

# STANDING ORDERS

## INTRODUCTION

1. This edition of Standing Orders, as revised, was adopted by the County Council at its meeting held on 21 March 2017.
2. Standing Orders do not attempt to duplicate or restate the provisions of the Local Government Act 1972 (as amended) relating to local authority procedures.
3. Application of Standing Orders:

Part 1 of Standing Orders applies to meetings of the County Council.  
Parts 2, 3 and 4 of Standing Orders apply to the Cabinet.  
Parts 2 and 3 of Standing Orders apply to Select Committees.  
Parts 2, 3 and 5 of Standing Orders apply to other Council committees as appropriate.

## DEFINITIONS

**“Constitution”** shall be taken to mean the Constitution including Standing Orders and other rules and protocols approved by the Council as such from time to time.

**“Council”** shall be taken to mean the Surrey County Council.

**“Chairman”** shall be taken to mean the chairman of the Council or committee, or the presiding chairman in his/her absence.

**“Leader of the Council”** shall be taken to mean the person appointed as such by the Council for a term of office of four years from the first annual meeting of the Council following the County Council elections, in accordance with the Local Government Act 2000 and Article 5.

**“Deputy Leader of the Council”** shall be taken to mean the person appointed as such by the Leader for such term of office as he/she shall decide.

**“Cabinet”** shall be taken to mean the Cabinet appointed by the Leader in accordance with the Local Government Act 2000.

**“Committee”** shall be taken to mean a committee of the Council listed in Part 2 of Standing Orders.

**“Cabinet Member”** shall be taken to mean an elected Member appointed to the Cabinet by the Leader.

**“Deputy Cabinet Member”** shall be taken to mean a Deputy Cabinet Member appointed to the Cabinet by the Leader to support a Cabinet Member with their portfolio.

**“Group Leader”** shall be taken to mean the person nominated by each political group to act as its leader in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

**“Portfolio”** shall be taken to mean a function or collection of functions of the Council allocated by the Leader to each member of the Cabinet.

**“Select Committee”** shall be taken to mean any of the Select Committees listed in Part 2 of Standing Orders appointed by the Council under Section 21 of the Local Government Act 2000, unless otherwise specified.

**“Local Committee”** shall be taken to mean any of the 7 Local Committees appointed by the Council for each district/borough area of the County.

**“Joint Committee”** shall be taken to mean a committee set up with another council or councils for a purpose for which they are jointly interested.

**“Member”** shall be taken to mean a Surrey County Councillor.

All references to “Member” in Parts 2 and 3 of these Standing Orders shall also apply, where appropriate, to others appointed to committees listed in Part 2 of Standing Orders.

# **PART 1 OF STANDING ORDERS COUNTY COUNCIL MEETINGS AND PROCEDURES**

## **MEETINGS**

- 1.1 Meetings of the County Council will normally be held at Woodhatch Place, Reigate, Surrey in February (the Budget Meeting), May (the Annual Meeting) unless otherwise required, and at other times as and when required, but no less than quarterly.
- 1.2 Meetings of the Council will normally begin at 10am but the Chairman may fix an alternative starting time.

## **Summons and agenda**

- 2.1 The Summons and agenda papers for Council meetings will be sent to all Members at least 5 clear working days before the meeting.
- 2.2 Only the business on the agenda will be discussed at a Council meeting, except for urgent matters that the Chairman rules may be considered.

## **Adjournment**

- 3.1 The Council may adjourn at any time if it votes to do so under Standing Order 27. Any business which is adjourned will be dealt with at the next meeting unless at the time of the adjournment the Council decides to call an extra meeting to consider the adjourned business.
- 3.2 The Chairman will adjourn a meeting if there is not a quorum of Members present and may determine the period of time for which the adjournment will apply.
- 3.3 The Chairman may temporarily adjourn the meeting at any time in order to help manage the business of the meeting.

## **Quorum**

4. The quorum will be one quarter of the total number of Members (21 Members).

## **Interruptions and disorderly conduct**

- 5.1 (a) If a member of the public interrupts the proceedings at a meeting the Chairman may ask him/her not to interrupt.
- (b) If the interruption continues the Chairman may order his/her removal from the Council Chamber.
- (c) If there is a general disturbance in all or part of the gallery the Chairman may order that part to be cleared.
- 5.2 (a) If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the Chairman, "That the named Member be not further heard". If this motion is seconded it will be put to the vote and determined without discussion. The Chairman may determine the period of time for which this motion will apply.
- (b) If the motion is carried and the misconduct continues the Chairman may:
  - (i) adjourn or suspend the sitting of the Council for as long as he/she considers appropriate, or
  - (ii) order his/her removal from the Council chamber

## **ORDER OF BUSINESS**

- 6.1 Unless changed by the application of Standing Order 6.3, the Chairman, following consultation with the Monitoring Officer, will determine the order of business at Council meetings, although there will be an expectation that items requiring a decision by Council will usually be taken earlier in the agenda.

### **Extraordinary meetings**

- 6.2 Those listed below may request Council meetings in addition to ordinary meetings:
  - (a) the Council by resolution;
  - (b) the Chairman of the Council;
  - (c) the Chief Executive; and
  - (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council 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.

### **Election of Chairman and Vice-Chairman**

- 6.3 The first business at the Annual Meeting will be the election of the Chairman and Vice-Chairman of the Council. Where more than one Member is proposed for either office, election will be by show of hands, or by a recorded vote if required.
- 6.4 A Member proposing to nominate another Member as Chairman or Vice-Chairman of the Council must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.

### **Election of the Leader of the Council**

- 6.5 The Leader of the Council will be elected by the County Council at its first Annual Meeting following the County Council elections.
- 6.6 Where more than one Member is proposed, election will be by show of hands, or by a recorded vote if requested.
- 6.7 A Member proposing to nominate another Member as Leader must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.
- 6.8 A Member nominating another Member will be permitted to speak for 6 minutes in support of the nomination, and their seconder for 3 minutes. A representative from each political group, other than those of the proposer, will also be allowed 3 minutes to speak on each nomination.

### **Appointment of the Deputy Leader and members of the Cabinet**

- 6.9 The Deputy Leader and other members of the Cabinet will be appointed by the Leader of the Council and reported to the Council at the AGM or at the next appropriate meeting of the Council.

### **Election of committee chairmen and vice-chairmen**

- 6.10 The chairmen and, where appropriate, vice-chairmen of all of the standing committees of the Council listed in Part 2 of Standing Orders will be elected by the County Council, generally at its Annual Meeting, unless specified otherwise in their terms of reference.
- 6.11 Where more than one Member is proposed, election will be by show of hands, or by a recorded vote if requested.
- 6.12 A Member proposing to nominate another Member as chairman must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.

## **MINUTES**

- 7.1 The Chairman will move the formal motion “That the minutes of the last meeting be confirmed and signed by the Chairman” and there may only be discussion if there is disagreement about their factual accuracy which will be resolved by a vote in the normal way.
- 7.2 The minutes of the last meeting will be approved at the next ordinary meeting of the Council.
- 7.3 The next meeting for the purpose of signing the minutes will be the next ordinary meeting, not a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting).

## **REPORTS OF THE CABINET AND COMMITTEES**

- 8.1 The reports and recommendations of the Cabinet and those committees reporting to a meeting will, except in cases of urgency, be circulated with the summons and agenda for the meeting.
- 8.2 The Cabinet’s report to Council will be agreed by or on behalf of the Leader of the Council. It will include the following:
  - (a) Recommendations for decision by the Council under Article 4 of the Constitution;
  - (b) Decisions by the Cabinet on reports and recommendations made to it by select committees under Article 7 of the Constitution, as appropriate;
  - (c) Matters on which the Cabinet would welcome a County Council view before taking a decision;
  - (d) Decisions taken by the Cabinet which it wishes to draw to the Council’s attention because of their particular importance or significance;
  - (e) Decisions taken by the Cabinet/Cabinet Members as a matter of urgency, together with the reasons for urgency (to be reported quarterly); and
  - (f) Updates on important developments regionally and nationally.
- 8.3 The Council’s agenda will include the formal minutes of meetings of the Cabinet held during the previous cycle. Any matters within the minutes of the Cabinet’s meetings, and not otherwise brought to the Council’s attention in the Cabinet’s report, may be the subject of questions and statements by Members under SO8.8 upon notice being given to the

Governance Lead Manager by 12.00 noon on the working day before the meeting of the Council.

- 8.4 The Leader of the Council and committee chairmen will move the reception of their reports and may make a statement in introducing either the report as a whole or any particular part of it.
- 8.5 Motions for the reception and adoption of a report need not be seconded. The recommendations of a report will be put by the Chairman without needing to be formally moved and seconded and the Leader of the Council or the chairman of the committee, as appropriate, will be treated as the proposer of the motion contained in the recommendation.
- 8.6 Amendments to the motion for the reception of the report will not be allowed except as provided in Standing Order 8.14 (b) (ii).
- 8.7 After a report has been received the Chairman will call each lettered paragraph and its associated recommendation(s) for debate.
- 8.8 When a paragraph is called a Member may do any or all of the following:
  - (a) without notice ask questions to obtain explanation of or information about the subject matter of the report;
  - (b) move the reference back of the paragraph for further consideration;
  - (c) move an amendment to a recommendation;
  - (d) make a relevant statement for not more than 3 minutes to which the Leader, Deputy Leader or another member of the Cabinet or committee chairman may reply if he/she wishes.

If action has already been taken after being authorised by the Cabinet or a committee, the reference back of the report, if agreed by the Council, will not invalidate the action already taken.

- 8.9 The Leader of the Council or the Deputy Leader or appropriate Member of the Cabinet or committee chairman may make a statement on any matter within the responsibilities of the Cabinet or any committee.
- 8.10 Once the Leader or the Deputy Leader or another member of the Cabinet or, if appropriate, the committee chairman has replied to the statements or questions under Standing Order 8.8, there will be no further comment on the paragraph under discussion unless the Chairman of the Council decides it would be appropriate.

- 8.11 During the debate the Leader, or the Deputy Leader, or the appropriate member of the Cabinet, or if appropriate, the committee chairman, will be entitled to speak before the mover of the amendment replies to the debate.
- 8.12 In the absence of the appropriate member of the Cabinet, another Cabinet Member or the relevant Deputy Cabinet Member will be entitled to speak.
- 8.13 When discussion of the report of the Cabinet or committee is concluded, the Chairman will move “That the report be adopted” or “That the report as amended be adopted” and, except for the next Standing Order, no amendment to the motion will be allowed.
- 8.14 Upon the motion in Standing Order 8.13 being put:
- (a) the Leader, Deputy Leader or appropriate Member of the Cabinet or committee chairman may make a statement on any matter within the responsibilities of the Cabinet or committee as appropriate.
  - (b) (i) any Member may ask why any matter which had been considered at the previous meeting of the Cabinet or committee had not been included in the report to Council; and
    - (ii) if the Chairman decides the matter is both urgent and important the Member may move a motion to amend the motion for the adoption of the report to express disapproval of the failure to include the matter in the report.

## **MEMBER STATEMENTS**

- 9.1 Any Member may make a statement at a meeting of the Council on a local issue of current or future concern, subject to:
- (a) all such statements being relevant to some matter on which the Council has powers or duties, or which affects the County;
  - (b) notice of every statement being given in writing to the Governance Lead Manager by 12.00 noon on the working day before the meeting of the Council;
  - (c) all statements being time-limited to 2 minutes in each case; and
  - (d) every statement being put without discussion or reply.
- 9.2 The Leader’s Statement will be included as a standard item on the agenda for each Council meeting (excluding the budget meeting). Members will be given the opportunity to ask questions and/or make comments on the Leader’s Statement.



- 9.3 Cabinet Members are encouraged, prior to the commencement of any ordinary meeting of Council, to submit to the Council a short written briefing of current events and issues relating to their portfolio. Members will be given the opportunity to ask questions and/or make comments on the Cabinet Member briefing.

## **QUESTIONS**

- 10.1 At a meeting of the Council, Members may ask the Leader of the Council, the Deputy Leader or the appropriate member of the Cabinet, or the chairman of a committee, any question on any matter in respect of which the Council has powers and duties or which affects the County.
- 10.2 In addition, Members may ask any Cabinet Member questions about a Cabinet Member briefing paper submitted in accordance with Standing Order 9.3 above.
- 10.3 Notice of questions on matters which are not included in a report to the Council or Cabinet Member briefing must be given in writing to the Governance Lead Manager by 12 noon four working days before the Council meeting, i.e. normally a Wednesday.
- 10.4 Questions may be asked without notice if the Chairman decides that the matter is urgent.
- 10.5 Questions under Standing Order 8.8 do not require prior notice.
- 10.6 Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.
- 10.7 Every question will be put and answered without discussion.
- 10.8 Written copies of all questions and answers will be circulated to Members by e-mail during the working day before the Council meeting. If the day before the Council meeting is a Bank Holiday, answers will be circulated on the previous Friday.
- 10.9 The Leader may arrange for a question to be answered by the Deputy Leader or appropriate member of the Cabinet, and in their absence the relevant Deputy Cabinet Member will be entitled to speak.
- 10.10 Questions will normally be answered in writing, but may be answered orally by exception and then confirmed in writing as soon as practicable after the meeting.
- 10.11 If the Leader, Deputy Leader or member of the Cabinet (or Deputy Cabinet Member in the absence of the Cabinet Member) or committee chairman is unable to answer any question at the meeting, he/she will

send a written answer to the Member who asked the question and to any other Members upon request.

- 10.12 Questions submitted under SO10 will be managed as follows:
- All first questions submitted by Members will be taken first. Second questions will follow, then third questions and so on.
  - Question time will be limited to 45 minutes.
  - In addition, questions on Cabinet Member briefings will be limited to 15 minutes.
  - Following the initial reply by the Leader, Deputy Leader, Member of the Cabinet or committee chairman, the Chairman will allow, at his/her discretion, a period of up to 5 minutes per question in which Members of the Council may ask supplementary questions.
- 10.13 A record of all questions and answers will be included in the minutes of the meeting.

## **ORIGINAL MOTIONS**

### **Notice of an original motion**

- 11.1 Any Member may give notice of one original motion for consideration at any meeting of the Council.
- 11.2 All original motions must be relevant to some matter on which the Council has powers or duties, or which affects the County.
- 11.3 Notice of every motion (other than one under Standing Orders 11.6 and 23) must be given in writing to the Governance Lead Manager at least 14 days before a meeting of the Council.
- 11.4 If notice is given of any original motion which, in the opinion of the Chief Executive, is:
- out of order;  
illegal;  
irregular; or  
improper
- it will not be accepted or placed on the agenda. If an original motion is not accepted, the Governance Lead Manager will inform the Member giving notice in writing.
- 11.5 In the event that a large number of original motions are submitted or the number of original motions received from one political group could prohibit the balance of debate across the Council, the Chairman has the discretion to determine the order in which they are debated, following consultation with group leaders and others as appropriate.

- 11.6 There is a presumption against having original motions at the statutory Annual General Meeting and the Annual Budget Council meeting. Original motions may be accepted at the Chairman's discretion, but a total time limit of 45 minutes will be applied.
- 11.7 The Governance Lead Manager will record the details of every notice of an original motion in a register. The register will be open to the inspection of Members.
- 11.8 An original motion may be considered without notice if the Chairman decides that the matter is urgent.

### **Moving the original motion**

- 12.1 An original motion may only be moved by the Member who gave the notice, or by a Member authorised by him/her.
- 12.2 Where notice of an original motion has been given for any meeting, and that motion is not moved, the notice will lapse. The motion may not be moved without further notice being given.
- 12.3 Unless the matter has to be dealt with by the Council, before any Member speaks to the original motion, the Council will be invited to decide whether to debate it immediately, or to refer it to the Cabinet or the appropriate committee either for debate and report to the Council or determination by the Cabinet or committee. Before the Council takes the vote, the proposer of the original motion shall have the right to make a statement of up to two minutes in length as to why it should not be so referred and either the Leader or the Cabinet Member for the function(s) concerned or the chairman of the appropriate committee shall have the right to respond for up to two minutes. The question of referral shall then be put to the vote.
- 12.4 Any questions as to which committee(s) an original motion is to be referred will be decided by the Council.
- 12.5 When an original motion is referred to the Cabinet or appropriate committee under Standing Order 12.3, the Member of the Council who has moved the original motion and his/her seconder shall be notified of the meeting at which the Cabinet or committee will consider it. They shall have the right to attend the meeting and speak to the motion.
- 12.6 Where an original motion is referred to the Cabinet or a committee, it will report upon the motion to the following ordinary meeting of the Council and Standing Order 8.8(b) shall not apply to such report.
- 12.7 The Cabinet or committee may recommend exceptionally that consideration of an original motion should be deferred, in which case the appropriate member of the Cabinet or the committee chairman may explain the reasons for the recommendation. The mover and seconder

of the original motion may also speak. The recommendation will then be put to the Council without further debate.

- 12.8 If a notice of an original motion relates to a matter which, under legislation or the County Council's Constitution, is the responsibility of the Cabinet, the motion may only call on the Council to request the Cabinet to consider a particular course of action, and may not bind the Cabinet.

### **Debating the original motion**

- 13.1 There is no cap on the number of original motions that are set down for debate at ordinary Council meetings but a time limit of one and a half hours for the total debate on original motions will apply, subject to the Chairman's discretion to waive the time limit if it is deemed the matter is of particular importance.
- 13.2 When an original motion comes before the Council with any report of the Cabinet or the appropriate committee(s), the following order of speeches will apply (subject to Standing Order 16.2):
- (a) The mover of the motion.
  - (b) The seconder of the motion.
  - (c) The Leader, Deputy Leader or the appropriate member of the Cabinet or chairman of the committee(s).
  - (d) At the conclusion of the debate on the motion, the mover of the motion may reply.

### **MOTIONS TO RESCIND OR AMEND RESOLUTIONS**

- 14.1 A Member cannot move a motion to rescind or amend any resolution which has been passed by the County Council in the previous six months. Nor may a Member move a motion or amendment to the same effect as one rejected within the previous six months.
- 14.2 An exception will be allowed in either case where notice has been given and placed on the agenda. The notice must have the support of ten Members (including the proposer).
- 14.3 This Standing Order will not apply to any recommendation of the Cabinet or a committee to rescind a decision taken within the previous six months.

### **RULES OF DEBATE**

- 15.1 When speaking, Members will stand and address the Chairman. Members will be called to speak by the Chairman. A Member who is

speaking will immediately sit down if the Chairman rises, or if another Member raises a point of order.

- 15.2 Every motion or amendment must be moved and seconded and, if the Chairman requires, must be submitted in writing and read aloud or a written copy distributed to every Member before it is put to the meeting.

### **RIGHT TO SPEAK**

- 16.1 A Member may speak once during the debate and once in relation to any motion or amendment, except:
- (a) the mover may reply to the debate, but in doing so, may only answer statements or arguments made in the course of the debate. He/she may not introduce any new matter;
  - (b) the mover of a motion may speak during the debate on any amendment to the motion;
  - (c) a Member who has already spoken may speak on a point of order or may, at the Chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood, or to rebut a personal allegation;
  - (d) the Leader or the Deputy Leader or a member of the Cabinet or the appropriate committee chairman may speak before the mover of the motion or amendment replies to the debate.
- 16.2 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately or reserves his/her right to speak later in the debate.

### **Relevance**

- 16.3 Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

### **POINTS OF ORDER**

17. Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the Chairman whose decision will be final.

### **LENGTH OF SPEECHES**

18. Except with the consent of the Chairman, the following time limits will apply to speeches:

## ORIGINAL MOTIONS

- (a) The mover of a motion or an amendment  
(6 minutes)  
  
(A Member may not speak for more than three minutes unless he/she has a seconder).
- (b) The Leader, Deputy Leader, appropriate Cabinet Member or the chairman of a committee speaking to the debate on a motion or amendment.  
(6 minutes)
- (c) the Leader, Deputy Leader, Cabinet Member or committee chairman speaking before the mover of the motion or amendment replies to the debate.  
(3 minutes)
- (d) The mover of a motion either speaking to an amendment or replying to the debate.  
(3 minutes)
- (e) The mover of an amendment replying to the debate on the amendment.  
(3 minutes)
- (f) The seconder of a motion or an amendment.  
(3 minutes)
- (g) A Member speaking in the debate on a motion or an amendment.  
(3 minutes)

## OTHER BUSINESS

- (h) A Member speaking on a paragraph of a Cabinet report or of a Committee report or on the Leader's Statement or in a debate.  
(3 minutes)
- (i) The Leader or the Deputy Leader or appropriate Cabinet Member or a committee chairman either making a statement on the introduction of a report or any particular paragraph, or replying to the debate on a paragraph of a report.  
(5 minutes)
- (j) The Leader of the Council making the Leader's Statement.  
(No time limit)

- (k) The Leader of the Council in moving the reception of the Budget, or in replying to that debate.  
(No time limit)

- (l) Group Leaders speaking in the debate on the Budget.  
(10 minutes)

### **AFTER REPLY DEBATE IS CLOSED**

- 19. After the reply is made, the motion or amendment under discussion will be put by the Chairman.

### **PROCEDURE FOR MOTIONS AND AMENDMENTS**

- 20.1 A Member may not move or second more than one amendment on any motion.
- 20.2 Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Council.
- 20.3 With the consent of the Council, a Member may:
  - (a) alter a motion of which he/she has given notice; or
  - (b) with the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under Standing Order 21.1)
- 20.4 Motions or amendments relating to the annual consideration of the Budget should be submitted in a standard format to be set down by the Director of Finance.

### **AMENDMENTS**

- 21.1 Every amendment must be relevant to the motion under discussion and either:
  - (a) refer the matter to an appropriate body or individual for consideration or reconsideration
  - (b) leave out words
  - (c) add words, or
  - (d) leave out words and add others.

- 21.2 An amendment which forms the negative of the motion will not be allowed.
- 21.3 Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the Chairman decides otherwise.
- 21.4 The mover of the motion should be asked whether they accept the amendment. If the amendment is accepted it will become the new substantive motion, and debate will continue in accordance with Standing Orders 13, 15, 16 and 18.
- 21.5 If an amendment is lost, other amendments may be moved on the motion.
- 21.6 If an amendment is carried, the motion as amended will become the substantive motion, on which further amendments may be moved.

### **MOTIONS RELATING TO PERSONAL NOMINATIONS**

- 22.1 When considering a recommendation for the appointment or nomination of representatives to serve in any personal or representative capacity, additional names may be proposed and seconded by way of amendment. All the nominations will be placed in alphabetical order and votes in favour of each name will be taken separately.
- 22.2 Each Member may vote for as many persons as are to be nominated, and the Member receiving the highest number of votes will be declared to be appointed or nominated.

### **PROCEDURAL MOTIONS**

- 23.1 Any Member may, at the close of the speech of another Member, move one of the following procedural motions:
- (a) “That the question be now put”**
- (b) “That the Council do now proceed to the next business”**
- (c) “That the debate be now adjourned”**
- (d) “That the Council do now adjourn”**
- 23.2 If the procedural motion is seconded and the Chairman thinks the motion is appropriate and, for procedural motions (a), (b) and (c), there has been sufficient debate, he/she will ask if the motion has the support of ten Members (including the mover and seconder), who will show their support by standing. If fewer than ten Members stand, the procedural motion will be considered as withdrawn.



- 24.1 If the procedural motion “**That the question be now put**” is supported in accordance with Standing Order 23.2, that motion is put to the vote. If carried,
- (i) the Leader or the Deputy Leader or appropriate member of the Cabinet or committee chairman may speak to the motion or amendment under debate for not more than three minutes; and
  - (ii) the mover of the motion or amendment may speak for not more than three minutes.
- 24.2 The motion or amendment under debate will then be put.
- 25.1 If the procedural motion “**That the Council do now proceed to the next business**” is supported in accordance with Standing Order 23.2,
- (i) the Leader or Deputy Leader or appropriate Cabinet member or the committee chairman may then speak for not more than three minutes.
  - (ii) if there has been an “original” motion or amendment under discussion the mover of that may speak for not more than three minutes.
- 25.2 The procedural motion will then be put. If lost, it may not be moved again for half an hour, except by the Chairman. The debate on the “original” motion or amendment will then be resumed.
- 25.3 If the procedural motion is carried, then the matter under debate will be considered terminated or lost. If, by operation of this Standing Order, an amendment to a motion is lost, the debate on the motion itself will be resumed.
- 26.1 If the procedural motion “**That the debate be now adjourned**” is supported in accordance with Standing Order 23.2, the Chairman will invite
- (i) the mover to speak for not more than three minutes.
  - (ii) the Leader or Deputy Leader or appropriate Cabinet member or the committee chairman may then speak for not more than three minutes.
  - (iii) if there has been an “original” motion or amendment under discussion the mover of that may speak for not more than three minutes.

The procedural motion will then be put to the vote.

- 26.2 If the procedural motion is lost it may not be moved again for half an hour, except by the Chairman.
- 26.3 If the procedural motion is carried, the debate will continue at the next meeting of the Council. The Member who moved the adjournment will then be entitled to speak first.
- 26.4 The Council will then proceed to the next item of business.
- 27.1 If the procedural motion **“That the Council do now adjourn”** is supported in accordance with Standing Order 23.2, the Chairman will invite
- (i) the mover to speak for not more than three minutes.
  - (ii) the Leader or Deputy Leader or appropriate Cabinet member or the committee chairman may then speak for not more than three minutes.
  - (iii) if there has been an “original” motion or amendment under discussion the mover of that may speak for not more than three minutes.

The procedural motion will then be put to the vote.

- 27.2 If the motion is carried, the motion or amendment under debate will stand adjourned to the next meeting.
- 27.3 The Chairman will then call the remaining business, and any business which is opposed (by any Member so indicating) will stand adjourned. During the “calling-over” procedure each report will be formally moved by the Leader, Deputy Leader or appropriate member of the Cabinet or committee chairman and each paragraph and recommendation will be called by the Chairman in the usual way. No statements, comments, motions or questions will be permitted.

## **SUSPENSION OF STANDING ORDERS**

27.4 It is open to the County Council to suspend Standing Orders applying to meetings of the Council in whole or in part wherever that will assist it in carrying out its business in new and different forms. Suspension will only be for the duration of the meeting.

27.5 Any Standing Order may be suspended at any meeting upon:

- a) a recommendation by the Cabinet or a committee/board, or the Chief Executive; or
- b) a motion, notice of which has been given in writing by a Member
- c) to the Chief Executive by 12 noon on the working day before the
- d) meeting of the Council; or
- e) a motion seconded at the meeting and supported by ten Members who indicate their support by standing; or
- f) a direction by the Chairman as appropriate,

Subject to being agreed by a vote at the meeting.

### **VOTING**

- 28.1 Voting will be by show of hands and/or electronically unless, by standing, ten Members demand a recorded vote. Where a recorded vote is called, the names of those voting for or against the motion or amendment (or abstaining) will be recorded and entered in the minutes.
- 28.2 A recorded vote must be undertaken for setting the Council's annual budget.
- 28.3 On a formal motion put from the Chairman (e.g. "That the report be received"), the question may be decided by the voice of the Members, unless any Member demands a show of hands.
- 28.4 The person presiding at the meeting will have a second or casting vote in the event of a tied vote.
- 28.5 If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.

### **INTERESTS OF MEMBERS**

- 29. Where a Member attends a meeting which is considering a matter relating to a disclosable pecuniary or personal or prejudicial interest they have, or any relevant gifts and/or hospitality they have received, the provisions of the Code of Conduct, set out in Part 6 of the Constitution, will apply.

### **ATTENDANCE OF MEMBERS**

- 30. Members will sign a register of attendance.

### **PETITIONS**

- 31.1 At the start of any ordinary meeting of the County Council, any member of the public who is an elector of the Surrey County Council area may present a petition containing 10,000 or more signatures. The County Council will debate it unless it is a petition asking for a senior council officer to give evidence at a public meeting. The County Council will endeavour to consider the matter at its next meeting following the submission of a paper petition or the end date of an electronic petition, although on some occasions this may not be possible and consideration will then take place at the following meeting. The presentation of a petition on the following business will not be allowed:
- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; and
  - (b) planning applications.
- 31.2 The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed.
- 31.3 The petition organiser will be given five minutes to present the petition at the meeting. The relevant Cabinet Member or another Cabinet Member will then be given five minutes for a right of reply before Members have an opportunity to debate the petition for no more than 30 minutes in total, with each Member allowed to speak for a maximum of 3 minutes.
- 31.4 Notice of paper petitions must be given in writing to the Chief Executive at least 14 days before the meeting.
- 31.5 The County Council will decide how to respond to the petition at its meeting. It may, for example, 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 Cabinet or an individual Cabinet Member is required to make the final decision, the County Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision within five working days of the meeting. This confirmation will also be published on the Council’s website.

<p><b>PART 2 OF STANDING ORDERS CONSTITUTION AND APPOINTMENT OF CABINET AND COMMITTEES</b></p>
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**CONSTITUTION OF CABINET**

32. The Cabinet will comprise the Leader of the Council, who will be its Chairman, the Deputy Leader and such other Members (up to a maximum of 8) as the Leader agrees. The Deputy Leader, as Vice-Chairman of the Cabinet, will preside if the Chairman is absent.

**CONSTITUTION OF COMMITTEES**

33. The constitution of the committees of the Council is as follows:

<b>Name</b>	<b>Members of the Council</b>	<b>Ex-officio Members</b>	<b>Other Members</b>	<b>Total</b>
Cabinet	Leader, Deputy Leader +up to 8	-	-	up to10
Corporate Overview Select Committee	10	2	-	12
Environment Select Committee	10	2	-	12
Adults and Lifelong Learning Select Committee	10	2	-	12
Children and Education Select Committee	10	2	4	16
Health Integration and Commissioning Select Committee	10	2	3	15
Highways and Growth Select Committee	10	2	-	12

Audit and Governance Committee	6	4	-	10
Planning & Regulatory Committee	11	4	-	15
People, Performance and Development Committee	6	2		8
Member Conduct Panel	10	-	-	10
Local Committees: One for each district/borough area (except Spelthorne and Woking)	Between 5 and 10	-	Between 5 and 10	Between 10 and 20
Spelthorne Joint Committee	7	-	7	14
Woking Joint Committee	7	-	7	14
Runnymede Joint Committee	6	-	6	12
Surrey Pension Fund Committee	6	2	4	12
Surrey Local Pension Board	2	-	6	8
Surrey Local Firefighters' Pension Board	1	-	3	4
Orbis Joint Committee	2	-	4	6
Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee	2	-	2	4

## CO-OPTED MEMBERS

34.1 Co-opted members of committees have no voting rights except for:

- (a) Church and Parent Governor representatives appointed to select committees related to education matters;

- (b) Borough/district councillors appointed to Local Committees with voting rights in relation to all matters, with the exception of Education, Youth and Members' Allocations.
  - (c) Borough/district councillors appointed to select committees; and
  - (d) Representatives appointed to the Surrey Pension Fund Committee, Surrey Local Pension Board, and Surrey Local Firefighters' Pension Board.
- 34.2 Subject to subsequent report to the Council, committees may co-opt members in addition to those required under statutory schemes related to education matters.

### **EX-OFFICIO ATTENDANCE**

- 35.1 The Chairman and Vice-Chairman of the Council may attend and speak (but not vote) at meetings of all committees except Local Committees, Spelthorne Joint Committee, Woking Joint Committee, Surrey Pension Fund Committee, Surrey Local Pension Board, Surrey Local Firefighters' Pension Board, Orbis Joint Committee, and Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee.
- 35.2 The Leader or Deputy Leader of the Council may attend and speak (but not vote) at any meetings of the Planning & Regulatory and Audit & Governance Committees and the Surrey Pension Fund Committee.
- 35.3 Ex-officio Members may not move or second motions or amendments.

### **CABINET MEMBERS**

- 36.1 The individual portfolios to be allocated to Cabinet Members will be determined by the Leader of the Council. Their responsibilities are set out in the *Member/Officer Protocol*.
- 36.2 The Chairman and Vice-Chairman of the Council may not be members of the Cabinet.
- 36.3 Members of the Cabinet or Deputy Cabinet Members may not be members of a Select Committee.

### **APPOINTMENT OF COMMITTEES**

37. The Council will:
- (a) review the proportional political allocation of places on all appropriate committees both annually and at other times as required; and

- (b) at its Annual Meeting, on receipt of a report from the Chief Executive, appoint Members to serve on committees in accordance with the expressed wishes of political groups.

## **MEMBERSHIP OF COMMITTEES**

- 38.1 Every person appointed to be a member of any committee as a Member of the Council will cease to be a member of that committee once he/she ceases to be a County Councillor unless he/she has been re-elected as such and comes into office before the date of his/her retirement. This will apply similarly to district/borough council members of County committees.
- 38.2 Committees may include persons who are not Members of the Council, provided that at least two-thirds of the members of a committee are County Councillors (with the exception of local committees, Spelthorne Joint Committee, Woking Joint Committee, Surrey Pension Fund Committee, Surrey Local Pension Board, Surrey Local Firefighters' Pension Board, Orbis Joint Committee, and Buckinghamshire County Council and Surrey County Council Joint Trading Standards Service Committee).

## **COMMITTEE CHAIRMEN AND VICE-CHAIRMEN**

- 39.1 Chairmen and vice-chairmen of committees will be elected by the County Council. Unless otherwise specified in their terms of reference, any other committees will elect a chairman, and if necessary also a vice-chairman, at the first meeting after their appointment each year. The person presiding at the meeting may exercise any power or duty of the chairman.
- 39.2 Where more than one Member is proposed election will be by show of hands, or if requested by a recorded vote.
- 39.3 During the interval between the appointment and first meeting of a committee, if a chairman and vice-chairman have not been elected by the Council the retiring chairman and vice-chairman may continue to act as such if still members of the committee.
- 39.4 A member of a committee proposing to nominate another Member as chairman or vice-chairman must notify the Chief Executive of his/her nomination before the meeting at which the election is to be held. The Chief Executive will report any nominations received at the meeting.
- 39.5 Where the constitution of committees includes persons who are not County Councillors, their chairman must be elected from among the appointed Council Members of the committee unless otherwise specified in their terms of reference.



- 39.6 The Chairman of the Council may not be appointed as chairman of any committee with the exception of a Member Conduct Panel.

### **TERM OF OFFICE FOR MEMBERS OF COMMITTEES**

- 40.1 All committees will hold office until the first meeting of their successors, except in the year of a County Council election when, subject to Standing Order 37.1, they and their respective chairmen may continue to act until their successors are appointed.
- 40.2 In the year of a County Council election, retiring Members of the Council serving as such on other bodies may continue to act until their successors are appointed. However, this will not apply where the constitution of the body concerned requires the appointment of serving County Councillors.

### **SUBSTITUTES**

41. The following procedure will apply to the appointment of substitutes:
- (a) A substitute Member will only attend if the appointed Member cannot do so;
  - (b) Political groups are permitted substitutes on each committee in the ratio: Conservative Group 3; Surrey Opposition Forum 1; Residents' Association & Independent Group 1; subject to paragraphs (g), (h), (i), (j) (k) and Standing Order 43 below;
  - (c) Substitute Members may attend meetings in that capacity only:
    - (i) to take the place of the ordinary Member for whom they are the designated substitute;
    - (ii) where the ordinary Member will be absent for the whole of the meeting; and
    - (iii) after notifying the proper officer as set out in paragraph (d) below.
  - (d) Attendance of a substitute at a forthcoming meeting will be notified in writing to the Governance Lead Manager as soon as possible and by no later than half an hour before the start of the meeting. Either the absent Member or a group representative can notify; the substituting Member cannot give the notice. The committee manager will notify the chairman of any substitutes at the start of the meeting.

- (e) The principle of substitute membership will apply to appointed County Council Members and not to ex officio Members or co-opted members, except for those representing the Church or parent governors.
- (f) No substitutes are permitted for district/borough council co-opted members of local committees, unless a local committee agrees otherwise at its first meeting following the Council's annual meeting and in relation to all meetings in the following year. Named substitutes will be appointed to the local committee on the nomination of the relevant district/borough council.
- (g) Substitutes are not permitted on the Spelthorne and Woking Joint Committees and the Local Pension Board.
- (h) In the event of the long-term illness, death or resignation of a County Councillor, an additional substitute may be allocated to each appropriate committee, without affecting the rules in the preceding sub-paragraphs. A permanent appointment may not be made to fill the vacancy until a by-election has taken place.
- (i) The Council will appoint named substitutes to serve on the Planning and Regulatory Committee, comprising up to seven Members each from the Conservative, Surrey Opposition Forum and Residents' Association & Independent Party Groups and up to two Members from the UK Independence Party Group, subject to no more than four Conservative, and one Surrey Opposition Forum, one Residents' Association & Independent being substituted at any one time.
- (j) The Council will appoint named substitutes to serve on the People, Performance and Development Committee and its Appointments Sub-Committee, comprising up to seven Cabinet Members and up to seven Members each from the Surrey Opposition Forum and Residents' Association & Independent Groups, subject to no more than 50% of the membership of the committee/sub-committee being substituted on any one occasion.

42. Substitutes are not permitted at Cabinet meetings.

### **APPOINTMENT OF POLITICAL ASSISTANTS**

43. No appointment to a post established under Section 9 of the Local Government and Housing Act 1989 (Assistants for Political Groups) may be made until the Council has allocated a post to each of the groups which qualify for one under the Act:

- (a) no political assistant post may be allocated to a political group which does not qualify for one under the 1989 Act;

- (b) no political group may be allocated more than one political assistant post;
- (c) subject to these Standing Orders, all political assistant posts must be filled in accordance with the wishes of the political group to which the post has been allocated.

(Note: it is open to a political group not to have such a post even though it is entitled to one).

## **PART 3 OF STANDING ORDERS CABINET AND COMMITTEES: MEETINGS AND PROCEDURE**

### **NOTICE OF MEETING**

- 44.1 The date, time and place of the fixed meetings of the Cabinet and every committee and Cabinet Member decision meeting will be on the Council's website. The notice, agenda, reports and other documents prepared for the Cabinet, Cabinet Members and committees will be sent to Members as long beforehand as is reasonably practicable. In the case of the Cabinet and Cabinet Members and committees exercising delegated powers this will not be less than five clear working days before the date of the meeting.
- 44.2 Only the business on the agenda will be discussed at a meeting of the Cabinet, of a Cabinet Member or of a committee except for urgent matters raised in accordance with the provisions in the Constitution or Section 100B(4)(b) of the Local Government Act 1972 (Article 6).

### **SPECIAL MEETINGS**

- 45.1 A special meeting of the Cabinet or any committee will be convened to consider specific matters within its terms of reference if either:
- (a) the Chairman of the Cabinet or that committee or one quarter of their members direct the Chief Executive; or
  - (b) the Chief Executive is of the opinion that a special meeting of the Cabinet or a committee should be convened as a matter of urgency.
- 45.2 At least five clear working days' notice of a special meeting must be given.

### **CONFIDENTIALITY**

#### **Committee Papers, etc**

- 46.1. All Members must respect the confidentiality of any papers made available to them whether for the purpose of meetings of the Cabinet, of Cabinet Members or of committees or otherwise, for so long as those papers remain confidential.

### **Failure to observe**

- 46.2. Any failure to observe the requirements of Standing Order 46.1 may be regarded as a breach of the Member Code of Conduct.

## **HOW CABINET MEETINGS ARE CONDUCTED**

### **Chairing meetings**

47. If the Leader is present he/she will preside. In his/her absence the Deputy Leader will preside.

### **Business at Cabinet and Cabinet Member meetings**

- 48.1 Business for meetings of the Cabinet/Cabinet Member will be agreed by the Leader, together with other members of the Cabinet, the Chief Executive, Deputy Chief Executive and/or Strategic Directors/Directors of the Council.

- 48.2 The business at Cabinet meetings will include:

- i. The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet/Cabinet Member where a select committee, or the full Council have resolved that an item be considered by the Cabinet;
- ii. matters referred to the Cabinet (whether by a select committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the scrutiny select committee Procedure Rules or the Budget and Policy Framework Rules;
- iii. consideration of reports from select committees, local committees, any other committees of the Council, where the subject matter relates to more than one portfolio area or as determined by the Leader, and reports from borough/district scrutiny,
- iv. matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Rules.

- 48.3 The Cabinet will always formally respond to reports and recommendations made to it by any committees of the Council. Responses to reports and recommendations of select committees must be made within two months of receipt of the report. The Cabinet will also respond to reports from borough/district scrutiny committees within two months.

## **Consultation**

49. All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the appropriate select committees, and the outcome of that consultation. Reports to the Cabinet or Cabinet Members about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **Placing items on the Cabinet agenda**

50. The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting.

## **Cabinet Member meetings**

51. Cabinet Members will meet to exercise executive functions delegated to them by the Leader as set out in Table 2 of Part 3 of the Constitution. The business at Cabinet Member meetings will include:
- (i) matters referred to the Cabinet Member (whether by a select committee or by the Council) for reconsideration by the Cabinet Member in accordance with the provisions contained in the select committee Procedure Rules or the Budget and Policy Framework Rules;
  - (ii) consideration of reports from select committees, local committees, any other committees of the Council where the subject matter relates to the Cabinet Member's portfolio area; and
  - (iii) matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Rules.
- a. The Cabinet Member will always formally respond to reports and recommendations made to him/her by any committees of the Council. Responses to reports and recommendations of select committee must be made within two months of receipt of the report.

## **Key decisions**

52. A “key decision” means an executive decision which is likely either –
- (i) to result in the Council incurring expenditure, or making of savings with a value of £1m or over, and which are significant having regard to the budget for the service or function to which the decision relates; or
  - (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the county.
  - (iii) “Key decisions” may only be made in accordance with the requirements of the Cabinet Procedure Rules.

## **Procedure before taking key decisions**

53. Subject to Standing Order 65 (general exception) and Standing Order 66 (special urgency), a key decision may not be taken unless:
- (i) notice has been given to the chairman of the appropriate select committee in connection with the matter in question, and made publicly available at the Council's offices;
  - (ii) at least 5 clear days have elapsed since the publication of the notice; and
  - (iii) where the decision is to be taken at a meeting of the Cabinet, its committees, or an individual Cabinet Member, notice of the meeting has been given in accordance with Standing Order 44 (notice of meetings).

## **Urgent decision making**

54. In the event that any matters arise in circumstances rendering it impossible for the Leader/Cabinet or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Chief Executive (or in his/her absence a member of the Corporate Leadership Team) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the Council's and the public's interests, provided that he or she shall first consult:
- i. The Chief Finance Officer and/or the Monitoring Officer (or their representative) and;
  - ii. Either the Leader (or in his/her absence, the Deputy Leader, or in his/her absence another Cabinet Member) (in respect of executive functions) or the Chairman (or in his/her absence, the Vice-Chairman or chairman or vice-chairman of the relevant committee) (in respect of non-executive functions).

Any decisions taken in accordance with this Standing Order will be reported to the next meeting of the appropriate Member level body.

### **General exception**

- 55.1 Where the publication of the intention to make a key decision via a notice under Standing Order 53 is impracticable then subject to Standing Order 56 (special urgency), the decision may still be taken where:
- (i) the proper officer has informed the chairman of the appropriate select committee, or if there is no such person, each member of that select committee in writing, by notice, of the matter to which the decision is to be made;
  - (ii) the proper officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
  - (iii) at least 5 clear days have elapsed since the proper officer complied with (i) and (ii).
- 55.2 As soon as reasonably practicable after the proper officer has complied with the above, he or she must make available at the offices of the Council and on the Council's website a notice setting out the reasons why compliance with Rule (a) and (b) is impracticable.

### **Special urgency**

- 56.1 If there is not time to follow Standing Order 55 (general exception) then the decision can only be taken if the decision maker obtains the agreement of the chairman of the relevant select committee that the decision cannot reasonably be deferred. If there is no chairman of the select committee, or if the chairman is unable to act, then the agreement of the Chairman of the Council, or in his/her absence, the Vice-Chairman will suffice.
- 56.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 55.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker will make available at the offices of the Council and on the Council's website a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

### **Reports to Council on special urgency decisions**

57. In any event the Leader will submit at least one report annually, and at such intervals as may be determined, to the Council containing details



of each of the executive decisions taken in the circumstances set out in Standing Order 56 above (special urgency) since the last such report. The report will include the particulars of the decisions so taken and a summary of the matters in respect of which those decisions were taken.

### **When a select committee can require a report**

- 58.1 A report can be required if a select committee thinks that a key decision has been taken which was not:
- included in the notice of decisions; or
  - the subject of the general exception procedure; or
  - the subject of an agreement with the select committee chairman, or the Chairman/Vice-Chairman of the Council.
- 58.2 The select committee may require the Cabinet to submit a report to the Council. The power to require a report rests with the select committee, but is also delegated to the proper officer, who shall require such a report on behalf of the select committee when so requested by the chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the select committee.

### **Cabinet's report to Council**

59. The Cabinet will prepare a report for submission to the next available meeting of the Council. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Cabinet is of the opinion that it was not a key decision the reasons for that opinion.

## **RECORD OF DECISIONS**

### **Recording of executive decisions made at meetings**

60. As soon as reasonably practicable after any meeting of the Cabinet, any of its committees, or an individual Cabinet Member at which an executive decision was made, the proper officer, or if the proper officer was not present at the meeting, the person presiding, will ensure that a written statement is produced for every executive decision made. This statement will include:
- (i) a record of the decision including the date it was made;
  - (ii) a record of the reasons for the decision;
  - (iii) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
  - (iv) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and

- (v) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

### **Decisions by individual Members**

61. As soon as reasonably practicable after an individual Member has made an executive decision, that Member will produce or instruct the proper officer to produce a written statement of that executive decision which includes :
- (i) a record of the decision including the date it was made;
  - (ii) a record of the reasons for the decision;
  - (iii) details of any alternative options considered and rejected by the member when making the decision;
  - (iv) a record of any conflict of interest declared by any Cabinet Member who is consulted by the Member which relates to the decision; and
  - (v) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

### **Decisions by officers**

62. As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer will produce a written statement which includes:
- (i) a record of the decision including the date it was made;
  - (ii) a record of the reasons for the decision;
  - (iii) details of any alternative options considered and rejected by the officer when making the decision;
  - (iv) a record of any conflict of interest declared by any Cabinet Member who is consulted by the officer which relates to the decision; and
  - (v) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

### **Inspection of documents following executive decisions**

63. After a meeting of a decision-making body at which an executive decision has been made, or after an individual Member or an officer has made an executive decision the proper officer will ensure that a copy of:
- (i) any records prepared in accordance with individual decisions made under (b) and (c) above; and
  - (ii) any report considered at the meeting or, as the case may be, considered by the individual Member or officer and

relevant to a decision recorded in accordance with (b) or (c) or, where only part of the report is relevant to such a decision, that part, will be available for inspection by members of the public, as soon as is reasonably practicable, at the main Council offices and on the Council's website.

## **PROCEDURES PRIOR TO PRIVATE MEETINGS**

### **Notice of private meetings – 28 days**

64. The Cabinet will give notice of its intention to hold all or part of a meeting in private at least 28 clear days before the meeting. This notice will be made available at the Council's main offices, be published on the Council's website and will include a statement of the reasons for the meeting to be held in private.

### **Notice of private meetings and response to representations received – 5 days**

65. A further notice of the intention to hold a meeting in private will be published in the same locations at least five clear days prior to the meeting. This notice will include a statement of the reasons for the meeting to be held in private, a summary of any representations received about why the meeting should be open to the public and a statement of the response to any such representations.

### **Exception to requirement to give notice of private meetings**

- 66.1 Where the date by which a meeting must be held makes compliance with this regulation impracticable, the meeting may only be held in private where the Cabinet has obtained agreement that the meeting is urgent and cannot reasonably be deferred from:
- (i) the chairman of the relevant select committee; or
  - (ii) if there is no such person, or if the chairman of the relevant select committee is unable to act, the Chairman of the County Council; or
  - (iii) where there is no chairman of either the relevant select committee or the Chairman of the County Council, the vice-chairman of the County Council.
- 66.2 As soon as reasonably practicable after the Cabinet has obtained agreement under this provision to hold a private meeting, it will make available at the Council's main offices and on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

## **PROCEDURES PRIOR TO PUBLIC MEETINGS**

- 67.1 Notice of the time and place of Cabinet (including any Cabinet committees) and individual Cabinet Member decision making meetings will be displayed at the Council's main offices and published on the Council's website:
- i. at least five clear days before the meeting; or
  - ii. where the meeting is convened at shorter notice, at the time that the meeting is convened.
- 67.2 An item of business may only be considered at a public meeting—
- i. where a copy of the agenda or part of the agenda including the item has been available for inspection by the public for at least five clear days before the meeting; or
  - ii. where the meeting is convened at shorter notice, a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.

## **QUESTIONS TO THE CABINET MEMBERS AND COMMITTEES**

- 68.1 Any Member of the Council may, with the chairman's consent, ask one or more questions on matters within the terms of reference of the Cabinet or any committee. (This Standing Order shall also apply to borough/district council members of local committees).
- 68.2 Notice of questions must be given in writing to the Governance Lead Manager (or relevant Community Partnership and Committee Officer in the case of Local Committees) by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 68.3 Questions may be asked without notice if the chairman decides that the matter is urgent.
- 68.4 Where a Member has given notice of a question and is absent from the meeting another Member may ask it on his/her behalf.
- 68.5 Every question will be asked and answered without discussion.
- 68.6 Copies of all questions will be circulated to Members before the start of the meeting.
- 68.7 Questions will normally be answered in writing, but may be answered orally by exception and then confirmed in writing as soon as practicable after the meeting.

68.8 If the Leader, Deputy Leader or member of the Cabinet or committee chairman is unable to answer any question at the meeting, he/she may send a written answer to the Member asking the question.

68.9 At the discretion of the chairman, a Member who has given notice of a question may ask one supplementary question relevant to the subject of the original.

68.10 A record of all questions and answers will be included in the minutes of the meeting.

### **QUORUM**

69.1 The quorum will be one quarter of the total number of voting members of the Cabinet or committee. A quorum may not be fewer than three voting Members.

69.2 The chairman will adjourn the meeting if there is not a quorum present.

### **RIGHT TO SPEAK**

70.1 A Member may only speak once during the debate and once in relation to any motion or amendment, except:

- (a) the mover may reply to the debate but, in doing so, may only answer statements or arguments made in the course of the debate. He/she may not introduce any new matter;
- (b) the mover of a motion may speak during the debate on any amendment to the motion;
- (c) a Member who has already spoken may speak on a point of order or may, at the chairman's discretion, explain any statement made by him/her which he/she believes has been misunderstood, or to rebut a personal allegation;
- (d) the chairman may speak before the mover of the motion or amendment replies to the debate.

70.2 A Member seconding any motion or amendment will be deemed to have spoken on it unless he/she speaks immediately or reserves his/her right to speak later.

### **RELEVANCE**

71. Every Member who speaks must direct his/her speech strictly to the motion or matter under discussion, or to a motion or amendment which he/she moves, or to a point of order.

## **POINTS OF ORDER**

72. Any Member wishing to raise a point of order must say at the outset the Standing Order or rule of debate which he/she believes has been infringed. Every point of order will be decided immediately by the chairman whose decision will be final.

## **LENGTH OF SPEECHES**

73. Except with the consent of the chairman, the following time limits will apply to speeches:

- (a) The mover of a motion or an amendment. (6 minutes)

(A Member may not speak for more than five minutes unless he/she has a seconder).

- (b) The Leader or the Deputy Leader or the appropriate member of the Cabinet or committee chairman speaking to the debate on a motion or amendment. (6 minutes)

- (c) The mover of a motion either speaking to an amendment or replying to the debate. (3 minutes)

- (d) The mover of an amendment replying to the debate on the amendment. (3 minutes)

- (e) The seconder of a motion or an amendment. (3 minutes)

- (f) A Member speaking on a report or in a debate. (3 minutes)

- (g) The Leader of the Council speaking on a report or in a debate. (5 minutes)

## **AFTER REPLY DEBATE IS CLOSED**

74. After the reply is made, the motion or amendment under discussion will be put by the chairman.

## **PROCEDURE FOR MOTIONS AND AMENDMENTS**

- 75.1 Every motion or amendment must be moved and seconded and, if the chairman requires, must be submitted in writing to the Chief Executive and read aloud before it is put to the meeting.

- 75.2 A Member may not move or second more than one amendment on any motion.
- 75.3 Once moved and seconded, a motion or amendment may not be withdrawn without the consent of the Cabinet or committee.
- 75.4 With the consent of the Cabinet or committee a Member may:
- (a) alter a motion of which he/she has given notice; or
  - (b) with the consent of his/her seconder, alter a motion which he/she has moved.

(In either case, the alteration must be one which could be made as an amendment under Standing Order 76).

### **AMENDMENTS**

- 76.1 Every amendment must be relevant to the motion under discussion and will either:
- (a) refer the matter to an appropriate body or individual for consideration or reconsideration
  - (b) leave out words
  - (c) add words, or
  - (d) leave out words and add others.
- 76.2 An amendment which forms the negative of the motion will not be allowed.
- 76.3 Whenever an amendment has been moved and seconded, no subsequent amendment may be moved until the first has been dealt with, unless the chairman decides otherwise.
- 76.4 The mover of the motion should be asked whether they accept the amendment. If the amendment is accepted it will become the new substantive motion.
- 76.5 If an amendment is lost, other amendments may be moved on the motion.
- 76.6 If an amendment is carried, the motion as amended will become the substantive motion, on which further amendments may be moved.

### **MOTIONS RELATING TO PERSONAL NOMINATIONS**

- 77.1 When considering a nomination for the appointment or nomination of representatives to serve in any personal or representative capacity, additional names may be proposed and seconded by way of amendment. All the nominations will be placed in alphabetical order and votes in favour of each name will be taken separately.
- 77.2 Each Member may vote for as many persons as are to be nominated, and the person(s) receiving the highest number of votes will be declared to be nominated.

### **PROCEDURAL MOTION**

#### **“That the question be now put”**

- 78.1 Any Member may, at the close of the speech of another Member, move “That the question be now put”.
- 78.2 If he/she considers that there has been adequate debate, the chairman may put the motion “That the question be now put” without debate. If the motion is carried:
- (a) the chairman may speak to the motion or amendment under debate, if he/she has not already spoken; and
  - (b) the mover of the motion or amendment may reply.
- 78.3 The motion or amendment will then be put.

### **INTERRUPTIONS AND DISORDERLY CONDUCT**

- 79.1 (a) If a Member of the public interrupts the proceedings at a meeting the chairman may ask him/her not to interrupt.
- (b) If the interruption continues the chairman may order his/her removal from the room.
- (c) If there is general disturbance in all or part of the public gallery the chairman may order that part to be cleared.
- 79.2 (a) If a Member behaves in a disorderly or disruptive manner, any Member may move, with the consent of the chairman, “That the named Member be not further heard”. If this motion is seconded it will be put to the vote and determined without discussion.
- (b) If the motion is carried and the misconduct continues the chairman may adjourn or suspend the sitting of the meeting for as long as he/she considers appropriate or order his or her removal from the meeting room.

### **VOTING**



- 80.1 Voting will be by show of hands unless one or more Member(s) demands a recorded vote. Where a recorded vote is called, the names of those voting for, against or abstaining will be recorded and entered in the minutes.
- 80.2 Where a demand for a recorded vote is not supported, any Member may require his/her vote for or against the motion to be recorded in the minutes.
- 80.3 On a formal motion put from the Chair (e.g. "That the report be received"), the question may be decided by the voice of the Members, unless any Member demands a show of hands.
- 80.4 If immediately after a vote is taken any Member so requires, the way in which he/she voted (or abstained) will be recorded in the minutes of that meeting.
- 80.5 The person presiding at the meeting will have a second or casting vote.

#### **INTERESTS OF MEMBERS**

81. Where a Member or co-opted member attends a meeting which is considering a matter relating to a disclosable pecuniary, personal or prejudicial interest they have, or any relevant gifts and/or hospitality they have received, the provisions of the Code of Conduct, set out in Part 6 of the Constitution, will apply.

#### **ATTENDANCE OF MEMBERS**

82. The attendance of Members will be recorded in the Minutes of the meeting.

#### **MINUTES**

- 83.1 The chairman will move the formal motion "That the minutes of the last meeting be confirmed and signed by the chairman" and there may only be discussion if there is disagreement about their factual accuracy which will be resolved by a vote in the normal way.
- 83.2 The next meeting for the purpose of signing the minutes will be the next ordinary meeting, not a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting).

#### **PUBLIC PARTICIPATION IN CABINET OR COMMITTEE BUSINESS (EXCLUDING LOCAL COMMITTEES)**

##### **Petitions**

- 84.1 At the start of any ordinary Cabinet, Cabinet Member or committee meeting, any member of the public who is an elector of the Surrey County Council area may present a petition, containing 100 or more signatures, relating to a matter within the terms of reference of the Cabinet, the Cabinet Member or the committee as appropriate. In addition, a local business may present a petition to an ordinary meeting of a Local Committee. The presentation of a petition on the following business will not be allowed:
- (a) matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; and
  - (b) planning applications.
- 84.2 A spokesman for the petitioners may address the Cabinet, Cabinet Member or the committee on the petition for no more than 3 minutes, but thereafter may not speak further. The petition may be referred without discussion to the next appropriate meeting of the Cabinet, Cabinet Member or committee at the discretion of the chairman.
- 84.3 Notice must be given in writing to the Chief Executive at least 14 days before the meeting.
- 84.4 No more than three petitions may be presented at any one meeting of the Cabinet, Cabinet Member or a committee.
- 84.5 The Chief Executive may amalgamate within the first three received petitions other petitions on the same subject which seek similar outcomes.
- 84.6 The presentation of a petition on the same or similar topic as one presented in the last six months will not be allowed.

### **Public question time**

- 85.1 At the start of any ordinary meeting of the Cabinet or any committee, any member of the public who is an elector of the Surrey County Council area may ask one question relating to a matter within the Cabinet or committee’s terms of reference. In addition, a local business may ask one question at an ordinary meeting of a Local Committee. Questions will not be allowed on matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985 or on planning applications. Questions should relate to general policy and not to detail.
- 85.2 Notice must be given in writing or by e-mail to the Chief Executive at least 7 days before the meeting.
- 85.3 The Chief Executive may, having consulted the questioner, reword any question received to bring it into proper form and to secure reasonable

brevity. Copies will be circulated to members of the Cabinet or the committee as appropriate.

- 85.4 Questions will be taken in the order in which they are received by the Chief Executive and directed to the Leader, Deputy Leader or appropriate Cabinet Member, or committee chairman. Questions will be asked and answered without discussion. Any Member may decline to answer a question, provide a written reply or nominate another Member to answer it on his/her behalf.
- 85.5 Following the initial reply by the Leader, Deputy Leader or Cabinet Member or committee chairman, one supplementary question may be asked by the questioner. The Leader, Deputy Leader or Cabinet Member or committee chairman may decline to answer a supplementary question.
- 85.6 The number of questions which may be asked at any one meeting may not exceed six and the chairman may exercise his/her discretion to regard a single question which has been divided into a number of sub-questions as several different questions within the number which is allowed to be asked at the meeting. The chairman may also disallow questions which are repetitious.
- 85.7 Questions which are received after the first six will be held over to the following meeting, or dealt with in writing at the chairman's discretion.

**Public speaking at meetings of the Planning and Regulatory Committee and in relation to Public Rights of Way items at Local Committees**

- 86.1 Members of the public and their representatives may address the Planning and Regulatory Committee on any planning applications and all applications relating to public rights of way (PROW) being considered by that Committee. This Standing Order (86) also applies to applications relating to public rights of way being considered by Local Committees.
- 86.2 Speakers must first register their wish to speak by telephone or in writing to the committee manager by 12 noon one working day before a meeting, stating on which item(s) they wish to speak.
- 86.3 Only those people who have previously made written representations in response to a planning application will be entitled to speak.
- 86.4 Speakers must declare any financial or personal interest they may have in the application.
- 86.5 Registration of speakers will be on a first come first served basis and speakers will be taken in the order in which they are registered, with the first five registered being entitled to speak. Where more than one

person has registered an interest to speak, the subsequent speakers will be entitled to speak first if the first named speaker is not in attendance five minutes before the start of the meeting. Representations can be combined if necessary. A reserve list will also be maintained if necessary.

- 86.6 The time allowed for public speaking will be limited to 15 minutes for objectors and 15 minutes for supporters per item, and to 3 minutes per speaker.
- 86.7 Only if a member of the public or their representative speaks objecting will the applicant/agent be allowed to speak and then only to respond to the points raised by the objectors, and will be limited to 3 minutes for each objector who has spoken.
- 86.8 No additional information may be circulated by speakers at the meeting and they will have no right to speak or question Members or officers once they have made their submission.
- 86.9 Speeches will precede the Committee's formal discussion on each application requiring the Committee's attention.
- 86.10 The right to speak will only be exercised at the first meeting at which the application is considered and will not normally be the subject of further presentations at any subsequent meeting unless significant changes have taken place after a deferral by the Committee.

## **PUBLIC PARTICIPATION IN LOCAL COMMITTEE BUSINESS**

*(Excluding matters in relation to consideration of a public right of way to which standing order 86 applies).*

### **Petitions**

- 87.1 Any member of the public who lives, works or studies in the Surrey County Council area may present a petition, containing 30 or more signatures, relating to a matter within the terms of reference of the local committee. The chairman also has discretion to accept a petition with fewer signatures. The presentation of a petition on the following business will not be allowed:
- (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985;
  - (b) planning applications; and
  - (c) matters in relation to public rights of way.
- 87.2 A spokesman for the petitioners may address the Local Committee on the petition for up to 3 minutes or longer if agreed by the chairman. Discussion of a petition at the meeting is at the chairman's discretion.

The petition may be referred to the next appropriate meeting of the Cabinet, Cabinet Member or committee at the discretion of the Chairman.

- 87.3 Notice must be given in writing to the Community Partnership and Committee Officer on behalf of the Chief Executive at least 14 days before the meeting. Alternatively, the petition can be submitted on-line through Surrey County Council's e-petitions website as long as the required number of signatures has been reached 14 days before the meeting.
- 87.4 No more than three petitions may be presented at any one meeting of the committee unless agreed otherwise by the Chairman.
- 87.5 The Community Partnership and Committee Officer may amalgamate within the first three received petitions other petitions on the same subject which seek similar outcomes.
- 87.6 The presentation of a petition on the same or similar topic as one presented in the last six months may only be permitted at the Chairman's discretion.

#### **Public questions and statements**

- 88.1 At the start of any ordinary meeting of a Local Committee, any member of the public who lives, works or studies in the Surrey County Council area may ask one question or make a statement relating to a matter within the Local Committee's terms of reference. The Chairman may alternatively permit the question to be asked or statement to be made at the start of an item on the agenda if it relates to that item.
- 88.2 Questions or statements will not be allowed on matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985 or on planning applications or public rights of way matters under consideration.
- 88.3 Notice of questions or statements must be given in writing or by e-mail to the relevant Community Partnership and Committee Officer with details of the question or statement, by 12 noon four working days before the meeting. If the day in question is a Bank Holiday then notice of questions should be received by 12 noon on the previous working day.
- 88.4 The Community Partnership and Committee Officer may, having consulted a questioner, reword any question or statement received to bring it into proper form and to secure reasonable brevity. Copies will be tabled and made available in the meeting room for members of the local committee and any member of the public in attendance.

- 88.5 Questions and statements will be taken in the order in which they are received by the Community Partnership and Committee Officer. The provision of answers to questions being asked, any response to statements, and any discussion of the question or statement will be at the discretion of the Chairman.
- 88.6 Following any initial reply to a question, one or more supplementary question/s in relation to the response provided may be asked by the questioner at the discretion of the Chairman. The provision of answers to supplementary questions being asked and any discussion of these questions will be at the discretion of the Chairman.
- 88.7 The total number of questions which may be asked or statements made at any one meeting will be at the discretion of the Chairman. The Chairman may decide that questions or statements can be held over to the following meeting, or dealt with in writing and may disallow questions or statements which are repetitious.
- 88.8 When dealing with any item in which public participation has occurred, the Chairman shall clarify the point at which public participation has concluded and the committee's formal discussion and decision-making has commenced.

## **PART 4 OF STANDING ORDERS BUDGET AND POLICY FRAMEWORK**

### **The framework for executive decisions**

89. The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it. In agreeing a budget and policy framework, the Council shapes and to some extent limits the decisions which the Cabinet can take within the context of plans, policies and budgets.

### **Process for developing the budget and policy framework**

90. The Cabinet will publicise by publishing details on the Council's website a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The appropriate select committee will be formally consulted at this stage.
91. Following consultation, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. The Cabinet will take any response from a select committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
92. The Council will limit the extent of in-year changes to the approved budget and policy framework which can be undertaken by the Cabinet in accordance with paragraphs 53 to 57 of these rules.

Note: Where the Cabinet has submitted a draft plan or strategy to the Council and the Council has any objections to it, the process in Paragraph 89 of Standing Orders shall apply.

### **Decisions outside the budget or policy framework**

93. If the Cabinet, a committee of the Cabinet, an individual Cabinet Member, officers, local committees or joint arrangements discharging executive functions want to make a decision which they consider may be contrary to or not in full accordance with the approved policy framework and in-year budget, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer.
94. If the advice of those officers is that the decision would not be in line with the policy framework or would fall outside the limits of budget

virement (as defined in paragraph 98), then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 95 below shall apply.

### **Urgent decisions outside the budget or policy framework**

95. The Cabinet, a committee of the Cabinet, an individual Cabinet Member, officers, local committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken:
- i. if it is not practical to convene a quorate meeting of the full Council; and
  - ii. if the chairman of the appropriate select committee agrees that the decision is a matter of urgency.
96. The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the select committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the select committee, the consent of the Chairman of the Council, and in the absence of both, the Vice-Chairman, will be sufficient.
97. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

### **Virement**

98. The approved in-year budget (as defined in paragraph 4.08 of the Council's Articles) represents the limits within which the Cabinet has discretion to use and allocate resources. Any decision on executive functions which would incur expenditure beyond the approved in year budget, or from any additional income (or savings) achievable, requires the agreement of the Council.
99. On the advice of the Chief Finance Officer, the Leader shall determine the requirements for and, if required, shall set the financial limit(s) within which budgets may be transferred by officers between budget heads within service areas without reference to and approval of the Cabinet. Such limits will be recorded in the Council's Financial Regulations.
100. The Cabinet will control virement by reference to the individual service or function budget heads approved by the Council and contained in the published in-year budget book. Officer virement will be restricted to



budget transfers between budgets categorised by the Chief Finance Officer as "local risk" budgets.

101. The Cabinet will determine a framework for determining the treatment of year end budget underspends and overspends, and the limitations on the virement of budgets between years. The framework will be published in the in-year budget book.

#### **In-year changes to policy framework**

102. The responsibility for agreeing the budget and policy framework lies with the Council, and decisions on executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by such decision makers except those changes:
  - (i) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
  - (ii) necessary to ensure compliance with the law, ministerial direction or government guidance;
  - (ii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
  - (iv) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

Such changes should be reported to the next meeting of the Council.

#### **Call-in of decisions outside the budget or policy framework**

103. Where the appropriate select committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the approved in year budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer who shall prepare a report.
104. In respect of functions which are the responsibility of the Leader/Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Leader/Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Leader/Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council if the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the select

committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

105. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the approved in year budget, and/or virement rules relating to it, the select committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

(i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

*Or*

(ii) amend the policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

*Or*

(iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the in-year budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

### **Call-In of local committee decisions by the Cabinet**

106. The Cabinet may call-in for review and final determination any executive decision taken by a local committee which has significant policy or budgetary implications, subject to notice of call-in being given within 5 working days of publication of the decision.

107. Notice of call-in may be given by the Leader or Deputy Leader, or any three or more members of the Cabinet.
108. All members of the local committee will be notified that an executive decision taken by the committee has been called in.
109. The decision will be considered by the Cabinet at its next appropriate meeting in discussion with the local committee chairman and no action will be taken to implement it in the meantime.
110. The local committee chairman may attend the Cabinet meeting for the consideration of the matter and speak on the item.
111. The Cabinet may accept, reject or amend the decision taken by the local committee. A report on the decision taken by the Cabinet will be made to the next appropriate meeting of the local committee, and to the whole Council for information.

## **SCRUTINY PROCEDURES**

### **Attendance by witnesses**

112. Select committees may examine and review decisions made or actions taken in connection with the discharge of any Council or executive functions as appropriate. As well as reviewing documentation, in fulfilling the scrutiny role the select committee may require the Leader, Deputy Leader or any Member of the Council, and/or any senior officer to attend before it to explain in relation to matters within the select committee's remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance

and it is the duty of those persons to attend if so required.

113. Where any Member or officer is required to attend a select committee under this provision, the select committee chairman will inform the proper officer. The proper officer shall inform the Member or officer in writing giving at least 10 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the select committee. Where the account to be given to the select committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

114. Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the select committee shall, in consultation with the Member or officer, arrange an alternative date for attendance.
115. When officers appear to answer questions, their evidence will be confined, as far as possible, to questions of fact and explanation relating to policies and decisions. Officers may explain what the policies are and how administrative factors may have affected the choice of policy measures and the manner of their implementation. Officers may be asked to explain and justify advice that they have given in relation to the exercise of executive functions prior to decisions being taken, and to justify decisions they themselves have taken under the Scheme of Delegation where they fall within the terms of the matter under scrutiny. As far as possible, officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious, and should certainly not venture an opinion as to whether one policy option is preferable to another.

### **Attendance by others**

116. A select committee may invite people other than those people referred to in paragraph 115 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, partner authorities, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

### **Call in**

117. The intention is that call in powers will be used exceptionally by select committees.
118. When a decision is made by the Leader, Cabinet, individual Cabinet Members, a committee of the Cabinet or local Members in relation to their local area, or a key decision is made under joint arrangements or by officers, the formal record of the decision shall be published not later than three working days after the decision is taken. An information bulletin will be published on the day after the meeting summarising the decision taken pending publication of the record.
119. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the appropriate select committee objects to it and calls it in.
120. During that period, a decision may be called in for scrutiny by the select committee chairman or vice-chairman or any two or more other select committee members from more than one political group. The chairman shall call a meeting of the select committee within 10 working days of

the expiry of the period referred to in paragraph (ii) above, and where possible after consultation with the decision maker(s).

121. If, having considered the decision, the select committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Council. If referred to the decision maker it shall then reconsider within a further 7 working days, amending the decision or not, before adopting a final decision.
122. If following an objection to the decision, the select committee does not meet in the period set out in standing order 120 above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the select committee meeting, or the expiry of that further 10 working day period in standing order 120, whichever is the earlier.
123. If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no remit to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget.
124. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council's request.
125. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
126. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **EXCEPTION**

127. The call-in procedure set out above shall not apply where the decision being taken is urgent in accordance with Standing Order 56 (special urgency). A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the

public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairman of the select committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman of the select committee, the Chairman of the Council's consent shall be required. In the absence of both, the Chief Executive's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

### **Member referral of matters to select committees**

128. Any Member of the Council may refer to a select committee any local government matter which is relevant to the functions of the committee.
129. The Member referring the matter may make representations as to why it would be appropriate to scrutinise the matter.
130. If the select committee decides not to scrutinise the matter, it must notify the Member of its decision and the reasons for it.
131. The select committee must provide the Member with a copy of any report or recommendations which it makes to the Leader/Cabinet/Cabinet Member or Council in relation to the matter.

### **Reports from select committees**

132. The select committees will report their views and recommendations to the Leader/Cabinet/Cabinet Member, Council or partner organisations as appropriate. Select committees may report direct to the Council where they wish to draw its attention to issues of interest or concern, or where they wish to enlist the Council's support or invite it to express a view.
133. If a select committee cannot agree on one single final report to the Leader/Cabinet/Cabinet Member or Council as appropriate, then a minority report may be prepared and submitted for consideration by the Leader/Cabinet/Cabinet Member or Council with the majority report.
134. Select committees will have access to the Leader's Cabinet Forward Plan and timetable for decisions and intentions for consultation and may respond in the course of the Leader's/Cabinet's/Cabinet Member's consultation process in relation to any key decision.

### **Budget and Policy Framework Decisions by Council**

135. Where the Leader of the Council/Cabinet 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 paragraph 136.

136. Before the Council:-

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her 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
- (c) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Leader/Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

137. Where the Council gives instructions in accordance with paragraph 136, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may –

- (a) submit a revision of the draft plan or strategy as amended by the Leader/Cabinet (the “revised draft plan or strategy”) with the Leader/Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or
- (b) inform the Council of any disagreement that he/she/the Cabinet has with any of the Council’s objections and the reasons for any such disagreement.

138. When the period specified by the Council, referred to in paragraph 137, has expired, the Council must, when

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her 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
- (c) 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 Leader/Cabinet's reasons for those amendments, any disagreement that the Leader/Cabinet has with any of the Council's objections and the Leader/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

139. Subject to paragraph 143 where, before 8 February in any financial year, the Council's Cabinet submits to the Council for its consideration in relation to the following financial year –
- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with the Local Government Finance Act 1992;
  - (b) estimates of other amounts to be used for the purposes of such a calculation;
  - (c) estimates of such a calculation; or
  - (d) amounts required to be stated in a precept under Chapter IV of Part 1 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 paragraph 143.

140. Before the Council makes a calculation (whether originally or by way of substitute) as referred to in paragraph 141(a), or issues a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Leader's/Cabinet's estimates or amounts and must give to him instructions requiring the Leader/Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
141. Where the Council gives instructions in accordance with paragraph 140 it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions within which the Leader may –
- (a) submit a revision of the estimates or amounts as amended by the Leader/Cabinet ("revised estimates or amounts") which have been reconsidered in accordance with the Council's requirements, with the reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or



- (b) inform the Council of any disagreement that he/she/the Cabinet has with any of the Council's objections and the reasons for any such disagreement.
- 142. When the period specified by the Council, referred to in paragraph 141, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 141(a), or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account:-
  - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (b) the Leader's/Cabinet's reasons for those amendments;
  - (c) any disagreement that the Leader/Cabinet has with any of the Council's objections; and
  - (d) the Leader's/Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- 143. Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 144. In paragraph 144—
  - (a) "budget decision" means a meeting of the Council at which it—
    - (i) makes a calculation of Council Tax Requirements (whether originally or by way of substitute) in accordance with the Local Government Finance Act 1992; or
    - (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
  - (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.
- 145. In this Part of Standing Orders
  - "Leader/Cabinet" and "Leader" have the same meaning as "Executive" and "Executive Leader" respectively in Part 1A of the Local Government Act 2000; and

“plan or strategy” and “working day” have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

## **PART 5 OF STANDING ORDERS APPOINTMENT AND DISMISSAL OF STAFF**

*For the role of People, Performance and Development Committee in appointing senior officers, please refer to the Committee's Terms of Reference in the Scheme of Delegation and the Officer Employment Procedure Rules in Article 11 of this Constitution.*

146. Where the authority proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, it shall—
- (a) draw up a statement specifying—
    - (i) the duties of the officer concerned, and
    - (ii) any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
147. Where a post has been advertised as provided in paragraph 146(b), the authority shall—
- (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.

Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with paragraph 146(b).

148. Subject to paragraphs 149 and 153 below, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged by the Head of Paid Service or by an officer nominated by him or her.
149. Paragraph 148 shall not apply to the appointment or dismissal of, or disciplinary action against –
- (a) the officer designated as the Head of the Council's Paid Service;

- (b) a statutory chief officer within the meaning of section 2(6) of the Local Government & Housing Act 1989 (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of Section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of Section 9 of the 1989 Act (Assistants to Political Groups).

150.1 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment or dismissal of an officer designated as the Head of the Council's Paid Service, the Council must approve that appointment before an offer of appointment is made to him or her or, as the case may be, must approve that dismissal before notice of dismissal is given to him or her.

150.2 Where 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 sub-paragraph (a), (b), (c) or (d) of paragraph 149 above, at least one member of the Cabinet must be a member of that committee or sub-committee.

151.1 In this paragraph "appointer" means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, or 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.

151.2 An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 149 above must not be made by the appointer until –

- (a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;
- (b) the proper officer has notified every member of the Cabinet of the Council of –
  - (i) the name of the person to whom the appointer wishes to make the offer;
  - (ii) any other particulars relevant to the appointment which the appointer has notified to the proper officer; and

- (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- (c) either –
- (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointer that neither he nor any other member of the Cabinet has any objection to the making of the offer;
  - (ii) the proper officer has notified the appointer that no objection was received by him within that period from the Leader; or
  - (iii) the appointer is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

152.1 In this paragraph, “dismitter” means, in relation to the dismissal of an officer of the Council, 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.

152.2 Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 149 above must not be given by the dismitter until –

- (a) the dismitter has notified the proper officer of the name of the person who the dismitter wishes to dismiss and any other particulars which the dismitter considers are relevant to the dismissal;
  - (b) the proper officer has notified every member of the Cabinet of the Council of –
    - (i) the name of the person who the dismitter wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the dismitter has notified to the proper officer; and
    - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- (c) either –

- (i) the Leader has, within the period specified in the notice under sub paragraph (b)(iii), notified the dismitter that neither he/she nor any other member of the Cabinet has any objection to the dismissal;
  - (ii) the proper officer has notified the dismitter that no objection was received by him within that period from the Leader; or
  - (iii) the dismitter is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
153. Nothing in paragraph 148 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by –
- (a) another person against any decision relating to the appointment of that person as a member of staff of the Council; or
  - (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
154. In this paragraph 154
- (a) “disciplinary action”, “Chief Finance Officer”, “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 each of the aforementioned officers is a “relevant officer”
  - (b) “Independent Person” means a person appointed under section 28(7) of the Localism Act 2011
  - (c) “local government elector” means a person registered as a local government elector in the Council’s area in accordance with the Representation of the People Acts
  - (d) “Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council
  - (e) “relevant Independent Person” means any Independent Person who has been appointed by the Council or, where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate
  - (f) “relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer

- 155.1. A relevant officer may not be dismissed by the Council unless the procedure set out below is complied with.
- 155.2 The Council must invite relevant Independent Persons to be considered for appointment to a Panel, with a view to appointing at least two such persons to the Panel.
- 155.3 Subject to paragraph 155.4, the Council must appoint to the Panel such relevant Independent Person(s) who have accepted an invitation issued in accordance with paragraph 155.2 in the following priority order:~
- (a) a relevant Independent Person who has been appointed by the Council and who is a Local Government Elector;
  - (b) any other relevant Independent Person who has been appointed by the Council;
  - (c) a relevant Independent Person who has been appointed by another authority or authorities.
- 155.4 The Council is not required to appoint more than two relevant Independent Persons in accordance with paragraph 155.3, but may do so.
- 155.5 The Council must appoint any Panel at least 20 working days before the relevant meeting.
- 155.6 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular
- (a) any advice, views or recommendations of the Panel,
  - (b) the conclusions of any investigation into the proposed dismissal,
- and
- (c) any representations from the relevant officer.
- 155.7 Any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as independent person under the Localism Act 2011.

**PART 6 OF STANDING ORDERS  
AUTHENTICATION OF DOCUMENTS**

156. The Council's common seal shall be kept in a secure place at County Hall.
157. All documents which require to be sealed by the Council shall be witnessed by the Head of Legal or such of his/her senior officers as he/she shall formally nominate for the purposes of this Standing Order. Any document sealed and so witnessed shall be deemed to have been duly and validly executed on behalf of the Council.
158. All documents so executed and witnessed shall give effect to decisions of the Council, the Cabinet, individual Member or other committee or officer of the Council acting under delegated powers and shall be recorded in a register which shall be available for inspection by Members.
159. The Head of Legal (generally) and all Chief Officers (within their specific delegated authority) are authorised to act as the Proper Officer for the purposes of Section 234 of the Local Government Act 1972 for the signature of any notice, order or document which the Council is authorised or required to give, make or issue.