

Council Standing Orders

1. Annual Meeting of the Council

1.1 Timing and business

...

- (b) The annual meeting will:
- (i) elect a person to preside if the Chairman of Council is not present;
 - (ii) elect the Chairman of Council;
 - (iii) elect the Vice-Chairman of Council;
 - (iv) approve the minutes of the last meeting;
 - (v) in a year when there is an ordinary election of councillors, receive the Returning Officer's Return of councillors elected.
 - (vi) receive any announcements from the Chairman and / or Head of Paid Service;
 - (vii) upon the expiry of the Leader's normal term of office as Leader, elect the Leader including, where available, notification by the Leader of the number of members he / she is appointing to the Executive (Cabinet), their names and their portfolios, and the Leader's Scheme of Delegation of Executive Functions;
 - (viii) appoint up to four substitute members per committee from each political group in a hierarchical list to all committees and sub-committees other than the Standards Committee;
 - (ix) appoint at least one scrutiny and overview committee, a Standards Committee, the Licensing Committee (2003 Act) and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
 - (x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
 - (xi) receive questions from, and provide answers to, the public ~~and members~~ in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting, in accordance with Standing Orders 10 ~~and 11~~ below;
 - (xii) receive reports and recommendations from the Executive and the Council's committees and receive questions and answers on any of those reports;
 - (xiii) receive the Leader of the Major Opposition Group's Annual Report.
 - (xiv) consider any business set out in the notice convening the meeting including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Scrutiny and Overview Committee for debate; ~~and~~
 - (xv) receive questions from, and provide answers to, members in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting, in accordance with Standing Order 11 below.

2. Ordinary Meetings

2.1 Agenda for Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme agreed by Council. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) elect the Leader of the Council, in the event that the position becomes vacant during the Civic Year including, where available, notification by the Leader of the number of members he / she is appointing to the Executive (Cabinet), their names and their portfolios, and the Leader's Scheme of Delegation of Executive Functions;
- (v) appoint members to committees and outside bodies where vacancies have arisen, except where appointment to outside bodies has been delegated by the Council or is exercisable only by the Executive;
- (vi) receive any announcements from the Chairman, Leader, the Executive or the Head of Paid Service;

- (vii) receive questions from, and provide answers to, the public ~~and members~~ in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting, in accordance with Standing Orders 10 ~~and 11~~ below;
- (viii) deal with any business from the last Council meeting;
- (ix) receive reports and recommendations from the Executive and the Council's committees and receive questions and answers on any of those reports;
- (x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xi) receive questions from, and provide answers to, members in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting, in accordance with Standing Order 11 below;
- (xii) consider motions; and
- ~~(xii)~~(xiii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Scrutiny and Overview Committee for debate.

10. Questions by the Public

10.1 General

At the discretion of the Chairman, members of the public may ask questions of any member at ordinary meetings of the Council. ~~A This~~ standard protocol is to be observed by questioners ~~is given in the footnote below.¹~~

- ~~(a) Questioners will not be permitted to raise the competence or performance of a councillor or officer, nor any matter involving exempt information or normally considered 'confidential'. Questioners cannot make any abusive or defamatory comments.~~
- ~~(b) Each questioner must make it clear whether he or she is speaking as a private individual or as a representative of an organisation.~~
- ~~(c) If any clarification of what the questioner has said is required, the Chairman will have the discretion to allow councillors to ask questions.~~
- ~~(d) The questioner will not be permitted to participate in any subsequent discussion and will not be entitled to vote.~~
- ~~(e) The Chairman will decide when and what time will be set aside for questions depending on the amount of business on the agenda for the meeting. Normally public questions will be dealt with as the first substantive item of the meeting. A maximum of thirty minutes will be allowed for public questions, although this may be extended at the Chairman's discretion.~~
- ~~(f) Individual questioners will be permitted to speak for a maximum of three minutes.~~

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

-
- ~~1. Questioners will not be permitted to raise the competence or performance of a councillor or officer, nor any matter involving exempt information or normally considered 'confidential'. Questioners cannot make any abusive or defamatory comments.~~
 - ~~2. Each questioner must make it clear whether he or she is speaking as a private individual or as a representative of an organisation.~~
 - ~~3. If any clarification of what the questioner has said is required, the Chairman will have the discretion to allow councillors to ask questions.~~
 - ~~4. The questioner will not be permitted to participate in any subsequent discussion and will not be entitled to vote.~~
 - ~~5. The Chairman will decide when and what time will be set aside for questions depending on the amount of business on the agenda for the meeting. Normally questions will be dealt with as the first substantive item of the meeting. A maximum of ten minutes will be allowed for public questions on any specific agenda item.~~
 - ~~6. Individual questioners will be permitted to speak for a maximum of three minutes.~~

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday ~~three~~ six working days before the day of the meeting. The proper officer shall acknowledge the receipt of each question in writing. Each question must give the name and address of the questioner. The Chairman may permit a question to be asked if shorter notice is given. If a substantive answer cannot be given at the meeting, the Chairman may refer the question to any other body of the Council or for a written response by the member or by the relevant Chief Officer.

10.4 Number of questions

At any one meeting no person may submit more than one question but one supplementary question may also be asked at the meeting. More than one question shall not be submitted on behalf of any organisation.

10.5 Scope of questions

The Chairman, having regard to the advice of the proper officer may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at the meeting or a meeting of the Council in the past six months; ~~or~~
- raises issues about the competence or performance of a councillor or officer;
- requires the disclosure of confidential or exempt information; or
- relates to a planning application which has yet to be determined.

The Chairman shall have the discretion to limit the length of preamble or other background information supplied with the question.

10.6 Record of questions

The proper officer will keep a record of submitted questions open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

10.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf or appoint a representative to do so. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Supplementary question

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

10.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer. Written answers shall be circulated to the questioner within five working days of the meeting and shall be included as an appendix to the minutes.

10.10 Reference of question to the Executive or a committee

Discussion can take place on a question only if the Chairman agrees. However, any member may move, in accordance with Standing Order 13(d) that a matter raised by a

question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10.11 Public participation at Planning Committee

Members of the public shall be entitled to address the Planning Committee in accordance with a scheme agreed by Council which may be amended by the committee from time to time.

11. Questions by Members

11.1 On reports of the Executive or committees

A member of the Council may ask the Leader, portfolio holder or the Chairman of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

11.2 Questions on notice at full Council

Subject to Standing Order 11.4, a member of the Council may ask:

- the Chairman;
- a member of the Executive the Leader, who may respond on behalf of the Cabinet or who may appoint a member of the Executive to respond; or
- the Chairman of any committee or sub-committee

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

11.3 Questions on notice at committees and sub-committees

Subject to Standing Order 11.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the district and which falls within the terms of reference of that committee or sub-committee.

11.4 Notice of questions

A member may only ask a question under Standing Order 11.2 or 11.3 if either:

- (a) they have given to the proper officer at least six working days' notice in writing of the question; or
- (b) the question relates to urgent matters, they have the consent of the Chairman of Council and member to whom the question is to be put and the content of the question is given to the proper officer by 9.30 a.m. on the day of the meeting.

11.5 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

11.5.11.6 Scope of questions

The Chairman, having regard to the advice of the proper officer may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at the meeting or a meeting of the Council in the past six months;
- raises issues about the competence or performance of a councillor or officer;
- requires the disclosure of confidential or exempt information; or
- relates to a planning application which has yet to be determined.

The Chairman shall have the discretion to limit the length of preamble or other background information supplied with the question.

11.76 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written response which will be circulated within five working days to the questioner and included as an appendix to the minutes.

11.87 Supplementary question

A member asking a question under Standing Order 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. It may be rejected by the Chairman on any of the grounds set out in Standing Order 11.5 above.