

Luton Borough Council Constitution

Section 3: Rules & regulations

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Section 3: Governance

Part 3 A: Standing Orders

Chapter 1: Full council procedure rules

Standing Order No. 1. Interpretation of Chapter 1: of Standing Orders

- 1.1 In Chapter 1: of these Standing Orders:-
- (1) **"Question Time"** means the business and period described in Standing Order No. 9;
 - (2) **"Call-in procedure"** means the procedure for scrutinising decisions of the Executive made but not implemented set out Standing Order No. 57 of these Standing Orders;
 - (3) **"Task and Finish Group"** means a Sub-Committee established by the Overview and Scrutiny Committee for a specific purpose and known as a Task and Finish Group;
 - (4) **"Overview and Scrutiny Body"** means the Overview and Scrutiny Board or a Sub-Committee of the Overview and Scrutiny Board or a Task and Finish Group thereof.
- 1.2 The ruling of the Mayor as to the construction or application of any of the Standing Orders in Chapter 1: of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

Standing Order No. 2. Meetings of the full council

- 2.1 The Annual Meeting of the Council shall be held:-
- (1) in the year of ordinary elections of Councillors on such day within twenty one (21) days of the retirement of Councillors as the Council may fix; and
 - (2) in any other year on such day in May as the Council may fix.
- 2.2 In addition to the Annual Meeting of the Council ("**the Annual Meeting**") and any meetings convened by the Mayor under [Paragraph 3 \(1\) of Schedule 12 of the Local Government Act 1972](#) or by Members of the Council ("**extraordinary meetings**") (in accordance with 2.5), the Council shall hold such other meetings ("**ordinary meetings**") in each year as the Council may fix at the Annual Meeting and set out in a calendar of meetings.
- 2.3 Subject to Standing Order 2.1 the Chief Executive, after consulting the Mayor, may vary the date of any meeting of the Council set out in the calendar of meetings but not held, provided that a Summons for the meeting has not been issued.

Times of Meetings

- 2.4 The Annual Meeting and all other meetings of the Council shall be held in the Town Hall at 6pm unless the Council or the Mayor at any time otherwise determine.

Extraordinary Meetings of the Council Requisitioned by Members

- 2.5 An extraordinary meeting of the Council may be called following a requisition by at least five (5) Members of the Council under [Paragraph 3 \(2\) of Schedule 12 to the Local Government Act 1972](#).
- 2.6 Any business relating to Executive functions shall be referred to the Executive without discussion.
- 2.7 Where the business relates to Non-Executive Functions the Council may:
- (1) Refer the matter to a relevant Regulatory Committee for consideration, or

- (2) Consider the matter but no resolution to determine the matter can be passed unless at least half of the whole number of Members of the Council are present.

Standing Order No. 3. Chair of meeting

- 3.1 The Mayor, if present, shall preside at every meeting of the Council.
- 3.2 If the Mayor is absent from a meeting of the Council, the Deputy Mayor, if present, shall preside at the meeting.
- 3.3 If both the Mayor and Deputy Mayor are absent from a meeting of the Council, the Council shall elect a Member to preside at the meeting.
- 3.4 The Mayor's powers relating to the conduct of a meeting of the Council may be exercised by the person presiding at the meeting.

Standing Order No. 4. Quorum

- 4.1 The Quorum for a meeting of the Council shall, subject to statutory provision, be twelve (12), unless it is an extraordinary meeting of the council requisitioned by Members under Standing Order 2.5.
- 4.2 If during any meeting of the Council the Mayor, after counting the number of Members present, decides that there is no quorum the meeting shall stand adjourned to a time and date fixed by the Mayor.
- 4.3 If the Mayor does not fix a time and date for an adjourned meeting to be held, the remaining business shall stand adjourned to the next ordinary meeting of the Council.

Standing Order No. 5. Order of business

- 5.1 The order of business at the Annual Meeting of the Council shall be:-
 - (1) the Election of the Mayor;
 - (2) the Declaration by the Mayor of Acceptance of Office;
 - (3) the Vote of Thanks to the Immediate Past Mayor;
 - (4) the Appointment of the Deputy Mayor;
 - (5) the Declaration by the Deputy Mayor of Acceptance of Office;
 - (6) to approve as a correct record and sign the Minutes of the last meeting of the Council;
 - (7) the Election of the Executive Leader only in the year of ordinary elections
 - (8) to review the political balance of Committees in accordance with Section 15 of the Local Government and Housing Act 1989 and to consider the constitution of Committees;
 - (9) to appoint Members of Committees, Panels and Pools of Members from which appointments will be made to the Appointments Panel and
 - (10) to the Appeal Panels;
 - (11) to approve the calendar of meetings of the Council, Committees and other bodies, and to note the proposed calendar of meetings of the Executive; and
 - (12) such other business as may be specified in the summons.
- 5.2 Subject to Standing Order 5.3 the order of business at every ordinary meeting of the Council shall be:-

- (1) to choose a person to preside if the Mayor and Deputy Mayor are absent;
- (2) to deal with any statutory business namely Disclosures of Interest and Section 106 Disclosures.
- (3) to approve as a correct record and sign the Minutes of the last meeting of the Council;
- (4) to take any urgent item of business;
- (5) to consider any petitions that have reached the threshold for consideration by Full Council as set out in the Council's petition scheme.
- (6) to deal with any business expressly required by statute to be done;
- (7) to dispose of any business remaining from the last meeting of the Council if the previous meeting had been adjourned without a new date being set
- (8) Question Time under Standing Order No. 9;
- (9) to consider any Report of the Standards Committee;
- (10) to consider any Report submitted for consideration by the Bedfordshire Fire and Rescue Authority;
- (11) to allow a representative of the Bedfordshire Fire and Rescue Authority to answer written questions submitted under Standing Order No. 16;
- (12) to consider any Report or Recommendation(s) of the Executive;
- (13) to consider any Report or Recommendations of any Regulatory Committee;
- (14) to consider any Report or Recommendation of the Overview and Scrutiny Committee, any Sub-Committee or any Task and Finish Group appointed by it.
- (15) to consider any other Report or recommendations of any Committee of the Council;
- (16) to consider any Report of any Officer;
- (17) to consider any motions of which notice has been given in the order of receipt of such notice; and
- (18) any other business specified in the summons.

5.3 In addition, to consider any Annual Report of the Executive Leader under Standing Order No. 43.

5.4 Business falling under items (1) to (3) of Standing Order 5.2 shall not be displaced and business falling under item (8) of Standing Order 5.2 shall only be displaced with the agreement of the Chair of the Standards Committee, but the order of business specified in Standing Order 5.2 may otherwise be varied by:-

- (1) the Mayor at her/his discretion; or
- (2) a Resolution passed or a Motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

Standing Order No. 6. Urgent business at annual, ordinary and extraordinary meetings of full council

6.1 The Council may deal with business even though it is not on the Agenda so long as:

- (1) the business is raised by a Motion on Notice under Standing Order 14;
- (2) the Motion on Notice is delivered to the Democracy Manager not later than 4 hours before the start of the Meeting;
- (3) the Mayor at the Meeting decides that the business is urgent; and

- (4) the agenda relating to the Meeting states that the Council may deal with urgent business at that Meeting.

6.2 Where the Mayor decides that the matter is not urgent, the motion shall be deferred to the next Annual or Ordinary Council Meeting (i.e. not to an Extraordinary Council Meeting).

Standing Order No. 7. Disclosures of interest and disclosures under section 106 Local Government Finance Act 1992

7.1 Before any substantive business is discussed the Chief Executive shall inform the Council of any declarations of either a Personal Interest or a Disclosable Pecuniary Interest which (s)he has received and which relate to the business before Council and of any disclosures (s)he has received under Section 106 of the Local Government Finance Act 1992.

Standing Order No. 8. Minutes

8.1 All Minutes shall be signed at the next ordinary meeting of the Full Council.

8.2 The Mayor shall put the question that "The Minutes of the meeting of the Council held on be approved as a correct record and signed".

8.3 No discussion shall take place on the Minutes except as to their accuracy and any question as to their accuracy shall be raised by motion.

8.4 If no motion as to the accuracy of the Minutes is raised or, if such a motion is moved, as soon as it has been disposed of, the Mayor shall sign the Minutes.

Standing Order No. 9. Question time

9.1 Subject to Standing Order 9.2 a Member may at a meeting of the Council ask a question of any of the following ("**the questionee**"):-

- (1) the Executive Leader;
- (2) a named Member of the Executive having responsibility for the matter to which the question relates;
- (3) the Chair of the Overview and Scrutiny Committee;
- (4) the Chair of a Sub-Committee of the Overview and Scrutiny Committee or of a Task and Finish Group thereof; or
- (5) the Chair of a Regulatory Committee.

9.2 A question asked under Standing Order 9.1 shall relate to a matter for which the questionee (or a body of which the questionee is Chair) is responsible and shall not repeat a question asked in the preceding 6 months.

9.3 A question to the Executive Leader may relate to any matter for which the Executive is responsible even if another Member of the Executive has particular responsibility for that matter.

9.4 A Member wishing to ask a question under Standing Order 9.1 shall put the question in writing (identifying the questionee) and deliver it to the Democracy Manager in person or by e-mail by no later than 10.00 a.m. on the second (2nd) working day before the day of the Council meeting.

9.5 If the Member giving notice of intention to ask a question under Standing Order 9.1 fails to identify the questionee or identifies a questionee who is not responsible for the matter to which the question relates the Member may ask the question of the appropriate questionee at the meeting, but otherwise the question may not be asked.

- 9.6 Subject to Standing Orders 9.2 to 9.5 and 9.7 to 9.10, if a Member asks a question under Standing Order 9.1 the Member shall be entitled to a reply from the questionee (either in the form of an oral reply at the meeting or in the form of a subsequent written reply) unless the questionee reasonably believes that to reply would divulge information which would be prejudicial to the interests of the Council.
- 9.7 Where the questionee is a Member of the Executive (s)he may nominate another Member of the Executive to reply to a question under Standing Order 9.1.
- 9.8 Where the questionee is the Chair of a body other than the Executive, (s)he may similarly nominate another member of that same body to reply to a question under Standing Order 9.1.
- 9.9 Where the questionee is not present at Question Time but has not made a nomination under Standing Order 9.7, then the Executive Leader or, in the absence of the Executive Leader, the Deputy Executive Leader, or, in either case, a Member nominated by them, may answer the question.
- 9.10 Where the questionee is not present at Question Time but has not made a nomination under Standing Order 9.8, then the Committee Chair or in the absence of the Committee Chair, the Vice- Chair or another Member of the Committee nominated by them, may answer the question.
- 9.11 If the questionee has replied to a question asked under Standing Order 9.1, the Member who asked the question may ask one or more supplementary questions, of which written notice need not have been given. A supplementary question shall relate to the original question, or to any answer given to the original question or any previous supplementary question, and shall not introduce any new matter. Standing Order 9.6 applies to any supplementary question as it applies to the original question.
- 9.12 Subject to Standing Order 9.12 no question (including any supplementary question) shall be asked under Standing Orders 9.1 or 9.9 except during Question Time, but:-
- (1) a Member who has started to ask a question during Question Time may complete that question (but may not ask any supplementary question);
 - (2) a questionee may reply to a question commenced during Question Time and completed either before or after the end of Question Time; and
 - (3) a questionee who has started to reply to questions during Question Time may complete that reply.
- 9.13 For the purposes of Standing Orders 9.1 to 9.10 "**Question Time**" means the period beginning with the announcement by the Mayor that the item of business "**Question Time**" has been reached and ending after the last question under Standing Orders 9.1 or 9.9 has been dealt with or forty five (45) minutes from the Mayor's announcement whichever is the earlier.
- 9.14 Any questions and answers not dealt with during Question Time shall be deferred and dealt with after all other business before the Council at the meeting excepting private business has been disposed of.

Standing Order No. 10. Reports of the executive

- 10.1 Where the Executive has a report or recommendation to put to the Council it may submit a written report which shall clearly identify any recommendation to be put before the Council.

- 10.2 Where the Executive has more than one recommendation to put before the Council, it may submit either a single report covering all the Recommendations or a number of reports, each covering one or more Recommendations.
- 10.3 Where the Executive submits more than one report to the Council, the Council shall consider them, subject to Standing Order 5.4, in the order in which they appear in the Summons.
- 10.4 The Executive Leader, or another Member of the Executive, shall move acceptance of any report or recommendations of the Executive.

Standing Order No. 11. Reports of regulatory committees

- 11.1 Where a Regulatory Committee has a report or recommendations to put to the Council it shall submit a written report which clearly identifies the recommendation to be put to the Council.
- 11.2 Where a Regulatory Committee has more than one recommendation to put to the Council it may submit either a single report covering all the recommendations or a number of reports each covering one or more recommendations.
- 11.3 The Chair, or another Member of the Regulatory Committee, shall move acceptance of the recommendations of the Regulatory Committee.
- 11.4 The Chair may move the recommendations individually or together, but if the recommendations are moved together the motion shall be treated, for the purposes of debate, as if it were a series of individual motions corresponding in number to the number of recommendations.

Standing Order No. 12. Reports of the overview and scrutiny bodies

- 12.1 Subject to Standing Order 12.2, a report or recommendations of an Overview and Scrutiny Body shall be dealt with in the same manner as reports or recommendations of a Regulatory Committee under Standing Order 11.
- 12.2 Where a report of an Overview and Scrutiny Body deals with a decision of the Executive that was referred to those bodies under the Call-in procedure, the report shall give the view of those bodies on the matter and the recommendation shall state whether it is the view of those bodies that the matter be referred back to the Executive for reconsideration.
- 12.3 For the avoidance of doubt a Sub-Committee of the Overview and Scrutiny Committee shall have the power to make recommendations direct to the Executive without first referring the same to the Overview and Scrutiny Committee. A Task and Finish Group of the Overview and Scrutiny Committee shall only make recommendations to the Executive through the Overview and Scrutiny Committee.

Standing Order No. 13. Reports of the Standards Committee

- 13.1 A report or recommendation of the Standards Committee shall be dealt with in the same manner as reports or recommendations of a Regulatory Committee under Standing Order 11.
- 13.2 A Member of the Standards Committee appointed under Standing Order 75 (an Independent Member) may attend any meeting of the Council at which a report or recommendation of the Standards Committee is being considered and may speak (but not vote) in relation to that report or recommendation.

Standing Order No. 14. Notice of motion

14.1 Notice of every Motion, other than a Motion which under Standing Order 15 may be moved without notice, shall be:

- (1) given in writing, either by hand or by e-mail to the Democracy Manager
- (2) signed in person or electronically by the Member or Members of the Council giving the notice

by no later than 5:00 pm at least seven (7) clear days before the next meeting of the Council where it shall be dated, numbered in order of receipt and entered in a book or electronic record held by the Democracy Manager which shall be open to inspection by any Member of the Council.

Motions to be set out in Summons

14.2 The Chief Executive shall set out in the summons for every meeting of the Council all Motions of which notice has been validly given under Standing Order 14.1 in the order of receipt, unless the Member giving the notice has withdrawn it or asked for the notice to apply to a future specified meeting of the Council

Motion not moved

14.3 If a Motion set out in the summons is not moved either by the Member who gave notice of the Motion or some other Member on her/his behalf, the Motion, unless postponed by consent of the Council, shall be deemed to have been withdrawn.

Scope of Motion

14.4 Every Motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.

Standing Order No. 15. Motions and amendments which may be moved without notice

15.1 The following Motions and amendments may be moved without notice:-

- (1) election of a person to preside at a meeting;
- (2) a Motion relating to the accuracy of the Minutes;
- (3) a Motion to vary the order of business specified in the Summons;
- (4) a Motion to refer a matter to the Executive, to a Regulatory Committee, or to an Overview and Scrutiny Body;
- (5) appointment and removal of the Executive Leader;
- (6) appointment to and removal from membership of, any of the following:-
 - (a) a Regulatory Committee;
 - (b) the Standards Committee;
 - (c) an Overview and Scrutiny Body;
 - (d) an Appeal Panel; or
 - (e) any other body to which the Council is required or empowered to make an appointment;

where the appointment relates to an item of business specified in the summons;

- (7) a Motion to accept the report or recommendations of the Executive, a Regulatory Committee, the Standards Committee, an Overview and Scrutiny Body , or of an Officer and any consequential Motions;
- (8) that leave be given to withdraw a Motion;
- (9) to extend the time limit for speeches;
- (10) amendments to Motions;
- (11) that the Council proceed to the next business;
- (12) that the question be now put;
- (13) that the debate be now adjourned;
- (14) that the Council do now adjourn;
- (15) a Motion to vary or suspend Standing Orders moved in accordance with Standing Order 24;
- (16) to exclude the Public and press from the meeting on the grounds that if they were present during the business to be transacted there would be likely to be disclosure to them of either confidential or exempt information as defined in Sections 100A and 100I of and Schedule 12A to the Local Government Act 1972;
- (17) that a Member named under Standing Order 19.1 be not further heard;
- (18) that a Member named under Standing Order 19.2 leave the meeting immediately; or
- (19) that the Council give consent where the consent of the Council is required by those Standing Orders.

Standing Order No. 16. Bedfordshire Fire and Rescue authority business

- 16.1 A Member wishing to put a question to a representative of the Bedfordshire Fire and Rescue Authority should put the question in writing and deliver it by hand or by e-mail to the Democracy Manager by 5:00 pm least three clear days before the Council meeting.
- 16.2 On receipt of a written question under Standing Order 16.1 the Democracy Manager shall send the question(s) immediately to the Proper Officer of the Bedfordshire Fire and Rescue Authority, retaining a copy of the question which may be inspected by any Member of the Council.
- 16.3 A Member who has complied with the provisions of Standing Order 16.1 may put the question to an authorised representative of the Bedfordshire Fire and Rescue Authority.
- 16.4 An authorised representative of the Bedfordshire Fire and Rescue Authority may, notwithstanding that (s)he may not be a Member of the Council, reply to any question put under Standing Order 16.3. The reply may take the form of an oral answer or an indication that a written reply will be given subsequently.
- 16.5 A Member who has asked a question under Standing Order 16.3 shall be entitled to a reply from the questionee unless the questionee reasonably believes that to reply (either in the form of an oral reply at the meeting or in the form of a subsequent written reply) would divulge information which would be prejudicial to the interests of the Council.

- 16.6 A Member who has asked a question under Standing Order 16.3 and who has received a reply may ask one or more supplementary questions, of which written notice need not have been given and to which the authorised representative may reply. A supplementary question shall relate to the original question, or to any answer given to the original question or any previous supplementary question, and shall not introduce any new matter. Standing Order 16.5 applies to any supplementary question as it applies to the original question.
- 16.7 For the purposes of Standing Orders 16.1 to 16.6 an authorised representative means a Member of the Bedfordshire Fire and Rescue Authority authorised by the authority concerned to attend meetings of the Council to answer questions from Members.

Standing Order No. 17. Rules of debate for council meetings

Questions

- 17.1 Once a Motion to accept a report or a recommendation contained in a report is proposed and seconded, a Member may ask the mover of the Motion a question about the report or recommendation. A Member who has asked such a question may ask one or more supplementary questions. A supplementary question shall relate to the original question, or to any answer given to the original question or any previous supplementary question, and shall not introduce any new matter.
- 17.2 A Member who has asked a question under Standing Order 17.1 shall be entitled to a reply from the questionee (either in the form of an oral reply at the meeting or in the form of a subsequent written reply) unless the questionee reasonably believes that to reply would divulge information prejudicial to the interests of the Council.
- 17.3 A Member may ask only one question (plus supplementaries) under Standing Order 17.1 in respect of any Motion unless the Mayor, having regard to the nature of the business to which the Motion relates, in her/his discretion permits a Member to ask more than one question.

Motions

- 17.4 A Motion shall not be discussed unless it has been proposed and seconded and unless notice has been given under Standing Order 14, it shall, if required by the Mayor be put into writing and handed to the Mayor before being further discussed or put to the meeting.

Secunder's Speech

- 17.5 A Member when seconding a Motion or amendment may, if (s)he declares her/his intention to do so, reserve her/his speech until later in the debate. If a Member reserves her/his right to speak in this way, the Mayor, having ascertained that no other Members wish to speak, shall invite the seconder to speak and shall allow no other subsequent speech other than that of the mover of the original Motion under Standing Order 17.21.

Standing when Speaking

- 17.6 Subject to Standing Order 17.9 a Member shall stand when speaking and shall address the Mayor.
- 17.7 If two or more Members stand or attempt to speak at the same time the Mayor shall call on one to speak and the other(s) shall sit down and be silent.
- 17.8 While a Member is speaking other Members shall remain seated unless raising a point of order or personal explanation.
- 17.9 The Mayor may give any Member dispensation not to be required to stand in accordance with Standing Order 17.6.

Length of Speeches

17.10 The time limits for speeches shall be as follows:-

- (1) for the Proposer of a Motion or Amendment – ten minutes;
- (2) for the seconder of a Motion or amendment – seven minutes;
- (3) for a mover of a Motion exercising the right of reply under Standing Order 17.21 – seven minutes;
- (4) for the mover of a Motion to approve annual capital and revenue estimates of expenditure and to set the levels of Council Tax - No Limit;
- (5) for the mover of a Motion or amendment (other than one under (4)) relating to annual capital and revenue estimates and moved at a meeting at which a Motion under (4) has been moved – fifteen minutes; and
- (6) in all other cases – five minutes.

Content of speeches and speaking again

17.11 A Member shall direct his/her speech to the question under discussion unless raising a point of order or personal explanation.

17.12 A Member who has spoken on any Motion or amendment shall not speak again while it is being discussed except:-

- (1) to speak once on an amendment moved by another Member;
- (2) if the Motion has been amended since (s)/he last spoke, to move a further amendment;
- (3) if the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which (s)he spoke was carried;
- (4) in exercise of a right of reply under Standing Orders 17.21 or 17.22;
- (5) on a point of order; or
- (6) by way of personal explanation.

Amendments to Motions

17.13 An amendment may, subject to the provisions of these Standing Orders, be moved at any time after questions on the Motion have been dealt with.

17.14 An amendment shall be relevant to the Motion and be either:-

- (1) to refer the matter to the Executive, or to an Overview and Scrutiny Body, or to a Committee, or to a Sub-Committee for consideration or re-consideration;
- (2) to leave out words;
- (3) to leave out words and insert or add words; or
- (4) to insert or add words;

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

17.15 An amendment shall not be discussed unless it has been proposed and seconded and it shall if required by the Mayor be put into writing and handed to the Mayor before being further discussed or put to the meeting.

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

17.17 If an amendment is lost, other amendments may be moved on the original Motion. If an amendment is carried, the Motion amended shall take the place of the original Motion and shall become the Motion on which another amendment may be moved.

Alteration of Motion

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

(1) alter a Motion of which (s)he has given notice; or

(2) with the further consent of her/his seconder alter a Motion which (s)he has moved;

provided that in either case the alteration is one which could be made as an amendment to the Motion.

Withdrawal of Motion

17.19 A Motion or amendment may be withdrawn by the mover with the consent of her/his seconder and of the Council, which shall be signified without discussion,

17.20 No Member may speak on the Motion or amendment after the mover has asked permission for its withdrawal unless such permission shall have been refused.

Right of Reply

17.21 The mover of a Motion has a right to reply at the close of the debate on the Motion, immediately before it is put to the vote. If an amendment is moved the mover of the original Motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment.

17.22 The mover of the amendment shall have no right of reply to the debate on her/his amendment.

Motions which may be moved during Debate

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

(1) to amend the Motion;

(2) to adjourn the meeting;

(3) to adjourn the debate;

(4) to proceed to the next business;

(5) that the question be now put;

(6) that a Member be not further heard;

(7) by the Mayor under Standing Order 19.2 that a Member leave the meeting immediately; or

(8) a motion moved for the purpose of ensuring compliance with Section 100A(2) or a motion under Section 100A(4) of the Local Government Act 1972 to exclude the Public and press from the meeting.

Closure Motions

17.24 At the conclusion of a speech by another Member a Member may, without comment, move any of the following motions:-

- (1) that the Council proceed to the next business;
- (2) that the question be now put;
- (3) that the debate be now adjourned; or
- (4) that the Council do now adjourn.

17.25 If any of the motions referred to in Standing Order 17.24 is moved and seconded the Mayor shall proceed as follows.

- (1) In the case of a motion to proceed to the next business, unless in the Mayor's opinion the matter before the meeting has been insufficiently discussed, the Mayor shall first give the mover of the original motion her/his right of reply under Standing Order 17.21 and then put the motion to proceed to the next business.
- (2) In the case of a motion that the question be now put the Mayor shall, unless in her/his opinion the matter before the meeting has been insufficiently discussed, first put to the vote the motion that the question be now put and, if it is carried, give the mover of the original motion her/his right of reply under Standing Order 17.21 before putting the original motion to the vote.
- (3) In the case of either a motion to adjourn the debate or to adjourn the meeting the Mayor shall, if in her/his opinion, the matter before the meeting has not been sufficiently discussed, and cannot reasonably be discussed on that occasion, put the adjournment motion to the vote without giving the mover of the original motion her/his right of reply

Points of Order and Personal Explanation

- 17.26 A Member may raise a point of order or personal explanation and shall be heard immediately.
- 17.27 A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and how (s)he considers it has been breached.
- 17.28 A personal explanation shall be confined to some material part of a speech made by her/him earlier in the debate which appears to have been misunderstood or is being quoted incorrectly.
- 17.29 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chair

- 17.30 Whenever the Mayor stands up or calls for silence during a debate any Member then standing shall sit down and the Council shall be silent.

Standing Order No. 18. Motions affecting council employees

- 18.1 If a question arises at a meeting of the Council about the appointment, promotion, dismissal, salary, superannuation or conditions of service, or conduct of any particular Council employee, the question shall not be discussed until the Council have considered whether to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the Public and press from the meeting.

Standing Order No. 19. Disorderly conduct

- 19.1 If at a meeting any Member persistently disregards the ruling of the Chair or behaves irregularly, improperly or offensively, or wilfully obstructs the business of the Council, the Mayor or any other Member may move “That Councillor (naming the Member) be not further heard” and the motion, if seconded, shall be put to the vote without discussion.
- 19.2 If the Member named continues to behave in a manner described in Standing Order 19.1 after a motion that (s)he be not further heard has been carried the Mayor shall:-
- (1) **EITHER** move “That Councillor (naming the Member) leave the meeting immediately” (which motion shall be put to the vote without being seconded or discussed, and, if carried, the Member named shall immediately leave the meeting);
 - (2) **OR** adjourn the meeting for such period as (s)he considers expedient.

General Disturbance

- 19.3 In the event of general disturbance which in the opinion of the Mayor makes the conduct of business impossible, the Mayor in addition to any other power vested in her/him may adjourn the meeting for such period as (s)he considers expedient.

Disturbance by Members of the Public

- 19.4 If a Member of the Public interrupts the proceedings at any meeting the Mayor shall warn her/him. If (s)he continues the interruption the Mayor shall order her/his removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the Public, the Mayor may, without prejudice to her/his powers under Standing Order 19.3 order that part to be cleared. The Mayor may adjourn the meeting for such period as (s)he considers necessary for this work to be done.

Standing Order No. 20. Rescission of preceding resolution

- 20.1 No Motion to rescind any resolution passed within the preceding six months, and no Motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice given under Standing Order 14 bears the names of at least twelve Members.
- 20.2 When any motion proposed in accordance with Standing Order 20.1 has been disposed of by the Council, a Member may not propose a similar motion within a further period of six months.

Standing Order No. 21. Voting

- 21.1 Subject to Standing Order 21.2 voting at meetings of the Council shall be by a show of hands, exception or electronic means.
- 21.2 Save as provided at Standing Order 21.5 at the requisition of at least six Members of the Council made before a vote is taken, the voting shall be by roll-call and shall be recorded so as to show how each Member present voted and so as to record the name of any Member who abstained from voting.
- 21.3 Where, immediately after a vote is taken in accordance with Standing Order 21.2 and other that a vote taken under Standing Order 21.5, a Member so requires, there shall be recorded in the Minutes of the meeting whether (s)he cast her/his vote for the question or against the question or whether (s)he abstained from voting.

- 21.4 If there is an equal number of votes for and against, whether the Chair of the meeting has chosen to vote or not, the Chair of the meeting will have a second or casting vote. There will be no restriction on how the Chair of the meeting chooses to exercise a casting vote.

Voting on Appointments

- 21.5 Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

Budget Decision Meetings

- 21.6 The names of those voting for against or abstaining shall be recorded in the minutes in respect of any vote taken at a budget decision meeting.

Standing Order No. 22. Record of attendances

- 22.1 The attendance of Members of the council at a council meeting shall be recorded either by signing his/her name in the attendance book or by the Democracy Team on their behalf.

Standing Order No. 23. Disclosures of interest

- 23.1 A Member of the Council who has either a Personal Interest or a Disclosable Pecuniary Interest in a matter within the meaning of the Council's Code of Conduct for Members and who attends a meeting at which the matter is considered must disclose to the meeting the existence and nature of that Personal Interest or Disclosable Pecuniary Interest at the commencement of the consideration of the matter, or when the Personal Interest or Disclosable Pecuniary Interest becomes apparent.

- 23.2 A Member of the Council with a Disclosable Pecuniary Interest in a matter within the meaning of the Council's Code of Conduct for Members and who attends a meeting at which the matter is considered must, subject to Standing Order 23.4 :-

- (1) withdraw from the room or chamber where the meeting is being held unless (s)he has obtained a dispensation from the Standards Committee;
- (2) not exercise Executive Functions in relation to that matter; and
- (3) not improperly influence a decision about that matter.

For the avoidance of doubt any Member with a Disclosable Pecuniary Interest may not participate in any debate or vote on the matter in question unless a dispensation has been granted allowing them to do so.

- 23.3 A Member of the Council who is involved in the consideration of a matter at a meeting of an Overview and Scrutiny Body must regard herself or himself as having a personal prejudicial interest if that consideration relates to a decision made or action taken by a Committee, Sub-Committee, Panel, Joint Committee or Joint Sub-Committee of which (s)he was a Member at the time when, and was present when, the decision was made or the action taken.
- 23.4 Subject to Standing Order 23.3 a Member of the Council with a Personal Interest in a matter may participate in a meeting of and Overview and Scrutiny Body unless:-
- (1) the interest is of a financial nature; or
 - (2) the Committee is exercising functions of the Council or of the Executive.

- 23.5 Where a Member of the Council is a Director of any company set up by the council or a subsidiary thereof (s)he shall not at any meeting:-
- (1) take part in the consideration or discussion of any contract or proposed contract between any Company set up by the Council or a subsidiary thereof and the Council; or
 - (2) vote on any question with respect to any contract or proposed contract between any company set up by the Council or a subsidiary thereof and the Council, or with respect to any other matter relating to the activities of that Company.
- 23.6 Where a Member of the Executive is a Director of any company set up by the council (s)he shall not, in the course of the discharge of any function that is the responsibility of that Executive, take any action in the consideration, or the making of any decision with respect to:-
- (1) any contract or proposed contract between the company or a subsidiary thereof and the Council; or
 - (2) any matter relating to the activities of the company or a subsidiary thereof.
- 23.7 All Members of the Council shall comply with the following:-
- (1) The Code of Conduct for Members set out in Part 4 A of the Council's Constitution; and
 - (2) The Protocol for Member/Officer Relationships set out in Part 4 C of the Council's Constitution.
- 23.8 For the purpose of Standing Orders 23.1 to 23.6 "**meeting**" includes any meeting of the Council, the Executive, any Committee of the Executive, any Committee or Sub-Committee of the Council, any Appeal Panel or any other body of Members established under the Council's Constitution.

Standing Order No. 24. Variation, suspension and revocation of standing orders

- 24.1 Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, unless such a motion EITHER is moved in pursuance of a report or recommendation of an Overview and Scrutiny Body, or of the Standards Committee OR is moved at the Annual Meeting of the Council by the Mayor, Chair of the Overview and Scrutiny Board, or of the Standards Committee or another Member of any of those bodies acting on behalf of the Chair.
- 24.2 Subject to Standing Orders 24.3 and 24.4, all or any of these Standing Orders may be suspended in respect of any business at a meeting where such suspension is moved.
- 24.3 A motion to suspend Standing Orders shall specify which Standing Order(s) it is proposed should be suspended or that it is proposed that all Standing Orders be suspended.
- 24.4 A motion to suspend Standing Orders shall not be moved without notice unless the Member moving the suspension is supported by at least one half of the whole number of the Members of the Council.

Chapter 2: Access to information procedure rules

Standing Order No. 25. Interpretation of standing orders

25.1 In these Standing Orders the expression:-

(1) "**Chief Officer**" means:-

- (a) those Officers listed at Appendix A (Senior Management Structure) to Part 2 A of the Constitution – Articles of the Constitution
- (b) any Officer not referred to in 94.1(1) for the time being designated by the Council as a Service Director;
- (c) the Council's Monitoring Officer for the purposes of the exercise of her/his functions as the Monitoring Officer;
- (d) the Council's Chief Finance Officer for the purposes of the exercise of her/his functions as the Chief Finance Officer.

(2) The expression "**the Monitoring Officer**" or "**the Council's Monitoring Officer**" shall mean the Officer designated by the Council for the purposes of Section 5 of the Local Government and Housing Act 1989.

(3) The expression "**the Chief Finance Officer**" or "**the Council's Chief Finance Officer**" means the Officer designated by the Council for the purposes of Section 151 of the Local Government Act 1972.

25.2 Subject to 1.2, any dispute as to the interpretation of any of these Standing Orders shall be referred to the Monitoring Officer whose decision shall be final.

Standing Order No. 26. Scope

26.1 These rules apply to all meetings of the Council, an Overview and Scrutiny Body, the Standards Committee, the Regulatory Committees, and meetings in public of the Executive (together called "**meetings**").

Standing Order No. 27. Additional rights to information

27.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

Standing Order No. 28. Public's rights to attend meetings

28.1 Members of the public (including the press) may attend all meetings subject only to the exceptions set out in this Chapter.

Standing Order No. 29. Notices of meetings

29.1 The Council will:-

- (1) in respect of meetings of the Council other than meetings of the Executive give at least five (5) clear days' notice of any meeting by posting details of the meeting at the Town Hall, Luton, LU1 2BQ ("**the designated office**") and, in the case of any meeting held elsewhere than in the Town Hall, additionally at the place at which the meeting is to be held;

- (2) in respect of a meeting in public of the Executive give at least five (5) clear days' notice (or where the meeting is convened at shorter notice, at the time that the meeting is convened) of the time and place of any meeting by posting details of the meeting at the Town Hall, Luton, LU1 2BQ ("**the designated office**") and publishing it on the Council's website; and
- (3) in respect of a meeting in private of the Executive give at least twenty eight (28) clear days' notice prior to the meeting make available at the designated office a notice of its intention to hold the meeting in private and publish that notice on the Council's website. At least five (5) clear days before a meeting in private the Council will make available at the designated office a further notice of its intention to hold the meeting in private and also publish that notice on the Council's website.

Standing Order No. 30. Access to agenda and reports before the meeting

30.1 The Council will:-

- (1) in respect of meetings of the Council other than meetings of the Executive make copies of the agenda and reports for those parts of meetings which are likely to be open to the public available for inspection at the designated office, at least five (5) clear days before the meeting. If an item is added to the agenda later, the item will be open to inspection by the public from the time when the item is added to the agenda. Where a report is prepared after the agenda has been sent out, the Democracy Manager shall make each such report available for public inspection as soon as the report has been sent to Members; and
- (2) in respect of a meeting in public of the Executive at least five (5) clear days before the meeting (or where the meeting is convened at shorter notice, at the time that the meeting is convened) make a copy of the agenda and every report available for inspection by the public at the designated office and on the Council's website.

Standing Order No. 31. Supply of copies of agendas and reports

31.1 The Council will supply copies of:-

- (1) any agenda and reports which are open to public inspection;
- (2) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (3) if the Democracy Manager thinks fit, copies of any other documents supplied to Members in connection with an item;

on request to any person on payment of such reasonable charge as the Council may determine.

Standing Order No. 32. Access to minutes and other documents after meetings

32.1 The Council will make available at the designated office and on the Council's website copies of the following for six (6) years after a meeting:-

- (1) the Minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive, excluding any part of the Minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (2) 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;

- (3) the agenda for the meeting; and
- (4) reports relating to items when the meeting was open to the public.

32.2 Any record prepared in accordance with Standing Order No. 44 must be available for inspection by members of the public as soon as is reasonably practicable at the designated office and on the Council's website except where the same contains exempt or confidential information.

Standing Order No. 33. Background papers

List of Background Papers

33.1 Every report will contain or have appended to it a list of those documents ("**Background Papers**") relating to the subject matter of the report which in the opinion of the report author:-

- (1) disclose any facts or matters on which the report or an important part of the report is based; and
- (2) which have been relied on to a material extent in preparing the report;

but not including published works or those which disclose exempt or confidential information and a copy of the list will be made available for inspection at the designated office and on the Council's website.

Public Inspection of Background Papers

33.2 The Council will make available for public inspection for four (4) years after the date of the meeting one (1) copy of each of the documents in the list of Background Papers and will be made available for inspection at the designated office and on the Council's website.

Standing Order No. 34. Summary of public's rights

34.1 A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and be available for public inspection at the designated office.

Standing Order No. 35. Exclusion of access by the public to meetings

Confidential Information

35.1 Members of the public shall be excluded from any meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information will be likely to be disclosed to them if they were present.

Exempt Information - Discretion to Exclude the Public

35.2 Members of the public may be excluded from a meeting 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 likely to be disclosed to them if they were present.

35.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, regard will be had to Article 6 of the Human Rights Act 1998 in deciding whether to exclude the public, or that person from the meeting.

Standing Order No. 36. Exclusion of access by the public to reports

- 36.1 If the designated Officer thinks fit, the Council may exclude access by the public to reports which in her/his opinion relate to items during consideration of which, in accordance with Standing Order No. 35 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.

Standing Order No. 37. Application of this chapter to the executive

- 37.1 Standing Order No. 38 to Standing Order No. 48 apply to the Executive and any Committees of the Executive. If the Executive or any Committee of the Executive meets to take a key decision then it must comply with Standing Order No. 28 to Standing Order No. 36 unless Standing Order No. 40 or Standing Order No. 41 applies.
- 37.2 If the Executive or any Committee of the Executive meet to discuss a key decision to be taken collectively, with an Officer present, within twenty eight (28) days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Standing Order No. 36 to Standing Order No. 48 unless Standing Order No. 40 or Standing Order No. 41 applies. This requirement does not include meetings the sole purpose of which is for Officers to brief Members.

Standing Order No. 38. Procedure before taking key decisions

- 38.1 Subject to Standing Order No. 40 and Standing Order No. 41, a key decision may not be taken unless:-
- 38.2 a Forward Plan has been published in connection with the matter in question;
- 38.3 at least twenty eight (28) clear days have elapsed since the publication of the Forward Plan; and
- 38.4 where the decision is to be taken at a meeting of the Executive or any Committee of the Executive, notice of the meeting has been given in accordance with Standing Order No. 29.

Standing Order No. 39. The forward plan

Publicity in connection with Key decisions

- 39.1 At least twenty eight (28) clear days before a key decision is made a Forward Plan prepared in accordance with Standing Order 37.2 will be made available for inspection by the public at the designated office and on the Council's website.

Contents of Forward Plan

- 39.2 The Forward Plan will include the following:-
- (1) a statement that a key decision is to be made on behalf of the Council;
 - (2) the matter in respect of which a decision is to be made;
 - (3) where the decision taker is an individual, her/his name and title, if any, and where the decision taker is a body, its name and details of membership
 - (4) the date on which, or the period within which, the decision will be taken;
 - (5) a list of the documents submitted for consideration in relation to the matter in respect of which the key decision is to be made;
 - (6) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

- (7) that other documents relevant to those matters may be submitted. and
- (8) the procedure for requesting details of those documents (if any) as they become available.

39.3 Where in relation to any matter:-

- (1) the public may properly be excluded from the meeting at which the matter is to be discussed; or
- (2) documents relating to the decision need not be disclosed to the public the document referred to in Standing Order 39.2 must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political advisor or assistant.

Standing Order No. 40. General exception

40.1 Subject to Standing Order No. 41 where the publication of the intention to make a key decision is impracticable that decision may only be made:-

- (1) where the Democracy Manager has informed the Chair of the Overview and Scrutiny Board or, if there is no such person, each member of the Overview and Scrutiny Board by notice in writing of the matter about which the decision is to be made;
- (2) where the Democracy Manager has made available at the designated office for inspection by the public and published on the Council's website a copy of the notice referred to in (1); and
- (3) after five (5) clear days have elapsed following the day on which the Proper Officer made available the notice referred to in (2)

and the Democracy Manager shall as soon as reasonably practicable after complying with the provisions of (1) to (3) inclusive make available at the designated office a notice setting out the reasons why compliance with Standing Order No. 38 is impracticable and publish that notice on the Council's website.

Standing Order No. 41. Special urgency

41.1 Where the date by which a key decision must be made makes compliance with Standing Order No. 40 impracticable the decision may only be made where the Executive has obtained agreement from:-

- (1) the Chair of the Overview and Scrutiny Board; or
- (2) if there is no such person, or that person is unable to act, the Mayor; or
- (3) where there is no Chair of the Overview and Scrutiny Board or Mayor the Deputy Mayor

that the making of the decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after this agreement has been obtained the Democracy Manager must make available at the designated office a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred and publish the same on the Council's website.

Standing Order No. 42. Executive report to council: failure to treat decisions as key decisions

- 42.1 Where an Executive decision has been made which was not treated as being a key decision, but the Overview and Scrutiny Board are of the opinion that the Executive decision should have been treated as a key decision then Standing Orders 42.2 below and 42.3 below apply.
- 42.2 Where this Standing Order applies the Overview and Scrutiny Board may require the Executive, within such reasonable period as the Overview and Scrutiny Board may specify, to report to the Full Council, any such report to include the matters set out in 42.3 below.
- 42.3 A report submitted by the Executive to the Full Council under Standing Order 42.2 above shall include the following;
- (1) details of the decision and the reasons for the decisions;
 - (2) details of the decision making body by which, or the Officer by whom, the decision was made; and
 - (3) if the Executive are of the opinion that the decision was not a key decision, the reasons for that opinion.

Standing Order No. 43. Executive annual reports to council: special urgency procedure

- 43.1 The Executive Leader will submit to the Full Council an annual report setting out details of any Executive decision made in the circumstances set out in Standing Order No. 41 since the last Report was submitted. The report will include particulars of each decision and a summary of the matters in respect of each decision was made.

Standing Order No. 44. Record of decisions

- 44.1 After any meeting of the Executive or any Committee of the Executive, whether held in public or private, the Democracy Manager will produce a record of every decision taken at that meeting including the date it was made within (2) working days of the meeting of the Executive. The record will include a statement of the reasons for each decision, any alternative options considered and rejected at that meeting, a record of any conflict of interest relating to the matter decided which is declared by any member of the Executive and in respect of any declared conflict of interest a note of dispensation granted by the Council's Head of Paid Service. The record will be made available to all Members of the Council within two (2) working days of the meeting of the Executive.
- 44.2 If an Executive decision is made by an Officer the Officer must as soon as reasonably practicable thereafter produce a written statement including a record of the decision including the date on which it was made, a record of the reasons for the decision, details of any alternative options considered and rejected by the Officer when making the decision, a record of any conflict of interest declared by any Executive Member who is consulted by the Officer which relates to the decision and in respect of a declared interest a note of dispensation granted by the Council's Head of Paid Service.

Standing Order No. 45. Executive meetings relating to matters which are not key decisions

- 45.1 These meetings will be open to the public unless otherwise provided.

Standing Order No. 46. Notice of private meeting of the executive

- 46.1 Members of the Executive or any Committee of the Executive will be entitled to receive at least five (5) clear days' notice of a meeting to be held in private, unless the meeting is convened at shorter notice as a matter of urgency.

Standing Order No. 47. Decisions by individuals

47.1 Record of Individual Decision

As soon as reasonably practicable after an Executive decision is made by an Officer the Officer must produce a written statement including:-

- (1) a record of the decision including the date on which it was made,
- (2) a record of the reasons for the decision,
- (3) details of any alternative options considered and rejected by the Officer when making the decision,
- (4) a record of any conflict of interest declared by any Executive Member who is consulted by the Officer which relates to the decision and
- (5) in respect of a declared interest a note of dispensation granted by the Council's Head of Paid Service.

Standing Order No. 48. Overview and scrutiny bodies: access to documents

48.1 Rights to Copies of Documents

Subject to Standing Order 48.2 a member of an Overview and Scrutiny Body shall be entitled to a copy of any document which is in the possession or control of the Executive and which contains material relating to:-

- (1) any business transacted at meeting of the Executive or at any Committee of the Executive held in public or private;
- (2) any key decision made by an Officer.

Copies requested under this Standing Order must be provided as soon as is reasonably practicable and in any case within ten (10) clear days after the Democracy Manager receives the request on behalf of the Executive.

48.2 Limit on Rights

Standing Order 48.1 does not entitle a Member of an Overview and Scrutiny Body to have a copy of:-

- (1) any document that is in draft form; or
- (2) part of a document that contains exempt or confidential information unless that information is, in the opinion of the Monitoring Officer, relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

Standing Order No. 49. Confidentiality

49.1 All agenda, reports and other documents relating to business transacted or to be transacted at a meeting shall if stamped "**Not for Publication**" be treated as confidential unless and until they become public in the ordinary course of business.

49.2 The proceedings of a meeting after a resolution has been passed to exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 shall remain confidential unless statute requires or the meeting authorises their disclosure.

49.3 Standing Orders 49.1 and 49.2 shall not prevent, in the case of the Executive, the Executive Leader, and, in any other case, the Chair of the meeting, together with the Chief Executive and any other appropriate Officer selected by the Chief Executive, from giving information to the media if in the opinion of the Executive Leader or, as the case may be, the Chair of the meeting, and the Chief Executive:-

- (1) it is in the public interest to do so; or
- (2) it is in the Council's or the Executive's interest to do so; or
- (3) an immediate explanation of the decision is required.

Standing Order No. 50. Additional rights of access for members

50.1 Material Relating to Previous Business

All Members of the Council will be entitled to inspect, subject to the retention policy, any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a meeting unless it contains exempt information falling within Part 1 of Schedule 12A to the 1972 Act unless specifically provided.

50.2 Material Relating to Key Decisions

All Members of the Council will be entitled to inspect, subject to the retention policy, any document (except those only in draft form) in the possession or under the control of the Executive which relates to any key decision unless the exception contained in Standing Order 48.1 applies.

50.3 Nature of Rights

These rights of a Member are additional to any other right (s)he may have.

Standing Order No. 51. Definitions

51.1 In this Chapter of these Standing Orders the following expressions have the meanings given to them below:-

- (1) **"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 as a result of a Court Order;
- (2) **"exempt information"** means:-
 - (a) in respect of all cases unless specifically provided at (b) below information falling within any of the following seven (7) categories set out in the left hand column of the Table below, subject to any conditions set out in the right hand column of the Table below in relation to each Category and subject to the Qualification appearing at the end of the Table:-

Category	Condition
<p>1. Information relating to any individual</p>	<p>Information which is not prevented from being exempt by virtue of Category 3 hereof is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>
<p>2. Information which is likely to reveal the identity of an individual.</p>	<p>Information which is not prevented from being exempt by virtue of paragraph 3 hereof is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>

Category	Condition
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Information which is not prevented from being exempt by virtue of this paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>This information is not exempt information if it is required to be registered under—</p> <ul style="list-style-type: none"> (a) the Companies Acts (as defined in section 2 of the Companies Act 2006); (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 2011. <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>Information which is not prevented from being exempt by virtue of paragraph 3 hereof is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>

Category	Condition
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information which is not prevented from being exempt by virtue of paragraph 3 hereof is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>
<p>6. Information which reveals that the authority proposes:-</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>Information which is not prevented from being exempt by virtue of paragraph 3 hereof is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information which is not prevented from being exempt by virtue of paragraph 3 hereof is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>

(or otherwise in accordance with Schedule 12A to the Local Government Act 1972), and

- (b) in respect of all matters relating to Health Services information falling within any of the following fifteen (15) Categories set out in the left hand column of the Table below, subject to the conditions set out in the right hand column of the Table below in relation to each Category and subject to the Qualification appearing at the end of the Table:-

Category	Condition
1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office- holder under, the Council.	Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.
2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the Council.	Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.
3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Council.	Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.
4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Council.	Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.
5. The amount of any expenditure proposed to be incurred by the Council under any particular contract for the acquisition of property or the supply of goods and services.	Information falling within this Category is exempt information if and so long as disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the Council in respect of the property, goods or services, whether the advantage would arise as against the Council or as against other such persons.
6. Any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.	Information falling within this Category is exempt information if and so long as disclosure to the public of the terms would prejudice the Council in those or any other negotiations concerning the property or goods or services.
7. The identity of the Council (as well as of any other person, by virtue of Category 6 above) as the person offering any particular tender for a contract for the supply of goods or services.	
8. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office-holders under, the Council.	Information falling within this Category is exempt information if and so long as disclosure to the public of the information would prejudice the Council in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned.

Category	Condition
<p>9. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-</p> <p>(a) any legal proceedings by or against the Council, or</p> <p>(b) the determination of any matter affecting the Council, (whether, in either case, proceedings have been commenced or are in contemplation).</p>	
<p>10. Information relating to a particular person who was included in a list of persons undertaking to provide services under Part 2 of the National Health Service Act 1977.</p>	<p>Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.</p>
<p>11. Information relating to a particular person who is, or was formerly, included in, or is an applicant for inclusion in:-</p> <p>(a) a pharmaceutical list, or</p> <p>(b) a pharmaceutical list or ophthalmic list under the National Health Service (Wales) Act 2006.</p>	<p>Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.</p>
<p>12. Information relating to a particular person who:-</p> <p>(a) provided primary medical services, primary dental services or primary ophthalmic services under a contract under Section 28K, 28Q or 28WA of the National Health Services Act 1977, or</p> <p>(b) was included in a list under Section 28X of that Act.</p>	<p>Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.</p>

Category	Condition
<p>13. Information relating to a particular person who:-</p> <p>(a) is, or was formerly, providing primary medical services, primary dental services or primary ophthalmic services under a contract under Section 84, 100 or 117, or</p> <p>(b) is, or was formerly, included in, or is an applicant for inclusion in, a list under Section 91,106, 123 or 146.</p> <p>In this Category:-</p> <p>(a) references to primary medical services and primary dental services include such services provided under the National Health Service (Wales) Act 2006, and</p> <p>(b) references to provisions of the National Health Service Act 2006 include references to corresponding provisions of that Act.</p>	<p>Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.</p>
<p>14. Information relating to any particular employee, former employee, or applicant to become an employee, of a person referred to in Category 10, 11, 12 or 13 above.</p>	<p>Information relating to a person of a description specified is not exempt information unless it relates to an individual of that description in the capacity indicated by the description.</p>
<p>15. Information relating to the physical or mental health of a particular Individual.</p>	

(or otherwise in accordance with Schedule 17 to the National Health Service Act 2006).

- (3) **"the designated office"** means the Town Hall, Luton, LU1 2BQ;
- (4) **"the designated Officer"** means the Service Director, Citizen Engagement and Legal Services or such other Officer as the Council has appointed as the Proper Officer for the purpose;
- (5) **"Overview and Scrutiny Body"** means the Overview and Scrutiny Board or a Sub-Committee of the Overview and Scrutiny Board or a Task and Finish Group thereof established by the Overview and Scrutiny Board for a specific purpose

Chapter 3: Executive procedure rules

Standing Order No. 52. Application of Chapter 1: to this Chapter and interpretation

- 52.1 The following Standing Orders in Chapter 1: of these Standing Orders shall with any necessary modifications apply to the Executive and to meetings of the Executive:-
- (1) (Declarations of Interest and Disclosures under Section 106, Local Government Finance Act 1992);
 - (2) (Minutes);
 - (3) (Rules of Debate) with the exception of 17.6 to 17.9 (Standing when speaking), 17.10 (Length of Speeches), 17.11 to 17.12 (Content of Speeches and Speaking more than once);
 - (4) (Motions affecting Council employees);
 - (5) (Disorderly Conduct);
 - (6) (Record of Attendances);
 - (7) (Disclosures of Interest).
- 52.2 In this Chapter:-
- (1) “**Task and Finish Group**” means a Sub-Committee established by the Overview and Scrutiny Committee for a specific purpose and known as a Task and Finish Group;
 - (2) “**Called-in decision**” means to which a notice given under Standing Order 57.3 relates;
 - (3) “**Call-in actions**” means the actions referred to in Standing Order 57.5 and the date on which a Call-in action is to be regarded as having been taken shall be, in the case of the Call-in action referred to in Standing Order 57.5(1), the date on which the indication is given, and, in the case of the other Call-in actions, the date on which the Overview and Scrutiny Body decide to refer the called-in decision.
 - (4) “**Overview and Scrutiny Body**” means the Overview and Scrutiny Board or a Sub-Committee of the Overview and Scrutiny Board or a Task and Finish Group thereof established by the Overview and Scrutiny Board for a specific purpose.

Standing Order No. 53. Arrangements for convening meetings

- 53.1 All meetings of the Executive shall be convened by the Democracy Manager.
- 53.2 The Executive shall meet at such times and on such dates as the Executive may determine.
- 53.3 The Executive Leader or the Chief Executive may direct the calling of a special meeting of the Executive.
- 53.4 The Executive, or the Executive Leader, may cancel a meeting, other than a meeting called on the direction of the Chief Executive, on the grounds that there is insufficient business to justify a meeting.
- 53.5 Neither the Executive, nor the Executive Leader, shall cancel a meeting under Standing Order 53.4 if there is business which must by law be transacted at the meeting.
- 53.6 All meetings of the Executive shall take place in a building in the Borough of Luton to which the public have access, unless the Executive Leader decides otherwise.

- 53.7 A Member of the Council who wishes to place an item on the agenda for a meeting of the Executive shall give notice to the Democracy Manager, no fewer than 28 clear days before the meeting
- 53.8 Where the Democracy Manager receives notice under Standing Order 53.7 (s)he shall, subject to the item relating to a matter which is the responsibility of the Executive, place the item on the agenda for the next appropriate meeting.

Standing Order No. 54. Procedure at meetings

Quorum

- 54.1 The quorum for a meeting of the Executive shall be three (3).
- 54.2 Provided that there is a quorum the Executive Leader does not have to be present at a meeting of the Executive.

Chairing of Meetings

- 54.3 The Executive Leader shall, if present, preside over all meetings of the Executive.
- 54.4 If the Executive Leader is absent at a meeting of the Executive the Deputy Executive Leader shall preside.
- 54.5 In the event that both the Executive Leader and the Deputy Executive Leader are absent at a meeting of the Executive, the Executive shall elect another Member of the Executive to preside over the meeting.

Voting

- 54.6 Where any matter fails to be decided by the Executive at any meeting of the Executive, each Member of the Executive shall have one vote.
- 54.7 In the event of an equality of votes after any vote is taken at any meeting of the Executive, the person presiding at the meeting shall have a second or casting vote.

Standing Order No. 55. Business of the executive

- 55.1 The Executive shall consider any report or recommendation from:-
- (1) any Overview and Scrutiny Body;
 - (2) the Standards Committee ;
 - (3) a Regulatory Committee of the Council;
 - (4) a Member of the Executive;
 - (5) a Member of the Council in accordance with Standing Order 53.7;
 - (6) an Officer of the Council.
- 55.2 The Executive shall consider any matter referred to it by the Council.
- 55.3 The Executive shall consider any item placed on the Agenda under Standing Order 56.4 and 56.6

Standing Order No. 56. Attendance at meetings of the executive by other members of the council

- 56.1 Any Member of the Council who is not a Member of the Executive may attend a meeting of the Executive where that meeting is open to the public.

- 56.2 A Member of the Council who is not a Member of the Executive shall not be entitled to attend any part of a meeting of the Executive which is not open to the public unless the Executive specifically permits such attendance.
- 56.3 A Member of the Council who is not a Member of the Executive who attends a meeting of the Executive shall not speak unless the Executive permits her/him to do so.
- 56.4 The Chair of any body established by the Council may, in any case where the body of which (s)he is Chair so requests, require that any item considered by the body of which (s)he is Chair which is the responsibility of the Executive, be placed on the Agenda for a meeting of the Executive provided that written notice is given to the Democracy Manager no less than ten (10) clear days before the date of the meeting.
- 56.5 The Chair of any body established by the Council may attend and speak at a meeting of the Executive at which an item of business under Standing Order 56.4 is being discussed.
- 56.6 The Chair or Vice-Chair (or their nominated representative) of the Council's Tenants Consultative Committee, in any case where the Tenants Consultative Committee so request, require that any item considered by the Tenants Consultative Committee which is the responsibility of the Executive, be placed on the Agenda for a meeting of the Executive, provided that written notice is given to the Democracy Manager no less than ten (10) clear days before the date of the meeting.
- 56.7 The Chair or Vice-Chair of the Council's Tenants Consultative Committee (or their nominated representative), may, subject to Standing Order 54.2, attend and speak at a meeting of the Executive at which an item of business under Standing Order 56.6 is being discussed.

Standing Order No. 57. Call-in

- 57.1 “**Call-in**” means a request by any 2 Members for an Executive decision to be reviewed by a relevant Scrutiny Body.
- 57.2 Any decision of the Executive can be called in and therefore no decision of the Executive shall be implemented until the sixth working day after the decision has been published, except where:
- (1) a legally-qualified Officer certifies that if the decision were called-in the Council would be likely to suffer legal prejudice;
 - (2) the Director of Finance, Revenues and Benefits (or an appropriately qualified Officer nominated by him/her) certifies that if the decision were called-in the Council would be likely to suffer financial prejudice;
 - (3) the calling-in of the decision would result in it not being capable of implementation at all;
 - (4) the decision is to incur expenditure or forego income of £5,000 or less unless the decision has been taken outside the Council’s Policy Framework or any policies, practices and procedures adopted by the Executive;
 - (5) the decision results from a reference, report or recommendation from a Scrutiny Body;
 - (6) the decision is subject to a recommendation to Full Council.

- 57.3 Within five working days (the “call-in period”) of the Executive Decision sheet being published (the “publication date”), any two Members may, subject to 55.2, notify the Democracy Manager by e-mail that they require the decision to be referred to the relevant Overview & Scrutiny Body before it is implemented, specifying the date of the Executive meeting, the decision number and the reason for call-in (the “called-in decision”). A request for call-in made before the publication date shall be valid. A called in decision may not, subject to standing order 57.9 below, be implemented until the call in procedure set out at 57.4 below to 57.8 below has been followed.
- 57.4 Once a decision has been called-in, the Democracy Manager will either convene a meeting of the relevant Overview & Scrutiny Body specifically for the purpose of considering the called-in decision within a period of 20 days of the expiration of the call-in period, or, with the agreement of the Chair, include the called-in decision on the agenda of a scheduled meeting of the relevant Overview & Scrutiny Body provided that meeting takes place within the same 20 day period.
- 57.5 The relevant Overview & Scrutiny Body shall consider the called-in decision and take one of the following actions (the “call-in actions”):
- (1) indicate they have no objection to the called-in decision being implemented; in which case it may be implemented immediately
 - (2) refer the called-in decision back to the Executive for reconsideration and may recommend that the Executive amend the called-in decision in some way;
 - (3) refer the called-in decision to Full Council.
- 57.6 Where the called-in decision is referred to Full Council under 57.5(3) above, Full Council shall consider the called-in decision and take either of the call-in actions referred to at 57.5(1) above (in which case the decision may be implemented immediately) or 57.5(2) above.
- 57.7 Where the called-in decision is referred back to the Executive for reconsideration, the Executive shall reconsider its decision but shall not be bound to change it or to accept any recommendation of the relevant Overview & Scrutiny Body or Full Council. Any decision of the Executive then taken, whether it shall be to confirm, or to amend in accordance with scrutiny’s recommendations, its original decision, shall not be subject to further call-in.
- 57.8 Where practicable, the procedure set out at 57.4 above to 57.7 above should take place within twenty working days of the expiration of the call-in period.
- 57.9 Notwithstanding the provisions of 57.3 above to 57.8 above, a called-in decision may be implemented on the twenty first day following the expiration of the call-in period.
- 57.10 Nothing in 57.1 above to 57.9 above shall prevent any relevant Overview & Scrutiny Body from reviewing or scrutinising a decision of the Executive or of any Regulatory or Other Committee as defined at Standing Order No. 66 (but not any Appeal Panel) after it has been implemented.

Standing Order No. 58. Scrutinising decisions after they have been implemented

- 58.1 Nothing in 57.1 to 57.10 shall preclude an Overview and Scrutiny body from reviewing or scrutinising a decision after it has been implemented.
- 58.2 An Overview and Scrutiny Body may review or scrutinise the decision of any Regulatory Committee (but not any Appeal Panel) after it has been implemented.

Chapter 4: Overview and scrutiny procedure rules

Standing Order No. 59. Interpretation of Chapter 4:

- 59.1 The following Standing Orders in Chapter 1: of these Standing Orders apply to meetings of Scrutiny Bodies:-
- (1) (Declarations of Interest and Disclosures under Section 106, Local Government Finance Act 1992);
 - (2) (Minutes);
 - (3) (Rules of Debate) with the exception of 17.6 to 17.9 (Standing when speaking), 17.10 (Length of Speeches), 17.11 to 17.12 (Content of Speeches and Speaking more than once);
 - (4) (Motions affecting Council employees);
 - (5) (Disorderly Conduct);
 - (6) (Record of Attendances);
 - (7) (Disclosures of Interest).
- 59.2 “**Overview and Scrutiny Body**” means the Overview and Scrutiny Committee, a Sub-Committee of the Overview and Scrutiny Committee or a Task and Finish Group established by the Overview and Scrutiny Committee for a specific purpose.

Standing Order No. 60. Entitlement to sit on overview and scrutiny bodies

- 60.1 All Members of the Council other than Members of the Executive may be members of an Overview and Scrutiny Body.
- 60.2 No Member be involved in scrutinising a decision in which (s)he has been directly involved.

Standing Order No. 61. Co-opted members

- 61.1 Any Overview and Scrutiny Body shall be entitled to appoint an additional one (1) or more persons who are not Members of the Council
- 61.2 Subject to Standing Orders 61.4 and 61.5 any person appointed as a member of an Overview and Scrutiny Body who is not a Member of the Council shall not be entitled to vote at meetings of the Committee.
- 61.3 The Overview and Scrutiny Body with responsibility for education shall include in its membership the following:-
- (1) one (1) diocesan representative representing the Church of England;
 - (2) one (1) diocesan representative representing the Roman Catholic Church;
 - (3) such number of representatives of other faiths as may be prescribed by the Secretary of State;
 - (4) two (2) parent governor representatives;
- 61.4 Diocesan and parent governor representatives are entitled to vote at a meeting of the Overview and Scrutiny Body with responsibility for education on any question which relates to any education function which is the responsibility of the Executive and which falls to be decided at the meeting.

- 61.5 Representatives of other faiths are entitled to vote at a meeting of the Overview and Scrutiny Body responsible for education in accordance with any provision made with respect to the voting rights of other faith representatives in any direction issued to the Council by the Secretary of State.
- 61.6 In this Standing Order:-
- (1) **"diocesan representative"** means a person nominated by the Diocesan Board of Education for the Church of England Diocese of St. Albans or by the Bishop of the Roman Catholic Diocese of Northampton;
 - (2) **"representatives of other faiths"** means persons appointed in accordance with a direction to the Council from the Secretary of State under Paragraph 7(9) of Schedule 1 to the Local Government Act 2000;
 - (3) **"parent governor representative"** means a person elected in accordance with the provisions of the Parent Governor Representatives (England) Regulations 2001.

Standing Order No. 62. Arrangements for convening meetings

- 62.1 All meetings of Overview and Scrutiny Bodies shall be convened by the Democracy Manager.
- 62.2 The Chair of an Overview and Scrutiny Body may call a special meeting of the body of which (s)he is Chair. The Mayor or the Chief Executive may call a special meeting of any Overview and Scrutiny Body.
- 62.3 Unless varied or cancelled on the grounds of insufficient business by the Chair of the relevant Overview and Scrutiny Body, the body shall meet on the dates and times shown in the Councils calendar of meetings.
- 62.4 A meeting of an Overview and Scrutiny Body called on the direction of the Chief Executive or a meeting for which there is business which by law must be transacted at the meeting, may not be cancelled by the Chair of that body
- 62.5 Any member of an Overview and Scrutiny Body may give notice to the Democracy Manager that (s)he wishes a matter relevant to the functions of that body to be included on the agenda for the next available meeting of that body.
- 62.6 Any Member of the Council who is not member of an Overview and Scrutiny body may give notice to the Democracy Manager that (s)he wishes any local government matter which is relevant to the functions of that body to be included on the agenda for the next available meeting of that body.
- 62.7 The notice given to the Democracy Manager under Standing Order 62.6 above shall be given not less than ten (10) clear days before the date of the next available meeting where it shall be discussed.
- 62.8 If an Overview and Scrutiny Body decides not to exercise any of the overview and scrutiny powers in relation to a matter considered in accordance with Standing Order 62.6, it must notify the Member of:-
- (1) its decision; and
 - (2) the reasons for its decision.

- 62.9 If a matter is included in the agenda for and considered at a meeting of an Overview and Scrutiny Body in accordance with Standing Order 62.6, then that body must instruct the Democracy Manager to provide the Member with a copy of any report or recommendations it makes to the Full Council or the Executive in the exercise of any of the overview and scrutiny powers.

Standing Order No. 63. Procedure at meetings

Election of Chair and Vice-Chairs of Overview & Scrutiny Board

- 63.1 The Overview and Scrutiny Board shall, at its first meeting after the Annual Meeting of the Council, before proceeding to any other business, elect a Chair and a two Vice-Chairs for the municipal year, the two Vice-Chairs, unless unavoidable, both not to be members of the same political group as the Chair and each, unless unavoidable, not to be a member of the same political group as the other.
- 63.2 In the absence of the Chair of the Overview and Scrutiny Board one of the Vice-Chairs shall preside at a meeting in accordance with the following formula:-
- (1) if only one of the Vice-Chairs is present that Vice-Chair shall preside;
 - (2) if both Vice-Chairs are present then, unless the Vice-Chairs otherwise agree between themselves, the Vice Chair whose surname comes earlier in the alphabet shall preside unless that person has, in the absence of the Chair, presided at a meeting of the Overview and Scrutiny Board more recently than the other Vice Chair, in which case the other Vice Chair shall preside;
 - (3) if it is not possible to determine which of the two Vice-Chairs shall preside by the application of Standing Order (1) and (2) then the
 - (4) Overview and Scrutiny Board shall determine which of the Vice-Chairs is to preside.
- 63.3 If the Chair and both Vice-Chairs of the Overview and Scrutiny Board are absent from a meeting, the Overview and Scrutiny Board shall elect one of its Members to preside over the meeting during the absence of the Chair and both Vice-Chairs.

Quorum

- 63.4 The quorum for a meeting of an Overview and Scrutiny Body shall be three (3), not including any member of the Overview and Scrutiny Body appointed under Standing Orders 61.1 or 61.3.

Voting

- 63.5 Voting at a meeting of an Overview and Scrutiny Body shall be by show of hands.
- 63.6 In the event of an equality of votes, the person presiding shall have a second or casting vote.

Standing Order No. 64. Attendance at meetings of scrutiny bodies by members and officers

- 64.1 Any Member of the Council may attend a meeting of an Overview and Scrutiny Body of which (s)he is not a Member which is open to the public but, subject to Standing Orders 64.2 and 64.3 may not speak unless invited to do so and shall not vote.
- 64.2 A Member of the Council who has moved a Motion at a meeting of the Full Council which has been referred to an Overview and Scrutiny Body shall be informed of when the Motion is to be considered by the Overview and Scrutiny Body and may attend and speak at that meeting in support of the Motion, but shall not vote.

- 64.3 The Chair of any Advisory Body established by the Council may, subject to 64.6 below, attend a meeting of the Overview and Scrutiny Board and speak on a matter which relates to the activities of the Body of which (s)he is Chair but may not vote. (Repeat in Executive section??)
- 64.4 The Chair and Vice-Chair (or their nominated representative) of the Council's Tenants Consultative Committee (TCC) may, in any case where the TCC so requests, require that any item considered by the TCC and which relates to matters within the responsibility of an Overview and Scrutiny Body be placed on the agenda for a meeting of that Body, provided that written notice is given to the Democracy Manager no less than ten (10) working days before the date of the meeting.
- 64.5 The Chair and Vice-Chair of the Council's Tenants Consultative Committee(TCC) (or their nominated representative) may, subject to 64.6 below attend and speak at a meeting of any Overview and Scrutiny Body at which an item of business under 64.4 is being discussed, but may not vote.
- 64.6 Standing Orders 64.3 to 64.5 shall not entitle any person to attend any part of any meeting of the Overview and Scrutiny Body which is not open to the Public unless the person presiding specifically permits such attendance.
- 64.7 Any Member invited to remain in that part of the meeting held in private must not disclose the detail of any of the matters considered in private.
- 64.8 The Overview and Scrutiny Body may require any Member of the Executive, or any Member of a Regulatory Committee, or any Officer of the Council to attend a meeting of an Overview and Scrutiny Body where they reasonably require such attendance in order to carry out their responsibilities.
- 64.9 The Democracy Manager shall notify the person(s) required to attend in writing specifying the date, time and place of the meeting no later than ten (10) clear days before the meeting.
- 64.10 A Member of the Executive, or a Member of a Regulatory Committee or an Officer who receives a written notification under Standing Order 64.10 shall comply with it unless (s)he is unable to attend for some unavoidable reason or may, with the agreement of the Chair of the Overview and Scrutiny Body, arrange for another person to attend on his/her behalf, but shall comply with any requirement to attend a subsequent meeting.

Substitute members

- 64.11 A Member of an Overview and Scrutiny Body who is unable to attend a meeting of that Body may nominate another Member ("**the substitute Member**") of the Council to attend the meeting on her/his behalf provided that:-
- (1) the Member notifies the Democracy Manager no later than the start of the meeting; and
 - (2) the substitute Member is eligible to be a Member of an Overview and Scrutiny Body.
- 64.12 Where a Member of an Overview and Scrutiny Body nominates a substitute Member under 64.11 then for the duration of that meeting the substitute Member will be deemed to be a Member of that Body as if appointed to that Body and the original Member shall be deemed to cease to be a Member of the that Body and may not attend, unless the substitution is withdrawn prior to the start of the meeting.
- 64.13 64.11 and 64.12 do not apply to a member of an Overview and Scrutiny Body who is appointed under 64.1 or 64.3.

Standing Order No. 65. Referral of matters to Full Council and outside bodies

- 65.1 The Overview and Scrutiny Body may, by majority vote, refer any matter before them to the Full Council, or to any outside body which has an interest in or the activities of which relate to the matter being referred, in either case with or without a recommended course of action.

Chapter 5: Regulatory and other committee procedure rules

Standing Order No. 66. Application of Chapter 5:

- 66.1 This Chapter of these Standing Orders applies to the Council's Regulatory Committees.
- 66.2 The Council's Regulatory Committees are:-
- (1) the Administration and Regulation Committee;
 - (2) the Development Management Committee; and
 - (3) the Licensing Committee.
- 66.3 This Chapter also applies to the Council's Constitution Committee, Audit & Governance Committee, Petitions and Representations Board and Standards Committee ("Other" Committees).
- 66.4 This Chapter also applies to the Council's Appeal Panels to the extent specified in 67.3.

Standing Order No. 67. Interpretation of Chapter 5:

- 67.1 Any of the Standing Orders in Chapter 1: and Chapter 5: of these Standing Orders which expressly states or necessarily implies that it applies either to Committees or to Sub-Committees or both shall so apply.
- 67.2 Without prejudice to Standing Order 67.1 the following Standing Orders in Chapter 1: of these Standing Orders apply to Regulatory Committees and to Sub-Committees of Regulatory Committees:-
- (1) (Declarations of Interest and Disclosures under Section 106, Local Government Finance Act 1992);
 - (2) (Minutes);
 - (3) (Rules of Debate) with the exception of 17.6 to 17.9 (Standing when speaking), 17.10 (Length of Speeches), 17.11 to 17.12 (Content of Speeches and Speaking more than once);
 - (4) (Motions affecting Council employees);
 - (5) (Disorderly Conduct);
 - (6) (Record of Attendances);
 - (7) (Disclosures of Interest).
- 67.3 67.2, Standing Order No. 68, 69.5 and 69.6 apply to the Council's Appeal Panels.

Standing Order No. 68. Arrangements for convening meetings

- 68.1 All meetings of Regulatory and other Committees and Sub-Committees of Regulatory and other Committees shall be convened by the Democracy Manager.
- 68.2 The Chair of a Regulatory Committee, the Mayor or the Chief Executive may direct the calling of a special meeting of, in the case of the Chair of the Committee, the Committee of which (s)he is Chair and, in the case of the Mayor or the Chief Executive, any Regulatory Committee of the Council.
- 68.3 The Council's Regulatory Committees shall meet at such times and on such dates as may be determined by the Council at the Annual Meeting, but a Regulatory Committee, or in the case of urgency, the Chair of the Committee, may vary the dates and times at which they meet.

- 68.4 A Regulatory Committee, or the Chair of the Committee, may cancel a meeting, other than a meeting called on the direction of the Chief Executive, on the grounds that there is insufficient business to justify a meeting.
- 68.5 Neither a Regulatory Committee nor the Chair of a Committee shall cancel a meeting under Standing Order 68.4 if there is business which must by law be transacted at the meeting.

Standing Order No. 69. Procedure at meetings

Election of Chair and Vice-Chair

- 69.1 Every Regulatory Committee shall, at its first meeting after the Annual Meeting of the Council, before proceeding to any other business, elect a Chair and a Vice-Chair for the municipal year.
- 69.2 In the absence of the Chair of a Regulatory Committee from a meeting of the Committee the Vice-Chair shall preside.
- 69.3 If both the Chair and Vice-Chair of a Regulatory Committee are absent from a meeting of the Committee, the Committee shall elect a Member of the Committee to preside over the meeting during the absence of the Chair and Vice-Chair.
- 69.4 No Member of the Council shall be Chair of more than one Regulatory or Other Committee.

Quorum

- 69.5 The quorum for a meeting of a Regulatory or Other Committee or of a Sub-Committee of a Regulatory Committee or Other Committee shall be three (3), not including any Member of the Committee or Sub-Committee who is not a Member of the Council.
- 69.6 The quorum for a meeting of the Standards Committee shall be five (5): three (3) elected members and two (2) Independent Members.

Voting

- 69.7 Voting at a meeting of a Regulatory or other committee shall be by show of hands.
- 69.8 The person presiding shall have a second or casting vote.
- 69.9 In the case of Standards Committee, Independent Members shall not vote.

Standing Order No. 70. Attendance at meetings of regulatory or other committees by members and officers –

- 70.1 Every Member of the Council may attend a meeting of a Regulatory Committee of which (s)he is not a member but, subject to Standing Orders 70.2 and 70.3, may not speak unless invited to do so and shall not vote.
- 70.2 A Member of the Council who has moved a motion which has been referred to any Regulatory Committee shall be informed of when the motion is to be considered by the Regulatory Committee and may attend and speak at that meeting in support of the motion, but shall not vote.
- 70.3 The Chair (or Vice-Chair) of any Advisory Forum appointed by the Executive may attend a meeting of any Regulatory Committee but may not speak, unless either invited to do so or in relation to an item of business being considered under Standing Order 70.5.
- 70.4 Standing Order 70.3 shall not entitle any person to attend any part of any meeting of a Regulatory Committee which is not open to the public unless the Committee specifically permit such attendance.

- 70.5 The Chair (or Vice-Chair) of any Advisory Forum appointed by the Executive may, in any case where the Forum of which they are Chair (or Vice-Chair) so requests, require that any item considered by the Forum of which they are Chair and which relates to matters within the responsibility of a Regulatory Committee, be placed on the agenda for any meeting of that Committee provided that written notice is given to the Service Director, Policy and Performance no less than ten (10) clear days before the date of the meeting.
- 70.6 The Chair or Vice-Chair (or their nominated representative) of the Council's Tenants Consultative Committee may, in any case where the Tenants Consultative Committee so requests, require that any item considered by the Tenants Consultative Committee and which relates to matters within the responsibility of a Regulatory Committee, be placed on the agenda for a meeting of that Committee, provided that written notice is given to the Service Director, Policy and Performance no less than ten clear days before the date of the meeting.
- 70.7 The Chair or Vice-Chair (or their nominated representative) of any Tenants Consultative Committee established by the Council may attend and speak at a meeting of a Regulatory Committee at which an item of business under Standing Order 70.6 is being discussed and may speak on that item.

Standing Order No. 71. Members' rights to require decisions to be submitted as recommendations to Full Council

- 71.1 Where a Regulatory Committee, excepting Licensing Committee, passes a Resolution under powers delegated to the Committee by the Council, then any two (2) Members of the Committee, who were present and voting on the Resolution (whether for or against), may require that the Resolution be submitted as a Recommendation to the next suitable meeting of the Full Council. Any such requisition shall be recorded in the Minutes of the meeting of the Committee.
- 71.2 Where any two members of Development Management Committee present and voting invoke Standing Order 71.1 in relation to any planning application(s) before Development Management Committee, there shall be the opportunity for any member of the Council to move an alternative motion, should the substantive motion before the Council be put to the vote and lost.
- 71.3 The substantive motion to be put before the Council referred to as 71.2 shall be to confirm the decision of Development Management Committee.

Standing Order No. 72. Substitute members at meetings of sub-committees of regulatory committees

- 72.1 A Member of a Sub-Committee of a Regulatory Committee who is unable to attend a meeting of the Sub-Committee may nominate another Member ("**the substitute Member**") of the Council to attend the meeting in her/his stead provided that:-
- (1) the Member of the Sub-Committee notifies the Democracy Manager no later than the start of the meeting; and
 - (2) the substitute Member is a Member of the same political group on the Council as the Member of the Sub-Committee.

- 72.2 Where a Member of a Sub-Committee nominates a substitute Member under Standing Order 72.1 then for the duration of the meeting concerned the substitute Member will be deemed to be a Member of the Sub-Committee as if appointed by the Sub-Committee's parent Committee and the original Member shall be deemed to cease to be a Member of the Sub-Committee for the same period.
- 72.3 Substitute Members shall not be permitted at any meeting of a Committee.

Chapter 6: Standards committee procedure rules

Standing Order No. 73. Application of Chapter 6:

73.1 This Chapter applies to meetings of the Standards Committee.

Standing Order No. 74. Application of Chapter 5:

74.1 Except where specified or other provision is made in this Chapter in relation to meetings of the Standards Committee, the provisions of Chapter 5: of Standing Orders (Regulatory Committees Procedure Rules) shall apply to meetings of the Standards Committee.

Standing Order No. 75. Quorum and membership

- 75.1 No business shall be transacted at a meeting of a Standards Committee unless at least five (5) Members of the Committee are present, such number to include three Members of the Council and two Independent Members.
- 75.2 No Member shall serve on the Standards Committee when the Standards Committee meets to consider a complaint against a Member of the Council if that Member is the Member against whom the complaint has been made.
- 75.3 No Member shall serve on the Standards Committee when the Standards Committee meets to consider a complaint against a Member of the Council if that Member has discussed the substance of the complaint with any other Member of the Council or has such knowledge of the substance of the complaint that there might be the perception of bias.
- 75.4 For the purposes of this Chapter "**Independent Member**" means a Member appointed by the Full Council to serve on the Standards Committee who is not a Member of the Council

Chapter 7: Officer employment procedure rules

Standing Order No. 76. Appointment of chief officers

76.1 In this Standing Order No. 76:-

- (1) **"the 2011 Act"** means the Localism Act 2011;
- (2) **"Chief Finance Officer"**, **"disciplinary action"**, **"Head of Paid Service"** and **"Monitoring Officer"**, have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and **"designated independent person"** has the same meaning as in regulation 7 of those Regulations;
- (3) **"Chief Officer"** means those officers listed in Appendix A (the Senior Management Structure) to Part 2 A of this Constitution (Articles of the Constitution);
- (4) **"Executive"** and **"Executive Leader"** have the same meaning as in Part II of the Local Government Act 2000 Act;
- (5) **"independent person"** means a person appointed under section 28(7) of the 2011 Act;
- (6) **"local government elector"** means a person registered as a local government elector in the register of electors in the Council's area in accordance with the Representation of the People Acts;
- (7) **"the Panel"** means a Committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purpose of advising the Council on matters relating to the dismissal of relevant officers of the Council;
- (8) **"relevant meeting"** means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (9) **"relevant officer"** means the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer as the case may be.

76.2 The appointment and dismissal of, and taking disciplinary action against a member of staff of the Council must be carried out by the Head of Paid Service or by an Officer nominated by him, except where 76.3 and 76.7 apply.

76.3 76.2 shall not apply to the appointment of, the dismissal of, or disciplinary action against:-

- (1) the Officer designated as the Head of Paid Service; the Chief Finance Officer or the Monitoring Officer
- (2) a statutory Chief Officer within the meaning of Section 2(6) of the 1989 Act (politically restricted posts);
- (3) a non-statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act;
- (4) a deputy Chief Officer within the meaning of Section 2(8) of the 1989 Act; or
- (5) a person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups).

76.4 Where:-

- (1) a Committee, Sub-Committee or Officer is discharging, on behalf of the Council, the function of the appointment of an Officer designated as the Head of Paid Service, the Council must approve that appointment before an offer of appointment is made to him or her;

- (2) a Committee or Sub-Committee of the Council is discharging on behalf of the Council, the function of the appointment or dismissal of any Officer referred to in 76.3(1), 76.3(2), 76.3(3) or 76.3(4) of (other than the dismissal of or the taking of disciplinary action against a relevant officer), at least one member of the Executive must be a member of that Committee or Sub-Committee.

76.5 In this Standing Order, "**appointor**" means, in relation to the appointment of a person as an Officer of the Council, the Council or, where a Committee, Sub-Committee or Officer is discharging the function of appointment on behalf of the Council, that Committee, Sub-Committee or Officer, as the case may be.

An offer of an appointment as an Officer referred to in 76.3(1), 76.3(2), 76.3(3) or 76.3(4) must not be made by the appointor until:-

- (1) the appointor has notified the Proper Officer (being, for the purpose of this standing Order, the Head of Paid Service) of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (2) the Proper Officer has notified every member of the Executive of the Council of:-
 - (a) the name of the person to whom the appointor wishes to make the offer;
 - (b) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer;
 - (c) and the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and
- (3) (a) the Executive Leader has, within the period specified in the notice under (2)(c) notified the appointor that neither he nor any other Member of the Executive has any objection to the making of the offer; or
 - (b) the Proper Officer has notified the appointor that no objection was received by him within that period from the Executive Leader; or
 - (c) the appointor is satisfied that any objection received from the Executive Leader within that period is not material or is not well- founded.

76.6 Where:-

- (1) In this Standing Order, "**dismissor**" means, in relation to the dismissal of an Officer of the Council or, where a Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the Council, that Committee, Sub-Committee or other Officer, as the case may be.
- (2) Notice of the dismissal of an Officer referred to in 76.3(1), 76.3(2), 76.3(3) or 76.3(4) (other than a relevant officer) must not be given by the dismissor until:-
 - (a) the dismissor has notified the Proper Officer (being, for the purposes of this standing Order, the Head of Paid Service) of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the Proper Officer has notified every member of the Executive of the Council of:-
 - i. the name of the person who the dismissor wishes to dismiss;

- ii. any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - iii. the period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the Proper Officer; and
 - (c)
 - i. the Executive Leader has, within the period specified in the notice under (b)iii, notified the dismissor that neither he nor any other Member of the Executive has any objection to the dismissal; or
 - ii. the Proper Officer has notified the dismissor that no objection was received by him within that period from the Executive Leader; or
 - iii. the dismissor is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded
- 76.7 Nothing in 76.2 shall prevent a person from serving as a member of any Committee or Sub-Committee established by the Council to consider an appeal by:-
- (1) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
 - (2) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff (other than the dismissal of or the taking of disciplinary action against a relevant officer).
- 76.8 Where the Council propose to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing Officers, the Director, Customer & Organisational Development shall:-
- (1) draw up a statement specifying:-
 - (a) the duties of the Officer concerned, and
 - (b) any qualifications or qualities to be sought from the person to be appointed;
 - (2) make arrangements for the post to be advertised in such a way as it is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (3) make arrangements for a copy of the statement mentioned in (1) above to be sent to any person on request.
- 76.9 Where a post has been advertised as provided in 76.8 above, the Council or any Committee or Sub-Committee to whom the function has been delegated shall:-
- (1) interview all qualified applications for the post, or
 - (2) select a short-list of such qualified applicants and interview those included on the short-list.
- 76.10 Where no qualified person has applied the Director, Customer & Organisational Development shall make further arrangements for advertisement in accordance with 76.8 above.
- 76.11 Every appointment of a Chief Officer shall be made by the Council unless the Council otherwise determine.
- 76.12 A relevant officer may not be dismissed by the Council unless the procedure set out in 76.13 to 76.19 is complied with.

- 76.13 The Council must invite relevant independent persons to be considered for appointment to the Panel with a view to appointing at least two (2) such persons to the Panel.
- 76.14 In 76.13 “**relevant independent person**” means any independent person who has been appointed by the Council or, where there are fewer than two (2) such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
- 76.15 Subject to 76.16, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with 76.13 in accordance with the following priority order:-
- (1) a relevant independent person who has been appointed by the Council and who is a local government elector;
 - (2) any other relevant independent person who has been appointed by the Council;
 - (3) a relevant independent person who has been appointed by another authority or authorities.
- 76.16 The Council is not required to appoint more than two relevant independent persons in accordance with 76.15 but may do so.
- 76.17 The Council must appoint any Panel at least twenty (20) working days before the relevant meeting.
- 76.18 Before taking a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:-
- (1) any advice, views or recommendations of the Panel;
 - (2) the conclusions of any investigation into the proposed dismissal; and
 - (3) any representations from the relevant officer.
- 76.19 Any remuneration, allowances or fees paid by the Council to an independent person appointed by the Panel must not exceed the level of remuneration, allowances or fees paid to that independent person in respect of that person’s role as an independent person under the Localism Act 2011.

Standing Order No. 77. Canvassing for appointment

- 77.1 Canvassing of any Member of the Council or of the Executive or of any Committee or Sub-Committee directly or indirectly for any appointment with the Council shall disqualify the applicant concerned for that appointment.
- 77.2 All advertisements for employment with the Council and all application forms shall carry a warning that canvassing of Members will disqualify the applicant.

Standing Order No. 78. Relatives of members or officers

- 78.1 An applicant for employment with the Council who knows or believes that (s)he is related to any Member or Officer of the Council shall disclose the fact on her/his application.
- 78.2 An applicant for employment with the Council who fails to disclose that (s)he is related to a Member or Officer of the Council shall be disqualified for appointment and, if (s)he has been appointed, shall be liable to dismissal without notice.
- 78.3 Any Member or Officer who knows that a relative of her/his has applied for employment with the Council shall inform the Chief Executive in writing, and the Chief Executive shall retain all such declarations so made.

- 78.4 Every application form or other document inviting applications for employment shall invite applicants to disclose whether they are related to any Member or Officer of the Council and warn applicants of the consequences of the failure to disclose.

Chapter 8: Administration, documents and consultation

Standing Order No. 79. Sealing of documents

- 79.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Services and shall be secured by two locks, the keys of which shall be kept by two different Officers designated by the Head of Legal Services.
- 79.2 The Common Seal of the Council shall not be affixed to a document unless the sealing has been authorised by or is necessary to give effect to a decision of the Council, of the Executive, or of a Committee or Sub-Committee acting under delegated powers, or of an Officer acting under delegated powers.
- 79.3 A resolution of the Council, of the Executive or of a Committee or Sub-Committee acting under delegated powers, or an instruction of an Officer acting under delegated powers, shall be sufficient authority for the sealing of any document necessary to give effect to that resolution or instruction.
- 79.4 The Common Seal shall be attested by two Authorised Signatories.
- 79.5 Every sealing of a document shall be recorded in a book kept for the purpose which shall be signed by the Authorised Signatories who attested the sealing.
- 79.6 For the purposes of Standing Orders 79.4 and 79.5 "**Authorised Signatory**" means an Officer authorised in writing by the Chief Executive to attest the sealing of documents.

Standing Order No. 80. Authentication of documents

- 80.1 Where any document needs to be authenticated or certified for use in legal proceedings it shall be authenticated or certified by an appropriately qualified Solicitor.

Standing Order No. 81. Inspection of documents

- 81.1 A Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he is professionally interested or in which (s)he has a prejudicial interest within the meaning of the Council's Code of Conduct for Members.
- 81.2 A Member shall not be entitled to inspect any documents which disclose exempt information as defined in Section 100F of the Local Government Act 1972 unless (s)he is a Member of the Committee or Sub-Committee to which the document relates, or where the document relates to an Executive function, of the Executive, or otherwise can show why (s)he needs to see the document.
- 81.3 The Head of Legal Services may decline to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client and shall inform the Monitoring Officer of that decision.

Standing Order No. 82. Inspection of premises

- 82.1 Unless specifically authorised to do so by the Executive or by a Committee or required to do so by statute, a Member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of her/his membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

Standing Order No. 83. Consultation with political groups

- 83.1 The Chief Executive may consult with and may make arrangements for consultation with any Political Group having a majority of seats on the Council ("**the Majority Group**") in relation to the matters specified in Standing Order 83.6.
- 83.2 The Chief Executive may from time to time consult with and may make arrangements for consultation with any other Political Group represented on the Council in relation to the matters specified in Standing Order 83.6.
- 83.3 The Chief Executive may from time to time consult and make arrangements for consultation with any Member(s) of the Council who are not Members of a Political Group.
- 83.4 Where the Chief Executive has consulted the Majority Group in relation to any matter (s)he shall be under no duty to consult any other Political Group or any Member of the Council who is not a Member of a Political Group in relation to the same matter unless requested to do so.
- 83.5 The Chief Executive shall not consult any Political Group on the Council other than the Majority Group or any Member of the Council who is not a Member of a Political Group without first offering to consult the Majority Group.
- 83.6 The matters in relation to which the Chief Executive may consult and make arrangements to consult with Members are:-
- (1) any policy or proposed policy of the Council or the Executive;
 - (2) the Council's budget or proposed budget, or the Council's finances;
 - (3) any proposed amendment or variation of or departure from any policy of the Council or of the Executive;
 - (4) any other significant matter which the Chief Executive decides should be the subject of consultation under this Standing Order.
- 83.7 The Chief Executive shall not consult or make arrangements for the consultation with any Political Group without first discussing the matter with the Leader of that Political Group.

Chapter 9: Contracts procedure rules

Standing Order No. 84. Interpretation of Chapter 9:

- 84.1 In Chapter 9: of these Standing Orders the following expressions have the meanings respectively assigned to them:-
- (1) "**Chief Officer**" has the meaning given to this expression by 94.1;
 - (2) "**Service Manager, Procurement**" means the Council's Service Manager, Procurement Manager for the time being or other Officer having corporate responsibility for central purchasing and procurement;
 - (3) "**Chief Finance Officer**" means such Officer as is designated for the purposes of Section 151 of the Local Government Act 1972;
 - (4) "**Audit Manager**" means the Council's Audit Manager for the time being or such other Officer having responsibility for the internal audit of the Council's financial affairs

Standing Order No. 85. General provisions

- 85.1 Every Contract entered into by or on behalf of the Council, and any Purchase Order shall comply with the provisions of Chapter 9: of these Standing Orders. The only exceptions to this rule are set out at Standing Orders 85.3 and Standing Order No. 86.
- 85.2 Splitting orders to avoid compliance with Chapter 9: of these Standing Orders is prohibited. The value of any Contract is the total value of any Goods and/or Materials to be supplied or of any Works to be carried out or of the Services to be provided or Goods and/or Materials, Works or Services of a similar nature which it is known will be required over a period of time which, for the purposes of this calculation, will not be less than four years.
- 85.3 Where the Council requires the supply of Goods and/or Materials or the carrying out of Works or the provision of Services and requires that the same shall be carried out, supplied or provided pursuant to a Contract with a Contractor which has been the subject of a tendering exercise with another person or Body then, subject to certification of compliance by the Service Manager, Procurement, the provisions of this Chapter 9: will be deemed to have been complied with and further action under the same will not be require.
- 85.4 Where the Council determines that, following an assessment of the personal needs of an individual, it needs to make a care placement without further competition, then that placement will be made under Chapter 3, Section 7 of the Public Contract Regulations 2015. The strategy for spot placements will be reviewed on an annual basis and a report of all placements made will be submitted to the relevant Portfolio holder on a quarterly basis. The procedure for making spot placements is included in the Procurement Policy and Commissioning Toolkit.

Standing Order No. 86. Exceptions, Thresholds and Execution of Contracts

- 86.1 Nothing in Chapter 9: of these Standing Orders shall require Tenders or Quotations to be obtained in any of the circumstances specified in Standing Order 86.2 PROVIDED THAT the Service Manager, Procurement has certified that the supply of Goods and/or Materials or the carrying out of Works or the provision of Services falls within the exemption referred to in 86.2.
- 86.2 The circumstances referred to in Standing Order 86.1 are:-

- (1) the prices of the Goods and/or Materials to be supplied or the Works to be carried out or the Services to be provided, are to be provided by a single Supplier or if for other reasons there would be no genuine competition;
- (2) the Goods and/or Materials to be supplied, or the Works to be carried out or the Services to be provided, are required in an emergency in the opinion of the relevant Chief Officer;
- (3) the Goods and/or Materials to be supplied or the Works to be carried out, consist of repairs to or parts for existing machinery, plant or equipment;
- (4) the Goods and/or Materials to be supplied or the Works to be carried out or the Services to be provided, are ancillary to those previously carried out, supplied or provided under an existing Contract; or
- (5) the Goods and/or Materials to be supplied or the Works to be carried out or the Services to be provided are obtainable only from a limited number of Contractors being three (3) or less but in such a case all of those Contractors shall be invited to submit Tenders or Quotations as appropriate; or
- (6) the Goods and/or Materials to be supplied are proprietary articles and/or are sold only at a fixed price.

86.3 The Service Manager, Procurement will only certify the acceptability of an exemption where this is compliant with the Public Contract Regulations 2015. In all other instances, the matter will need to be reported to the Executive or relevant Regulatory Committee.

86.4 European Union public procurement directives

In relation to contracts entered into prior to the United Kingdom leaving the European Union at 23:00 on 31st January 2020, all relevant Public Procurement Directives and Internal Market Rules of the European Union (“the EU Directives”) and all national legislative requirements should be complied with in addition to the requirements set out in Chapter 9: of these Standing Orders. In the event of conflict the EU Directives shall take precedence. All contracts let subsequent to that date and time are subject to UK Procurement Contract Regulations 2015 and Cabinet Office Policy.

86.5 Thresholds

- (1) Where the actual or estimated value of any Contract or Purchase Order for Goods and/or Materials to be supplied or Works to be carried out or Services to be provided is likely to be between £1.00 and £4,999.99 then, before entering into the Contract or issuing the Purchase Order, the relevant Chief Officer shall obtain at least one (1) written Quotation which shall be supported by sufficient evidence to show Best Value and shall be capable of being interrogated for disaggregation.
- (2) Where the actual or estimated value of any Contract or Purchase Order for Goods and/or Materials to be supplied or Works to be carried out or Services to be provided is likely to exceed £5,000.00 then the relevant Chief Officer shall refer the same to be sourced through the Council’s Procurement team.

86.6 Acceptance of tenders

- (1) The relevant Chief Officer may accept the lowest (or, in the case of income to the Council, the highest) or most economically advantageous quotation or Tender based on the award criteria PROVIDED THAT the Service Manager, Procurement certifies that the Tender has been duly completed and complies with the instructions for tendering; and as to the status, viability, qualification, experience and capabilities of the proposed Contractor.
- (2) Where the relevant Chief Officer wishes to accept a Tender other than the most advantageous based on the award criteria (s)he shall report the matter with her/his reasons to the relevant body, which shall determine the matter.

86.7 In Chapter 9: of these Standing Orders:-

- (1) every Contract entered into by or on behalf of the Council shall if it has an actual or an estimated value of One hundred thousand Pounds (£100,000) or more, be in writing in a form approved by an appropriately qualified Solicitor and shall comply with either Standing Order 86.8 or 86.9 according to the actual or estimated value of the Contract and Standing Orders 86.10 to 86.16; and
- (2) every Purchase Order irrespective of the amount and of the feeder system from which it is derived shall be in writing in a form approved by the Service Manager, Procurement in consultation with an appropriately qualified Solicitor in accordance with Standing Orders 86.14 to 86.17.

86.8 Every Contract having an actual or an estimated value of less than One hundred and Fifty thousand Pounds (£150,000) shall be signed by one Authorised Signatory. Contracts having an actual or an estimated value of One hundred and Fifty thousand Pounds (£150,000) or more but less than Five hundred thousand Pounds (£500,000) shall be signed by two Authorised Signatories. In both cases, electronic signatures are acceptable.

86.9 Every Contract having an actual or an estimated value of Five hundred thousand Pounds (£500,000) or more shall be made under the Common Seal of the Council.

86.10 A Contract having an actual or an estimated value of more than One hundred and Fifty thousand Pounds (£150,000) or more may only be entered into following a review of its terms and conditions by an appropriately qualified Solicitor.

86.11 Every Contract shall specify:-

- (1) the Works to be carried out, the Goods and/or Materials to be supplied or the Services to be provided;
- (2) the total price to be paid including a statement of discounts or other deductions; and
- (3) the time or times within which the Contract is to be performed.

86.12 Every Contract having an actual or an estimated value of Five hundred thousand Pounds (£500,000) or more may, unless the Service Manager, Procurement in consultation with the Chief Finance Officer considers such provision inappropriate, provide for liquidated damages to be paid should the terms of the Contract not be duly performed, without prejudice to any other remedy available to the Council in the event of a breach of contract.

86.13 A Chief Officer shall consult the Chief Finance Officer and the Service Manager, Procurement as to whether sufficient security in the form of a Performance Bond or similar security and/or a Parent Company Guarantee (if appropriate) should be required in the case of any Contract having an actual or an estimated value of Five hundred thousand Pounds (£500,000) or more.

- 86.14 Every Contract or Purchase Order for the carrying out of Works or the supply of Goods and/or Materials or the provision of Services shall provide that, should the Contractor fail to carry out the Works or supply the Goods, and/or Materials or provide the Services, or any of them, within the time specified, the Council shall be at liberty to determine the Contract or cancel the Purchase Order, either wholly or to the extent of the default, without prejudice to any other remedy available to the Council in the event of a breach of contract.
- 86.15 Every Contract or Purchase Order containing such a provision as is referred to in Standing Order 86.14 shall further provide that:-
- (1) in the event of the Council determining the Contract or cancelling the Purchase Order, either wholly or in part, the Council may procure other works, goods and/or materials or services of the same or similar description to remedy the default or, in the case of the Contract being wholly determined or the Purchase Order being wholly cancelled, the Works, Goods and/or Materials or Services remaining to be carried out, supplied or provided; and
 - (2) the amount by which the cost of purchasing other works, goods and/or materials or services exceeds the amount which would have been payable to the Contractor in respect of the Works, Goods and/or Materials or Services replaced by such procurement, if they had been carried out, supplied or provided in accordance with the Contract or Purchase Order, shall be recoverable from the Contractor.
- 86.16 Any instructions issued to the Contractor to vary the terms or provisions of any Purchase Order, or any instructions issued to the Contractor to vary the terms or provisions of any Contract, shall be issued in writing by an Officer authorised by the relevant Chief Officer to issue such instructions.
- 86.17 Every Purchase Order shall be approved by an Officer authorised by the relevant Chief Officer.

Standing Order No. 87. Interest of officers in contracts

- 87.1 Any Officer of the Council involved in a tendering exercise shall be required to complete a disclosure of interests in a form prescribed by the Service Manager, Procurement, who will consider whether or not that Officer should be involved in the exercise.
- 87.2 The Service Manager, Procurement shall keep a register of all notices received under Standing Order 87.1 and the register shall be open to inspection during office hours by any Member of the Council and by the public.
- 87.3 If any Officer is present at any Meeting of the Council, the Executive or of a Committee or Sub-Committee of either, at which a Contract or Purchase Order or proposed Contract or Purchase Order or other matter in which (s)he has a prejudicial interest is to be discussed, (s)he shall declare that interest (even though (s)he may have given notice under Standing Order 87.1) and may, if the meeting so decides, be required to withdraw from the meeting while the matter is under discussion.
- 87.4 Subject to Standing Order 87.5 an Officer shall be deemed to have a prejudicial interest in a Contract or Purchase Order or proposed Contract or Purchase Order or other matter if (s)he would have had a prejudicial interest under the Council's Code of Conduct for Members had (s)he been a Member of the Council.

- 87.5 An Officer is not be treated as having a prejudicial interest in any Contract or Purchase Order or proposed Contract or Purchase Order or other matter if that Contract or Purchase Order or proposed Contract or Purchase Order or other matter affects her/him only as a member of a group or class of Officers.

Chapter 10: Policy framework, budget framework – process for objections and capital programme and revenue estimates

Standing Order No. 88. Policy framework and budget framework – objections process

Policy Framework

- 88.1 In this Standing Order **"plan or strategy"** and **"working day"** have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.
- 88.2 Where the Executive of the Council has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in Standing Order 88.3.
- 88.3 Before the Council:-
- (1) amends the draft plan or strategy;
 - (2) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (3) adopts (with or without modification) the plan or strategy,
- it must inform the Executive Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- 88.4 Where the Council gives instructions in accordance with Standing Order 88.3, it must specify a period of at least five (5) working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may:-
- (1) submit a revision of the draft plan or strategy as amended by the Executive (the **"revised draft plan or strategy"**), with the Executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
 - (2) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- 88.5 When the period specified by the Council, referred to in Standing Order 88.4, has expired, the Council must, when:-
- (1) amending the draft plan or strategy or, if there is one, the revised plan or strategy;
 - (2) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - (3) adopting (with or without modification) the plan or strategy,
- take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement, which the Executive Leader submitted to the Council, or informed the Council of, within the specified period.

Budget Framework

- 88.6 Subject to Standing Order 88.7 where, before 8th February in any financial year, the Council's Executive submits to the Council for its consideration in relation to the following financial year:-
- (1) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - (2) estimates of other amounts to be used for the purposes of such a calculation;
 - (3) estimates of such a calculation; or
 - (4) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
- and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in Standing Order 88.7.
- 88.7 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the Sections referred to in sub-paragraph 88.6(1) of Standing Order 88.6, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Executive Leader of any objections which it has to the Executive's estimates or amounts and must give to him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 88.8 Where the Council gives instructions in accordance with Standing Order 88.7, it must specify a period of at least five (5) working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may:-
- (1) submit a revision of the estimates or amounts as amended by the Executive ("**revised estimates or amounts**"), which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - (2) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- 88.9 When the period specified by the Council, referred to in Standing Order 88.8, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the Sections referred to in sub-paragraph 88.6(1) of Standing Order 88.6, or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-
- (1) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (2) the Executive's reasons for those amendments;
 - (3) any disagreement that the Executive has with any of the Council's objections; and
 - (4) the Executive's reasons for that disagreement,
- which the Executive Leader submitted to the Council, or informed the Council of, within the period specified.

88.10 Standing Orders 88.6 to 88.9 shall not apply in relation to:-

- (1) calculations or substitute calculations which a Council is required to make in accordance with Section 52I, 52J, 52T or 52U the Local Government Finance Act 1992; and
- (2) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

88.11 The Executive may make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget Framework, where:-

- (1) the circumstances which render necessary the making of the decision may reasonably be regarded as urgent; and
- (2) it is not practical to convene a quorate meeting of the Full Council; or
- (3) the Executive has obtained from the Chair of the Overview and Scrutiny Board, or if there is no Chair or if the Chair of the Overview and Scrutiny Board is unable to act, from the Mayor (or in the absence of the Mayor, the Deputy Mayor) a statement in writing that the decision needs to be made as a matter of urgency.

88.12 As soon as reasonably practicable after making a decision in the circumstances set out in Standing Order 88.11, the Executive shall submit a Report to the Full Council giving details of the following matters:-

- (1) the decision;
- (2) the emergency or other circumstances in which the decision was made; and
- (3) the reasons for the decision.

88.13 Standing Orders 88.11 and 88.12 apply to a Committee of the Executive, to a Member of the Executive and to an Officer in the exercise by them of Executive Functions in the same way as they apply to the Executive.

Standing Order No. 89. Capital programme and revenue estimates

Capital programme

89.1 In each year the Executive shall prepare a programme of estimated capital expenditure in a form which will show:-

- (1) a revised estimate of expenditure to be incurred in the then current financial year; and
- (2) the expenditure proposed to be incurred in each of the next ensuing five (5) financial years.

89.2 The total cost of the programme of capital expenditure shall not exceed the amount of resources (including external resources) approved for expenditure on capital.

89.3 A Chief Officer proposing a project for inclusion in the Capital Programme shall undertake a detailed capital appraisal of the project in accordance with guidance issued by the Director of Property & Infrastructure before the project is included in the programme.

89.4 Once the Capital Programme has been approved by the Council then:-

- (1) for projects due to commence in the following financial year which have no annotation in the programme concerning assumed funding, Tenders may be accepted up to the capital sums provided in the Capital Programme, less any necessary budget for fees, but if any part of the budget for a project has been transferred (that is, used for virement in accordance with the Scheme of Devolved Financial Management), that part of the budget shall no longer be available for spend on the original project.;
- (2) for projects due to commence in the following financial year which have an annotation in the programme concerning assumed funding, no Tenders may be accepted or expenditure commitments made unless the Chief Officer responsible for the project has confirmed that the source of funding is available, and has checked this with the Service Director, Finance and Audit. Tenders may only be accepted for amounts up to the net total amount of funding that is confirmed to be available;
- (3) for projects due to commence in the next following financial year, the approval of the Council to the Capital Programme shall give authority to proceed with the preparation of plans and other preliminary work up to a maximum expenditure, not including staff time, of Five thousand Pounds (£5,000); or
- (4) for projects due to commence in financial years subsequent to the next following financial year, the approval of the Council to the Capital Programme shall give authority to proceed as at Standing Order 89.4 (3) subject to a maximum expenditure, including staff time, of Five thousand Pounds (£5,000).

Revenue estimates

- 89.5 In each year the Executive shall prepare and submit to the Council for consideration estimates of income and expenditure on the revenue account during the ensuing financial year.
- 89.6 The Executive, after taking into consideration the amounts required under demands and precepts served by precepting Authorities, shall submit to the Council a Recommendation as to the Council Tax to be made and approved during the ensuing financial year commencing on 1 April.
- 89.7 All items which are special or unusual items of revenue expenditure shall be shown separately in the estimates submitted by the Executive to the Council.

Standing Order No. 90. General provisions

- 90.1 Subject to the provisions of any Scheme of Devolved Financial Management approved by the Council, the Executive shall confine its expenditure to the amounts included in the capital or revenue estimates approved by the Council, and wherever it appears that expenditure in excess of the amount included in the estimates for any item has been or is likely to be incurred in any department, the appropriate Chief Officer shall forthwith report the fact to the Executive.

Standing Order No. 91. Treasury management

- 91.1 The Council adopts the key Recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice ("**the Code**"), as described in Section 4 of the Code.
- 91.2 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:-
- (1) a treasury management policy statement, stating the policies and objectives of its treasury management activities;

- (2) suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities;
- (3) an investment strategy; and
- (4) a treasury management strategy

The content of the policy statement and TMPs will follow the Recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of the Council. Such amendments will not result in the organisation materially deviating from the Code's key Recommendations.

- 91.3 The Executive will receive Reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, and an annual Report after its close, in the form prescribed in its TMPs.
- 91.4 The Executive will have responsibility for the implementation and monitoring of its treasury management policies and practices, and will delegate the execution and administration of treasury management decisions to the Service Director, Finance and Audit, who will act in accordance with the Council's policy statement and TMPs and, if (s)he is a CIPFA Member, CIPFA's Standard of Professional Practice on Treasury Management".

Standing Order No. 92. Payment of accounts

- 92.1 The Service Director, Finance and Audit shall be authorised on behalf of the Council to pay all accounts and claims due to be paid where (s)he is satisfied upon examination that they have been properly certified in accordance with the Council's Financial Regulations.

Chapter 11: Interpretation

Standing Order No. 93. Standing orders to be given to members

- 93.1 A copy of these Standing Orders shall be given to each Member of the Council by the Chief Executive upon delivery to her/him of the Member's declaration of acceptance of office on the Member being elected to the Council, unless the Member is re-elected having been a Member of the Council immediately before her/his election.

Standing Order No. 94. Interpretation of Standing Orders

- 94.1 In these Standing Orders the expression:-

“**Chief Officer**” means:-

- (1) those Officers listed at Appendix A (Senior Management Structure) to Part 2 A of the Constitution (Articles of the Constitution);
- (2) any Officer not referred to in Standing Order 94.1 (1) above for the time being designated by the Council as a Service Director;
- (3) the Council's Monitoring Officer for the purposes of the exercise of her/his functions as the Monitoring Officer;
- (4) the Council's Chief Finance Officer for the purposes of the exercise of her/his functions as the Chief Finance Officer.

- 94.2 The expression "**the Monitoring Officer**" or "the Council's Monitoring Officer" shall mean the Officer designated by the Council for the purposes of Section 5 of the Local Government and Housing Act 1989.

- 94.3 The expression "**the Chief Finance Officer**" or "the Council's Chief Finance Officer" means the Officer designated by the Council for the purposes of Section 151 of the Local Government Act 1972.

- 94.4 Subject to Standing Order 1.2, any dispute as to the interpretation of any of these Standing Orders shall be referred to the Monitoring Officer whose decision shall be final.