

Standing Orders Relating To Proceedings of the Council (And Other Formal Meetings) 2014/2015



G. Standing Orders Relating To Proceedings of the Council (And Other Formal Meetings)

Meetings of the Council

1. (a) The meetings of the Council during each year, other than the annual meeting and any meeting specially summoned, shall be held on such dates as may be fixed by the Council at the annual meeting.
1. (b) The Mayor shall preside at all meetings of the Council save that, in the event that the Mayor is unable for whatever reason to do so, the Deputy Mayor will so preside or, in the event that neither is able to preside, the Council shall appoint one of their number to preside as Chair for the purposes of that meeting only. All reference to "the Mayor" within these Standing Orders shall be construed as being reference also to the Deputy Mayor or other member appointed to preside at the meeting (see also Standing Order 28(c)).
1. (c) Minutes of the proceedings of the Council shall be prepared pursuant to paragraph 41 of Schedule 12 to the Local Government Act 1972 and shall be signed by the Mayor or Chair at the next following meeting, save that where the next such meeting shall be an extraordinary meeting called under paragraph 3 of Schedule 12 to the said Act, the next following ordinary meeting shall be treated as a suitable meeting for the purpose of the signing of minutes.

Time and Duration of Meetings

2. The Council shall normally be summoned to meet at 7.00 p.m. A meeting may be held at a different time if the Council or the Mayor so determine.

Order Of Business

3. The Chief Executive shall, in the summons for each meeting of the Council, insert all business which in his judgement requires to be brought before the Council, and in addition such matters as may be ordered by the Mayor, any report by the Chief Financial Officer under Section 114 of the Local Government Finance Act 1988, any report by the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989, any report by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 and all notices of motion which shall have been duly given as hereinafter provided in the order in which they are received.

Notices of Motion

4. Notices of motion shall be in writing, signed by the member or members giving the same and delivered to the Chief Executive. All such notices shall be entered in a book kept for that purpose and open to the inspection of every member of the Council. No notice shall be inserted in the summons for any meeting of the Council unless received by 10.00 a.m. six clear days prior to such meeting (i.e. if meeting on Wednesday evening, the Tuesday of the preceeding week). No amendment shall be moved to a motion of which notice is given under this Standing Order.

5. Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the district.
6. A motion of which notice has been duly given shall be formally moved and seconded.
7. Motions of which notice has been duly given and accepted shall have precedence according to the order in which the notices were given.

The Taking Up Of Business Under Notice

8. The business under any notice upon the Council summons shall not be proceeded with in the absence of the member of the Council in whose name it stands, (or if signed by more than one member, by the member whose signature appears first on the notice) unless he has given to the Chief Executive in writing, his consent that it should be taken by some other member of the Council, or if it be business which, by law, the Council must transact.

Questions

9. (a) Members of the Council may ask any question or make brief comments on any matter relating to the business of the Council (other than business which appears in the Minutes of a Committee before the Council at that meeting) of any member of the Cabinet, the Chair of any Committee or the Chief Executive, through the Mayor, of which notice has been given to the Chief Executive in writing by 10.00 a.m. on the day of the meeting, but members shall confine themselves to asking the questions or making the comment as notified other than a brief explanation thereof and no discussion shall be permitted thereon.
9. (b) Members may also ask questions or make comments relative to any matter appearing in the minutes of any Committee, the Cabinet or Executive Cabinet Member meeting before the Council, or brought before any Committee since the previous meeting of the Council, if put before such minutes are approved, but members shall confine themselves to asking a question or making a comment accompanied by no more than a brief explanation. The Chair of the Committee, or other appropriate member as determined by the Mayor, may answer any such questions or respond to such comments without prejudice to his general right of reply.
9. (c) Members may ask questions or make brief comments relative to the discharge of the functions of the Greater Manchester Police and Crime Commissioner, the Greater Manchester Fire and Civil Defence Authority, the Greater Manchester Waste Disposal Authority and the Greater Manchester Integrated Transport Authority of the members nominated by those authorities for the purpose, of which notice has been given to the Chief Executive in writing by noon two days preceding the meeting. Members shall confine themselves to asking the questions or making the comment as notified other than a brief explanation thereof and no discussion shall be permitted thereon.

Rules Of Debate

Members Not To Speak More Than Once

10. (a) Except as provided in Standing Order 9(b) and Standing Order 21, no member shall address the Council more than once on each motion or amendment except in explanation or to raise a point of order, or as the mover of a motion in reply, or when the Council is in Committee. For the purposes of this Standing Order the moving or seconding of an amendment shall be construed as addressing the Council on a motion.
10. (b) The reply of the mover of the original motion shall conclude the discussion save that, in the case of a motion to approve the Minutes of a Committee, the Mayor may invite the mover of the original motion to reply to the debate on an identified item within those Minutes and thereby conclude the discussion on that item without concluding the discussion on the Minutes as a whole.

Points Of Order and Personal Explanations

11. A member may be heard on a point of order, or in explanation at any time during the debate: but such explanation shall be only in reference to some material part of his former speech, which may have been misunderstood. In raising a point of order, the member shall refer to the specific Standing Order in respect of which his point of order is raised.

Content and Length Of Speech

12. When a member speaks he must confine his remarks to the matter then under discussion and, except in the case of the mover of a motion in relation to the Budget or Policy Framework, shall speak for no more than ten minutes except by consent of the Mayor. The 'ten minute rule' shall apply to the mover of a motion notice of which has been given under Standing Order 4.

Closure Matters

13. (a) A member may, at the conclusion of a speech of another member, move without comment (i) "That the question be now put": (ii) "That the debate be now adjourned": (iii) "That the Council proceed to the next business": or (iv) "That the Council now adjourn"; on the seconding of which the Mayor shall (if in his opinion the question before the meeting has been sufficiently discussed or the circumstances justify such a motion, and subject to any right of reply) put that motion to the vote.
13. (b) If it is carried (i) the question before the meeting shall be put to the vote; (ii) the subject of debate shall not be further discussed at that meeting; (iii) the subject of debate shall be deemed to be disposed of; or (iv) the meeting shall stand adjourned as the case may be.

Motions and Amendments

14. All motions and amendments (except a motion to vary the duration of the meeting under Standing Order 2 or a motion under Standing Order 13, Standing Order 22, Standing Order 23, Standing Order 25 or Standing Order 39) shall be reduced into writing, signed by the mover and delivered to the Mayor or to the Chief Executive, immediately upon being seconded, and after being seconded the same shall not be withdrawn without leave of the Council.
15. All amendments shall be:-
 - (i) To leave out words; or
 - (ii) To leave out words and to insert or add others; or
 - (iii) To insert or add words.
16. When an amendment is moved and seconded, no other amendment shall be taken into consideration until the first amendment has been disposed of, unless it is related to the same topic in which instance the Mayor shall be empowered to decide whether to take all amendments, comments, questions as part of a single debate.
17. If an amendment be carried it displaces the original motion and becomes itself the substantive motion for consideration, whereupon any further amendment relating to any portion of the substantive motion may be moved, provided any such further amendment is not inconsistent with the alterations of the original motion made by the amendment that has been carried.
18. If the first amendment be not carried, then subsequent amendments may be moved to the original motion.
19. (a) Notice may be given to the Chief Executive prior to a meeting of the Council of an amendment which a member intends to move at that meeting. Without prejudice to the right of a member to ask a question under Standing Order 9(b), or to move an amendment without notice, or to discuss a subject upon the proceedings of a Committee, an amendment of which notice has been given as aforesaid shall take priority and shall be called immediately the motion has been duly proposed and seconded. If notice should be given of more than one amendment, such amendments shall be called in the order in which notice has been given to the Chief Executive.
19. (b) If the member who has given prior notice of an amendment is absent when the amendment is called such amendment may be moved by any other member of the Council.
20. A motion may be referred to Council by a Scrutiny Committee which has considered a Cabinet or Executive Cabinet Member decision that has been 'called in'. The motion must be in the name of the Chair of the Committee or a member nominated by the Committee or in the name of one of the three members who requested the matter to be

referred to the Council under the Council's Constitution. If, upon being put to the vote at Council, the motion is defeated then the decision of the Cabinet or Executive Cabinet Member will be deemed to have been noted by the Council and thus can be actioned immediately.

The Standing Orders governing the debating of ordinary motions at Council will apply and the motion can be subject to amendment by resolution of the Council in the normal way.

Seconders Speech

21. A member may second a motion or amendment reserving his speech for a later period of the debate. On an amendment being moved and seconded, any member of the Council may speak thereon, and the mover of the original motion but not of the amendment shall have the right to reply.

Council in Committee

22. The Council may resolve itself into Committee upon a motion for that purpose (duly moved and seconded) being carried by a majority of those present and of which motion no previous notice shall be necessary. Any member may speak as often as he desires in Committee of the Council.

Exclusion of Press And Public

23. (a) The Council or the Cabinet or a Committee may, by a resolution exclude the press and other members of the public from a meeting (whether during the whole or part of the proceedings) upon a motion duly moved and seconded being carried by a majority of those present and of which motion no previous notice shall be necessary.
23. (b) Provided that, in accordance with Section 100(A) of the Local Government Act 1972 (as amended), such exclusion shall only be permissible:-
 - (i) where, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that if members of the public were present there would be disclosure of confidential information as defined in Section 100(A)(3) of the Local Government Act 1972 in breach of the Council's obligation of confidence; or
 - (ii) where, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that if members of the public were present there would be disclosure to them of specified exempt information as defined in Schedule 12(A) to the Local Government Act 1972.
23. (c) Where members of the public are excluded by resolution in accordance with Paragraph (b)(ii) of this Standing Order, the resolution shall specify the particular items of business for which the public are to be excluded and shall specify the particular exempt information, of which disclosure is likely, by reference to the relevant paragraph of Schedule 12(A) to the Local Government Act 1972.

Voting

- 24. (a) Except where otherwise expressly provided by law or these Standing Orders, every motion or amendment shall be put to the Council and shall be determined by a show of hands
- 24. (b) Provided that upon a request made by five members at any time after the moving of a motion or amendment and prior to the calling for a vote thereon by the Mayor, the names of the members voting for or against such motion or amendment or abstaining from voting shall be taken down in writing and recorded in the minutes of the proceedings of that meeting of the Council; the said members requesting a named vote being required to stand to identify themselves to the Mayor for the purpose of making such a request.
- 24. (c) Provided also that where immediately after a vote is taken any member of the Council so requires, it shall be recorded in the minutes of the proceedings of that meeting whether that member voted for or against such motion or amendment or whether the member abstained from voting.
- 24. (d) That immediately after any vote is taken at a key budget decision meeting of the Authority (including amendments moved to the budget motion) the names of the members who cast a vote for or against the decision or who abstain shall be recorded in the minutes of the meeting.

Disorderly Conduct

- 25. (a) If at a meeting any member of the Council, in the opinion of the Mayor notified to the Council, misconducts himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.
- 25. (b) If the member named continues his misconduct after a motion under the foregoing paragraph has been carried the Mayor shall:-

EITHER move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion):

OR adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.
- 25. (c) In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power vested in him may, without question put, adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.

Disturbance by Members of the Public

- 26. If a member of the public interrupts the proceedings at any meeting the Mayor shall warn him. If he continues the interruption the Mayor shall order his removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public

the Mayor shall order that part to be cleared.

Respect For Chair

27. Whenever the Mayor rises during a debate a member then standing shall resume his seat and the Council shall be silent.

Appointment of Leader

28. (a) The Council shall appoint a Leader of the Council for a term to be determined by the Council or the balance of his/her term of office as a councillor. The Leader can be removed from office by resolution of the Council.
28. (b) The Council may also appoint other members to attend meetings of the Cabinet on the basis that such members shall have the right to speak but not to vote on matters before the Cabinet and shall not be or be deemed to be Members of the Cabinet.
28. (c) A Member of the Cabinet appointed in accordance with Standing Order 28 (a) may not be appointed to preside at a meeting of the Council pursuant to Standing Order 1(b).

Cabinet and Committees

29. The Mayor shall be entitled to attend meetings of the Cabinet and committees of the Council, but shall not be appointed a member of the Cabinet or of any committee (excluding Area Forums)

Chair and Vice-Chair

30. (a) At the first meeting of every Committee, the first business shall be to appoint a Chair and, if the Committee considers it appropriate, a Vice-Chair, unless such appointments shall already have been made by the Council.
30. (b) In the absence of the Chair at any Committee meeting, the Vice-Chair shall preside; and in the absence of both, a member appointed Chair for that particular occasion shall preside.

Voting

31. (a) Every motion or amendment at a meeting shall be determined by a majority of the votes of members present and voting on the question and in case of an equal division of votes, the Chair of the meeting shall have a second or casting vote.
31. (b) Where immediately after a vote is taken any member of a committee or sub-committee so requires, it shall be recorded in the minutes of the proceedings of that meeting whether that member voted for or against the question or whether the member abstained from voting.

Quorum

32. Except in the case of committees regulated by Act of Parliament or when otherwise expressly provided by the Constitution of this Council, five shall be the quorum at a meeting of any committee with a total membership greater than 10 members and three at a meeting of any committee with a membership of 10 or less members.

Powers And Duties

33. The powers and duties of each committee shall be as determined by the Council.

Matters Reserved To The Council

34. (a) Where the Council have delegated powers and duties to committees or to Chief Officers in consultation with the Leader of the Council or other designated member(s) the following matters shall be excluded from that delegation and reserved to the Council itself:
- (1) Electoral
 - (A) To make decisions in connection with the Council's functions in relation to Parishes and Parish Councils;
 - (B) To decide to dissolve small Parish Councils;
 - (C) To make orders for grouping parishes, dissolving groups and separating parishes from groups;
 - (D) To appoint a Returning Officer for local government elections;
 - (E) To divide the constituency into polling districts;
 - (F) To exercise powers in respect of holding elections;
 - (G) To declare a vacancy in office under the provisions of S80 Local Government Act 1972;
 - (H) To give public notice of a casual vacancy;
 - (I) To make temporary appointments to Parish Councils;
 - (J) To appoint an Electoral Registration Officer;
 - (K) To make decisions concerning district boundaries, electoral divisions, wards or polling districts;
 - (L) To undertake a Community Governance Review on a valid Community Governance Review Request.
 - (M) To agree a Scheme of Whole Council elections (see Article One of the Council's Constitution) or to revert back to partial council elections. To request the Electoral Commission to conduct an electoral review of the area with the aim of introducing single member wards (on the basis that the Council has introduced whole Council elections.)
 - (2) Service Provision

- (A) To be responsible for admissions to maintained schools of which the authority are the admissions authority;
 - (B) Authorising applications to the Secretary of State for transfer of housing land.
- (3) Financial Provision
- (A) The adoption or approval of the Budget and supplementary estimates and any plan or strategy for the control of the local authority's borrowing or capital expenditure (the Capital Plan).
 - (B) Approval of capital programmes and revenue estimates.
 - (C) Setting Council Tax and tax bases and Council house rents.
- (4) Constitutional
- (A) To decide the general structure of the Council's decision-making process including the terms of reference of the Committees, area fora and working parties and making standing orders and financial regulations;
 - (B) The promotion of or opposition to any new legislation and the making or amendment of Byelaws;
 - (C) To consider any strategic plan or policy referral to full Council by the Cabinet;
 - (D) Determining the scheme and amounts of members allowances on recommendation from the Members Independent Remuneration Panel;
 - (E) To appoint to the position of Mayor/Deputy Mayor;
 - (F) To appoint the Leader of the Council who will determine the size of the Cabinet within the statutory framework and appoint members of the Cabinet.
 - (G) To appoint Members of the Scrutiny Committees, other committees, Area Fora and working parties;
 - (H) To adopt the Council's Constitution and any subsequent changes to it;
 - (I) Adopting the Council's code of conduct;
 - (J) Agreeing the Council's policy framework;
 - (K) Taking decisions in respect of functions which are the responsibility of the Cabinet which are not in accordance with the policy framework or Budget agreed by the Council;

- (L) Taking decisions in respect of functions which are not the responsibility of the Cabinet and which have not been delegated by the Council to committees, sub-committees or officers;

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- (M) The making of arrangements for the discharge of any of the Council's functions by another local authority;

- (N) To decide upon appointments to outside bodies.

(5) Plans

To be responsible for the approval of the following plans:

- (A) Bolton: Our Vision 2012 - 2015
- (B) Joint Health and Wellbeing Strategy
- (C) Community Strategy
- (D) Community Safety Plan
- (E) Plans and Strategies which together comprise the Local Development Framework
- (F) Licensing and Gambling Policies
- (G) Local Transport Plan

(6) Reporting

- (A) Considering the Head of Paid Service's report in accordance with S4 of the Local Government and Housing Act 1989.
- (B) Considering the Monitoring Officers report in accordance with S5 of the Local Government and Housing Act 1989
- (C) To approve any draft plans and strategies which require ministerial approval.
- (D) Considering the Chief Finance Officer's report in accordance with S115 of the Local Government and Finance Act 1988.
- (E) Considering the External Auditors Public Interest Report.

7. Staffing

- (A) To appoint or confirm the appointment of the Chief Executive
- (B) To deal with all aspects of discipline and dismissal of the Chief Executive, Chief Finance Officer and Monitoring Officer in accordance with statutory provisions.

- 34. (b) The Council shall have power to give directions to any Committee in relation to the future exercise of delegated functions and may themselves exercise any function included in the delegation to the Committee.
- 34. (c) Any Committee may submit a matter to the Council for decision notwithstanding that it falls within the powers delegated to the Committee.
- 34. (d) The minutes of any decisions of the Committee taken pursuant to delegated powers shall be available for inspection by members of the Council and any member may ask a question of the Chair of the Committee on any matter included in those minutes.

Deputies

- 35. Deputies may be drawn from any Councillor suitably trained for the Planning; Licensing and Audit Committees. In respect of meetings of outside bodies, any member attending in the place of the appointed member shall have the full authority to act on behalf of the Council as would the appointed member. Any member of the Council (with the exception of Cabinet Members) can deputise for any member of a Scrutiny Committee.

Members Business At Committee

- 36. In addition to normal debate and discussion on agenda items, any member of a committee may ask the Chair any question relating to the business of the committee, of which notice has been given to the nominated representative of the Chief Executive's Department by 12 noon at least two working days before the committee meets. Members shall confine themselves to asking the question as notified and giving a brief explanation of the question; any further discussion arising from the question shall take place at the discretion of the Chair. The Chair may, at his/her discretion, reply or arrange for any other member or an officer to reply to such question.

Interests

- 37. Involvement in the affairs of another relevant authority (as defined in the Local Government Act 2000) or of another public authority, or a body to which the body or voluntary association member has been appointed as a representative of the Council shall not in the absence of any other relevant consideration be construed as an interest which would require that member to withdraw from the meeting prior to any discussion or voting on the issue. In that situation the Councillor should disclose the interest, but may remain and participate fully in the meeting.

Officers

- 38. No officer who is employed in the whole time service of the Council shall hold any other paid office or paid appointment without the consent of the Council and shall not undertake any activity which in the opinion of the Council conflicts with his duty as an officer of the Council.

Common Seal

39. (a) The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council, an Executive Cabinet Member or of a Committee or by a decision of a Chief Officer in consultation with a member of the Cabinet to which the Council has delegated its powers in that respect, but a resolution of the Council, an Executive Cabinet Member, or of a Committee or Chief Officer exercising delegated powers as aforesaid authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the making of any compulsory purchase order, the issue of any stock, the making of any rate or contract or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
39. (b) The affixing of the Common Seal to any document shall be attested by the Borough Solicitor or a solicitor nominated by the Borough Solicitor and, that where practical the Mayor or Deputy Mayor be also requested to attest to the Common Seal and shall be registered in a book kept for that purpose and open to the inspection of every member of the Council.

Suspension Of Standing Orders

40. Any one or more of the Standing Orders (except Standing Order 37) may be suspended at any meeting of the Council upon a motion duly moved and seconded being carried by a majority of the members then present and voting, of which motion no previous notice shall be necessary.