

## ARTICLE 5 - THE COUNCIL MEETINGS

This Article sets out the roles of the Council including deciding upon its main policies and its budget together also with responsibility for dealing with regulatory functions such as Planning and Licensing and holding the Cabinet to account.

### 5.01 Functions of the full Council

- a) Only the Council will exercise the following functions:
- b) adopting and changing the Constitution
- c) approving or adopting the budget and policy framework, and any application to the Secretary of State in respect of any Housing Land Transfer;
- d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Article 3 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- e) appointing the Leader;
- f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- g) appointing representatives to outside bodies unless the appointment is in respect of a Cabinet function or has been delegated by the Council;
- h) adopting an allowances scheme under Article 2.05;
- i) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- j) confirming the appointment of the Head of Paid Service (Chief Executive);
- k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- m) all other matters which, by law, must be reserved to Council e.g. setting the Council Tax.

### 5.02 Meanings

**Policy Framework** The policy framework means the following plans and strategies:

- The Council Plan
- The Local Plan
- The Development and Growth Plan
- The Transport Plan

- The Safer and Stronger Communities Partnership Plan
- The Health and Well-being Strategy

**Budget.** The budget includes the annual allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

**Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985. The Council transferred its housing stock to the Shoreline Housing Partnership in 2005.

### **5.03 Full Council Meetings**

There are three types of full Council meeting:

The annual meeting;  
Ordinary meetings; and  
Extraordinary (or Special) meetings

and they may be conducted in accordance with the Council's Standing Orders in Article 5 of this Constitution.

### **5.04 Responsibility for Functions**

The Council will maintain the information in Article 4 of this Constitution setting out the responsibilities for the Council's functions, which are not the responsibility of the Cabinet.

## **ARTICLE 5 – APPENDIX 1**

### **COUNCILS**

This part sets out the procedures for regulating various Council proceedings and business. These procedures are a mixture of the types of procedure used by Councils for many years, other procedures suggested by the Government and completely new procedures - which it is hoped will lead to more straightforward mechanisms for decision making.

The relevant legislation to this part is Schedule 12 of the Local Government Act 1972.

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## **PART A: COUNCIL MEETINGS**

- 1A.1 Subject to the provisions of these Standing Orders regarding Special Meetings, the number of meetings of Full Council to be scheduled each year shall be limited to the following:
- (i) Mayor Making
  - (ii) Annual General Meeting
  - (iii) A meeting for the exclusive purpose of approving the Budget and setting the Council Tax
  - (iv) Four other Ordinary meetings

### **1. ANNUAL MEETING OF THE COUNCIL**

#### **1.1 Timing and business**

Each year the Council will hold an Annual Meeting.

A separate "Mayor Making" ceremony may be held one week before the Annual Meeting of Council to consider the election of the Mayor, the Deputy Mayor and the Leader / Deputy of the Council.

In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the Annual Meeting will take place on the third Thursday in May, or on a day in May agreed at the last meeting of the Council prior to the Annual Meeting.

- 1.2 The business to be conducted at the annual meeting will be:

- (i) elect a person to preside if the former Mayor is not present;
- (ii) elect the Mayor;
- (iii) declarations of interest
- (iv) elect the Deputy Mayor;
- (v) approve the minutes of the last meeting;
- (vi) receive any announcements from the Mayor and/or Chief Executive;
- (vii) elect the Leader;
- (viii) note the Leader's appointments to Cabinet, including the Deputy Leader ;
- (ix) appoint the Scrutiny Committees, a Standards and Adjudication Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution), and to appoint Chairs, Deputy Chairs and substitute Members to those Committees;
- (x) receive nominations of Councillors to serve on each Committee and Outside Body
- (xi) agree the Scheme of Delegation, or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xii) approve a programme of ordinary meetings of the Council for the

- year;  
(xiii) consider any business set out in the notice convening the meeting.

## **2. ORDINARY MEETINGS**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting.

2.2 The Order of Business at every meeting will be:

- (i) elect a person to preside if the Mayor and Deputy Mayor are absent;
- (ii) deal with any item required by statute to be done before any other item;
- (iii) approve the minutes of the last meeting;
- (iv) receive any declarations of interest from members;
- (v) receive any announcements from the Mayor and then a statement from the Leader of the Council, such statement to be for a duration of no longer than 10 minutes , updating Council in respect of:
  - key issues of significance to the social, economic or environmental well-being of the area
  - the implementation of Motions previously resolved at the preceding Council meeting(s).

Such statement (or any part thereof) shall be delivered verbally or in writing at the absolute discretion of the Leader.

- (vi) deal with any business remaining from the last Council meeting;.
- (vii) receive reports from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
- (viii) receive questions submitted in accordance with procedural standing order 10, in the order received;
- (ix) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (x) consider motions submitted in accordance with procedural standing order 11, in the order received;
- (xi) consider business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the overview and scrutiny Committees for debate;
- (xii) consider any other business which, by reason of special circumstances, should, in the opinion of the Mayor, be considered as a matter of urgency.

### **2.3 Variation of Order of Business**

Business falling under 2.1. i, ii, iii and iv above cannot be varied, but the remainder may be varied at the discretion of the Mayor, with good reason.

2.4 The Mayor may, for good reason, vary the day, time or place fixed for any meeting of the Council provided that any such variation in relation to the day or time may only be made five clear working days before the date originally fixed, unless the cause for variation occurs within that period, in which case

as much notice of the change as practicable must be given.

2.5 The Mayor may for good reason cancel a meeting of the Council.

2.6 All meetings of the Council shall commence at 6.30 p.m.

in the Town Hall, Grimsby or at such other time or place as the Council or the Mayor may decide.

2.7 Meeting to consider the Budget and Medium Term Financial Plan

A separate meeting of the Council will be held on an annual basis to consider the Budget and Medium Term Financial Plan, within the legal time limit for holding the budget meeting.

### **3. SPECIAL MEETINGS**

#### **3.1 Calling Special Meetings**

In addition to the Chief Executive having the authority to call a Special Meeting of the Council, those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor at his/her discretion;
- (iii) the Monitoring Officer; and
- (v) any six members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

The business of a Special meeting of the Council shall be confined to the purpose for which it was convened except where the Mayor accepts an item as urgent business.

### **4. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Council when fixing its annual programme of meetings, or otherwise as determined by the Chief Executive in consultation with the Mayor and notified in the summons.

### **5. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Standing orders. At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will

be accompanied by such reports as are available.

If a member of the Council gives notice in writing to the Chief Executive of the Council that he desires summonses to attend meetings of the Council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.

Want of service of a summons on any member of the Council shall not affect the validity of a meeting of the Council.

## **6. MAYOR AND DEPUTY MAYOR**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these standing orders apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairmen of Committees and Sub-Committees.

The Mayor and Deputy Mayor of the Council shall be elected annually by the Council from among the councillors.

The election of the Mayor shall be the first business transacted at the annual meeting of the Council followed by the appointment of the Deputy Mayor. The Mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Mayor.

At all meetings of the Council the Mayor, if present, shall preside.

If the Mayor is absent from the meeting the Deputy Mayor of the Council, if present, shall preside.

If both the Mayor and the Deputy Mayor of the Council are absent from a meeting of the Council another member of the Council chosen by the members of the Council present shall preside.

Any power or duty of the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## **7. QUORUM**

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

- The quorum of a meeting of the Cabinet shall be 3 members.
- The quorum of a meeting of the Scrutiny Panel with responsibility for

Children Services shall be 3 members plus one co-opted Education member in respect of Education matters

- The quorum of a meeting of all other Scrutiny Panels shall be 3 members
- The quorum of a meeting of the Planning Committee shall be 3 members.
- The quorum of a meeting of the Licensing and Community Protection Committee shall be 4 members.
- The quorum of a meeting of any Sub-Committee of the Licensing Committee shall be 3 members.
- The quorum of a meeting of the Appointments Committee shall be 3 members
- The quorum of a meeting of the Standards and Adjudication Committee shall be 4 members.
- The quorum of a Sub-Committee of the Standards and Adjudication Committee shall be 3 for the Referrals, Hearings and Appeals Panels, while noting that the Appeals Panel should comprise no more than 5 members.
- The quorum of a meeting of the Audit and Governance Committee shall be 3 members.

## **8. DURATION OF MEETING**

All meetings of North East Lincolnshire Council shall commence at 6.30 p.m., unless agreed otherwise by the Mayor. Unless the majority of members present at the meeting considering an item (and excluding such members who have declared an interest in that item) vote for the meeting to continue, any meeting that has lasted until 9.30 p.m. will adjourn immediately. There will be a final and absolute guillotine of 11.30 p.m. (at the discretion of the Mayor), beyond which any remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DECLARATIONS OF INTEREST**

For the purposes of this Standing Order:

(A) "meeting" means any meeting of -

- The Full Council
- The Cabinet
- A Cabinet Member acting in an individual capacity
- Any of the Council's or Cabinet's committees , sub-committees, joint committees and joint sub-committees
- A Scrutiny Panel, Joint Scrutiny Panel or a Select Committee or any sub-committee or working group thereof

(B) "Member" means a Councillor or a co-opted member of the Authority.

Where a Member has a Disclosable Pecuniary Interest (DPI) or an Other Registrable and/or Non-Registrable Interest, as defined in the code of conduct, in any business of the authority and a Member attends a meeting at which that business is considered, the Member must disclose to that meeting the existence and the nature of the interest at the commencement of the

meeting, or otherwise when the interest becomes apparent.

When a Member discloses an interest pursuant to this Standing Order that is a Sensitive Interest, as defined in the code of conduct, only the existence but not the nature of the interest shall be disclosed to the meeting.

Any Member who discloses an interest pursuant to this Standing Order that is either a DPI or an Other Registrable and/or Non-Registrable Interest shall, upon disclosing the interest, withdraw from the meeting room or chamber immediately before the debate or vote on the item of business being considered unless the code of conduct otherwise provides or a Dispensation has been granted by the Standards and Adjudication Committee (or, if applicable, the Monitoring Officer acting under delegated powers).

Any Member disclosing a DPI or an Other Registrable and/or Non-Registrable Interest pursuant to this Standing Order must not seek to improperly influence a decision about the business being considered.

## **10. QUESTIONS BY MEMBERS**

### **10.1 On reports of the Cabinet or Committees**

Subject to Standing Orders 10A and 10B, A member of the Council may ask the Leader, Deputy Leader, Portfolio holding member of the Cabinet or Chairman of a Committee any question without notice upon an item of the report when that item is being received or is under consideration by the Council.

### **10.2 Questions on notice at full Council**

Subject to Standing order 10.3, a Member of the Council may ask:

- the Mayor;
- the Leader, Deputy Leader or a Member of the Cabinet; or
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects North East Lincolnshire

Any Member of Council is permitted to ask one question on notice (with a supplementary question where appropriate) of any Portfolio Holder at any one meeting of Council.

### **10.3 Notice of questions**

A Member may only ask a question under Standing order 10.2 if either:

- (a) the question has been submitted in writing at least 3 working days (for example, by 11.59pm on the Monday if the meeting is on a Thursday) prior to

the Council meeting to the Chief Executive or the Monitoring Officer; or  
(b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to Chief Executive or the Monitoring Officer by noon on the day of the meeting.

Members are cautioned that any anomalies or issues arising with such submissions must be dealt with in good time (ideally in office hours) prior to the deadline. Otherwise, members accept the risk of a submission being ruled out of order with no right of appeal. A submission may be ruled out of order if it is found to be unsuitable in form, illegal, irregular or improper, vexatious, frivolous or derogatory to the dignity of the Council. Early submission is therefore encouraged.

#### **10.4 Response to Questions**

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Responses to questions asked by Members should be answered fully, in a manner that is non-vexatious, non-frivolous or not derogatory to the dignity of the Council

#### **10.5 Supplementary question**

A member asking a question under Standing order 10.1 or 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

#### **10.6 Time Limits**

In respect of any question submitted in accordance with the provisions of these Standing Orders, each questioner will be limited to 2 minutes initially, and 1 minute for a relevant supplementary question, such limits to be subject to the discretion of the Mayor.

#### **10A Question Time at Council Meetings**

Prior to the consideration of the Minutes at all ordinary meetings of the Council, there shall be a period, not exceeding 15 minutes, for questions by members of the public.

The procedure in relation to such questions shall be as follows:-

- A person resident in the Borough of North East Lincolnshire may, if the

question has been submitted in writing to the Chief Executive at the Municipal Offices, Town Hall Square, Grimsby, not later than the 5th working day before the date of the meeting of the Council ask the relevant Cabinet member any question relating to the business of the Council whether or not included in the proceedings of the Cabinet or Committees before the Council.

- The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.
- If the person asking the question is present at the meeting he shall be given the opportunity of putting the question (in edited form where applicable) and the relevant Cabinet Member shall respond. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Members and sent to the questioner.
- Not more than two questions may be asked by any one person at any meeting.
- Questions and answers, summarised if the Chief Executive thinks appropriate, shall be included in the minutes.

## **10B QUESTIONS ON THE MINUTES OF THE FIRE AUTHORITY**

Minutes of the Fire Authority meetings are circulated to Members in advance of each ordinary Council meeting and will only be included on the agenda for the Council meeting if there are any questions from Members submitted to Democratic Services prior to publication of said agenda.

An elected member who submits a question on notice pursuant to this Standing Order will be entitled to ask one supplementary question arising from the original question or the reply.

Questions submitted and answers given pursuant to this Standing Order shall not be the subject of debate.

## **11 MOTIONS ON NOTICE**

- 11.1** Except for Motions which can be moved without notice under Standing Order 12, notice of every motion, signed by the proposer and seconder and any other member giving the notice, must be submitted to the Chief Executive and/or the Monitoring Officer no later than 6 working days (excluding the day of receipt and the day of the meeting) before the date of the meeting (for example, by 11.59pm on the Tuesday if the meeting is on a Thursday).

Members are cautioned that any anomalies or issues arising with such submissions must be dealt with in good time (ideally in office hours) prior to the deadline. Otherwise, members accept the risk of a submission being ruled out of order with no right of appeal. A submission may be ruled out of order if it is found to be unsuitable in form, illegal, irregular or improper, vexatious, frivolous or derogatory to the dignity of the Council. Early submission is therefore encouraged.

**11.2** Motions on Notice may be submitted by email and the identification of the proposer and seconder in the email (or any form of Motion attached to the email) shall be deemed to satisfy the requirements of Standing Order 11.1.

**11.3** No more than one Motion on Notice per political group shall be permitted for consideration at an Ordinary meeting of the Council, subject to Mayoral discretion exercised in consultation with the Chief Executive and the Monitoring Officer. The consideration of any valid Motions received on Notice shall be subject to the provisions of Standing Order 8 (Duration of Meeting) and the discretion of the Mayor to determine that remaining business shall be considered at a date and time fixed by the Mayor. Motions received on Notice shall be listed on the agenda in the order in which they were received, unless notice is received that a Motion has been withdrawn.

#### **11.4 Scope**

Motions must be about matters for which the Council has a responsibility or which affect North East Lincolnshire.

The Chief Executive, in consultation with the Monitoring Officer, may rule out of order any motion which, in his/her opinion, would:

- a) risk defamation of any individual;
- b) involve a breach of standing orders or any other Council Procedure rules; or
- c) not be relevant to the Borough and its community.

#### **11.5 Withdrawing a Motion**

If a motion set out in the agenda is not moved and seconded by the Members who gave notice of it, it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without a new notice of motion under Standing Order 11.1.

#### **11.6 Reference of Motion**

If the subject matter of a motion of which notice has been duly given comes within the province of the Cabinet or any Committee, it shall, upon a motion (moved and seconded), stand referred to the Cabinet or such Committee, or to such other Committee as the Council may determine for discussion and report.

**11.7** The Member who has moved the Motion must be notified by the Chief

Executive of the meeting(s) of the Committee(s) to which it has been referred, and has the right to attend the Meeting(s) and to explain the Motion.

## **12. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- a) to appoint a chairman of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- f) to receive reports for adoption of recommendations of Committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) that the meeting continue beyond three hours in duration;
- n) to suspend a particular council procedure standing order;
- o) to exclude the public and press in accordance with the Access to Information Standing orders;
- p) to not hear further a member named under Standing order 19.3 or to exclude them from the meeting under Standing order 19.4 ;
- q) to give the consent of the Council where its consent is required by this Constitution; and
- r) to carry out a statutory duty which in the opinion of the Chairman is urgent.

## **13. STANDING ORDERS OF DEBATE**

### **13.1 No speeches until motion seconded**

After the mover has moved a proposal and explained the purpose of it, no speeches other than that by the mover may be made until the motion has been seconded.

### **13.2 Right to require motion in writing**

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

### **13.3 Secunder's speech**

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

### **13.4 Content and length of speeches**

- a) Subject to paragraph (b) speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below, no speech may exceed 5 minutes without the consent of the Mayor.
- b) The mover of a motion or an amendment may speak for up to 10 minutes and at the Council meeting which determines the budget, the Leader of the Council shall be allowed 20 minutes to deliver his/her budget speech.

### **13.5 When a Member may speak again**

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

- a) to speak once on an amendment moved by another Member;
- b) to move a further amendment if the motion has been amended since he/she last spoke;
- c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d) in exercise of a right of reply;
- e) on a point of order;
- f) by way of personal explanation.

### **13.6 Amendments to motions**

- a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words; or
  - (iii) to insert or add words.as long as the effect of (ii) and (iii) is not to negate the motion.
- b) Where an amendment to a Motion on Notice is proposed, it shall be submitted in writing to the Monitoring Officer during the day before the day of the Council meeting to which it relates. Once agreed as valid by the Monitoring Officer, any such amendment may be tabled at any point during the debate as agreed with the proposer and seconder of the amendment. This does not preclude the moving of an amendment during any debate which arises from the debate itself.
- c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- d) If an amendment is not carried, other amendments to the original motion may be moved.
- e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

- f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **13.7 Alteration of motion**

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

### **13.8 Withdrawal of motion**

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

### **13.9 Right of reply**

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the amendment has the right of reply at the end of the debate on the amendment, immediately before it is put to the vote.
- c) The mover of the original motion has the right of reply on the substantive motion, as amended, at the end of the debate on the substantive motion as amended, immediately before it is put to the vote.

### **13.10 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions [but a member who has already spoken under debate may not move or second a motion under paragraph (c) to (f) below]:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) that the meeting continue beyond 3 hours in duration ;
- h) to exclude the public and press in accordance with the Access to Information Standing orders;  
and
- i) to not hear further a Member named under Standing order 19.3 or to exclude them from the meeting under Standing order 19.4

### **13.11 Closure motions**

- a) A Member unless he has already spoken to the item under debate may move, without comment, the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn the meeting.
- b) If a motion to proceed to next business is seconded, the Mayor will give the mover of the original motion a right of reply and then put the procedural motion to the vote and there shall be no debate on the matter.
- c) If a motion that the question be now put is seconded, the mover of the original motion will have a right of reply before the procedural motion is put to the vote and there shall be no debate on the matter.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- e) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the debate has not been reasonably exhausted then the closure motion will not be put to the vote.

### **13.12 Point of order**

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

### **13.13 Personal explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

## **14. STANDING ORDERS OF DEBATE ON STATUTORY PLANS AND SCRUTINY REVIEWS**

### **14.1 Form of debate**

In the case of Statutory Plans, the Leader will introduce the matter and invite the relevant Portfolio holding Member of the Cabinet to present the Plan. In the case of Scrutiny Reviews, the Leader will invite the relevant Scrutiny Chairman to present the Review document.

## **14.2 Chairing of debate**

The debate will be chaired by the Mayor.

## **14.3 Standing orders of debate**

- a) The standing orders of debate applicable to motions as set out in 13.1 to 13.13 above shall not apply in these instances.
- b) Any Member or Officer of North East Lincolnshire Council in attendance at the meeting shall, with the permission of the Mayor, have the opportunity to contribute to the debate.
- c) Any Member or Officer wishing to contribute to the debate shall indicate their wish to the Chairman by the raising of a hand. The Mayor and/or Monitoring Officer shall list those Members and/or Officers wishing to speak in the order in which they so indicate.
- d) Speeches made during such debate shall be limited to 5 minutes.
- e) Speeches shall be restricted to the subject matter of the Plan or Review under discussion.

## **15 PREVIOUS DECISIONS AND MOTIONS**

### **15.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six calendar months cannot be moved unless the notice of motion is signed by at least 6 Members (to include a Proposer and Seconder).

### **15.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six calendar months cannot be moved unless the notice of motion or amendment is signed by at least 6 Members (to include a Proposer and Seconder). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six calendar months from that date.

## **16 VOTING**

### **16.1 Majority**

Unless these Standing Orders or the law provide otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is put.

### **16.2 Mayor's casting vote**

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

### **16.3 Show of hands**

Unless a mandatory recorded vote is taken or a recorded vote is otherwise requested in accordance with Standing Order 16.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **16.4 Recorded vote**

A mandatory recorded vote will be taken in respect of any Motion on Notice and any Amendment thereto received on Notice and in respect of budget decisions taken at the meeting to consider the Budget and Medium Term Financial Plan. In any other case, if 6 members present at the meeting demand it, the names for and against (and abstaining from) the matter to be voted upon will be recorded in the minutes.

### **16.5 Right to require individual vote to be recorded**

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

### **16.6 Voting on appointments**

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

### **16.7 Electronic Voting**

If the electronic voting system is in operation members will have a period of 30 seconds in which to register their votes. At the expiry of the 30 second period, the votes registered shall be binding. Members who have not registered a vote at that time will be taken to have abstained. Standing Order 16.4 shall apply in respect of recorded votes save that votes will be recorded electronically and not via roll call.

## **17 MINUTES**

### **17.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

## **17.2 No requirement to sign minutes of previous meeting at special meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

## **17.3 Form of minutes**

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

## **18. CABINET WORKING PARTIES**

A Cabinet Working Party may comprise any Member of the Council (apart from the Mayor and Deputy Mayor).

Each Cabinet Working Party shall be appointed by the Council and shall include up to 5 elected Members with additional co-opted members in appropriate cases. The terms of reference of each working party shall also be agreed.

Each Cabinet Working Party shall be chaired by the Cabinet member holding the portfolio which covers the area concerned or his/her nominee. A Deputy Chairman will be elected at the first meeting in each municipal year.

A maximum of 3 Cabinet members may be members of any one Working Party.

Cabinet Working Parties shall report directly and exclusively to the Cabinet and shall act in an advisory capacity only.

A Member of the Council may only attend a meeting of a Cabinet Working Party if he/she:

- a) is a member of the Cabinet Working Party; or
- b) has been permitted by the Chair of the Cabinet Working Party to attend (and the right to speak is also at the Working Party's discretion)

And for the avoidance of doubt, only a member of a Working Party is permitted to vote on any item.

Business shall not be transacted at a Cabinet Working Party meeting unless at least 3 members are present for the duration of the meeting.

All Cabinet Working Party Agenda, reports and related documents shall be treated as confidential unless and until they become public in the ordinary

course of the Council's business and/or in accordance with law, or are authorised to be available for publication in accordance with Council policy.

The Council may impliedly or expressly vary any terms of this Standing Order at its discretion.

## **19 EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Standing orders in Article 3 of this Constitution or Standing order 20 (Disturbance by Public).

## **20 MEMBERS' CONDUCT**

### **20.1 Standing to speak**

When a Member speaks at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **20.2 Chairman standing**

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### **20.3 Member not to be heard further**

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

### **20.4 Member to leave the meeting**

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

### **20.5 General disturbance**

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

## **21 DISTURBANCE BY PUBLIC**

### **21.1 Removal of member of the public**

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

### **21.2 Clearance of part of meeting room**

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

**21.3** The carrying and displaying of placards and/or banners by members of the public attending any meeting of the Council or Committee shall not be allowed.

### **21.4 Filming and recording of meetings**

The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking websites (such as Facebook and 'X' (formerly known as Twitter)) and micro-blogging to communicate with people about what is happening, as it happens.

There is no requirement to notify the Council in advance, but it should be noted that the Chairman of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting.

The circumstances in which termination or suspension might occur could include:

- public disturbance or suspension of the meeting
- the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed
- where it is considered that continued recording/photography/filming/webcasting might infringe the rights of any individual
- when the Chairman considers that a defamatory statement has been made

In allowing this, the Council asks those recording proceedings not to edit the film/recording/photographs in a way that could lead to misinterpretation or misrepresentation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views being expressed in a way that may ridicule, or show a lack of respect towards those being photographed/filmed/recorded.

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Communications Team in

advance of the meeting to seek advice and guidance. Please note that such requests will be subject to practical considerations and the constraints of specific meeting rooms.

The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

At the beginning of each meeting, the Chairman will make an announcement that the meeting may be filmed, recorded or photographed. Meeting agendas will also carry this message.

## **22 SUSPENSION AND AMENDMENT OF STANDING ORDERS**

### **22.1 Suspension**

All of these Standing Orders except standing orders 16.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### **22.2 Amendment**

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next meeting (including the calling of a special meeting if required) of the Standards and Adjudication Committee.

Once considered, the Standards and Adjudication Committee shall make recommendations back to Full Council at the next convenient meeting.

## **23 RECORD OF ATTENDANCE**

The Democratic and Scrutiny Team Manager shall keep a written record of all members of the Council attending a meeting of the Council, the Executive or any Committee or Sub-Committee of which they are members. This record shall be used for all purposes in connection with the Scheme for Members' Allowances or otherwise and shall be conclusive of attendance or otherwise at a particular meeting.

## **24 PETITIONS**

These Standing Orders shall operate subject to the provisions of the Petition Scheme, in respect of any petition referred to Full Council for debate. The time limit specified for consideration of a petition for debate, as set out in the Petition Scheme, shall apply. Subject to that time limit, the standing orders of debate set out in these Standing Orders shall apply.

## **PART B: COMMITTEE MEETINGS**

### **25 APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Standing Orders apply to meetings of Full Council. Only Standing orders 5-7, 9, 16-17,-19, 20,21 and 23 (but not Standing order 20.1) apply to meetings of Committees and Sub-Committees

### **26 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES APPOINTED BY THE COUNCIL**

#### **26.1 Allocation**

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members.

#### **26.2 Number**

For each Committee or Sub-Committee, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee save that each political group will have the right to name at least two substitute members. Any member who does not form part of a political group may only substitute for each other and may not nominate nor act as substitute for members of political groups.

#### **26.3 Powers and duties**

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

#### **26.4 Substitution**

- a) Substitute Members may attend meetings in that capacity only:
  - (i) when an ordinary Member has requested the Monitoring Officer to appoint a substitute for that meeting;
  - (ii) to take the place of the ordinary Member for whom they are the designated substitute; and
  - (iii) where the ordinary Member will be absent for the whole of the meeting.
- b) Following the appointment of a substitute for a particular meeting, the substitution shall remain, even if the ordinary Member finds that he/she is subsequently able to attend the meeting for which a substitution was requested.