

Appendix E – Amendments to Standing Orders

Following a review of Standing Orders, it is proposed to make some minor wording and administrative changes that have no impact on the content of Standing Orders and several more substantive changes. The proposed revised version of Standing Orders is below, with the more substantive changes highlighted throughout. In summary these changes are to:

- a) limit the number of written councillor questions to 4 per political group and 1 for any independent councillors;
- b) disapply the Order of Business to post-election annual meetings to allow greater flexibility;
- c) reflect current practice by including ‘apologies for absence’ and ‘presentation of petitions from citizens and responses to citizen questions’ in the Order of Business for ordinary meetings;
- d) add Audit Committee as one of the Council committees that can submit reports to Council;
- e) make provision for councillors to remain seated whilst speaking if standing would cause them discomfort or difficulty;
- f) clarify that the rules of debate regarding amendments apply to recommendations contained with reports as well as motions;
- g) clarify that speaker times apply to apply to reports as well as motions and amendments;
- h) clarify that the Leader decides on the quorum for meetings of Executive committees;
- i) clarify that Area Committees do not have provision for substitutes; and
- j) clarify that councillors appointed as substitutes for Executive committees must be members of the Executive.

Full Council

Despatch of Council summons and accompanying reports

- 1 The summons to attend a meeting of the Council and all reports referred to in the summons will be sent to Councillors at least 5 clear days before the meeting concerned. Meetings of the Council, other than Extraordinary meetings, are normally fixed at the Annual Meeting.

Submission of motions and questions by Councillors

- 2 (a) Motions must be in writing, signed by the mover, and received by the

Corporate Director for Strategy and Resources 8 clear working days prior to the day of the meeting. No motion will be inserted in the summons for any meeting of the Council unless it is received by this deadline.

- (b) Questions must be:
- i. in writing;
 - ii. signed by the questioner;
 - iii. received by the Corporate Director for Strategy and Resources by 9.00 am on the working day before the meeting of the Council at which they are to be asked;
 - iv. submitted together with a statement indicating whether questions are for oral or written response in accordance with Standing Orders 2(d) and 2(e).
- (c) In order to ensure the factual accuracy of questions submitted by Councillors:
- i. the Corporate Director for Strategy and Resources may refer questions back to the questioner if the question contains factual inaccuracies;
 - ii. in cases where the inaccuracy is extreme, and the inaccuracy will cause reputational damage to the Council, the Lord Mayor will have the discretion (in consultation with the Corporate Director for Strategy and Resources) to refuse the question.

(d) Questions for oral response

Each political group can submit up to four questions and independent Councillors i.e. those not part of a political group can submit one question each for oral response at the meeting. Responses to the questions will be provided by:

- i. the City Council's lead Councillors on the Nottinghamshire and City of Nottingham Fire and Rescue Authority to questions on the discharge of that authority's functions;
- ii. a Councillor on the Executive Board on any matter within their remit; or
- iii. the Chair of a committee or the Chair of any other City Council body to questions on any matter within their remit.

Following the response to an oral question a maximum of three supplementary questions may be asked by any Councillor, but they must relate directly to the initial question. The original questioner has the right to ask one supplementary question within the three supplementaries. Any decision as to the direct relationship of the supplementary questions to the original question shall be made by the Lord Mayor (or in their absence, the Sheriff or Chair) whose decision shall be final.

(e) Questions for written response

Each political group can submit up to 4 questions and independent Councillors i.e. those not part of a political group can submit 1 question each for written response. Questions submitted for written response will receive a written answer which will be provided to all Councillors within 5 working days of the meeting concerned and included in the minutes of that meeting.

Submission of petitions and questions by citizens

- 3 30 minutes will be allocated at any meeting of the Council, except for any Extraordinary meetings, to consider questions submitted by citizens and 'standard' petitions as follows:

(a) Questions from citizens

Questions may be submitted for oral response at a meeting of Council by citizens who live or have a business address (but not employees of businesses) within the City boundary. Questions must:

- i. relate to Council services but not be about individual or personal issues;
- ii. be concise and concern a single subject;
- iii. not be in several parts;
- iv. be in writing and addressed to a member of Executive Board, the Chair of a committee or the Chair of any other City Council body on a matter within their remit;
- v. be submitted by 9.00 am 2 clear working days before the meeting of Council at which they want the question to be asked.

The Lord Mayor will have discretion over the questions which may be asked at a Council meeting under this procedure.

(b) Petitions

Petitions may be submitted at a meeting of Council by citizens that live or have a business address (but not employees of businesses) within the City boundary.

i. Standard

Standard petitions (as defined under the Council's Petitions Scheme) may be submitted by Councillors, on behalf of citizens, and may be accompanied by a statement of no more than two minutes in length to be read by a Councillor on behalf of the organiser of the petition. Councillors must ensure that the petition organiser lives or has a business address (but not be an employee of a business) within the City boundary, before they submit the petition.

ii. Requiring debate

Petitions under this category of the Council's Petitions Scheme (i.e. in excess of 5000 signatures) must be submitted to the Head of Legal and Governance at least 12 working days prior to the date of the Council meeting. In the event of more than one petition being received, the Lord Mayor, having regard to the business to be transacted at a Council meeting, shall have discretion to determine at which meeting a petition shall be considered.

The petition organiser will be allocated 5 minutes to present the petition then the petition may be debated for a maximum of

15 minutes, or at the discretion of the Lord Mayor. The relevant Portfolio Holder(s) will present a provisional written response to the petition to inform discussion and to help full Council agree a response.

Order of business

- 4 At meetings of the Council, other than Extraordinary meetings and post-election Annual Meetings, the order of business will be as follows:
- (a) to choose a person (who is not a member of the Executive Board) to preside if the Lord Mayor and Sheriff are absent;
 - (b) apologies for absence;
 - (c) declarations of interests by Councillors and colleagues;
 - (d) in accordance with Standing Order 3, to receive any petitions from citizens and, without discussion, answers to questions from citizens. Answers to be given by a Councillor on the Executive Board, the Chair of a committee or the Chair of any other City Council body to questions on matters within their remit;
 - (e) to read the minutes of the last meeting of the Council to approve them, subject to any amendments. At an Extraordinary meeting of the Council, the minutes of the last meeting may be confirmed at the next ordinary meeting. Where the minutes correctly record any comment made concerning a Councillor, that Councillor shall have the right to comment on the factual accuracy of the comment itself;
 - (f)
 - i. to receive official communications;
 - ii. to receive announcements from the Leader of the Council and/or the Chief Executive;
 - (g) in accordance with Standing Order 2(d) to receive, without discussion, answers to questions from Councillors. Answers to be given by:
 - i. the City Council's lead Councillors on the Nottinghamshire and City of Nottingham Fire and Rescue Authority to questions on the discharge of that authority's functions;
 - ii. a Councillor on the Executive Board on any matter within their remit; or
 - iii. the Chair of a committee or the Chair of any other City Council body to questions on any matter within their remit;
 - (h) statutory Council business;
 - (i) reports from:
 - i. the Standards Committee;
 - ii. the Overview and Scrutiny Committee;
 - iii. the Leader or Deputy Leader of the Council;
 - iv. other Councillors on the Executive Board with portfolios;
 - v. the Audit Committee;
 - vi. non-Council bodies, as determined by the Executive Board;
 - (j) motions in the order they were submitted;
 - (k) other business set out in the notice convening the meeting;

- (l) appointments;
- (m) business which, in the opinion of the Lord Mayor or Chair, should be considered at the meeting as a matter of urgency.

5 The Council may, at any meeting, vary the order of business if two-thirds of the Councillors present and voting agree.

Rules of Debate

6 Before the start of the debate on any item, the Lord Mayor or Chair will ask which Councillors wish to speak and a note shall be taken of those Councillors.

7 An amendment must:

- (a) be in writing, signed by the mover and delivered to the Lord Mayor or Chair immediately upon being seconded;
- (b) have reference to the subject matter of the original motion **or recommendation** and not have the effect of negating (cancelling) that motion **or recommendation**.

8 Following receipt of an amendment which is found to be in order, the Lord Mayor or Chair shall ask which Councillors wish to speak on the amendment and a note will be taken of those Councillors. A further amendment may not be moved until the Council has decided on any earlier amendment.

9 If an amendment is carried (agreed), the motion **or recommendation** as amended takes the place of the original motion **or recommendation** and becomes the motion **or recommendation** to which any further amendment may be moved. The right of reply in respect of an amended motion or recommendation belongs to the mover of the successful amendment, or of the last such amendment if there is more than one.

10 A Councillor shall not speak more than once on any motion, report or amendment, except on a point of order or in exercising a right of reply. The mover of an original motion **or recommendation** will have the right of reply at the close of a debate on the motion **or recommendation** immediately before it is put to the vote or before a motion is put "that the debate is now adjourned" or "that the Council now adjourn". If an amendment is proposed, then:

- (a) the mover of the original motion **or recommendation**, or of the last successful amendment, will be entitled to speak on any amendment to the motion **or recommendation** immediately before the reply, and
- (b) the mover of the amendment will have the right of reply at the close of the debate on the amendment immediately before it is put to the vote or before a motion is put "that the debate is now adjourned" or "that the Council now adjourn".

11 No motion, report or amendment will be debated until it is moved and seconded. A Councillor, when seconding may, if he/she then discloses his/her intention to do so, reserve his/her speech until a later period in the

debate. A motion or report which is moved but not seconded will be put immediately to the vote without debate.

- 12 A Councillor who has not spoken on the question before the Council may, at the conclusion of a speech of another Councillor, move without comment (provided that he/she has not previously moved to the same effect whilst the same question is under discussion):
- (a) “that the question is now put”;
 - (b) “that the debate is adjourned”;
 - (c) “that the Council now adjourn”;

on the seconding of which the Lord Mayor or Chair, if in his/her opinion the question before the meeting has been sufficiently discussed, will, subject to the right of reply, put that motion to the vote. The motion will be carried if it is passed by two-thirds of the Councillors present and voting.

- 13 A Councillor shall stand when speaking and shall address the Lord Mayor or Chair. If standing would cause a councillor to experience discomfort or difficulty, then they are permitted to remain seated whilst speaking or raising a point of order.

- 14 Whenever the Lord Mayor or Chair rises during a debate a Councillor then speaking or standing shall resume his/her seat and the Council shall be silent.

- 15 A Councillor may rise to a point of order during a debate, provided that he/she does no more than call attention to the alleged breach of order:
- (a) a Councillor may not, upon the pretext of raising a point of order, express differences of opinion or contradict a speaker;
 - (b) the point of order must be very briefly stated to the Lord Mayor or Chair in the form of a question and identifying the relevant standing order. A Councillor, having raised it, shall at once resume his/her seat and the point raised will be decided by the Lord Mayor or Chair;
 - (c) a Councillor, against whom a point of order is being raised, must sit down until the Lord Mayor or Chair has given his/her decision.

The following will be recognised as breaches of order:

- (d) violation of any Standing Order;
- (e) discussion of a question not before the meeting.

- 16 Where a meeting of the Council is still in progress at 9.30 pm:
- (a) the Lord Mayor or Chair will require discussion to be discontinued and no further discussion will take place;
 - (b) if any question under discussion is a motion, it will immediately be put to the vote without the exercise of any right of reply;
 - (c) any outstanding matters will then, in the order in which they appear on the summons, be formally moved and seconded, without comment, and put to the vote without debate;
 - (d) the Lord Mayor or Chair will declare the meeting closed.

- 17 The ruling of the Lord Mayor or Chair on all questions of Standing Orders

and all matters arising in debate will be final and will not be open to discussion.

Time Limits

- 18 (a) Questions to Councillors
A Councillor responding to a question under Standing Orders 2(d) and 3(a) will be allowed a maximum of 10 minutes to respond. Responses to any supplementary questions will be subject to a 5 minute limit.
- (b) Speaker times on agenda items
A proposer of a **report**, motion or amendment will be allowed a maximum of 15 minutes to speak on that item. The seconder of the **report**, motion or amendment, and the principal opposition speaker will be allowed a maximum of 10 minutes. Each other speaker on a **report**, motion or amendment (including those exercising a right to reply) will be allowed a maximum of 5 minutes. In all cases the time limits specified may be changed at the sole discretion of the Lord Mayor (or in their absence, the Sheriff or Chair).

Voting

- 19 Voting on all questions will be by show of hands, subject to any legal requirement. Where, immediately after a vote is taken, any Councillor requests that their vote be recorded, the minutes of the meeting will record whether he/she voted for or against the question or abstained.

In all cases of elections to office, except where by law it is otherwise provided, the votes of the Council will first be taken for all nominated persons. Each person voting will vote for only one of the nominated persons. After the first voting the names of any persons nominated who received no votes, and the name of the person who received the fewest votes will be withdrawn from further voting. If more than one person receives the smallest number of votes the names of all nominated persons receiving that number of votes will be withdrawn. The votes will then be taken again in the same way for the remaining nominated persons. This process will continue until one nominated person receives the votes of a majority of the Councillors present, when he/she will be declared to be duly elected.

Quorum

- 20 The quorum for meetings of the Council is 14 (in accordance with the statutory requirement).

Conduct

- 21 At all times during Council meetings Councillors will behave with courtesy and respect towards others and do nothing which might bring the Council into disrepute or disrupt Council business.

- 22 If the Lord Mayor or Chair considers that a Councillor is in breach of Standing Order 21, he/she may:
- (a) require the removal of the Councillor from the meeting; and/or
 - (b) refer the matter for consideration by the Standards Committee.

Political Balance

- 23 Wherever in Standing Orders, or elsewhere in the Council's Constitution, there is a requirement that a body should be politically balanced, appointment to seats on the body concerned will be made in accordance with the wishes of the group to which those seats are allocated, as expressed by the Leader of that group.

The Policy Framework and the Budget Dispute Resolution

- 24 Where the Executive Board 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 will take the action set out in Standing Order 25.
- 25 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 their 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 will inform the Leader of any objections which it has to the draft plan or strategy, and give him/her instructions requiring the Executive Board to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- 26 Where the Council gives instructions in accordance with Standing Order 25, it will specify a period of 10 working days, beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive Board, within which the Leader may:
- (a) submit a revision of the draft plan or strategy as amended by the Executive Board (the "revised draft plan or strategy"), with the Board's reasons for any amendments made to the draft plan or strategy, to the Council for its consideration; or
 - (b) inform the Council of any disagreement that the Executive Board has with any of the Council's objections and the Board's reasons for any such disagreement.
- 27 When the period specified by the Council, referred to in Standing Order 26, has expired, the Council will, 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 their 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 Executive Board's reasons for those amendments, any disagreement that the Board has with any of the Council's objections and the Board's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

- 28 Subject to Standing Order 32, where, before 8 February in any financial year, the Executive Board 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 any of sections 32 to 37 or 43 to 49, of 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 Standing Order 29.
- 29 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Standing Order 36, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it will inform the Chair of the Executive Board of any objections which it has to the Committee's estimates or amounts and must give to him/her instructions requiring the Committee to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 30 Where the Council gives instructions in accordance with Standing Order 29, it will specify a period of 10 working days, beginning on the day after the date on which the Chair receives the instructions on behalf of the Board, within which the Chair may:
- (a) submit a revision of the estimates or amounts as amended by the Executive Board ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Board's reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
 - (b) inform the Council of any disagreement the Board has with any of the Council's objections and the reasons for any such disagreement.
- 31 When the period specified by the Council, referred to in Standing Order

30, has expired, the Council will, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in Standing Order 36(a), or issuing a precept under Chapter IV of Part I 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 Executive Board reasons for those amendments;
 - (c) any disagreement that the Board has with any of the Council's objections; and
 - (d) the Board's reasons for that disagreement,
- which the Chair submitted to the Council, or informed the Council of, within the period specified.

32 Paragraphs 28 to 31 do not apply in relation to:

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

33 The Executive Board may, without reference to Council, take any decision which is contrary to or not wholly in accordance with the budget or capital programme, provided that any additional costs incurred can be offset by additional (unforeseen) income, contingency funds (reserves and balances) or savings from elsewhere within the budgetary allocations to functions which are the responsibility of the Executive Board.

Secret Societies

34 A member of the Council who is a member of a secret society and is present at a meeting of the Council or of a board or committee of the Council at which a matter involving or associated with that society or a member of that society is to be considered will, before that matter is considered, declare a non-pecuniary interest in it. For the purpose of this Standing Order the following will be regarded as secret societies:

Any lodge, chapter, society, conclave, trust or regular gathering or meeting which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society, conclave, trust or regular gathering;
- (b) includes in the grant of membership an obligation on the part of the members to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, conclave or trust; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, conclave or trust.

A lodge, chapter, society, conclave, trust, gathering or meeting as defined above will not be regarded as a secret society if it forms part of the activity of

a generally recognised religion.

The Common Seal

- 35 The Chief Executive, the Director of Legal and Governance and the Head of Legal and Governance have authority to affix the Common Seal to any document required to give effect to a decision of the Council, a Board or a Committee or an officer exercising delegated powers. Documents not required by the Director of Legal and Governance to be under seal may be signed in accordance with paragraph 8 of the Contract Procedure Rules.

As to Boards, Committees and Panels Election of Chairs and Vice-Chairs

- 36 Except where appointments have been made by the Council, each board or committee will, at its first meeting, elect, from its own members, a Chair, and may elect a Vice-Chair, or Vice-Chairs.

Quorum

- 37 The quorum of a board, committee or sub-committee is three except where the Council, or in the case of Executive committees the Leader directs otherwise.

Summoning of Boards and Committees

- 38 All meetings of boards or committees will be summoned by the Corporate Director for Strategy and Resources. The Chair, Vice-Chair or any four Councillors of the Council may require a meeting of a board or committee of which they are members to be convened.

Appointment of Panels and Working Groups

- 39 Every board and committee and the Leader, Deputy Leader, Portfolio Holders and lead members may appoint politically balanced advisory panels and working groups with such terms of reference and membership (including members who are not members of the City Council) as they may determine.

Substitutes

- 40 (a) Committees of the Council other than Area Committees shall have provision for substitute members;
- (b) For each committee which has provision for substitute members, the Council will appoint as substitute members up to six Councillors nominated by each political group from their membership. Councillors appointed as substitutes for Executive committees must be members of the Executive;
- (c) Substitute members will have all the powers and duties of any ordinary member of the committee or sub-committee;
- (d) Substitute members may attend meetings in that capacity only to

- take the place of the ordinary member for whom they are substituting and where the ordinary member will be absent for the whole of the meeting;
- (e) It is the responsibility of the ordinary member who cannot attend to make arrangements for a substitute to be present in his/her place and to notify the Head of Legal and Governance, of the proposed substitution at least one hour before the meeting concerned. The substitution must be for the whole of that meeting;
 - (f) The attendance of substitute members will be recorded in the minutes of the meeting.

Motions in Committee

- 41 Motions in committee do not require a seconder.

Reports

- 42 A Councillor may submit a report relevant to the remit of any board, committee or sub-committee which they are a member of, to the Corporate Director for Strategy and Resources who shall include it in the next available agenda of that board, committee or sub-committee.

See also Access to Information Rules