

DERBYSHIRE COUNTY COUNCIL
IMPROVEMENT AND SCRUTINY COMMITTEE – PLACES

26 February 2019

Report of the Statutory Scrutiny Officer

**COMPLAINT AGAINST THE HANDLING OF A PETITION FROM
ELVASTON CASTLE ACTION GROUP**

1. Purpose of the Report

To inform the Committee of a complaint received from the Elvaston Castle Action Group about the handling of a petition.

2. Information and Analysis

The Council has received a complaint from Elvaston Castle Action Group about how their petition was handled at the Council meeting on 5 December 2018. A copy of the complaint is at Appendix 1.

The Council's Petition Scheme sets out how petitions received by the Council will be handled. Included in the scheme is a provision that if a petition organiser feels that their petition has not been dealt with properly they can request that one of the Council's Improvement and Scrutiny Committees review the steps that the Council has taken in response to their petition. A report of the Director of Legal Services is attached at Appendix 2 which gives details of the Council's Petition Scheme and how it pertains to this complaint.

This Committee will need to determine whether or not the petition relating to Elvaston Castle was handled in accordance with the petition scheme. In order to consider this complaint the meeting will be conducted in the following way.

- One representative from the Elvaston Castle Action Group will have the opportunity to address the Committee for a maximum of ten minutes.
- The Director of Legal Services will then address the Committee and outline the procedures set out in the petition scheme
- Members of the Committee may ask questions of the Director of Legal Services for any points of clarification relating to the petition scheme and how the petition was handled at the Council meeting on 5 December 2018.

- The Chairman will invite members of the Committee to make any contributions they wish to make prior to a vote being taken.
- The Chairman will then ask each Member in turn to state whether or not they consider the petition was handled in accordance with the Council's Petition Scheme.
- Should the Committee determine that the petition was not dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Cabinet and arranging for the matter to be considered at a meeting of the Full Council.

3. Officer's Recommendation

To consider the complaint made by Elvaston Castle Action Group in relation to the handling of their petition

Roy Ackrill
Statutory Scrutiny Officer

Appendix 1

Subject: Elvaston Castle Action Group Petition Presentation 5/12/18

I am writing on behalf of Elvaston Castle Action Group to make a formal complaint regarding the above.

As detailed in the meeting's agenda, I presented the petition on behalf of 10,510 people within my allocated timeframe. The members then had a muddled proposing of a vote before any debate. This had to be corrected by the Chairman and was swiftly followed by what was essentially a speech by the deputy leader, Councillor Spencer, with the obviously sole aim of using up as much of the 15 minutes debating time. When he was advised as to how little time remained, the leader, Barry Lewis quickly stepped in to ensure that the debate was quashed. There were other councillors wanting an opportunity to interject with opinions and at no stage was I given any opportunity to reply.

I am not aware of how Derbyshire County Council usually conduct their meetings but I am sure that this was not even close to a debate in legal terms. The unusual nature of the treatment of this issue was confirmed to me by members of the local press who were present. I would obviously be grateful to receive your comments on this matter and also would ask that you let me know who to send a copy of my statement in full. For the issue of public record I would like it to be detailed in full in the minutes of the meeting.

Thank you
Sarah Leuenberger

Appendix 2**DERBYSHIRE COUNTY COUNCIL****26 February 2019****IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES****Report of the Director of Legal and Democratic Services
& Monitoring Officer****Derbyshire County Council Petition Scheme:
Elvaston Castle Petition****1. Purpose of the Report**

To inform the Improvement and Scrutiny Committee - Places of the County Council's Petition Scheme.

2. Information and Analysis**Summary of the relevant extracts from the Council's Constitution**

The Petition Scheme is a publicly available document which is fully incorporated into the Council's Constitution. The Scheme allows for all who have concerns to express them to the Council and in order for a petition to be debated by a meeting of Full Council, the same will have received more than 7,500 signatures.

A copy of the Council's published Petition Scheme appears at "Appendix A" of this Report.

The Scheme itself prescribes how a petition will be debated by Full Council and this is detailed under the sub-heading "Full Council Debates" which states:

"The petition organiser (or their nominee) will be given five minutes to present the petition at the meeting. The petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Cabinet is required to make the final decision, the

Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website."

All meetings of Full Council are governed by Council Procedure Rules which are also publicly available and embedded within the Council's Constitution.

A copy of the Council Procedure Rules appears as "Appendix B" of this Report.

The relevant Section of the Council procedure Rules is Section 11 and in particular, Rule 11.7 which states:

"11.7 No speech may exceed 10 minutes except with the consent of the Chairman"

The Council Procedure Rules do allow for the suspension or variation of the published Rules, as detailed within section 19 of the same.

Petition appertaining to Elvaston Castle

The petition in respect of Elvaston Castle was presented to Full Council on 5 December 2018

The aforementioned Rules as detailed within the Council's Petition Scheme were applied in that the petitioner was offered and did take up 5 minutes to present her petition.

Upon the conclusion of the said 5 minutes, Elected members were offered up to 15 minutes in order to fully debate the principles of the Petition. On this occasion a number of Elected Members expressed a wish to speak by way of raising their hands and thus giving notice of their intention to the Chairman.

The first two councillors invited by the Chairman, then spoke for the entire 15 minutes with the second councillor being "cut off" ie asked to stop speaking by the Chairman. The reason for this is that the Rules of Debate for Full Council allow for each Councillor to speak for a time period of up to but no more than 10 minutes. The first Councillor exercised his right to speak for a full 10 minutes which, under the terms of the petition Scheme only afforded other Councillors 5 minutes in which to get their views across. The second Councillor invited to speak by the Chairman spoke for the remaining 5 minutes available.

At no point did any Councillor seek a suspension or variation of the Council Procedure Rules “Rules of Debate” so as to prolong the said debate of the petition.

3. Legal Considerations

The Council is required to prepare and publish a Constitution which details its governance framework and decision making principles.

4. Other Considerations

In preparing this report the relevance of the following factors have also been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

5. Officer’s Recommendation

The Improvement and Scrutiny Committee –Places is invited to consider the contents of this report as part of their consideration of the complaint raised in respect of Full Council’s debate of the Elvaston Castle petition.

Janie Berry
Director of Legal and Democratic Services
& Monitoring Officer

Appendix A

Article 3 Appendix A

DERBYSHIRE COUNTY COUNCIL

PETITION SCHEME

Petitions

Derbyshire County Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

The County Council has decided that a petition for the purposes of this Petition Scheme must be signed by 10 or more persons who live, work or study in the Council's area.

Petitions can be presented in paper or electronic format. Paper petitions should be sent to:

The Director of Legal Services
Derbyshire County Council
County Hall
Matlock
Derbyshire
DE4 3AG

Electronic petitions can be created, signed and submitted online at www.derbyshire.gov.uk/petitions

Under normal circumstances, a petition will be presented to the appropriate Cabinet Member meeting. Details of these meetings can be found at www.derbyshire.gov.uk or by contacting the Democratic and Registration Services Manager either by telephone on 01629 538327 or by email on petitions@derbyshire.gov.uk. If you would like to present your petition to the appropriate Cabinet Member meeting, or would like your County Councillor or someone else to present it on your behalf, please contact the Democratic and Registration Services Manager at least 10 working days before the meeting and they will talk you through the process.

If your petition has received more than 7,500 (just under 1% of the Derbyshire population) signatures or more it will also be scheduled for a Full Council debate and, if this is the case, we will let you know whether this will happen at the same meeting at which you presented your petition or a later meeting of the Full Council.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- the name and address and signature of any person supporting the petition (which may be an address where signatories live, work or study).

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before any local or national election or referendum, we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps that we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or concerns

a matter where there is already an existing right of appeal, other procedures apply.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition, you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Cabinet Member meeting or Full Council.
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- undertaking consultation
- holding a meeting with petitioners
- referring the petition for consideration by one of the Council's Improvement and Scrutiny Committees*
- writing to the petition organiser setting out our views about the request in the petition

*Improvement and Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Council. In other words, the Improvement and Scrutiny Committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control, for example the local railway or hospital, we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible, will work with these partners to respond to your petition. If we are not able to do this for any

reason (for example, if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here: http://www.derbyshire.gov.uk/Council/Council_works/ or by contacting the Democratic and Registration Services Manager.

If your petition is about something for which a different council is responsible, we will give consideration as to the best method for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event, we will always notify you of the action we have taken.

Full Council Debates

If a petition contains more than 7,500 signatures it will be debated by the Full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser (or their nominee) will be given five minutes to present the petition at the meeting. The petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council's Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to Elected Members to enable them to make a particular decision. The senior officers who may be asked to give evidence will be the Council's Chief Officers or their nominees.

If your petition contains more than 3,750 signatures, the relevant Chief Officer (or their nominee) will give evidence at a public meeting of the Council's appropriate Improvement and Scrutiny Committee.

The list of Chief Officers that can be called to give evidence is set out below:

- Strategic Director of Commissioning, Communities and Policy
- Strategic Director of Adult Care
- Strategic Director of Children's Services
- Strategic Director of Economy, Transport & Environment.

You should be aware that the Improvement and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance, if the named officer has changed jobs. The Committee may also decide to call the relevant Councillor, usually the Cabinet Member or where appropriate, the local Councillor, to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting the Democratic and Registration Services Manager either by telephone on 01629 538327 or by email on scrutiny@derbyshire.gov.uk up to three working days before the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website www.derbyshire.gov.uk/petitions. E-petitions must follow the same guidelines as paper petitions as detailed in this Petition Scheme. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Director of Legal Services. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a Council meeting, please contact the Democratic and Registration Services Manager within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here www.derbyshire.gov.uk/petitions . When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete, your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request to one of the Council's Improvement and Scrutiny Committees review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The County Council has four Improvement and Scrutiny Committees, each with their own areas of responsibility as follows:

- Resources
- People
- Places
- Health

For further details of these committees, including their areas of responsibility and details of when and where they meet, refer to www.derbyshire.gov.uk or contact the Democratic and Registration Services Manager.

The appropriate Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Cabinet and arranging for the matter to be considered at a meeting of the Full Council.

Once the request has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

The provisions contained within the Petition Scheme will be the subject of regular review.

Rules of Procedure

Council Procedure Rules

STANDING ORDERS OF THE COUNTY COUNCIL

1. Annual Meetings
2. General Meetings
3. Quorum
4. Order of Business
5. Minutes
6. Motions Requiring Notice
7. Motions Not Requiring Notice
8. Questions by Members
9. Questions by Members on the Report from Cabinet
10. Questions by the Public
11. Rules of Debate
12. Closure Motions and Budget Motions
13. Voting
14. Interests
15. Disorderly Conduct
16. Petitions
17. Committees
18. Canvassing
19. Suspension and Variation
20. Interpretation

1. The **Annual Meeting** of the Council will be held on the second Wednesday in April except in an election year when the date should be determined by the Chairman of the County Council and shall be held no later than the third Wednesday after the day of election.
2. **General meetings** of the Council will take place in accordance with the programme of meetings decided at the Council's Annual Meeting. All meetings will be held at County Hall, Matlock, commencing at 2 pm.
 - 2.1 Members of the public may record and report on meetings which members of the public are allowed to attend. However, oral reporting or oral commentary during meetings is not permitted as this would be disruptive to the good order of the meeting and such conduct would be considered to be disorderly in accordance with Clause 15.
3. **Quorum** If there are not at least 16 Members present, the Chairman will adjourn the meeting to a specified time and date.
4. The **order of business** at the Council will be as follows:
 - (a) If necessary, the appointment of the Chairman
 - (b) Apologies
 - (c) Declarations of interests
 - (d) Chairman's announcements
 - (e) Minutes of the previous meeting
 - (f) Report of the Leader of the Council and Members' Questions
 - (g) Questions submitted by the public
 - (h) Petitions
 - (i) Reports of officers
 - (j) Presentations
 - (k) Report from the Cabinet and Members' questions on the Report
 - (l) Questions submitted by Members
 - (m) Motions
 - (n) Receive the minutes of committees, joint committees and the Fire Authority
 - 4.1 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn without delay. Any remaining business will be considered at the next ordinary meeting of the Council or an alternative date and time for a meeting will be arranged.
- 5.1 No discussion will take place upon the **minutes** of the Council except upon their accuracy.
- 5.2 The Chairman will sign the **Minutes** of the proceedings at the next suitable meeting.

5.3 Where in relation to any meeting of the Authority the next such meeting is a meeting called under paragraph 3 (Extra-Ordinary Meetings) of Schedule 12 of the Local Government Act 1972, the next following meeting of the Authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (Signing of Minutes) of that schedule.

6.1 **Notice of a motion** shall be given in writing or by electronic mail by the Member to the Director of Legal Services by 12 noon at least 10 working days before the meeting of the Council. The Director of Legal Services will record the date of receipt in a book which shall be open to inspection by any person.

6.2 Motions for which notice has been given will be listed in the agenda in the order in which they were received unless the Member who gave notice states in writing that they wish to withdraw it.

6.3 Motions must be about matters for which the Council has responsibility or which affect its area.

7. **Notice** shall not be required for Motions

- (a) Concerning the appointment of the Chairman and Vice Chairman for the year at the meeting, the accuracy of minutes of the Council, the order of business, or
- (b) Proposing appointments, or references to decision-making bodies, receipt of minutes and approval of any recommendations, amendments to motions, leave to withdraw motions, adjourning the meeting or exclusion of the public, or
- (c) Under Standing Orders 11 (closure of debate), 13 (that a named member be not further heard) or 17 (suspension of Standing Orders).

8. **Questions by Members**

8.1 After giving written notice to the Director of Legal Services by 12 noon on the Friday before the Council Meeting, a Member of the Council may ask the Chairman, a member of the Executive 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 Derbyshire.

8.2 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 questions

8.3 A Member asking a question under this Standing Order may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

8.4 A Member may ask the nominated representative of the Derbyshire Fire Authority a question on the discharge of the functions of the Authority. Written notice of any such questions must first be given to the Director of Legal Services by 12noon on the Friday before the Council meeting.

9A. Questions by Members on the Report of the Leader of the Council

9A.1 A Member of the Council may ask the Leader of the Council a question directly arising from the report.

9A.2 A Member asking a question under this Standing Order may ask one supplementary question which must arise directly out of the original question or reply.

9B. Questions by Members on the Report from Cabinet

9B.1 After giving written notice to the Director of Legal Services by 12 noon on the day before the Council Meeting, a Member of the Council may ask a member of the Executive a question on items in the report.

9B.2 A Member asking a question under this Standing Order may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

10. Questions by the Public

General

10.1 Members of the public who are on the Derbyshire County Council register of electors, or are Derbyshire County Council tax payers or non-domestic tax payers, may ask questions of members of the Cabinet at ordinary meetings of the Council. The maximum period of time for questions by the public at a Council Meeting shall be 30 minutes.

Order of Questions

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

Notice of Questions

10.3 A question may only be asked if notice has been given by delivering it in writing or by fax or electronic mail to the Director of Legal Services no later than 12noon three working days before the Council Meeting (ie on a Friday when Council meets on the following Wednesday). The notice must give the name and address of the questioner and the name of the Cabinet Member of the Council to whom the question is to be put.

Number of Questions

10.4 At any one meeting no person may submit more than one question, and no more than one such question may be asked on behalf of one organisation.

Scope of Questions

10.5 The Director of Legal Services may reject a question if it:

- Exceeds 200 words in length;
- is not about a matter for which the Council has a responsibility, or which affects Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

Asking the Question at the Meeting

10.6 The Chairman will invite the questioner to put the question to the member named in the notice. If the questioner who has submitted a written question is unable to be present, he/she may ask the Chairman to put the question on his/her behalf. In the absence of the questioner, the Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given, or decide that the question will not be dealt with.

Supplementary Question

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

Written Answers

- 10.8 The time allocated for questions by the public at each meeting will be 30 minutes. This period may be extended at the discretion of the Chairman. Any questions not answered at the end of the time allocated for questions by the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the Cabinet Member to whom it was to be put, will be dealt with by a written answer.

Reference of Question to the Council Cabinet or a Committee

- 10.9 Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted upon without discussion.

Record of Questions

- 10.10 The Director of Legal Services will keep a record, open to public inspection, of all public questions received and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for the rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting. The Director of Legal Services will be responsible for sending to the questioner a copy of the answer provided at the Council Meeting as soon as practicable after the Council Meeting.

11. Rules of Debate

- 11.1 Members shall stand when speaking and address the Chairman.
- 11.2 Whenever the Chairman rises, any member then standing shall sit and the Council shall be silent.
- 11.3 If two or more Members wish to speak the Chairman shall call one, ordinarily giving the other(s) a later opportunity to speak.

- 11.4 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 11.5 The proposer of a motion with the consent of the Council may alter the motion.
- 11.6 When a motion is under debate no other motion shall be moved except one of the motions specified in Standing Order 7.
- 11.7 No speech may exceed 10 minutes except with the consent of the Chairman.
- 11.8 A Member may rise on a point of order, or in personal explanation, and shall be entitled to be heard. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision which the Member will specify. A personal explanation shall be confined to a relevant earlier statement which has been misunderstood.
- 11.9 The mover of the motion has a right of reply at the close of the debate on the motion or on any amendment. Any other Member may only speak a second time in a debate under Standing Order 11.8 or with the permission of the Chairman.
- 11.10 An amendment shall be relevant to the motion and shall not merely negate or be negative to it:
- i) it shall be either to refer a matter to the Cabinet or a committee; or
 - ii) to insert, add, alter or leave out words in or from the motion. A further amendment shall not be moved while an amendment is being considered.
- 11.11 The ruling of the Chairman under this Standing Order shall not be open to discussion.

12. Closure Motions and Budget Motions

- 12.1 At the conclusion of a speech of a Member, another Member may move that the question be now put or the meeting or debate be adjourned. If such closure motion is seconded, and the Chairman does not rule that the matter should be discussed further on that occasion, the Chairman shall put to the vote the closure motion. In the case of a debate closed by a motion that the question be now put the right of reply of the mover of the original motion will then be exercisable.
- 12.2 No motion or amendment to propose a precept shall be considered unless it contains sufficient detail within it to justify the precept moved. In

determining whether or not a particular motion or amendment is in order the Chairman shall have regard to:

- i) advice of relevant officers;
- ii) information available within the motion or amendment concerning proposed reductions or increases in service estimates, or proposed measures which would reduce expenditure or increase income, or the government grant implications of the level of expenditure proposed; and
- iii) any other relevant matter.

13. Voting

13.1 When a vote is to be taken the Chairman shall call for a show of hands or if five Members stand a recorded vote. If there is a recorded vote a record of those voting for and against will be kept and any Member present but not declaring their vote shall be recorded as abstaining.

13.2 Where immediately after a vote is taken at a meeting of a relevant body, if any Member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his or her vote for the question or against the question or whether he or she abstained from voting.

In this paragraph "relevant body" means the authority, the Cabinet, a committee or sub-committee of the Authority or a relevant joint committee or sub-committee of such a body.

13.3 Immediately after any vote on any decision relating to the making of the calculation or the issuing of the precept is taken at a budget decision meeting there must be recorded in the minutes the names of the persons who cast votes for the decision or against the decision or who abstained from voting.

13.4 Where three or more persons are nominated for any position and there is not a majority in favour of any one person, the person having the least number of votes shall be disregarded and a fresh vote taken and so on until there is a majority in favour of one person.

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

14. Interests

14.1 Where any business of the meeting relates to or is likely to relate to:

- (a) a Disclosable Pecuniary Interest as described at paragraph 4(1) of the Code of Conduct for Members;
- (b) a Personal Interest as described at paragraph 4(2) of the Code of Conduct for Members; or
- (c) any Other Interest as described at paragraph 4(3) of the Code of Conduct for Members.

held by a Member, the Member must, at the commencement of the consideration of that item of business, or as soon as the interest becomes apparent, disclose to the meeting the existence and nature of that interest.

- 14.2 Where a Member discloses an interest, and that interest is a Disclosable Pecuniary Interest, the Member must withdraw from the meeting room where the item of business is being discussed and, unless the Member has been granted a dispensation by the Standards Committee, he or she may not:
- (a) participate in any discussion of the matter at the meeting
 - (b) vote on the matter at the meeting
 - (c) continue to deal with that matter
- 14.3 Disclosures of interests will be recorded in the minutes of the meeting.

15. **Disorderly Conduct**

- 15.1 If at a meeting any Member of the Council commits misconduct by persistently disregarding the ruling of the Chairman, by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council, the Chairman or any other Member may move "that the Member named be not further heard" and the motion, if seconded, shall be put and determined without discussion.
- 15.2 If misconduct by the Member continues the Chairman shall move that the Member named shall be excluded from the meeting and the motion, if seconded, shall be put and determined without discussion.
- 15.3 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn the person. If the interruption continues the Chairman shall order the person's removal from the meeting. In the case of a general disturbance in any part of a meeting open to the public, the Chairman shall order that part to be cleared.
- 15.4 The Chairman may, in the event of a disturbance interfering with the orderly dispatch of business, adjourn or suspend a meeting for such period as the Chairman considers appropriate.

16. **Petitions**

- 16.1 Any **petition** signed by 10 or more members of the public and not received to be dealt with under a procedure regulated by law, shall be dealt with in accordance with the Council's Petition Scheme (Article 3, Appendix A):

17. **Committees**

- 17.1 When **appointing** a committee the Council may also appoint the Chairman and Vice- Chairman, who in each case must be a Member of the Council.
- 17.2 A **substitute** Member may take the place of a Member who is unable to attend a meeting of one of the Committees or Sub-Committees. Such substitute Member, once named by a member of the absent Member's political group, will be accepted onto the Committee with power to speak and vote
- 17.3 The **quorum** of a committee or sub-committee shall be one quarter of the whole number of Members or two whichever is the greater number;
- 17.4 **Meetings** - The Chairman of a committee may call a special meeting at any time. A quarter of the Members of a committee may require the Director of Legal Services to call a special meeting. The requisition must be in writing setting out the business to be considered. The special meeting will only consider the business so set out. All meetings of committees shall be summoned by the Director of Legal Services.
- 17.5 **Information** - A copy of the agenda of every meeting of a Council, committee together with the index of reports of Chief Officers shall be sent to every Member of the Council.
- 17.6 **Local Members** - With the consent of the Chairman, a Member whose electoral division is directly affected by a matter or who has special knowledge which is relevant, may attend any committee and may speak (but not vote) on any particular matter.
- 17.7 **Requests from Members** - The agenda for any committee shall include consideration of any item requested by a Member of the committee, subject to the Director of Legal Services receiving written notice at least 10 working days before the date of the meeting.
- 17.8 **Application of Standing Orders** - Standing Orders 2.1 (general meetings) 13 (voting), 15 (disorderly conduct) and 20 (interpretation) shall apply to meetings of Committees with any necessary adaptation.

- 18. Canvassing** - A Member of the Council shall not solicit for any person any appointment within the Council but this shall not preclude a Member from giving a written reference for a candidate for a post.

19. Suspension and Variation

- 19.1 Subject to paragraph 2 of this Standing Order any of the preceding Standing Orders may be suspended so far as regards any business of the meeting where suspension is moved.
- 19.2 A motion to suspend Standing Orders shall not be moved without notice unless at least one half of the whole number of the Members of the Council are present.
- 19.3 Any motion to add to, vary or revoke any Standing Order, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- 20. Interpretation** The ruling of the Chairman as to the application and meaning of any Standing Order shall not be challenged at any meeting of the Council.