information is contained and all options are addressed in the officer report.
(d) To review as appropriate action taken on matters decided at the last meeting.
(e) To enable the chair and lead members to be advised, as appropriate, of outstanding, forthcoming and possible urgent items.

SO.83) Agenda Content

The agenda content at a committee will include:

(a) evacuation procedure
(b) any declarations of interest from Members in relation to items on the agenda
(c) Minutes of previous meetings of the committee
(d) Minutes of urgency sub-committee or site visiting meetings
(e) items from the public
(f) items from members (petitions, questions and motions)
(g) updates from members appointed to outside bodies
(h) reports from sub-committees (on matters requiring approval)
(i) matters referred by the Council or other committees
(j) reports of chief officers
(k) urgent business
(l) exempt or confidential business.

The order of business may be varied by the chair with the consent of the meeting itself. Sub-committee minutes do not get reported to committees.

SO.84) Petitions, Questions and Motions from Members

Any Member of the Council may, in relation to a meeting of a committee, attend, speak and ask oral questions of the committee at the discretion of the Chair.
They may also:

(a) present a petition and speak to it at the meeting (no notice required);

(b) ask a written question of the committee chair or chief officer; (the question is required by noon 3 clear days before the start of the meeting);

(c) with the chair's consent, ask a written question on an urgent matter (notice required by 5.00pm the previous day);

(d) submit a written motion for inclusion on the committee's agenda (10 clear days notice required)

(e) with the chair's consent, submit an urgent written motion (notice required by 5.00pm the previous day)

(f) contribute views during the course of the meeting on matters under consideration.

Notice (where required) to be given to the Monitoring Officer who will have the right to give advice to a Member about the content of any proposed item.

Where written questions are submitted, they will be circulated to committee members, relevant officers and published under Items from Members in the agenda papers (if the questions are submitted after the publication of main agenda papers, then they will be published as a supplement).

SO.85) Petitions, Questions and Motions – Action by Committee

Questions

The person who has been asked the question may answer the question, ask an officer to answer it, offer a written answer; or decline to answer it and may give reasons.

If a written answer is promised at the meeting, it will be provided within one calendar month.

Motions

The chair will call the councillor who has given notice to propose the motion. A seconder is required before it is open for discussion.

The meeting may (1) decide the issue at the meeting - only provided that the meeting considers that it has before it all the information and advice necessary to make a proper decision: or (2) ask for an officer's report to the next, or subsequent meeting.

SO.86) Members attending Committee Meetings

Any Member of Council has the right to attend a meeting and make a submission on an item on the agenda.

SO.87) Matters referred to Council by Committee

The Council will receive reports from its committees asking the Council to decide issues which, although within the powers of the committee to deal with, are referred to the Council by Standing Order.

SO.88) Matters referred to Council by Members

This standing order is dis-applied to the decisions of the Planning Committee.

Once a vote has been taken on a matter for which a committee or sub-committee has power to act, a decision is made.

If the committee chair or a simple majority of the committee present and voting so indicate, the decision (or specified part of it) is suspended and stands referred to the next available meeting of Council for determination. The request must be made before the meeting moves on to the next item of business. It is not possible to exercise any reference up until the end of the consideration of the agenda item concerned.

The committee or sub-committee's report to the Council meeting will set out the resolution, decision or lack of decision which has been referred up and a neutral recommendation simply asking Council to determine the matter. The report will be presented by the Chair or one of the members responsible for the referral.

The report considered by the committee or sub-committee together with the minute of the meeting will be included in the Council agenda paperwork. The Chair of the committee, sub-committee, or one of the members responsible for the referral will introduce the item by providing a factual summary of the item and the decisions reached by the committee. The member referring the item will not make a political speech or move a proposal. The member referring the item will then take their seat and the debate will commence under the control of the Chair of the Council meeting.

Before a matter is reported to Council for determination, the Chair or the members responsible for the referral can decide that the matter can be considered by another committee or sub-committee if it is felt appropriate that they consider the matter. Any advice of those committees or sub-committees shall be included as part of the Council report.

In the event of an item being referred up to Council by a Committee under standing orders, if Council meeting is not scheduled within 4 weeks from the date of referral, a special meeting may be called to consider the matter being referred if the Leader of the Council considers that it is appropriate.

SO.89) Matters referred from Council or other Committees

The Council may refer a matter to a committee.

SO.90) Officers speaking at Committees

Officers will be entitled to introduce reports and offer advice and guidance to meetings.

Chapter 6 – Description Of Provisions Specific to Overview and Scrutiny

(HEALTH SCRUTINY IS SUBJECT TO SEPARATE ARRANGEMENTS AND IS OUTSIDE THE REMIT OF THE COMMISSION)

SO.91) Work Programme

The Scrutiny Commission will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on the commission who are not members of the largest political group on the Council. The Scrutiny Commission can establish scrutiny working groups comprised of its members or any non-executive member of the Council.

There is an expectation that members who ask for a specific item to be added to the work programme participate personally in the group(s) which undertake that specific piece of work.

SO.92) Policy Review and Development

(a) The role of the Scrutiny Commission includes policy review and development.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Scrutiny Commission may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference. They may also agree requests from the Executive for advice on the development of such policies.

(c) The Scrutiny Commission may hold enquiries and investigate the available options for future direction in policy development. The Scrutiny Commission may ask witnesses to attend to address them on any matter under consideration.

SO.93) Reports From The Scrutiny Commission

(a) Once it has formed recommendations on proposals for policy development or other matters, the Scrutiny Commission members will prepare a formal report. This will normally be submitted to the Cabinet for consideration.

(b) The Cabinet shall consider the report of the Scrutiny Commission at the next available meeting.

SO.94) Making sure that Scrutiny Commission Reports are considered by the Executive

(a) Once a Scrutiny Commission report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Cabinet. The Cabinet may refer the Scrutiny Commission report to an executive councillor for consideration and response.

(b) If for any reason the Cabinet (or an executive councillor) does not consider the Scrutiny Commission report within 3 months or a time scale acceptable to it, then the matter will be referred to Council for review at its next available meeting.

(c) The Council will consider the report and make a recommendation to the Cabinet.

(d) The Scrutiny Commission will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Scrutiny Commission following a consideration of possible policy/service developments, the commission will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

(e) The Scrutiny Commission's Chair has the right to attend any meeting of the Cabinet which considers a report, and to present the report to the Cabinet.

SO.95) Cabinet Response to Scrutiny Commission Reports

The Cabinet is required to respond to all reports submitted to it by the Scrutiny Commission. The response will be minuted and reported back to the Scrutiny Commission within 3 months.

The Cabinet may respond in the following ways:-

(a) to accept the report and indicate how it proposes to implement its contents;

(b) to accept the report in part, giving reasons why parts are not accepted;

(c) to disagree with the report and give reasons;

(d) to receive the report for further consideration by an executive councillor and/or officer, or by the Cabinet itself and for the outcome of that consideration to be reported back to the Scrutiny Commission within 3 months.

The outcome of the consideration given will be in any of the ways set out in (a) to (d) above.

SO.96) Party Whip

When considering any matter in respect of which a member of the Scrutiny Commission or a scrutiny working group is subject to a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the commission's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

("Definition of "party whip" – Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.")

SO.97) Submissions from the Public

A member of the public is entitled to make a submission to or participate at a meeting as detailed in the "Public Participation" Scheme at Chapter 11.

SO.98) Submissions from Members

A Member of the Council may make an oral or written submission to a meeting on any matter on an agenda.

SO.99) Members attending the Scrutiny Commission

When the Council refers any matters raised by a Member to the Scrutiny Commission for consideration, the Member concerned will have the right to attend and address, but not vote, at any meeting which considers the matter, unless he/she is a named Member of the Scrutiny Commission.

SO.99.1) Members and Officers giving account

Subject to the provisions of SO.107 (provisions relating to Urgency), the Scrutiny Commission may scrutinise and review decisions made or actions taken in connection with the discharge of any Executive function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require any Cabinet Member or officer, to attend before it to explain and answer questions in relation to matters within their remit.

Following a formal resolution of the Commission, the Commission shall require the attendance at a meeting of either the Commission or a Task and Finish Group of Cabinet Members or officers. The resolution of the Commission shall set out the details the Commission or Task and Finish Group require the Cabinet Member or Officer to address.

Alternatively, a written request unanimously approved by Lead Members at the Scrutiny Commission agenda briefing would have the same effect.

Following a resolution of the Commission or the unanimous approval of the Scrutiny Commission Lead Members to require attendance, the Statutory Scrutiny Officer will inform the Cabinet Member or officer in writing of the request, giving at least 10 clear days' notice. The request shall specify who is being invited and in what capacity; the date of the meeting they are requested to attend and specific details of which topic(s) they will be invited to address.

Where, in exceptional circumstances, the Cabinet Member or officer is unable to attend on the requested date then the Commission shall, in consultation with the Cabinet Member or officer, arrange an alternative date for attendance or the attendance of a substitute member/officer if appropriate.

SO.100) Submissions from the Public and Members

The chair will invite the person wishing to make a submission to address the meeting for no more than 5 minutes (per issue).

An oral submission may be confirmed in writing.

The Scrutiny Commission may ask questions of clarification. Submissions made will be received and taken into consideration by the commission in pursuing its work programme or in considering any Executive decision called in under the Council's call in arrangements.

At the chair's discretion, the submission may be made either at an early part of the meeting or when the relevant item on the agenda is reached.

SO.101) How Meetings are conducted and conclusions reached

Normal Standing Orders of debate are not relevant to the work of the Scrutiny Commission.

The chair will ensure that, at all times, meetings are conducted in a constructive and positive manner and in the best interests of the Council.

The chair will suggest to the meeting the most appropriate way of considering the business of the meeting and the contributions to be asked of any witnesses.

Investigations will be conducted fairly and all members of the committee shall be given the opportunity to ask questions of attendees and to contribute and speak.

Those assisting the committee by giving evidence will be treated with respect and courtesy.

Investigations will be conducted so as to maximise the efficiency of the investigation or analysis.

Conclusions and recommendations should ideally be reached by consensus. However, if necessary, they may be decided by majority vote.

Chapter 7 – Description of Provisions Specific to Topic Forums

Topic Forums are established by the Cabinet and provide an opportunity to promote dialogue and partnership working on areas of significance to the Council, the community and other organisations also. They report back to Cabinet to promote "joined-up" thinking on the topic.

SO.102) Membership and Constitution

The Cabinet will appoint members of Council (on a cross-party basis) to be the Council's members of the forum. Topic Forums are free to develop their own constitutions and invite relevant organisations to be part of its membership. Topic forums must be outward looking in their work and actively encourage the participation from relevant organisations active in their community.

SO.103) Conduct of Meeting

Within a broadly agreed structure, forums are free to develop the structure of their meetings in whatever way they consider appropriate.

Chapter 8 – Call-in Procedures

SO.104) Scope

Subject to the exceptions set out below, all decisions of the Cabinet and individual executive councillors are subject to these Rules.

A decision may not be called in if it:

(a) relates to a budget or policy framework matter which the Cabinet is recommending to the Council;

(b) relates to a decision which replaces a previous decision called-in and considered by the Scrutiny Commission.

SO.105) Publication of Executive Decisions

All decisions of the Cabinet, or decisions of individual executive councillors, or committees of the Cabinet, will be published by Democratic Services.

Unless justifiable reasons for urgency exist, no executive decision will be implemented until the expiry of 5 clear days after the date of publication.

SO.106) Call-In

Within 5 clear days of publication, at least 5 councillors may signify in writing to the Democratic Services Manager their wish for a specified decision to be called-in. Reasons must be given.

The effect of this notice is to defer implementation until either:

(a) the matters of concern have been resolved to the satisfaction of the persons signing the notice and they have signified in writing to the Democratic Services Manager their wish to withdraw their call-in; or

(b) the decision has been reviewed by the Scrutiny Commission and has been supported without qualification or comment by that commission; or

(c) the decision has been reviewed by the Scrutiny Commission, which has either made adverse comment or proposed modification(s) for consideration by the decision-taker.

SO.107) Call-In of Urgent Decisions

On rare occasions decisions will need to be implemented so urgently that pre-implementation call-in is not appropriate. This will be made clear when decisions are published and an explanation given as to why the decision was treated with such urgency.

In these circumstances, within 5 clear days of publication, at least 5 councillors may signify in writing to the Democratic Services Manager their wish for a specified urgent decision to be called in for post-implementation review. Reasons must be given.

In these circumstances, call-in has no effect on the implementation of the urgent decision and relates to reviewing the nature of the decision and circumstances behind it. The outcome of Scrutiny Commission consideration will be reported to the decision-taker.

SO.108) Withdrawal of Call-In Notice

If the reasons for the members calling-in the decision are resolved to their satisfaction, and provided they signify in writing to the Democratic Services Manager that they wish to withdraw the call-in, the decision will not be referred for consideration by the relevant Scrutiny Commission.

SO.109) Consideration by the Scrutiny Commission

Decisions called-in will be considered within 10 clear days either by a special or scheduled meeting of the Scrutiny Commission. The members who signed the call-in notice have the right to attend the meeting to explain their concerns.

SO.110) Action by the Scrutiny Commission

Having considered the decision called-in, the Scrutiny Commission will either:

(a) Support the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the decision-taker); or

(b) make adverse comments regarding the process or other circumstances relating to the decision, but no adverse view on the decision itself (in which case it can be implemented immediately, with the commission's comments being set out in a report and considered by the decision-taker); or

(c) propose modifications to the decision or an alternative to the decision to achieve the same effect (in which case implementation is delayed until the decision-taker has received and considered a report of the Scrutiny Commission); or

(d) requests that Full Council at its next meeting reviews or scrutinises a decision where the Scrutiny Commission considers that it is contrary to the policy framework or contrary to or not wholly in accordance with the budget, having taken written advice from the Chief Financial Officer and/or the Monitoring Officer prior to reaching its decision that the item being scrutinised is contrary to policy framework or contrary to or not wholly in accordance with the budget.

SO.111) Action by the Decision-Taker

Decisions are taken by the Cabinet, individual executive councillors and committees of the Cabinet (if these exist). Any report of the Scrutiny Commission will be submitted to the relevant decision-taker for consideration.

The decision-taker will consider the views of the Scrutiny Commission and either:

(a) confirm the decision without modification; or

(b) confirm the decision with modification; or

(c) rescind the decision and (if considered appropriate) propose a new one.

In each case, reasons must be given, particularly if the action is not as proposed by the Scrutiny Commission.

The outcome of the decision-taker's consideration of the views of the Scrutiny Commission will be published.

SO.112) Response To Scrutiny Commission

The decision-taker's response will be reported to the next available meeting of the Scrutiny Commission. Any reaction of the Scrutiny Commission to the response will be recorded in the minutes.

Chapter 9 – Budget and Policy Framework Rules

SO.113) The Framework For Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework. Once the budget or a policy framework policy or strategy is in place, it will be the responsibility of the Executive (Cabinet) to implement it.

SO.114) Process For Developing The Budget And Policy Framework*

The process by which the budget and policy framework shall be developed is:

(a) The Cabinet will publicise by including in the Forward Plan and by other methods, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The chair of Scrutiny Commission will also be notified. The consultation period shall wherever possible be maximised to allow as full a response as possible but in each instance will be not less than 4 weeks.

(b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Scrutiny Commission wishes to respond in that consultation process then it may do so. As Scrutiny Commission has responsibility for fixing their own work programme, it is open to the Scrutiny Commission to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from a committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by the Scrutiny Commission and consultees and the Cabinet's response.

(c) Once the Cabinet has approved the firm proposals, they will be referred at the earliest opportunity to the Council for decision.

(d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.

(e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

(f) The decision will be publicised and a copy shall be given to the Leader.

(g) Within 5 clear days of receiving notice of the Council's decision, the Leader, on behalf of the Cabinet may:-

i) inform the Council of any disagreement that the Cabinet has with any of the Council's objections or amendments and the reasons for any such disagreement; or

ii) submit a revised plan, strategy or budget as amended by the Cabinet, with reasons for the amendments, to the Council for consideration.

(h) If no response is received from the Leader within the 5 clear days set out above any 'in-principle' decision of the Council will automatically become effective.

(i) If a response is received from the Leader within the 5 clear days set out above, the Monitoring Officer will call a Council meeting within a further 10 clear days or sooner to meet statutory deadlines. The Council will take into account the Leader's response and (by simple majority) either:

i) approve the Cabinet's original recommendations; or

ii) approve the Cabinet's amended recommendations (if any are made); or

iii) confirm the Council's 'in principle' decision; or

iv) approve a different decision which does not accord with the Cabinet's recommendations or disagreement with the Council's 'in principle decision' or objections.

(j) The decision shall then be made public, and shall be implemented immediately.

(k) Standing Orders 119 and 120 below specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet. Any other changes to the policy and budgetary framework are reserved to the Council, unless the Council extends the basic provisions of Standing Orders 119 and 120 when approving budget and policy framework matters.

SO.115) Decisions Outside The Budget Or Policy Framework

(a) Subject to the provisions of Section 119 (virement) the Cabinet, committees of the Cabinet, individual executive members and any officers, or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to SO 116 below.

(b) If the Cabinet, committees of the Cabinet, individual executive members and any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

(c) If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in SO 116 (urgent decisions outside the budget and policy framework) shall apply.

SO.116) Urgent Decisions Outside The Budget Or Policy Framework

(a) The Cabinet, a committee of the Cabinet, an individual executive member or officers, or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

i) if it is not practical to convene a quorate meeting of the Full Council; and

ii) if the chair of the Scrutiny Commission and the Leader of Council and group leaders agree with the reason for urgency and that the decision may reasonably be regarded as urgent in the circumstances.

(b) The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the chair of the Scrutiny Commission and the Leader of Council and group leaders to the decision being taken as a matter of urgency, must be noted on the record of the decision. In the absence of the chair of a Scrutiny Commission the consent of the Chair of Council or in the absence of both, the vice-chair of Council is to be obtained.

(c) The Chief Financial Officer may approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that:

i) The expenditure is wholly reimbursable to the Council; or

ii) Compensatory savings have been identified; and

iii) There are no significant full year effects

(d) The Chief Financial Officer may also approve revenue or capital expenditure not provided for within the latest approved budget if satisfied that it is incurred as a result of a major incident or emergency. In such a case there could be a significant full year effect and/or may need to funded from General Fund balances.

(e) In all circumstances, the expenditure must with consistent with the Corporate Plan and should be reported to the next Cabinet meeting.

(f) If either members or officers wish to make a decision which is contrary to the Budget and Policy Framework, then that decision may only be taken by Full Council, with the advice of the Monitoring Officer and the Chief Financial Officer. Decisions contrary/not wholly in accordance with the total budget approved by Full Council may only be made if they are in accordance with the Budget and Policy Framework.

(g) If the decision is a matter of urgency, and it is not practical to convene a quorate meeting of the Full Council, and if the Chair of Scrutiny Commission is in agreement that the decision meets the definition of urgent within the Council's constitution, the decision may be made by Cabinet.

(h) Following the decision, a full report must be provided to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as matter of urgency.

SO.117) Budgetary Management And Flexibility

(a) The Council at its budget setting meetings will agree the overall level of the revenue budget. The Council will also normally approve the allocation of budgets to policy budget heads which shall be used for virement and budgetary control purposes but may authorise the Cabinet or the relevant Executive Member(s) to do this if circumstances justify such action.

(b) The Council will also approve the overall value of the Capital Programme and the share of resources to be allocated to each service area. The Council will normally approve the programme of schemes to be funded from the resources allocated but may authorise the Cabinet or the relevant Executive Member(s) to do this if circumstances justify such action.

(c) The Cabinet will be responsible for regular budget monitoring of both Revenue and Capital expenditure and income and for taking measures to prevent unplanned under or overspendings.

(d) The Cabinet, a committee of the Cabinet, an individual executive member, or joint arrangements discharging executive functions to implement Council policy must not knowingly incur expenditure in excess of approved budgets except in an emergency as set out below.

(e) The rules for budget management, including moving monies (virement) between revenue budget allocations, capital budget allocations, contingencies, earmarked reserves, provisions and general reserves are set out in the Council's Financial Regulations (Section 3.42 – 3.55). This includes provision for the Chief Financial Officer to vire between policy budget heads to reflect changes and transfer of functions of a technical accounting nature ("technical adjustments").

(f) If additional expenditure is needed on one policy budget head and corresponding savings can be identified on another, virement up to £100,000 can be approved by the Chief Officers subject to the rules set out in Financial Regulations (up to £10,000 for Heads of Service).

(g) The Cabinet may approve virement between policy budget heads in excess of £100,000 provided that:-

i) it does not result in a change to the policy framework other than the Revenue budget

ii) there is no outstanding report under S114 of the Local Government Finance Act 1998

iii) it considers the advice of the Chief Financial Officer including the implications for future years

iv) policy budget heads in the relevant department are not overspent in total. If so the first call on any underspending within that department is to rectify overspending and policy virements within that department will only be permitted in order to address the overspending

v) it does not increase the use of general reserves approved by the Council by more than £100,000 in the relevant financial year and the minimum level of general reserves approved by the Council is maintained

vi) it does not increase the ongoing commitment in any future year's net budget by more than £100,000

(h) Subject to Financial Regulations (3.62 – 3.63), the Chief Financial Officer may approve a request for an underspending on revenue up to £50,000 to be carried forward. The Cabinet may similarly authorize a carry-forward exceeding £50,000. The Cabinet may also require any overspending at year-end to be carried forward.

(i) The exception to these rules is if virement is required in response to a major emergency as defined by the Council's Emergency Planning Procedures or as authorized by the Chief Executive as detailed in Financial Regulations 3.57. The expenditure should be reported to the next Cabinet meeting. Where this requires virement from reserves above £100,000 or where the virement would reduce the approved minimum level of reserves, the next full Council meeting must consider a report of the Cabinet (incorporating advice of the Chief Financial Officer) and determine what action should be taken to restore the approved minimum level of reserves before any further virements or carry forwards can be approved.

(j) Capital expenditure shall only be incurred in accordance with the capital programme approved by the Council (or by the Cabinet where the Council has

authorised the Cabinet to decide schemes to be funded in accordance with clause (b) above), and subject to the following:-

i) The Chief Financial Officer is responsible for defining whether expenditure is classified as capital or revenue expenditure.

ii) Should additional capital resources be available or a scheme or schemes are delayed after the Council agrees the capital programme, the Cabinet may advance a scheme approved for future years or advance a scheme from a reserve list of capital schemes approved by the Council, but only if sufficient finance is available or can be identified in future years with a sufficient certainty in the opinion of the Chief Financial Officer to fund the capital programme, including the delayed schemes

iii) Where additional resources arise from approved bids and are specific to schemes (such as specific grants or specific borrowing approvals) which are not in the approved capital programme or reserve list, the Cabinet may add such schemes to the capital programme without the approval of Council provided that these additional capital resources are sufficient to fund the proposed Scheme and provided that future revenue costs can be met from existing resources or future year's resources identified in the Medium Term Financial Forecast (Financial Regulations 2.22)

iv) Variations in the costs of approved schemes may be addressed by Capital virement under delegated powers as set out in Financial Regulation 3.52 – 3.55

v) All other variations or enhancements to individual schemes or programmes within the approved capital programme must be reported to the Cabinet so that the implications for the overall programme can be taken into account

vi) The Cabinet may reprioritise the approved capital programme to meet urgent health and safety requirements in accordance with paragraph 120 below. If this requires the deletion or delay of a major scheme or programmed works (over £100,000) this must be reported to the next full Council

vii) If, as part of budget monitor, the Chief Financial Officer advises that capital resources are likely to be insufficient to maintain the approved capital programme in total or between financial years, the Cabinet shall decide which schemes are to be delayed from the firm capital programme and placed into a different financial year or on a reserve list in accordance with paragraph 120 below. If this requires the deletion or delay of a major scheme or programmed works (over £100,000) this will be reported to the next full Council

(k) Outside these rules and those in Financial Regulations, approval to any virement or transfer across budget heads shall require the approval of the full Council.

SO.118) In-Year Changes To Policy Framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, an individual executive councillor or officers or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:-

(a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

(d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

(e) Which are allowed by Financial Regulations and virement rules (see paragraph 117(e).

SO.119) Call-In Of Decisions Outside The Budget Or Policy Framework

(a) Where a Scrutiny Commission is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.

(b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the monitoring officer or the Chief Financial Officer conclude that the decision was a departure, and to the Scrutiny Commission if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Commission may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered

the matter. The Council shall meet within 28 days of the request by the Scrutiny Commission. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer.

(d) The Council may either:

i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

or

ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors.

or

iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

SO.120) Treasury Management

By these Standing Orders, the Council adopts the key recommendations of CIPFA's Treasury Management in Public Services: Code of Practice (the Code).

(a) This Council will create and maintain, as the cornerstones for effective treasury management:

i) A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities.

ii) Suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

iii) Investment management practices (IMPs) for investments that are not for treasury management purposes.

(b) The content of the policy statement, TMPs and IMPs will follow the recommendations contained in Section 6, 7 and 8 of the Treasury Management Code, subject only to amendment where necessary to reflect the particular

circumstances of the Council. Such amendments will not result in material deviation from the Code's key principles.

(c) The Council will receive reports on its treasury management policies, practices and activities including an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs and IMPs.

(d) The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the Chief Financial Officer, who will act in accordance with the Council's policy statement, treasury management practices and CIPFA's Standard of Professional Practice on Treasury Management.

(e) The Council nominates the Cabinet to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

Chapter 10 – Procedures at all meetings

SO.121) Suspension Of Standing Orders Or Procedures

It is open to any meeting to suspend one or more Standing Order. Standing Orders required by Law (those marked with an *) cannot be suspended. A majority of Members must agree to suspend the Standing Order.

SO.122) Recording Of Meetings

Anyone wishing to take photographs, make live broadcasts or recordings at a meeting may do so provided this is done unobtrusively from the public gallery. The Committee Chair conducting the meeting may at their discretion instruct a recording to be stopped if it causes proceedings to be disrupted

SO.123) Chair – Conduct Of Meeting

The Chair is responsible for conducting the meeting. In this they will be advised by the Monitoring Officer or the Chief Executive (or their representative) and will be guided by the Constitution.

SO.124) Powers And Duties Of Chair

These are as follows:

(a) to ensure that members of the public are able to follow proceedings;

(b) to act as the focal point for debate;

(c) to preserve order and ensure the proper and efficient conduct of the meeting:

(d) to confine discussion to the issue under consideration and decide the amount of time allowed for submissions from members or the public

(e) to ensure all Members have an opportunity to participate;

(f) to decide whether proposals put to the meeting are in order;

(g) to decide procedural matters;

(h) to conduct voting and to declare the result;

(i) to sign the Minutes of the previous meeting as a correct record when the meeting authorises it. NB: there should be no discussion other than on matters of accuracy;

(j) to decide whether urgent items should be added to the agenda;

(k) to adjourn the meeting if circumstances justify such action;

(l) to declare the meeting closed when its business has been completed.

SO.125) Members To Address The Chair

When speaking at the meeting, Members will address the Chair. Members do not have to stand but may choose to do so.

It is the responsibility of the Chair to maintain order and to ensure the proper conduct of the meeting. Debate will be subject to the Chair's rulings (but see provisions below regarding challenges to Chair's rulings).

Participation of Chair in Debate

In relation to Council meetings, the Chair will not normally take part in debate at a Council meeting. If, in respect of a specific matter, the Chair is a local Member, or in other special circumstances agreed by the meeting, they may speak in debate.

In relation to committee and sub-committee meetings, the Chair may participate fully in the discussion of matters at a committee or sub-committee meeting.

SO.126) Speeches - Relevance And Length

A Member's speech must relate to the business under discussion. A mover of a motion or amendment may speak for no more than 10 minutes. All other speeches may not exceed 5 minutes. A member should make it clear at the beginning of their speech if they are going to move a motion or amendment.

In relation to full council meetings, a member's speech in a mini-debate on a Council question may last for no more than two minutes.

SO.127) Member To Speak Once In Debate

A Member may only speak once in a debate on a motion unless:-

(a) exercising a right of reply. This applies to those who move motions and, where remarks are reserved, to the seconder of a motion

(b) raising a point of order

(c) raising a point of personal explanation

(d) moving an amendment

(e) moving a procedural motion

(f) they have the consent of the Chair

SO.128) Point Of Order

At any time during the meeting, a Member may draw to the meeting's attention a matter of law, procedure or practice which he/she thinks has been broken. Such a 'point of order' will be immediately heard and the relevant point must be identified to the meeting.

SO.129) Personal Explanations

A Member may consider that a point made by them in the debate may have been misunderstood. They may therefore wish to clarify the matter with a personal explanation. Any Member raising a 'point of personal explanation' is heard immediately. The point of personal explanation must relate to the debate in progress.

SO.130) Rulings Of The Chair

Any ruling made by the Chair of a meeting stands.

However:

(a) the person who moved an amendment ruled to be out of order, or that person's group leader, may request the chair to reconsider their ruling (immediately after it has been made). A reason must be given. When this happens, the Chair will consider the reason given and decide whether or not to confirm the ruling.

(b) Any Member may move a motion to challenge the ruling. A vote must be taken immediately following debate and will be carried by a simple majority. If such a vote is carried, the ruling will be overturned. This does not apply to a decision of the Chair to include on an agenda an urgent item.

When the Chair indicates their intention to make a ruling, the meeting (including the Member making the speech) will be silent.

No Confidence Motion in the Chair

Members may move a motion declaring 'no confidence' in the Chair, at any time during the meeting. A vote must be taken immediately following debate and will be carried by a simple majority. If such a vote is carried, the chair will be taken by another member for the remainder of the meeting.

"Casting Vote"

In law, the Chair is entitled to vote a second time in order to obtain a decision from an equality of voting "for" and "against". If the Chair decides not to exercise a second or casting vote and the voting remains equal, the motion is not carried and deemed to have been lost.

By convention of this Council, the Chair of any meeting does not exercise a second or casting vote, although to do so will not invalidate the decision.

SO.131) Motions

A motion is a proposal from a Member at the meeting aimed at opening a debate on an agenda item. It does not have to be in writing.

The Member "moves" (i.e. puts forward) the motion.

This usually takes the form of a proposal to adopt a course of action based on a recommendation in a report. It can be a different proposal to what is recommended in the Report. This is not an amendment.

Any motion is only able to be discussed once a second Member has endorsed it.
A Member seconding a proposal may speak to it straight away or may reserve remarks until later in the debate.

In relation to full Council meetings, a motion cannot be proposed during a mini-debate on a Council question. This is because there are separate opportunities for Members to include motions on Council meeting agendas under Standing Order 26.

SO.132) Amendment

An amendment is a proposal by another Member to change the words of a motion which has been moved and seconded. It does not have to be in writing.

An amendment must not:

(a) be a direct negative of a motion nor

(b) seek to introduce a wholly new issue, unrelated to the terms of the motion.

An amendment will only be ruled out of order by the chair of a meeting when it is clearly a direct negative of the motion it seeks to amend or clearly involves a wholly new issue. The general presumption is that the Council wishes to foster debate, with all political groups being encouraged to put their point of view.

Order of Amendments

If an amendment is carried, the original motion as amended becomes the substantive motion to which further amendments may be moved. If an amendment is lost then other amendments to the original motion may be moved. When an amendment has been moved and seconded, no other amendment can be moved until the first amendment has been voted upon.

SO.133) Right Of Reply

At the end of a debate about an amendment, the Member who proposed the amendment has a right to reply to the points raised in the debate.

Once all amendments have either been declared "carried" or "lost", the meeting returns to debating the original or "substantive" motion (in its amended form). When an amendment is successfully moved, if the proposer of the original motion votes against the amendment, the right to sum up at the end of the debate passes to the mover of the amendment. **The Chart in Appendix 1 at the end of this section sets out the motion and amendment process.**

SO.134) Procedural Motions Without Notice

It is open to any Member to propose at any time a course of action which will enable the Council meeting to reach a decision or to allow the meeting to proceed with its business. No new material is to be introduced in putting forward such a proposal. It is not necessary for advance notice to be given.

Procedural motions include:

(a) to elect a Chair of a meeting when the Chair and the Vice-Chair are absent;

(b) motions relating to the accuracy of the Minutes;

(c) to propose the closure or adjournment of the meeting, move to next business or that the order of business be varied;

(d) to receive or approve a report of a committee or to adopt a recommendation.

(e) that leave be granted to withdraw a motion;

(f) to amend a motion;

(g) to exclude representatives of the media and the public in accordance with the Access to Information Legislation.

(h) to exclude the public in the event of conduct of a disorderly nature;

(i) to give the consent of the meeting, where it is required by this Constitution;

(j) to suspend a Procedural Standing Order;

(k) to propose that a Member named be not further heard on the subject under discussion or that the Member named be excluded from the meeting;

(l) to challenge the ruling of the Chair; or propose no confidence motions in the Chair;

(m) to propose a motion for consideration without introducing new material when as a result of debate there is no proposal which commands a majority of support, relating to an item on the Agenda. Note: this motion would normally be moved when there is no agreement but there is a deadline to meet.

(n) to propose a motion relating to a report of a Committee, where that Committee has failed to reach agreement and has referred the matter to the Council without specific recommendation(s).

SO.135) Interruption Of Debate

A Member may propose without notice, a motion to adjourn or terminate the debate by one of the forms below. Providing the motion is seconded, there will be no debate and a vote will be taken immediately.

A Member can only move closure of the debate if he/she has not already spoken in the debate.

SO.136) Closure Of Debate

To move the closure of a debate means to move "that the vote be taken" i.e. if voted upon and carried that discussion shall end and the vote on the matter being considered be taken without delay. The mover of the original motion can first sum up.

SO.137) Proceed To Next Business

If it is carried "that the meeting move to the next business", the discussion and any motions before the meeting shall be abandoned and not put to the meeting. If an amendment is under discussion, the discussion shall be abandoned, and the meeting shall return to discussion of the motion in its original form. Further amendments can be moved.

SO.138) Adjournment Of The Debate

If carried a motion to adjourn the debate shall have the effect of postponing the item of business under consideration until another time (either fixed or indefinite).

VOTING

SO.139) Voting – Procedure

The chair shall ask members ‘For’, ‘Against’ and ‘Abstentions’ and will declare the item carried or lost. An equality of votes means the matter falls but further motions may be moved

SO.140) Voting – Recording

At the request of the Chair, any 6 Members for Council meetings or one third of the membership for all other meetings (signified by their rising from their seats or by raising their hands) a detailed named vote will be taken by the Monitoring Officer.

Sometimes the law requires special voting procedures (for example a named vote is required when voting on the Annual Budget) and sets down required numbers of votes. The Monitoring Officer will inform the meeting when these are required.

Immediately after a vote is taken, any Member may ask to have the way they voted recorded in the Minutes.

SO.141) Voting On Appointments

Where there are more than two persons nominated for any appointment or position to be filled, a decision may be arrived at using the single transferable vote ballot system, unless the meeting decides otherwise.

SO.142) Disorderly Conduct

The Chair will rule on whether a Member is conducting him/herself in a disorderly or disruptive manner. If that ruling is made, and agreed by the Council upon a successful motion from the Chair, the Member concerned will leave the meeting for its duration so that the Member cannot be heard. There is no debate on the motion.

SO.143) Disturbance In The Public Gallery

The Chair may order the removal of people from the public gallery if, in his/her opinion, there is, or likely to become, behaviour which disrupts the meeting.

SO.144) Adjournment Or Suspension Of The Meeting

If at any time the Chair feels that the meeting cannot continue with its business, they have the right to adjourn the meeting to a time of their choosing (taking into account any statutory deadlines).

In all but very exceptional circumstances involving disruption and disturbance, the chair will only adjourn the meeting with its consent.

Chapter 11 – Public Participation at Meetings

SO.145) General

The Council is democratically elected by the people of South Gloucestershire to serve the whole community.

The Council encourages all residents to participate in local affairs and democracy. The Council will give everyone (whether individuals or local organisations) the opportunity to tell councillors directly at meetings about things that concern them and to contribute their views on matters under discussion.

SO.146) Who Can Use The Scheme?

The scheme is open to any resident of South Gloucestershire or person affected by decisions to be taken by South Gloucestershire Council.

The scheme is also open to a representative of a business or voluntary organisation operating in South Gloucestershire.

SO.147) What Are The Opportunities For Participation At Meetings?

There is considerable choice available to people who want to make submissions or participate in meetings.

In deciding which meeting is the most appropriate, people should bear in mind the roles exercised by the Council itself and its subsidiary bodies. Full details are set out in the Council's constitution, and advice is always available from Democratic Services.

The agenda for each meeting will provide an opportunity at the beginning of the meeting for items from the public to be heard. However, the Chair of the meeting has the discretion to allow submissions to be made at the beginning of the relevant agenda item.

SO.148) Items From The Public

The following Standing Orders explain how items from the public are dealt with at Council, Committee and Sub-committee meetings. No prior notice is required but it is helpful if you make contact with the Democratic Services Officer named on the agenda. Help and support will be provided at the meeting if required.

(a) Petitions

A person may present a petition on any matter on the agenda or of community interest or concern relating to the meetings areas of interest.

The person presenting the petition may speak to the meeting for no more than 5 minutes. Members will be allowed to ask factual questions only of the person making the submission. No debate or comment will be allowed.

Petitions - Action by the Council

The meeting may (1) refer the petition to a committee or (2) if it is about an item already on the Council agenda, defer consideration of the petition until that item is reached or
(3) note the petition

Petitions - Action by committees and Sub-committees

The meeting may either ask an officer to report on the matter to a future meeting or, if the matter relates to an item already on the agenda for the meeting, defer consideration of the petition until that item is reached.

The Council places importance on the opportunity offered by petitions, to seek solutions and agreement to issues identified by petition organisers. If this can be accomplished then the Council may seek agreement with the petition organiser to withdraw the relevant petition.

Should a petition be submitted which is better directed to a partner organisation or another public service provider, we will contact the petition organiser to help them consider which options may best suit their needs.

Petition may be submitted either in writing electronically through the e-petitions facility or by email. In every case a lead petitioner must be identified.

A petition must:-

(a) Include a clear statement of concerns and what you want the authority to do.

(b) Not be a duplicate or near duplicate or a similar petition received or submitted under 12 months ago.

An e-Petition will remain open for signatures for a maximum of 90 days but the lead petitioner will be able to set a shorter timeframe when establishing the petition should they chose to do so.

Petitions for Debate

If requested a petition containing at least 2,500 signatories will be debated at a meeting of Council or if more appropriate a committee responsible for the function. However petitions for parishing arrangements or mayoral petitions will not be debated.

Under normal circumstances, the Council will expect to provide the petition organiser with a response detailing its intentions within 28 calendar days of receipt or debate as appropriate.

The lead petitioner or someone on their behalf will have the right to speak about the petition at the meeting if it is being debated. The Chair of Council will decide upon the amount of time to allow for the debate on the petition.

In relation to time allowed to debate petitions, the Chair shall have regard to the provisions of SO.10 – Items from Members of the Public.

(b) Questions

A person can ask a question of a committee chair or lead member. This provision does not apply to DC meetings.

In relation to Council meetings, a question can also be asked of political group leaders.

You should allow at least one clear day's notice to enable an answer to be provided at the meeting. The Chair will invite the person to put the question. No speech will be allowed. Members may ask factual questions only.

Questions – Action at any meeting

The committee chair or lead member whom is asked a question may answer the question, refer the question to an officer to provide a written answer or decline to answer the question and may give reasons.

The questioner will be allowed to ask one supplementary question on the same subject.

(c) Statements

The person making the statement may speak for up to 5 minutes. Members will be allowed to ask factual questions only of the person making the submission.

Statements - Action by any meeting

At the Council meeting, the council may ask a Committee to consider the matters raised in the submission and respond to the petitioner.

In relation to all meetings, if it is about a matter on the meetings agenda the meeting can defer consideration until that item is reached, or note the points raised.

To contribute views on matters under discussion during the course of the meeting (at the discretion of the chair of the meeting).

SO.149) Overall Time Limit

No individual submission will normally be allowed more than 5 minutes time at a meeting. The Chair of a meeting will exercise discretion on the overall time allowed for public participation.

SO.150) Written Copies of Submission

Also to assist understanding, those making statements to meetings may wish to provide a written text or summary of the points mentioned. This should be passed to the clerk to the meeting.

SO.151) What Falls Outside the Scheme

If the submission is made on a matter of community concern or interest which is not a responsibility of the Council, the matter will be referred to the relevant responsible body for consideration. The person who made the submission will be informed of the outcome of the consideration given.

There are some matters that fall outside the scope of this scheme. These are:

(a) an individual's circumstances where it would be inappropriate for details to be aired in public;

(b) applications for legal consents where alternative procedures exist;

(c) contractual matters;

(d) matters which are, or should be, subject to established appeals procedures or which have been decided by an appeal hearing (e.g. complaints, school admission appeals etc);

(e) matters from employees connected with their employment

(f) allegations against individual councillors or officers (in such cases the Council's complaints or code of conduct procedures must be used).

(g) no defamatory, frivolous or offensive submissions will be allowed.

SO.152) Public Participation at Planning Committee Meetings

Representations are limited to those items relating to any planning application on the agenda for the meeting. Items withdrawn from the agenda will not be open to representation. Representations should comprise only written or verbal statements to the committee, not questions to either councillors or other interested parties.

There will be a time limit of 5 minutes for each group of speakers with supporters presenting their case first and objectors to the proposal following (i.e. a maximum of 5 minutes for those 'against' the proposal and a maximum of 5 minutes for those 'for' the proposal). This will ensure a maximum of 10 minutes on any one item on the schedule, whatever the number of speakers. Speakers will have the opportunity to speak at the beginning of the meeting or immediately before the relevant agenda item.

Those wishing to make representations on an item will be heard in the order that they contacted the Monitoring Officer up until the 5 minutes has expired. In practice those wishing to make representations may get together to present their joint case by appointing a spokesperson. Speakers will have the opportunity to speak at the beginning of the meeting, in agenda item order, or immediately before the relevant agenda item.

SO.153) Public Participation at Committees exercising quasi-judicial functions

Committees which exercise quasi-judicial functions may need to operate revised public participation arrangements. The aim is to maintain the general principles of public participation at meetings, but to ensure that in the limited time available, a range of views may be expressed. This will help Members have the fullest possible appreciation of the views of members of the public before making decisions.

Specifically, separate provisions follow below for the PROW Sub Committee.

Chapter 12 – Public Rights of Way and Commons Registration Committee

Revised procedures for dealing with applications etc under
Wildlife And Countryside Act 1981 (The 1981 Act)
Commons Registration Act 1965
Commons Registration Act 2006

SO.154) Public Participation Scheme

Anyone wishing to speak is required to submit a written statement or otherwise notify the Council of the nature of their representations 5 days in advance of the meeting to enable officers and the applicant, where appropriate, to consider the issues being raised. Members may at their sole discretion consider oral representations received without such notice provided they are satisfied that special circumstances have prevented compliance with the five-day rule.

Papers for the Public Rights of Way Committee to be despatched 10 clear working days in advance of the meeting to facilitate the public participation process.

Opportunity for the applicants to present their views, followed by a person or group wishing to modify the status of a right of way in respect of the 1981 Act matters only followed by objectors to the proposed modification application.

Each group of speakers to be limited to one statement of five minutes. Some flexibility in this may be allowed by the Committee depending on the numbers and nature of speakers.

If in the opinion of the Committee, having considered the reports and any representations under the Public Participation Scheme, they feel the applicant reasonably requires more time to consider the objections, they shall adjourn to a later “special” meeting of the Sub Committee. Such meeting shall be arranged as quickly as possible subject to giving the applicant reasonable time to prepare.

At any such adjourned meeting the Committee will not receive any further representations from objectors and, if the applicant wishes to attend (rather than deal with his further representations by writing) will confine the applicant to dealing with those issues raised by objectors at the previous meeting and in connection with which further time was requested.

Having considered all the evidence (whether at a first or adjourned meeting) the Committee is of the view that there remains a significant conflict in the evidence, it may request oral evidence from the relevant parties (i.e. those whose evidence conflicts). Parties are under no obligation to attend, but greater weight is likely to be given to evidence given orally and subject to questioning.

At such oral hearing, the following procedure shall apply:

(a) Introductions.

(b) The relevant Council officer shall identify the specific areas where the conflict of evidence arises.

(c) The applicant shall speak to these issues (The 5-minute rule will not apply).

(d) The applicant may be questioned by any Member of the Committee.

(e) The objector(s) shall speak to the issues set out by the officer. (The 5-minute rule will not apply).

(f) The objector(s) may be questioned by any Member of the Committee.

(g) The Chair may allow applicant/objectors to raise questions of one another provided this is done calmly and fairly and does not become confrontational etc. in which event the Chair will call a halt to the process.

(h) The applicant and the objector (or if more than one the nominated representative of the objectors) may sum up, if they wish to do so.

(i) The Committee will adjourn to consider all the evidence before them (reports to any previous meeting and the results of their oral hearing) and reach a decision.

(j) The Committee will reconvene and announce its decision.

Chapter 13 – Access to Information Procedures

SO.155) Scope

In the interests of openness and transparency, these Standing Orders apply to all formal meetings of the Council and its committees or other bodies.

SO.156) Rights to Attend Meetings

Members of the public may attend usually all formal meetings subject only to the exceptions in this Constitution or as detailed in the Council's annual meeting business report.

SO.157) Access to Agenda and Reports before the Meeting

In addition to the Forward Plan/Modern.Gov provisions at paragraph 36 above, the Council will give five clear days' notice of meetings and make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting.

SO.158) Access to Minutes etc after the Meeting

The Council will make available copies of the following for six years after a meeting:

(a) the minutes of meetings or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

SO.159) Background Papers

List of Background papers

Every report will contain a list of those documents which have been relied on to a material extent in preparing the report.

The Council will, on request, make available for public inspection for four years after the date of the meeting, one copy of each of the documents on the list of background papers.

EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

SO.160) Confidential Information – Requirement to Exclude the Public

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

SO.161) Exempt Information – Discretion to Exclude the Public

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

SO.162) Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

SO.163) Meaning of Exempt Information

Exempt information means information falling within the following 7 categories (subject to any condition):

Category & Description	Precis
1. Information relating to any individual.	Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.	Info likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Person's financial or business affairs.

Category & Description	Precis
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connections with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Labour relations.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Legal professional privilege applies.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue or which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Reveals enactment notice, order or direction.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Crime related matters.

Information falling within any of paragraphs 1 – 7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

SO.164) Exclusion of Access by the Public to Reports

A meeting may exclude access by the public to reports which relate to items during which the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

Chapter 14 – Standing Orders for Statutory Officer Appointments and Dismissals

Appointments and employment subcommittee

SO.165)* Staff appointments, dismissal and disciplinary action
Save as provided for in Standing Orders SO166 – SO171 the functions of appointment, dismissal and taking action against a member of staff of the Council must be discharged, on behalf of the council, by the Chief Executive or by an Officer nominated by the Chief Executive (see Scheme of delegation).

SO.166)* Appointments, dismissal and disciplinary action, Statutory Officers, Non-Statutory Officers, Deputy Chief Officers and Assistants to Political Groups
Standing Order 165 does not apply to the appointment or dismissal of, or disciplinary action against:

a) The Chief Executive

b) Statutory Chief Officers
- Service Director Finance and Section 151 Officer
- Monitoring Officer and Service Director Governance, Legal and Democratic Services
- Executive Director – People
- Director of (Adult) Social Services
- Director of Public Health

c) Non-statutory Chief Officers
- Executive Director – Place
- Executive Director – Resources
- Director of Strategy, Engagement and Change

d) Deputy Chief Officers
- Deputy section 151 Officer
- Deputy Monitoring Officer & Head of Legal Services

e) Assistants to Political Groups[1].

[1] Managed in accordance with the Local Government Officers (Political Restrictions) Regulations 1990

SO.167)* Offers of appointment, Chief Executive Officer
Where the Appointments and employment subcommittee is considering an offer to appoint an officer as the Council's Head of Paid Service[2] (Chief Executive Officer), that offer must be approved by Council before an offer of appointment is made to that person.

SO.168)* Dismissals of Chief Executive, Section 151 Officer, Monitoring Officer
Where the Appointments and employment subcommittee is considering any decision to dismiss the Council's: Head of Paid Service (Chief Executive Officer), Chief Finance Officer (section 151 Officer)[3], or Monitoring Officer[4] (for the purposes of this standing order a "Relevant Officer"), this decision must be approved by Council before notice of dismissal is given to the officer in question.

SO.168a)* In considering whether to confirm a dismissal of a Relevant Officer, in addition to the requirements of SO.169 (immediately below): the following process must be followed[5]:

(1) A minimum of two independent members will be invited to join a Panel of the subcommittee (the Panel).

(2) The independent members of the Panel will be appointed, following the issue of invitations, on the following priority basis:

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

(3) The Panel will meet to consider the proposed dismissal of a Relevant Officer at least twenty (20) working days before the meeting of Council at which notice to dismiss will be considered.

(4) The Panel will prepare a report for consideration by Council. That report will set out, amongst other matters:

(a) the conclusions of any investigation into the proposed dismissal,

(b) any representations from the Relevant Officer;

(c) any advice or views of the Panel;

[2] As designated under section 4 of the Local Government and Housing Act 1989
[3] As designated under section 151 of the Local Government Act 1972
[4] As designated under section 5 of the Local Government and Housing Act 1989
[5] In accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

(d) any recommendations of the Panel.

(5) Council will, before taking a vote on whether or not to approve any proposed dismissal of a Relevant Officer, consider and take into account the report prepared by the Panel.

SO.169)* Appointment and dismissals of Statutory Officers, Non-Statutory Officers, and Deputy Chief Officers

Where the Appointments and employment subcommittee is considering the appointment of or dismissal of any of the following posts, the subcommittee must include at least one member of the executive (Cabinet):

Statutory Chief Officers

- Service Director Finance and Section 151 Officer
- Monitoring Officer and Service Director Governance, Legal and Democratic Services
- Executive Director – People
- Director of (Adult) Social Services
- Director of Public Health

Non-statutory Chief Officers

- Executive Director – Place
- Executive Director – Resources
- Director of Strategy, Engagement and Change

Deputy Chief Officers

- Deputy section 151 Officer
- Deputy Monitoring Officer & Head of Legal Services

SO.170)* Notification of appointments of Statutory Officers, Non-Statutory Officers, and Deputy Chief Officers

Where the Appointments and employment subcommittee, or an Officer acting under a specific delegation from the subcommittee, is considering making an offer of appointment to the Head of Paid Service, a Statutory Chief Officer, a Non-statutory Chief Officer or a Deputy Chief Officer, the appointment must not be made until:

a) the proper officer has been notified of the name of the person to be appointed (together with any other information relevant to the appointment);

b) the proper officer has notified every member of Cabinet (the Executive) of:

i. the name of the person to be offered the appointment, together with any other information relevant to the appointment (as notified);

ii. the period within which any objection to the making of the offer is to be made by the Leader of Council;

and

c) either

i. the Leader of Council has, within the specified period, notified that neither they nor any other member of Cabinet has an objection to the making of the offer;

ii. the proper officer has notified the Appointments and employments subcommittee (or Officer holding specific delegation) that no objection to the appointment was received by them from the Leader of Council within the specified period;

or

iii. the Appointments and employment subcommittee (or Officer holding specific delegation) is satisfied that any objection to the appointment received from the Leader of Council within the specified period is not material or well-founded.

SO.171)* Notification of dismissals of Statutory Officers, Non-Statutory Officers, and Deputy Chief Officers

Where the Appointments and employment subcommittee, or an Officer acting under a specific delegation from the subcommittee, is considering the dismissal of the Head of Paid Service, a Statutory Chief Officer, a Non-statutory Chief Officer or a Deputy Chief Officer, the notice of dismissal must not be given until:

a) the proper officer has been notified of the name of the person to be dismissed (together with any other information relevant to the appointment);

b) the proper officer has notified every member of Cabinet (the Executive) of:

i. the name of the person to be dismissed, together with any other information relevant to the dismissal (as notified);

ii. the period within which any objection to the making of the dismissal is to be made by the Leader of Council;

and

c) either

i. the Leader of Council has, within the specified period, notified that neither they nor any other member of Cabinet has an objection to the making of the dismissal;

ii. the proper officer has notified the Appointments and employments subcommittee (or Officer holding specific delegation) that no objection to the dismissal was received by them from the Leader of Council within the specified period;

or

iii. the Appointments and employment subcommittee (or Officer holding specific delegation) is satisfied that any objection to the dismissal received from the Leader of Council within the specified period is not material or well-founded.

Temporary Changes to The Constitution

Pursuant to the Scheme of Officer Delegation, the Chief Executive is permitted to take decisions in the following circumstances:

"In the case of urgency or emergency to take any decision on behalf of the Council (after consultation with the Leader)"

There are no temporary amendments to the Constitution currently in effect. Where temporary changes are required these will be set out in Chapter 14.

Debate process

Main motion	Amendment
Proposer	Proposed
Seconder	Seconder
Debate open	Debate on amendment
Seconder speaks (if not yet spoken)	Seconder speaks (if not yet spoken)
Proposer sums up	Proposer sums up
Vote on motion	Vote on amendment
	Carried – becomes part of substantive motion now available for debate
	Lost – return to original motion for debate