

## Section 11 - Procedural Standing Orders

### 1. Introduction

- 1.1 These Procedural Standing Orders apply to the business and conduct of meetings of the Council and its Committees. (Standing Orders relating to Contracts are set out in Section 13 – Financial Regulations)
- 1.2 These Standing Orders are divided into two sections, Part A deals with the procedure for meetings of the County Council, Part B deals with the procedure for Cabinet meetings and Part C deals with the procedure for meetings of Committees.

### **Part A – Procedure for Meetings of the County Council**

### 2. Standing Order 2 - Meetings of the Council

- 2.1 Meetings of the Council will usually take place at 10.00 am in the Council Chamber, County Buildings, Stafford unless otherwise fixed by Statute or where they are Extraordinary Meetings convened in accordance with paragraph 3 of Part 1 of Schedule 12 of the Local Government Act 1972.
- 2.2 There are three types of Council Meetings, the Annual meeting, Ordinary meetings and Extraordinary Meetings. These are dealt with in more detail below. Notice of meetings of the Council will be published at the Council's offices and sent to every member of the Council by the appropriate method (including to a specified electronic address) by the Chief Executive, five clear working days before the date of the meeting.
- 2.3 The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient. Before exercising this authority, the Chief Executive will consult with the Chairman and the Leader of the Council. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged.
- 2.4 Before the start and end of each meeting, members and officers will stand whilst the Chairman and Vice Chairman enter and leave the chamber. The meeting will also commence with prayers.
- 2.5 Meetings of the Council may be broadcast live and made available to the public for viewing on the Council's website. When a meeting is webcast, members will sit in their allocated seat.



2.6 Members of the public and press shall be entitled to film, record and report proceedings of any meetings (which they are permitted to attend) as they happen using any electronic method available (including Twitter, Blogs and Facebook). This right does not extend to live oral reporting or commentary of meetings.

### **3. Standing Order 3 - Quorum**

3.1 No business will be dealt with at a Council meeting if there are less than one quarter of the total number of members (currently 16 of 62) present. Where the meeting has started, and the number of members present reduces to less than one quarter, the Chairman will adjourn the meeting. Where the Chairman does not give a date and/or time for a resumption, all business not completed will be considered at the next Ordinary meeting.

3.2 Every member will sign their name in a book which will be available at every meeting of the Council, from which attendances of the members will be recorded.

### **4 Standing Order 4 - The Annual Meeting of the Council**

4.1 The Annual Meeting of the Council will usually be held in May. In a year when there is an ordinary election of elected members, the Annual Meeting will take place within 21 days of the retirement of the outgoing elected members.

4.2 In a year when there is an ordinary election of elected members, the Annual meeting will elect the Leader of the Council and be notified by the Leader of the Council of the number of members appointed to the Cabinet, their names, portfolios and which of them is to be the Deputy Leader.

4.3 Every annual meeting of the Council will:

- Elect a person to preside if the Chairman of the County Council is not present
- Elect the Chairman of the County Council.
- Elect the Vice-Chairman of the County Council.
- Approve the minutes of the last meeting of the County Council.
- Consider any items brought forward by the Chairman.
- Decide the allocations of seats to political groups in accordance with the political balance rules and appoint the Committees referred to in



Standing Order 25 and/or such other Committees as the Council considers appropriate.

- Elect Chairmen and Vice Chairmen of Committees in accordance with Standing Order 28.
- Agree, if necessary, any changes to any part of the Constitution.
- Approve a programme of ordinary meetings of the Council for the year.
- Consider any other business set out in the summons convening the meeting.

## **5 Standing Order 5 - Ordinary Meetings**

5.1 Ordinary meetings of the Council will take place in accordance with the Council's Calendar of Meetings as approved by the Chairman.

5.2 The Chairman will determine the order of business at Full Council meetings and (other than an Extraordinary Meeting of the Council) the following items will be considered:

- Election of a member to preside if the Chairman and Vice-Chairman are absent or otherwise unable to preside.
- Approval the minutes of the last meeting of the County Council.
- Any items specially brought forward by the Chairman.
- (As necessary) To appoint or remove the Leader of the Council.
- Disposal of business (if any) remaining from the last meeting.
- The Leader's Statement
- Members' questions asked under Standing Order 8
- Reports (if any) of the Chief Executive, Monitoring Officer or Chief Finance Officer
- Topical issues brought before the Council for debate.
- Notices of motion (in the order in which they have been received).
- Reports (if any) on Scrutiny activity.
- Reports and/or recommendations of the Cabinet, Corporate Overview and Scrutiny Committee and non-Scrutiny Committees.
- Reports (if any) of the Staffordshire Police Authority and the Stoke-on-Trent and Staffordshire Fire and Rescue Authority.
- Petitions presented under Standing Order 13.
- The authorisation of the sealing of documents so far as the Council's authority is required by statute or the Standing Orders.
- Any other business specified in the summons to the meeting.

5.3 The Chairman may at any time call upon the Chief Executive or any Chief Officer (or their representative) to advise the Council.



## **6 Standing Order 6 - Extraordinary Meetings**

6.1 The Chief Executive will call an Extraordinary Meeting of the Council following either:

- A resolution of the County Council to request an extraordinary meeting;
- A request from the Chairman of the Council;
- A request from the Monitoring Officer, or
- A request signed by any five members of the Council who have asked the Chairman of the County Council to call an Extraordinary meeting and they have refused or failed to do so within seven days of the presentation of the request.

6.2 Any request made under paragraph 6.1 must specify the particular item of business for which the Extraordinary Meeting of the Council is to be called.

6.3 The only business to be conducted at an Extraordinary Meeting of the County Council will be to choose a person to preside if the Chairman and Vice-Chairman are absent or otherwise unable to preside and to consider the matter specified in the request to call an Extraordinary Meeting. No other business may be conducted at the meeting unless the Council otherwise resolve.

## **7 Standing Order 7 - Minutes**

7.1 The Minutes of the preceding Council Meeting will usually be circulated to each member of the Council not later than five clear working days before the meeting and they will be taken as read and the Chairman will move that the Minutes be signed as a true record.

7.2 If the Minutes have not been circulated prior to the meeting but have been deposited in the Council Chamber at least half an hour before the time fixed for the meeting the Chairman will move that the Minutes be taken as read and the Chairman will move that the Minutes be signed as a true record.

7.3 There will be no motions or discussion on the Minutes, except on their accuracy, and any question of their accuracy will be raised by motion. If there are no questions, or once any questions have been dealt with, the Chairman will sign the Minutes.



7.4 The minutes of the preceding meeting of the Council will not be submitted to an Extraordinary Meeting of the Council for approval but will be submitted to the next Ordinary Meeting of the Council.

## **8 Standing Order 8 - Questions from Members**

8.1 Members may submit questions, in writing or by email on the prescribed form to the Deputy Chief Executive and Director for Corporate Services, to be asked at the Annual Meeting and Ordinary Meetings of the Council by no later than 1:00 pm on the third working day before the Council Meeting.

8.2 Questions may be addressed to the Chairman of the Council, the Leader of the Council, any Cabinet Member or a Committee Chairman. The Leader of the Council may refer questions asked of them to the relevant Cabinet Member if they consider it appropriate.

8.3 Each member may submit a maximum of one question each, however only the first 15 questions received by the Deputy Chief Executive and Director for Corporate Services before the deadline will be dealt with at the meeting. All other questions will receive a written answer.

8.4 Questions and written responses will be circulated to all members at the start of each meeting (and will be available to members prior to the meeting on request) and will be made available online to accompany the webcast but will not be read out at the meeting.

8.5 Each questioner will be entitled to ask up to one supplementary question on each question/answer and the time limit for supplementary questions and answers will be at the sole discretion of the Chairman.

8.6 Representatives of the Staffordshire Police, Crime and Fire Commissioner may be invited to attend meetings of the County Council from time to time and members will be entitled to ask them questions under these provisions.

## **9 Standing Order 9 - Leader's Statement**

9.1 At each ordinary meeting of the Council the Leader of the Council will submit a report (the Leader's Statement) summarising important developments and their activities since the preceding meeting of the Council. This will include a summary of items considered by the Cabinet.



- 9.2 The Leader will introduce the statement and members may ask the Leader questions on the content of both their introductory remarks and the written statement itself. All questions will be answered immediately by the Leader or the relevant Cabinet Member if the Leader refers any question to them unless sufficient information to give an answer is not available. In these circumstances the member asking the question will, where practicable, receive a response in writing within five working days of the Council meeting at which the question was raised.
- 9.3 Once all questions have been dealt with, the Chairman will open the Leader's Statement to the Council to debate. After any debate on the Statement, the Leader of the Council will have the right of reply and the Chairman of the Council will then formally put to the Council the motion that the Leader's Statement be received.
- 9.4 During the debate on the Leader's Statement, a member of the Council may speak on any matter relating to the work of the Executive including any matter not referred to in the Leader's Statement, whether or not they move anything in relation to it.
- 9.5 A member of the Council may move that a particular matter raised during the debate be referred back to the Cabinet or to the Corporate Review Committee or the appropriate Scrutiny Committee for consideration. If action has already been taken after being authorised by the Cabinet or a committee the reference back of the report will not invalidate the action taken.
- 9.6 The length of the debate on the Leader's Statement shall be at the discretion of the Chairman.

## **10 Standing Order 10 - Reports of Committees**

- 10.1 Committees will not be required to submit a report to each meeting of the Council but will bring any matters of particular significance before the Council.
- 10.2 Any reports will be brought before the Council by the Chairman of the Committee or, in their absence, by the Vice-Chairman or, in the absence of both, by a member of the Committee called upon by the Chairman of the Council.
- 10.3 During the debate on the report, members may speak on any particular paragraph of the report, whether or not they move anything



in relation to it, and their remarks will be confined to the subject matter of the paragraph on which they speak.

10.4 Members may move that a particular paragraph of the report be referred either to the Cabinet, back to the Committee or to a Scrutiny Committee but no other motion may be moved in relation to individual paragraphs.

## **11 Standing Order 11 - Motions on Notice**

11.1 Any member may give notice of a motion (other than a motion which may be moved without notice see Standing Order 12) to be moved at a Meeting of the Council, in writing to the Monitoring Officer nine clear days before the meeting.

11.2 All notices of motion and the name(s) of the member giving notice will be entered in the order received in a book to be kept in the Monitoring Officer's office. This book will be open to the inspection of every member of the Council.

11.3 Unless the motion is withdrawn by the member(s) giving the notice, all notices will be placed in the summons for the next Meeting of the Council. The member giving notice will move the motion at the Council meeting and may, subject to the Chairman's discretion, vary the precise terms of the motion but not change its substance.

11.4 Notices of motion may relate to any issue that affects those who live or work in the Council's area but will not propose any decision or action by the Council which it is the responsibility of the Cabinet to take.

## **12 Standing Order 12 - Motions that may be moved without notice**

12.1 The following motions may be moved at a Council Meeting without giving notice:

- Appointment of a Chairman for the Meeting.
- Motions relating to the accuracy of the Minutes.
- Any motion relating to any item currently under discussion on the Council Agenda.
- Reference to a Committee, sub-Committee or the Cabinet.
- Amendment to motions.
- Withdrawal of motions.
- Extending the time limit for speeches.
- That the question be now put.
- That the debate be now adjourned.





- That the Council be adjourned.
- That the order of business be varied.
- That the Council do proceed to the next business.
- Authorising the sealing of documents.
- Suspension of these Standing Orders.
- Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
- Giving consent of the Council where the consent of the Council is required by these Standing Orders.
- Relating to action to be taken in consequence of a report made under Section 114 of the Local Government Finance Act 1988.

### **13 Standing Order 13 - Petitions**

- 13.1 A member of the Council or a member of the public may, with the leave of the Chairman, present to the Council a petition which will be handed to the Chairman;
- 13.2 The Chairman may permit the local member to whose division the petition relates (or a member nominated by them) to address the Council on the petition for no more than 2 minutes.
- 13.3 Petitions with more than 5,000 signatures which have been received under the petition scheme in Section 4 of this Constitution will be debated by the Council. The petition organiser will be entitled to address the Council for five minutes and then the Council will debate the issue raised by the petition for a period of fifteen minutes, which may be extended at the discretion of the Chairman.
- 13.4 Following the debate, the Council may, if it is able to do so, decide whether or not to take the action referred to in the petition or to refer the petition to the Cabinet or a Committee to take the matter forward.

### **14 Standing Order 14 - Rules of Debate**

#### **Motions and Amendments**

- 14.1 No motion or amendment will be discussed unless it has been proposed and seconded. Every motion involving an amendment or reference back will be put in writing, signed by the mover and will be handed to the Chairman.
- 14.2 When seconding a motion or amendment a member may, if they then declare their intention to do so, reserve their right to speak until a later period of the debate.





### **Speaking at Council Meetings**

- 14.3 A member of the Council when speaking will stand and address the Chairman. Other members will remain seated, unless rising on a point of order or in personal explanation. Whenever the Chairman stands up no member will continue standing and no members will rise until the Chairman is seated.
- 14.4 If two or more members stand at the same time to speak, the Chairman will determine the order of speeches.

### **Content and Length of Speeches**

- 14.5 Subject to Paragraph 14.6 below, no member may speak for more than five minutes during debates by the Council unless the Chairman gives an extension.
- 14.6 When the Leader of the Council, Cabinet Members nominated by the Leader or Committee Chairmen propose reports to the Council they may speak for up to ten minutes. Members who have been nominated by the Leaders of minority political groups as spokesmen on a report discussed by the Council may also speak for up to ten minutes.
- 14.7 Members will confine their speeches to the question under discussion or to a personal explanation or a point of order. No member may question another member's motives or use offensive expressions to any member of the Council or officer.
- 14.8 The Chairman may call the attention of the Council to continued irrelevancy and tedious repetition or any breach of order by a member and may direct them to discontinue their speech. If the member continues to disregard the authority of the Chairman, the Chairman may ask them to retire for the remainder of the sitting. Should a member refuse to retire the Chairman may order their removal from the Council Chamber.

### **Number of Speeches**

- 14.9 A member will not speak more than once on any motion except to make a point of order, personal explanation or in the exercise of a right of reply.



- 14.10 The proposer of a motion or amendment will have a right of reply immediately before it is put to the vote. A member exercising a right of reply will not introduce any new matters.

### **Points of Order and Personal Explanation**

- 14.11 A member may rise at any time to make a point of order or a personal explanation and will be entitled to be heard immediately.
- 14.12 A point of order must relate to an alleged breach of a Standing Order or statutory provision and the member must state the Standing Order or statutory provision and the alleged breach. A personal explanation must be confined to some material part of a former speech either by or relating to the member, at the same meeting which may have been misunderstood.

### **Amendments**

- 14.13 Amendments to a recommendation contained in a report or other motion must be relevant to the motion and will be either:

- a. To leave out words;
- b. To leave out words and insert or add others;
- c. To insert or add words;

but such amendments must not have the effect of negating the paragraph or other motion before the Council.

- 14.14 All amendments must be moved and seconded and no second or following amendment can be moved until the previous amendment has been disposed of. Notice of any number of amendments may be given and the Chairman may allow discussion (but not voting) on a number of amendments if deemed appropriate.
- 14.15 If an amendment is lost, another amendment may be moved on the original motion. If the amendment is carried, the motion as amended will become the motion upon which any further amendment may be moved.

### **Withdrawal and Alteration of Motions**

- 14.16 An amendment or other motion may be withdrawn by the proposer with the consent of the seconder and the Council, which will be signified without discussion.



14.17 A member may, with the consent of the seconder and of the Council signified without discussion, alter any motion they have proposed during the Council Meeting. Motions on Notice under Standing Order 11 which appear on the Council Agenda may not be altered.

### **Motions for Adjournment, Closure etc.**

14.18 A member who has not spoken on the motion under discussion, may, at the conclusion of another member's speech, move without comment "That the question be now put", "That the debate be now adjourned", "That the Council proceed to the next business", or "That the Council do now adjourn".

14.19 If such a motion is seconded the Chairman will, if in their opinion the question before the meeting has been sufficiently discussed, put the motion to the vote. If it is carried then subject only to the right of reply given by Standing Order 14, the question before the meeting will be put to the vote, the Council will proceed to the next business or the meeting will stand adjourned as the case may be.

14.20 Should such a motion not be carried, a second motion "That the question be now put", "That the Council do now adjourn", "That the debate be now adjourned", or "That the Council do now proceed to the next business", must not be made within a period of half an hour after the first unless in the opinion of the Chairman the circumstances of the question are materially altered.

14.21 No member may move or second more than one motion for adjournment of the same debate or for the adjournment of the Council.

14.22 The Chairman may adjourn a meeting of the Council at any time until a time and/or date specified. If the Chairman does not fix a time for resumption and subject to the statutory provisions with regard to the calling of Extraordinary Meetings of the Council, any further business to be considered will be dealt with at the next Ordinary Meeting of the Council.

### **Voting**

14.23 With the exception of votes referred to at paragraph 14.27 below, voting will, in the first instance be determined by voice 'aye' or 'no', but the Chairman may and, if the decision is challenged must, take a show of hands.



- 14.24 For votes other than those referred to at paragraph 14.27 below, fifteen members may stand and request a 'named vote', meaning that the names for and against the motion or amendment be recorded in the Minutes. The Chief Executive will call the name of each member present who will then vote 'aye' or 'no'. There is no requirement for members to participate in named votes and they can abstain.
- 14.25 A member may, immediately after a vote which is not a named vote is taken, request that a record of whether the member voted for, or against, the motion, or abstained be made in the minutes of that meeting.
- 14.26 Where there are equal votes cast for a motion or amendment the Chairman or the person presiding may exercise a second or casting vote.
- 14.27 Where the Council is voting on the setting of the Budget and/or Precept a named vote **MUST** be taken, recording the names of those members who voted for a decision, or against the decision or abstained from voting.

### **Conduct of Members of the Public Admitted to Meetings**

- 14.28 No member of the public may bring into or display in the part of the Council Chamber open to the public any banner, placard, flag or similar device.
- 14.29 If a member of the public interrupts the proceedings at any meeting the Chairman will warn them. If the interruption continues, the Chairman will order their removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public the Chairman will order that that part be cleared.
- 14.30 In exercising their right to record, report or film a meeting no member of the public or press shall disrupt the meeting or distract any of its participants.

### **Decision of the Chairman**

- 14.31 The decision of the Chairman on all points of procedure and order, and their interpretation of these Standing Orders will be final.
- 14.32 The Chairman will have discretion to vary the procedure at any meeting where they consider it would be conducive to the effective management or conduct of business at the meeting.



## **15 Standing Order 15 - Reconsideration of Previous Resolutions**

- 15.1 Subject to Standing Orders 15.2 and 15.3, no motion or amendment may be moved to overturn any resolution of the Council passed within the preceding six months, or which is to the same effect as any motion rejected within the preceding six months.
- 15.2 Such a motion may be moved if notice has been given under Standing Order 12 by twenty-four members and when any such motion has been disposed of by the Council no member may propose a similar notice within a further period of six months.
- 15.3 Such a motion may also be moved by the Chairman of the Council, the Leader of the Council in relation to the Leader's Statement, or by the Chairman of a Committee in relation to a report or recommendation of that Committee.

## **16 Standing Order 16 - Members Interests in Contracts and Other Matters**

- 16.1 Every member and co-opted member of the Council will at all times comply with the principles specified in law and the County Council's Local Code of Conduct including those specified by the Secretary of State under Section 29 of the Localism Act 2011 which are to govern their conduct.
- 16.2 Any member who has a Disclosable Pecuniary Interest (as defined in Regulations under Section 30 of the Localism Act 2011) in a matter under consideration at a meeting must notify the Chairman of the interest (including the nature of the interest) prior to the item in question being considered and leave the room until consideration of the matter in question is concluded.
- 16.3 If a member only becomes aware that they have a Disclosable Pecuniary Interest in a matter under consideration at a meeting after the discussion on that matter has begun they must notify the Chairman of the interest (including the nature of the interest) immediately the interest becomes apparent and must also immediately leave the room.
- 16.4 Any notifications of interests in matters under consideration will be recorded in the minutes for the meeting and a register of notifications made by members will be maintained on the County Council's website.



- 16.5 Whenever the County Council is purchasing, selling or leasing any legal or equitable interest in land or property in which a member has a Disclosable Pecuniary Interest or an officer has directly or indirectly a pecuniary interest, a valuation of the said legal or equitable interest for the purposes of the transaction will be undertaken by the District Valuer unless in the opinion of the Deputy Chief Executive and Director for Corporate Services the fee chargeable by the District Valuer for undertaking a valuation exceeds the likely value of the interest in question.
- 16.6 A member of the Council, or of any Committee or Sub-Committee thereof will not, unless authorised to do so by the Council or the Cabinet or the relevant Committee or Sub-Committee, inspect any lands, premises or works which the Council have the right or duty to inspect, or enter upon or issue any order in respect of any works which are being carried out by or on behalf of the Council.

## **17 Standing Order 17 - Suspension of Standing Orders**

- 17.1 A member of the Council may move, or the Leader may recommend, that any one or more of these Standing Orders be suspended at any meeting of the Council. When making such a motion or recommendation the paragraph or paragraphs proposed to be suspended and the reasons for the suspension will be specified.
- 17.2 If such a motion or recommendation is carried the reason for such suspension will be recorded in the Minutes.

## **18 Standing Order 18 - Signature of Documents**

- 18.1 Without prejudice to any provision in Section 14 (Staffordshire County Council Procurement Regulations) about the signature of contracts the Deputy Chief Executive and Director for Corporate Services and such other officers as may be authorised to do so in writing may sign: –
- Any document (including a contract or instrument relating to the sale purchase or other disposition of land) which is designed to give effect to a decision of the Council unless that document is one which is required to be under seal; and,
  - Any document which is a necessary step in legal proceedings on behalf of the Council unless any enactment otherwise requires, authorises or the Council has given the necessary authority to some other person for the purpose.



## **19 Standing Order 19 - Inspection of Documents**

- 19.1 Subject to the provisions of the Data Protection Act, the Freedom of Information Act, and the exclusion of documents which would involve the disclosure of confidential or exempt information as defined in Section 12 (Access to Information Procedure Rules) of this Constitution and subject to the provision of that Section, an elected member of the Council may inspect any document (other than a document which is in draft) which is to be considered by the Council or the Cabinet or a Committee or Sub- Committee and, if available, will be supplied with a copy it on request.
- 19.2 A member will not knowingly inspect or call for a copy of any document relating to a matter in which they are professionally interested or has a Disclosable Pecuniary Interest under the Members' Code of Conduct.
- 19.3 The Deputy Chief Executive and Director for Corporate Services may decline to allow inspection of any document which is, or in the event of legal proceedings, would be, protected by privilege arising from the relationship of solicitor and client.

### **Part B – Rules of Procedure for Cabinet**

## **20. Standing Order 20 - Cabinet Meetings**

- 20.1 Cabinet decisions which are taken by the Cabinet as a whole will be taken at meetings convened in accordance with the Access to Information Procedure Rules in Section 12 of the Constitution. The Cabinet will normally meet at monthly intervals and at other times to be agreed by the Leader of the Council.
- 20.2 The quorum for a meeting of the Cabinet shall be three including the Leader of the Council, or if they are absent, the Deputy Leader. If the Leader of the Council is present, they will preside and if they are absent the Deputy Leader will preside.
- 20.3 At each meeting of the Cabinet the following business will be conducted:
- Confirmation of the minutes of the last meeting.
  - Declarations of interest, if any.
  - Any matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview





and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution.

- Consideration of reports from Overview and Scrutiny Committees; and
- Any matters set out in the agenda for the meeting, and which shall indicate those which are key decisions and those which are not in accordance with the Access to Information Procedure Rules set out in Section 12 of this Constitution.

20.4 The Cabinet may require any Cabinet Member or the Leader of the Council or Chief Officer to report to the Cabinet on any matter which the Cabinet specify and which is within its or their purview.

20.5 Any Cabinet Member may request the Leader of the Council to arrange for an item to be placed on the agenda of the next available meeting of the Cabinet for consideration.

20.6 The Monitoring Officer and/or the Chief Financial Officer may require the Proper Officer to include an item for consideration on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

20.7 The Deputy Chief Executive and Director for Corporate Services will be the Proper Officer for matters relating to the membership and meetings of the Cabinet, including summoning meetings, circulating the agenda and papers for such meetings, and recording every decision taken by the Cabinet itself. Such record shall include the reasons for such decision and any alternative options considered and rejected.

## **21. Standing Order 21 - Conflicts of Interest**

21.1 Where the Leader and/or a Cabinet Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.

21.2 If the exercise of an executive function has been delegated to an officer and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Officers' Code of Conduct in Section 10, Appendix 2 of this Constitution.



## **22. Standing Order 22 - Rights of attendance at Meetings of the Cabinet**

- 22.1 Any person entitled to do so by the Access to Information Procedure Rules in Section 12 of this Constitution may attend a Cabinet Meeting. An elected member may attend a Cabinet meeting in accordance with the 'local member' provisions in Section 12 of this Constitution.
- 22.2 The Cabinet or the Leader of the Council may invite any individual to attend a meeting of the Cabinet to assist or advise the Cabinet but such individual shall not be a member of the Cabinet and shall not have any voting rights.
- 22.3 Up to two representatives nominated by the Corporate Overview and Scrutiny Committee shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers any reference back of a called-in decision.

## **23. Standing Order 23 - Consultation**

- 23.1 Reports to the Cabinet from any Cabinet Member or an officer on proposals relating to the budget and policy framework must contain details of consultation with stakeholders and relevant Overview and Scrutiny Committee, and the outcome of that consultation.
- 23.2 Reports about other matters will set out the details and outcome of consultation as appropriate.
- 23.3 Each Cabinet Member may from time to time make arrangements for consultation with persons or bodies who are not members of the Council about any matter within the portfolio of that Cabinet Member. These arrangements shall not lead to any delegated powers being vested in any person or body so consulted or asked to advise.
- 23.4 The Leader may also establish (and disestablish) Boards comprising members and officers to oversee specific projects, functions or services or to undertake reviews.
- 23.5 Boards do not have the power to take decisions on behalf of the Council and are informal structures not subject to the provisions regarding Access to Meetings and Information (except the additional rights of Access for Members).



23.6 A list of boards currently established, along with their terms of reference and Membership shall be maintained by the Deputy Chief Executive and Director for Corporate Services and included in the Constitution.

## **24. Standing Order 24 - Application of Council Procedural Rules to Committees and Sub-Committees**

24.1 The Rules listed shall apply to all other Meetings of the Council's Committees, Sub-Committees and Panels in the same way as they do for full Council Meetings except references to "the Council" shall be construed, where appropriate, as references to that other Cabinet, Committee, Sub-Committee or Panel.

24.2 The following Procedural Standing Orders will, with necessary modifications, apply to all meetings of Committees and Sub-Committees:

<b>Standing Order 5:</b>	Ordinary Meetings
<b>Standing Order 7:</b>	Minutes
<b>Standing Order 12:</b>	Motions that may be moved without notice
<b>Standing Order 14:</b>	Rules of Debate (except motions put in writing, standing to speak and only speaking once)
<b>Standing Order 15:</b>	Reconsideration of Previous Resolutions (amended from 6 to 3 months)
<b>Standing Order 16:</b>	Members' Interests in Contracts and Other Matters
<b>Standing Order 18:</b>	Signature of Documents
<b>Standing Order 19:</b>	Inspection of Documents

## **Part C – Rules of Procedure for Committees and Sub-Committees**

### **25. Standing Order 25 - Committees**

25.1 The County Council will appoint the following Committees, which will have the following number of members:

	<b>Number of Members</b>
<b>Non-Scrutiny Committees</b>	
Planning Committee	15
Pensions Committee	9 (and non-voting Co-optees)
Audit and Standards Committee	15
<b>Overview and Scrutiny Committees</b>	
Corporate Overview and Scrutiny Committee	13



	Number of Members
Safeguarding Overview and Scrutiny Committee	10
Prosperous Overview and Scrutiny Committee	10 (and statutory Co-optees)
Health and Care Overview and Scrutiny Committee	13 (and 8 District and Borough members)

- 25.2 No member of the Cabinet may be eligible for appointment to, or membership of the Corporate Overview and Scrutiny Committee, an Overview and Scrutiny Committee or Sub-Committee thereof.
- 25.3 The County Council may also appoint a Special Committee for the purposes of making or recommending an appointment, proposed disciplinary action or dismissal in relation to the posts of Head of the Paid Service, Chief Officers and Deputy Directors. Further details can be found in the Officer Employment Rules in Section 10, Appendix 4 of this Constitution.
- 25.4 The County Council may appoint such other Committee(s) as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions.
- 25.5 The Audit and Standards Committee may appoint special Sub-Committees for a specified task and finish time-limited purpose and comprising such number of members as the Committee will decide.
- 25.6 Special Sub-Committees appointed by non-Scrutiny Committees will not have any delegated powers unless specifically delegated to them by the County Council.
- 25.7 No member other than the Chairman of the Council or the Leader of the Council may propose the appointment of a Committee under Standing Order 25.4 unless notice has been given under Standing Order 11.
- 25.8 Subject to any statutory provision the Council may, at any time, dissolve a Committee or special Sub-Committee or alter the number of members on it.

## **26. Standing Order 26 - Quorum**

- 26.1 The quorum of a Committee will be one quarter of the membership. Where the membership is not a multiple of four the quorum will be the whole number next above one quarter of the membership.



26.2 The quorum for Sub-Committee/Panels shall be two members.

## **27. Standing Order 27 - Terms of Office of Membership of Committees and Other Bodies**

27.1 An appointment to a Committee will ordinarily be for a period expiring at the next Annual Meeting of the Council except no appointment will be for a period which expires after the day of retirement of elected members in a year with an election for elected members.

27.2 In a year with an election of County councillors, re-elected members who have previously been elected as Leader of the Council or appointed to serve on the Cabinet, Committees or other bodies will continue those roles and responsibilities until new appointments have been made.

27.3 If the person previously elected as Leader of the Council is not re-elected, any Councillor previously appointed to the Cabinet will cease to hold such appointment.

27.4 In any year other than a year of an election of elected members where the specified period of any appointment has expired and no new appointment has been made, the appointed Councillor will continue to act in that capacity until a new appointment is made.

27.5 Nothing in this paragraph will be taken as continuing the appointment of a person as a representative of the County Council on any body when such continuation would be in conflict with the constitution of that body or when the person so appointed has ceased to be a member of the County Council.

## **28. Standing Order 28 - Chairmen of Committees etc.**

28.1 The Chairman and Vice-Chairman of each Committee will be elected by the County Council at the Annual Meeting of the County Council from amongst the appointed Committee Membership.

28.2 In the event of any office of Chairman or Vice-Chairman becoming vacant during the year the vacancy will be filled by the Council at their next meeting. Pending an appointment being made by the Council, the Chief Executive, after consultation with the Chairman of the County Council, the Leader of the Council, and the minority political Group Leaders, will have power to appoint a temporary Chairman to that vacancy to hold office until the next meeting of the Council.



28.3 No member of the Council (except the Chairman of the County Council) will be Chairman of more than one Committee of the Council.

28.4 The Chairman of any Sub-Committee will be appointed by the Committee from which the Sub-Committee is derived.

28.5 Unless they cease to be a member of the County Council for any reason the Chairman of a Committee will continue in office until the appointment of their successor.

## **29. Standing Order 29 - Application of Council Procedural Rules to Committees and Sub-Committees**

29.1 The Rules listed shall apply to all other Meetings of the Council's Committees, Sub-Committees and Panels in the same way as they do for full Council Meetings except references to "the Council" shall be construed, where appropriate, as references to that other Cabinet, Committee, Sub-Committee or Panel.

29.2 The following Procedural Standing Orders will, with necessary modifications, apply to all meetings of Committees and Sub-Committees:

<b>Standing Order 5:</b>	Ordinary Meetings
<b>Standing Order 7:</b>	Minutes
<b>Standing Order 12:</b>	Motions that may be moved without notice
<b>Standing Order 14:</b>	Rules of Debate (except motions put in writing, standing to speak and only speaking once)
<b>Standing Order 15:</b>	Reconsideration of Previous Resolutions (amended from 6 to 3 months)
<b>Standing Order 16:</b>	Members' Interests in Contracts and Other Matters
<b>Standing Order 18:</b>	Signature of Documents
<b>Standing Order 19:</b>	Inspection of Documents

29.3 The Statutory Powers of the Chairman of the Council to summon a meeting of the Council will apply to meetings of Committees and the Chairman of each Committee and Sub-Committee will also have the power to summon a meeting of the Committee or Sub-Committee and must do so on a requisition in writing of one quarter (or where the membership is not a multiple of four the whole number next above one quarter) of the Committee Membership which will be delivered to the office of the Deputy Chief Executive and Director for Corporate Services.



- 29.4 The Deputy Chief Executive and Director for Corporate Services will, following consultation, draw up a programme for meetings of the Council's Committees and give notice of all meetings of Committees and Sub-Committees which, unless otherwise specified will take place in County Buildings, Stafford.
- 29.5 The Deputy Chief Executive and Director for Corporate Services is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient to do so. Before exercising this authority, the Deputy Chief Executive and Director for Corporate Services will consult with the appropriate Chairman. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged.

### **30. Standing Order 30 - Local Member Interest**

- 30.1 Where any item of business coming before the Cabinet, Cabinet Sub-Committee or a Committee or a Sub-Committee is considered to have a significant effect on a particular electoral division the local member for that division, if they are not a member of the Cabinet or Committee or Sub-Committee in question, will be invited to attend and may speak on the item in question but will not vote.
- 30.2 Should the local member be unable to attend the meeting in question they may submit written representations for consideration at the meeting in question if they wish. Any written representations will be circulated and drawn to the Committee's attention by the Chairman or person presiding at the meeting.

