

## **PART 4A**

### **Council Procedure Rules – Standing Orders**

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## SECTION 1 - RELATING TO MEETINGS OF THE COUNCIL

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### 1. Meetings of the Council

- (1) In addition to the Annual Meeting of the Council and any extraordinary meetings convened by the Mayor or by members of the Council (in accordance with Schedule 12 of the Local Government Act 1972), ordinary meetings shall be held in each year on such dates as the Council decides, provided that such dates may be varied by the Council, or by the Director: Governance and Assurance (Monitoring Officer) after consultation with the Leader of the Council.
- (2) The Annual Meeting shall be held at **7.00** pm or at such other time as the Council decides, at the Town Hall, Wallasey, or at such other place as the Council decides, and ordinary meetings of the Council shall be held at **6.00** pm, or at such other time decided by the Director: Governance and Assurance (Monitoring Officer) after consultation with the Leader of the Council, at the Town Hall, Wallasey.
- (3) Each ordinary meeting of the Council shall be concluded by **9:15pm on the day of the meeting** in accordance with the procedure contained in Standing Order 9, unless the Council agrees to suspend that standing order before it comes into operation at the meeting.
- (4) An extraordinary meeting of the Council may be called at any time by the Mayor. The Mayor should also consider a request for an extraordinary meeting if it is signed by five members of the Council. If the Mayor refuses to comply with the request or does not refuse but does not call an extraordinary meeting within seven days of receiving

the requisition, then any five members of the Council may call an extraordinary meeting.

## **2. Election of Mayor and appointment of Deputy Mayor**

The Council shall at the Annual Meeting elect a Mayor and appoint a Deputy Mayor. Should the Deputy Mayor subsequently be asked by the Leader to take up a position in his/her Cabinet and wishes to accept that invitation, then the Deputy Mayor shall relinquish the post of Deputy Mayor but may still be considered "Mayor Designate" for the following year. In these circumstances, a new appointment of a Deputy Mayor will be held as soon as practicable to carry out all the activities associated with that post.

## **3. Chair of Meeting**

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

## **4. Quorum**

- (1) Subject to the requirements of the Local Government Act 1972 the quorum of the Council shall be 17 (which shall include the Mayor or other person presiding at the meeting), and if during any meeting of the Council the Mayor, after counting the number of members present, declares that there is not a quorum present the meeting shall stand adjourned. Any undisposed of business shall be referred either to an adjourned meeting, the date and time of which shall be fixed by the Mayor after consultation with the Leader of the Council at the time the meeting is adjourned, or, if the Mayor does not fix a time, to the next ordinary meeting of the Council.
- (2) If at the end of 15 minutes after the time at which any meeting of the Council is scheduled to start a quorum is not present, no meeting shall take place. The majority of members then present, or if there is only one member then present that member, may fix the date and time for a reconvened meeting, and Director: Governance and Assurance (Monitoring Officer) shall make an appropriate entry in the minutes.

## **5. Order of Business (Council Meetings)**

- (1) This Standing Order shall be subject to Standing Order 5A below as respects Annual Meetings of the Council.
- (2) Subject to paragraph (3) below, the order of business at every meeting of the Council shall be as follows:
  - (a) **Selection of Chairperson** - to choose a person to preside if the Civic Mayor and Deputy Civic Mayor are absent;

- (b) **Declarations of Interest** - to receive declarations of interest from Members;
  - (c) **Civic Mayor's Announcements** - to receive the Civic Mayor's announcements;
  - (d) **Minutes** - to approve as a correct record and sign the minutes of the last meeting of the Council;
  - (e) **Business Required by Statute** - to deal with any business required by statute to be done before any other business;
  - (f) **Outstanding Business** - to dispose of business (if any) remaining from the previous meeting;
  - (g) **Petitions** - to receive petitions without debate in accordance with Standing Order 21;
  - (h) **Petitions** - to consider and decide upon active petitions referred to Council for debate under Standing Order 34(1); on a motion to be formally moved by the Civic Mayor and duly seconded to note the contents of the petition;
  - (i) **Public Questions** - to deal with questions from members of the public in accordance with the procedure set out in Appendix 1 to these standing orders;
  - (j) **Leader's, Executive Members' and Chair's Reports** - to receive the written reports of the Leader and the Cabinet Members and the Chairs of the Overview and Scrutiny Committees and receive questions and answers on any of those reports in accordance with Standing Order 10(2)(a);
  - (k) **Members' Questions** - to deal with Members questions in accordance with Standing Order 10(2)(b);
  - (l) **Matters Referred from Overview and Scrutiny Committee or Other Council Committees** - to deal with any references from the Overview and Scrutiny Committee or other Council Committees;
  - (m) **Vacancies** – to receive nominations, in accordance with Standing Order 25(6) in respect of proposed changes in the membership of Committees or appointments to outside organisations;
  - (n) **Matters Requiring Approval or Consideration by the Council** - to consider any recommendations of the Leader / Cabinet and Committees which require the approval of the Council;
  - (o) **Notices of Motion** - to consider any notices of motion submitted in accordance with Standing Order 7 which the Council agrees should be debated rather than being referred to the Leader or the appropriate Committee(s).
  - (p) **Other Business that the Mayor Considers Urgent** - to deal with any other urgent business.
- (3) The order of items (a - f) of paragraph (1) cannot be changed. The order of other items may be varied:
- (a) at the discretion of the Civic Mayor; or
  - (b) by a resolution duly moved and seconded, without discussion.

- (4) Notices of Motion shall be dealt with in the order in which they are received (unless otherwise stated within this Constitution).
- (5) Council shall conclude all business other than:
  - i. motions (and amendments thereto) to be debated pursuant to Standing Order 7; and
  - ii. any urgent business agreed by the Civic Mayorby no later than 7.15pm (unless otherwise permitted by the Civic Mayor).

## **5A Annual Meetings of the Council**

- (1) The Annual Meeting of the Council will be held:
  - (a) in a year of ordinary elections of Councillors to the Council, on the first Monday after the day of retirement of the persons who were Councillors before the election, or on such other day within 21 days after that day of retirement as the Council may fix; or
  - (b) in any other year, on the second Monday in May, or such other day in the month of March, April or May that year as the Council may fix.

But provided the Annual Meeting commences on such date, some or all of the business to be conducted at the Annual Meeting (with the exception of the election of a Mayor) may be adjourned to another date (or dates) determined by the Council. Note: The 'day of retirement of the persons who were Councillors before the election' is the fourth day after the day of the election (see the Local Government Act 1972, section 26(3)).

- (2) In addition to business of the kinds specified in Article 5 above, the business at Annual Meetings of the Council shall include:
  - (a) as the first item of business, the election of a Civic Mayor;
  - (b) the appointment of a Deputy Civic Mayor;
  - (c) the election of a Leader as provided for by Article 7.3 of the Constitution (but only when the occasion to do so under that Article arises);
  - (d) the appointment of Members to committees that are not Committees of the Cabinet;
  - (e) the appointment of Chairs and Vice-Chairs to such committees as are provided for at (d) unless the Council decides in any instance not to do so;
  - (f) the appointment of Members to panels, advisory committees, working parties and miscellaneous other bodies; and

- (g) the appointment of Members (and/or other individuals) to outside bodies and organisations.
- (3) A Policy Council to agree the policy framework/performance agreement will normally be held in July, its purpose to establish the Council's priorities, agree the Corporate Plan and inform the budget setting process including the Medium Term Financial Strategy.

## **5B Election of the Leader**

- (1) When the occasion arises for the Council to elect a Leader, the Mayor (or other person presiding at the meeting) shall invite a Member nominated by the Group Leader of the political group with the largest number of Councillors to propose the name of a Councillor to be elected as the Leader of the Council.
- (2) If a name is proposed under Rule 5B(1), the Mayor (or other person presiding at the meeting) shall then invite any Member to second that proposal.
- (3) If a name is proposed and seconded under Rules 5B(1) and (2), the Mayor (or other person presiding at the meeting) shall then invite the person proposed as Leader to confirm whether or not they accept the nomination and if (but only if) they so accept, to have the opportunity (which may be declined in whole or in part) to indicate to the Council the political composition and/or names of Cabinet Members that, if elected as the Leader, they would be minded to appoint.
- (4) If the person proposed as the Leader has confirmed their willingness to serve as the Leader if elected, the motion shall then be put to the vote without debate and, if a majority of those Councillors present and voting vote for the motion, the person proposed shall be elected as the Leader with immediate effect and shall be invited to make an acceptance speech of not more than 5 minutes duration.
- (5) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then Rules 5B(1) to (4) shall be repeated with substitution in Rule 5B(1) of the phrase 'the Group Leader of the political group with the largest number of Councillors' by the phrase 'the Group Leader of the political group with the second largest number of Councillors'.
- (6) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then Rules 5B(1) to (4) shall be repeated with substitution in Rule 5B(1) of the phrase 'the Group Leader of the political group with the largest number of Councillors' by the phrase 'the Group Leader of the political group with the third largest number of Councillors'.

- (7) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then, so far as the Mayor considers it appropriate, Rules 5B(1) to (6) may be repeated.
- (8) Where two or more political groups comprise the same number of Councillors their precedence under this Rule 5B shall be determined by agreement of the relevant Group Leaders or, in the absence of such agreement, by the drawing of lots (before or during the meeting) in a manner determined by the Director: Governance and Assurance (Monitoring Officer) (or his representative attending the meeting).
- (9) The Leader shall confirm his/her Cabinet and Cabinet Portfolios and Holders (or otherwise confirm to Council that such details shall be communicated to all Members as soon as practically possible after the Annual General Meeting).

## 6. Minutes

- (1) If the minutes of the last meeting of the Council have been circulated before the meeting, they shall be taken as read and the Mayor shall move that they be approved as a correct record.
- (2) The minutes shall not be discussed except to question their accuracy. If their accuracy is not disputed the Mayor shall sign them. Any question of accuracy shall be put to the vote.
- (3) Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule.

## 7. Notices of Motion

- (1) Subject to Standing Order 17, notice of every motion except of one under Standing Order 8 shall be given in writing, signed by the Elected Member in whose name it stands ("the Proposer") and seconded by another Elected Member ("the Secunder") **no later than the Monday of the second week before each ordinary meeting of the Council** to the Director: Governance and Assurance (Monitoring Officer).
- (2) The Director: Governance and Assurance (Monitoring Officer) shall set out in the Summons for every meeting of Ordinary Council all motions of which notice has been duly given under Standing Order 7(1) and to be debated (as determined under Standing Order 7(4)) in the following order, unless the Proposer of the motion has since withdrawn it in writing:

1. Largest Political Group Notice of Motion;
  2. Second largest Political Group Notice of Motion;
  3. Third largest Political Group Notice of Motion;
  4. A Notice of Motion not received from a Political Group;
  5. The order above thereafter to be repeated.
- (3) If a motion set out in the Summons is not moved by the member who gave notice of it or by another member on his/her behalf, or is not duly seconded, it shall, unless postponed with the agreement of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (4) If the Mayor does not consider it convenient or conducive to the dispatch of business or the majority of councillors present do not agree that the motion will be dealt with at the meeting at which it is brought forward, it shall be referred without discussion to the Leader or such committee as the Mayor may determine for consideration.
- (5) Where a motion has been referred to any committee or the Cabinet under the previous paragraph, any debate on that motion at a subsequent Council meeting shall take place upon the report or the recommendation of the committee(s) or the Cabinet and there shall be no separate debate upon the motion itself.
- (6) The Proposer and Seconder of a motion which has been referred to the executive or any committee shall be given notice of the meeting at which it is to be considered. Either the Proposer or Seconder shall have the right to attend the meeting and an opportunity of explaining the motion.
- (7) Every motion shall be relevant to some matter which affects the Borough or be related to the Council's powers or duties.
- (8) If the Director: Governance and Assurance (Monitoring Officer) after consultation with the Mayor is of the opinion that a notice of motion is out of order it shall not be included in the Council Summons and that officer shall arrange for the members who signed it to be so informed.
- (9) All amendments to motions submitted under Standing Order 7(1) and to be debated (as determined under Standing Order 7(4)) must be submitted to the Director: Governance and Assurance (Monitoring Officer) by 10.00am on the Friday immediately preceding the Ordinary Council meeting at which the motion is to be debated. All such amendments shall be published by the Director: Governance and Assurance (Monitoring Officer).
- (10) In the case of a Notice of Motion being referred to the Leader, Cabinet or a Committee of the Council by the Civic Mayor, the Standards and Constitutional Oversight Committee shall determine the procedure for how such a referral shall be dealt with.



## **8. Motions which may be moved without notice having been given under Standing Order 7**

The following motions may be moved without notice, but must be seconded. The mover must confine any remarks to the form of the motion:

- (a) appointment of a Chair for the meeting at which the motion is made;
- (b) motions relating to the accuracy of the minutes;
- (c) that an item of business specified in the Summons has precedence;
- (d) appointment of a committee or members of it, arising from an item mentioned in the Summons, or the submission to Council for approval of a name as a member of any body as required by the minutes of the Council or of a committee;
- (e) adoption of reports and recommendations of committees or officers and any consequent resolutions;
- (f) that leave be given to withdraw a motion;
- (g) extending the time limit for speeches in accordance with Standing Order 12(7);
- (h) that the Council proceed to the next business;
- (i) that the question be now put;
- (j) that the debate be now adjourned;
- (k) that the Council adjourn to a specified time and date, or to such time and date as the Mayor may decide after consultation with the Leader of the Council;
- (l) suspending a Standing Order in accordance with Standing Order 22A;
- (m) motions under the Local Government (Access to Information) Act 1985 to exclude the public;
- (n) that a member named under Standing Order 15 be not further heard or do leave the meeting;
- (o) giving the consent of the Council where the consent of the Council is required by these Standing Orders;
- (p) to amend the motion;
- (q) to postpone consideration of the motion or amendment;
- (r) motions and amendments on references by a Overview and Scrutiny Committee; and
- (s) any motion or amendment relating to the referring of petitions or their debate at Council pursuant to Standing Order 34.

## **9. Conclusion of Council Meeting**

- (1) If the Council has not disposed of all Business by 9.15 pm on the day of the meeting it shall dispose of the item then under consideration as if the motion 'That the question be now put' had been carried, i.e. the debate shall be concluded by the seconder and by the Member who has the right of reply (see Standing Order 12(14)(b) below).

- (2) After that matter has been disposed of, all remaining matters listed for debate, shall be dealt with by being moved and seconded without discussion and put to the vote.

## 10. Questions

- (1) At every ordinary Council meeting, except the Budget Council meeting, questions may be asked by either a member of the Council or a member of the public in accordance with this standing order.
- (2) A member of the Council may:
  - (a) ask a question of the Leader, a Cabinet Member or the Chair of a committee any question without notice on any written report under Standing Order 5(2) (h) of the Executive Board or a committee submitted to the Council at that meeting.
  - (b) ask the Mayor or the Chair of any committee or a Cabinet member a general question on any matter which affects the Borough or which is related to the Council's powers or duties. Notice of a general question must be given to the Director: Governance and Assurance (Monitoring Officer) by **10.00 a.m. on the Wednesday** preceding the day on which Council is held.
- (3) A member of the public may ask a question in accordance with the procedure set out in the appendix to these standing orders.
- (4) Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer.
- (5) An answer may take the form of:
  - (a) a direct oral answer; or
  - (b) where the information requested is contained in a publication of the Council, a reference to that publication; or
  - (c) a written answer circulated to members of the Council either during the meeting at which the question is asked or subsequently.
- (6) If a question relates to a matter within the competence of a sub-committee, the Chair may refer it to the Chair of that sub-committee, and the expression "Chair" in the standing order shall be interpreted in this way.
- (7) Where a spokesperson has been nominated under the Local Government Act 1985 or any other statute to answer questions in Council on matters relating to the functions of other authorities, or any member or officer is required to answer questions pursuant to section 71(5) of the Local Government and Housing Act 1989 that

spokesperson, member or officer shall be treated as a Chair for the purposes of this Standing Order and those parts of it relating to general questions shall apply.

## **11. Restrictions and time limits on questions**

- (a) Any question shall be limited to 2 minutes.
- (b) Questions by members on written report submitted under Standing Order 5(2)(h) may be asked in any order – the total number of questions on any one report shall not usually exceed five.
- (c) Response to questions should be brief, succinct and to the point.
- (d) The total time allocated to member questions and responses on the written reports submitted under Standing Order 5(2)(h) shall not exceed 45 minutes.
- (e) Where a verbal response cannot be provided to any question asked by a member under Standing Order 10(2), a written response shall be provided within 10 working days thereafter.
- (f) The Civic Mayor will broadly endeavour to call members and allocate the time for questions fairly and equitably.
- (g) The Civic Mayor as an exception may agree to an extension of these numbers and time limits.

## **12. Rules of Debate for Council Meetings**

### **12(1) Motions and Amendments**

A motion or amendment shall relate to a recommendation of a committee submitted in accordance with Standing Order 5.2(l), or to a matter referred to in Standing Orders 7 and 8. It shall not be discussed unless it has been proposed and seconded.

The terms of any amendment or notice of motion shall not be varied except with the agreement of the Council

### **12(2) Joint Debates**

The Council can agree to deal with the two or more related motions in one debate. Each mover and seconder should have the right to speak in accordance with Standing Order 12(7) and separate votes should be taken on each motion.

### **12(3) Seconding**

A member when seconding a motion or amendment shall speak immediately before the reply made by either the Chair or the mover of the original motion, under paragraphs (5) or (6) of this standing order. No further ordinary speeches shall be made after the seconder has spoken.

#### **12(4) Standing when speaking**

A member when speaking shall stand and address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order.

#### **12(5) Right of reply (Amendment to Recommendation)**

The Chair of the Committee or the Member of the Cabinet, the recommendation under 5(2)(l) of which is being debated, shall have the right of reply at the close of the debate on the amendment.

#### **12(6) Right of reply (Notices of Motion under Standing Order 7)**

The mover of a motion has a right to reply at the close of the debate on the motion. If an amendment is moved, only the mover of the original motion has a right of reply at the close of the debate on the amendment.

#### **12(7) Speeches, restrictions and time limits**

A member shall direct any speech to the matter under discussion or to a point of order as defined in paragraph (15) of this standing order. The following time limits shall apply to speeches:-

- (a) the Chair, Cabinet Member or mover of the motion - not exceeding 5 minutes;
- (b) the seconder of the motion or notice of motion - not exceeding 3 minutes;
- (c) the Chair, Cabinet member or the mover of the motion, having the right to reply - not exceeding 3 minutes;  
The Chair having the right to reply shall be entitled to give an explanation immediately after the motion has been moved and seconded but the total time allowed for the explanation and for the reply at the end of the debate shall not exceed 5 minutes;
- (d) any other speakers - not exceeding 3 minutes.  
The Civic Mayor as an exception may agree to an extension of these time limits for a period or successive periods of 2 minutes.

#### **12(8) Restrictions on speaking more than once**

A member who has spoken on any motion shall not speak again while it is the subject of debate, except

- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since the member last spoke, to move a further amendment;
- (c) in exercise of a right of reply given by paragraphs (5), (6), (7) or (14) of this standing order;
- (d) on a point of order.

## **12(9) Amendments**

Subject to Standing Order 7(5) an amendment to a motion or recommendation of the Cabinet or of a Committee shall be relevant to the motion or recommendation under consideration and shall be either

- (a) to refer or refer back a subject of debate for consideration or re-consideration as the case may be;
- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words.
- (e) Where an ordinary Council meeting is scheduled to take place on a Monday, any amendment to a Notice of Motion submitted pursuant to Standing Order 7, must be submitted to the Director: Governance and Assurance (Monitoring Officer) (or his/her nominee) by no later than 10:00a.m on the Friday immediately preceding that ordinary Council meeting. In the case of any other scheduled ordinary Council meeting, any amendment proposed to a Notice of Motion, must be submitted to the Director: Governance and Assurance (Monitoring Officer) (or his/her nominee) at least two clear working days prior to the relevant ordinary Council meeting, unless the Civic Mayor agrees, giving reasons in writing, that it is in the public interest to allow the submission of the amendment at an alternative date and time as long as the effect of any amendment is not to negate the motion or recommendation.

## **12(10) Amendments to be dealt with in order**

Only one amendment may be moved and discussed at a time.

## **12(11) Substantive motion**

If an amendment is lost, other amendments notified under Standing Order 12(9)(e) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

## **12(12) Withdrawal of Motion or Amendment**

A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion. No member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused (see Standing Order 7(3)).

## **12(13) Motions which may be moved in course of debate**

When a motion or amendment is under debate no motion shall be moved except the following:

- (a) to amend the motion;
- (b) to postpone consideration of the motion or amendment;

- (c) to adjourn the meeting;
- (d) to suspend Standing Order 9(1);
- (e) to adjourn the debate;
- (f) to proceed to the next business;
- (g) that the question be now put;
- (h) that a member be not further heard;
- (i) by the Mayor under Standing Order 15, that a member do leave the meeting;
- (j) a motion under the Local Government (Access to Information) Act 1985 to exclude the public;
- (k) giving the agreement of the Council where the agreement is required by these standing orders.

### **12(14) Closure motions**

A Member who has not spoken previously on a matter under debate may move without comment at the end of a speech of another member:

"That the Council proceed to the next business",  
 or "That the question be now put",  
 or "That the debate be now adjourned",  
 or "That the Council do now adjourn".

If the motion is seconded the Mayor shall proceed as follows:-

- (a) On a motion to proceed to next business,
  - (i) the Mayor shall put the motion to proceed to the next business to the vote, unless in the Mayor's opinion the matter before the meeting has not been sufficiently discussed;
  - (ii) if that motion is not carried the Mayor shall allow the debate to continue;
  - (iii) if that motion is carried the Council shall immediately proceed to consideration of the next item of business.
  
- (b) On a motion that the question be now put,
  - (i) the Mayor shall put the motion that the question be now put to the vote, unless in the Mayor's opinion the matter before the meeting has not been sufficiently discussed;
  - (ii) if that motion is not carried the Mayor shall allow the debate to continue;
  - (iii) if that motion is carried the Mayor shall call upon the seconder of the motion under discussion provided the seconder has not already spoken.

The Mayor shall then call upon the Chair, Cabinet member or the mover of the original motion to reply, as appropriate in accordance with paragraphs (5) or (6) of this standing order;

- (iv) the Mayor shall then put the original matter under debate to the vote.
- (c) On a motion to adjourn the debate or the meeting, the Mayor shall put the adjournment motion to the vote without calling on the Chair, Cabinet member or the mover of the original motion to reply under paragraphs (5) or (6) of this standing order. Similarly, the seconder of the original motion who has not already spoken shall not be allowed to speak.

### **12(15) Point of Order**

A member may rise on a point of order and shall be entitled to be heard immediately.

**A POINT OF ORDER SHALL RELATE ONLY TO AN ALLEGED BREACH OF A STANDING ORDER OR STATUTORY PROVISION, AND THE MEMBER SHALL SPECIFY THE STANDING ORDER OR THE STATUTORY PROVISION AND THE WAY IN WHICH HE/SHE CONSIDERS IT HAS BEEN BROKEN.**

### **12(16) Mayor's ruling**

The ruling of the Mayor on a point of order shall not be open to discussion.

### **12(17) Precedence of Mayor**

Whenever the Mayor rises during a debate a member then standing shall be seated and the Council shall be silent.

## **13. Budget Council Procedure**

The Director: Governance and Assurance (Monitoring Officer) shall prior to the budget meeting of the Council consult with the Leaders of each political group and submit to the Cabinet and the Council a suggested procedure to be adopted at the budget meeting but if no such procedure is adopted the normal procedures of the Council in relation to amendments to Cabinet recommendations will apply. Council's Budget and Policy Framework Procedure Rules (standing orders) contained as Part 4(C) of the Constitution. Council Minute 116 (5 March 2018) refers.

## **14. Motions affecting persons employed by the Council**

If any question arises at a meeting of the Council (or at a committee of it or at Cabinet) to which the Local Government (Access to Information) Act 1985 applies as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct, of any person employed by the Council, that question shall not be discussed until the Council, committee or Cabinet has decided whether or not the power of exclusion of the public under the Act should be exercised.

## **15. Disorderly conduct**

- (1) If any member of the Council misconducts himself/herself at a meeting by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the named member be not further heard". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall take no further part in the debate in question.
- (2) If the named member continues the misconduct after a motion under the previous paragraph has been carried, or if any member acts so irregularly, improperly or offensively that the member's continued presence at the meeting cannot reasonably be tolerated, the Mayor or any other member may move "That the named member leave the meeting immediately". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall leave the meeting immediately.
- (3) If the named member continues the misconduct after a motion under paragraph (1) has been carried, the Mayor shall have a discretion, and as an alternative to pursuing the action set out in paragraph (2), to adjourn the meeting for a period of up to 30 minutes.
- (4) In the event of a general disturbance which in the opinion of the Mayor prevents the Council from disposing of its business in a proper and orderly manner, the Mayor may, without the question being put, adjourn the meeting for a period of up to 30 minutes.

## **16. Disturbance by members of the public**

- (1) If a member of the public interrupts the proceedings at any meeting the Mayor shall issue a warning. If that person continues the interruption the Mayor may order the person to be removed from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public the Mayor may order that part to be cleared.
- (2) In the event of a general disturbance which, in the opinion of the Mayor, prevents the Council from disposing of its business in a proper and orderly manner, the Mayor may, without the question being put, adjourn the meeting for a period of up to 30 minutes.

## **17. Rescission of preceding resolution**



- (1) No decision of the Council (including a decision taken by a committee or panel under delegated powers) may be reconsidered by the Council on a notice of motion within six months of the date of the earlier decision unless the notice of motion (under Standing Order 7) is signed by 17 members of the Council. If that motion is rejected by the Council neither it nor one to the same effect can be considered by the Council for six months.
- (2) No resolution or recommendation (other than a procedural resolution) made by a committee or panel during the course of a meeting shall be rescinded or amended by the committee or panel during the same meeting or any adjournment of it unless there are reasonable grounds for believing that all of the material information was not available at the time that the resolution or recommendation was passed.

## **18. Voting**

- (1) **Majority**  
Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room and seated in their places at the time the question is put.
- (2) **Casting Vote**  
If there are equal numbers of votes for and against, the Mayor will have the right to exercise a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote, including the choice not to use such vote.
- (3) **Method of Voting**  
Unless a recorded vote is demanded under 18.4 below, the Mayor will take the vote by use of the electronic voting system or, if there is no dissent, by the affirmation of the meeting.

The Mayor may decide at any time to discontinue use of the electronic voting system if satisfied that it is not working correctly. If the Mayor considers that there has been any malfunction of the equipment or any incorrect use of it, the Mayor may require or allow the vote to be retaken, either electronically or by show of hands.

Where the electronic voting system is not working correctly or unavailable, the Mayor will take the vote by show of hands.

- (4) **Recorded Vote**  
If a Member of the Council makes a request before a vote is taken (including during the closure procedure referred to in Standing Order 9(1)) and is supported by five other members rising in their places, the voting on any question shall be by roll-call and the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

This standing order will apply automatically in respect of a vote taken at a Budget Decision meeting of the Council in accordance with the Budget and Procedure Rules at Part 4C of this Constitution.

- (5) **Right to Require Individual Vote to be Recorded**  
Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.
- (6) **Voting on Appointments**  
If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. (This does not apply to the office of the Mayor or Leader which is by election by Council).

**19. [This Rule has been deleted following adoption of Standing Order 18(6)]**

**20. Interest of officers in contracts**

The Director: Governance and Assurance (Monitoring Officer) shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours for inspection by any member of the Council.

**21. Petitions**

Petition shall be dealt with in accordance with Standing Order 34. Save as permitted by Standing Order 34 no person shall be entitled to speak to a petition at Council.

**22. Interpretation of Standing Orders**

The ruling of the Mayor as to the interpretation or application of any of the standing orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

**22A. Suspension of Standing Orders**

- (1) Subject to paragraphs (2) and (3) of this standing order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting of the Council where its suspension is moved.
- (2) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order 9) unless there shall be present at least one half of the whole number of the members of the Council.

- (3) Standing Orders 6(3), 18(6), 23(f) (and the reference thereto in Standing Order 33) shall not be capable of being suspended without statutory authority.

## **SECTION 2 - RELATING TO COMMITTEES**

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### **23. Standing Orders to apply to committees and sub-committees**

The following standing orders of the Council shall, with any necessary modification, apply to committee, sub-committee and panel meetings -

- (a) Rules of Debate (except for those parts which relate to standing, to speaking more than once, and to amendments being in writing) - S O 12
- (b) Motions affecting persons employed by the Council - S O 14
- (c) Disorderly conduct - S O 15
- (d) Disturbance by members of the public - S O 16
- (e) Rescission of preceding resolution - S O 17
- (f) Recording of votes - S O 18(5)
- (g) Voting on appointments - S O 18(6)
- (h) In relation to start time – S O 1
- (i) In relation to the suspension of standing orders – SO 22A

### **24. [*This Procedure Rule has been deleted*]**

### **25. Committees, Sub-Committees of the Council and Attendance**

- (1) Unless its terms of reference provide otherwise, a committee may authorise one of its sub-committees or any officer of the Council to discharge any of its functions.
- (2) Unless it is expressly stated to the contrary, reference to committees and sub-committees in this section of Standing Orders shall be taken not to include panels (see Standing Order 33).
- (3) No member shall be appointed to a committee of the Council so as to hold office later than the next Annual Meeting of the Council.
- (4) The Council may at any time dissolve such a committee or alter its membership.
- (5) The Leaders and Deputy Leaders of the three largest political groups represented on the Council shall, if not members, be permitted to attend meetings of the Cabinet, committees and Overview and Scrutiny Committees, sub-committees and panels, but with the right to speak only at the Chair's invitation.

- (6) When a casual vacancy occurs, or when a political group wishes to alter its representation on such a committee, the relevant political group shall submit a replacement nomination to the Director: Governance and Assurance (Monitoring Officer), who shall report the nomination to the next meeting of the Council. The appointment of the nominee shall be deemed to take effect when the nomination has been reported, without the need for a vote.
- (a) The Council may appoint named deputies for members of its committees and each committee may appoint named deputies for members of its subcommittee(s) and panel(s) up to a maximum of eight for each political group, and such deputies shall be authorised to deputise for any member of their group who is unable to attend a meeting.
  - (b) In the absence of the first named deputy the second member is deemed to be the deputy and in the absence of both the third shall be the deputy, and so on.
  - (c) If apart from this paragraph a person would be entitled to act as a deputy for more than one member of the committee that person shall be the deputy for the member whose surname has alphabetical priority and shall be regarded as absent in deciding which other deputy members are entitled to act in the absence of any other member of the committee.
  - (d) Once a meeting has commenced no member shall be replaced by a deputy and no deputy shall be replaced by any other member provided that where a meeting has been adjourned to another date the adjourned meeting shall be regarded as a separate meeting for the purposes of this Standing Order. The exception to this is where meetings are considering individual applications and where changes in membership are necessary due to declarations of interest.
- (7) A member of the Cabinet shall not be appointed to serve on any Overview and Scrutiny Committee of the Council.

## **26. Special meetings of committees**

- (1) The Chair of the Cabinet or of any committee or sub-committee (or his/her nominee) may authorise the calling of a special meeting at any time, provided that in the case of the Cabinet the Chair should consult other party leaders represented on the Cabinet and in the case of committees the relevant party spokespersons prior to any decision on the date of the meeting.
- (2) A special meeting of a committee or sub-committee may also be called on the requisition of any two party spokespersons for the committee or

sub-committee in question or by any three members of the committee - delivered in writing to the Head of Legal and Member Services. Subject to paragraph (3) below, the special meeting be organised within 14 days of the date of receipt of the requisition or as soon as reasonably practicable, the actual date being determined by the Head of Legal and Member Services after consultation with the party spokespersons of the two political groups referred to in the requisition.

- (3) No special meeting of a committee or sub-committee shall be held in the period between the last meeting of the Council before the summer recess and the 1st of September in any year without the agreement of the Chair.
- (4) The Director: Governance and Assurance (Monitoring Officer) may convene a meeting of a Overview and Scrutiny Committee when required to comply with the Call-In procedure.

## **27. Attendance of members of the Council at Cabinet and committee meetings**

A member of the Council may attend any meeting of the Cabinet, a standing committee, sub-committee or panel of the Council, even though he or she is not a member of the committee/sub-committee/panel. Non-members of the Cabinet, committee, sub-committee or panel may be excluded from the meeting if, in addition to passing a resolution pursuant to the Local Government (Access to Information) Act 1985, the committee/subcommittee/ panel also passes a resolution excluding non-members of that committee/sub-committee/panel. This standing order shall not affect a member's rights at common law.

## **28. Selection of Mayor and Deputy Mayor of the Council**

The Cabinet shall be empowered to make recommendations to the Annual Meeting of the Council of the name of the person to be proposed for election as Mayor and of the name of the person to be proposed for appointment as Deputy Mayor.

## **29. Quorum of committees and sub-committees**

- (1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any committee unless at least one quarter of the whole number of the committee is present.

In no case shall a quorum of a committee be fewer than four members.

- (2) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of a sub-committee or panel unless at least one quarter of the whole number of the subcommittee is present.

In no case shall a quorum of a sub-committee be fewer than three members.

### **30. Voting in committees and sub-committees**

Voting at a meeting of a committee, sub-committee or panel shall be on a show of hands, and where there is an equality of votes the Chair of the meeting shall have a second or casting vote. The minutes of a committee, sub-committee or panel shall record the number of votes cast for and against any motion which is put to the vote. All motions and amendments formally moved and seconded shall be recorded in the minutes.

### **31. Proceedings of committees to be confidential**

Reports and documents marked "Not for Publication" shall be so treated unless and until they become public in the ordinary course of the Council's business or until that classification is removed by a committee, sub-committee or panel or by the Council. Reports marked "Confidential" shall remain confidential at all times.

### **32. Surrender of delegated powers**

Where any powers or duties have been delegated to the Pensions Committee it may submit any of its decisions to the Council for approval if it so decides. It must submit any decision in this way if requested to do so at the meeting at which that decision is made by at least one quarter of the total number of members present and voting. The request may be made before or after the vote is taken provided the next item of business has not been called.

### **33. Panels**

- (1) A Committee may appoint one or more panels of members for the purpose of advising on or deciding any matter within the committee's terms of reference. The need for such panels shall be kept under review and in particular shall be reviewed at the first meeting of the Committee in each municipal year.
- (2) Committees may appoint the Chairs, Vice-Chairs and members of panels.
- (3) Panel meetings shall be summoned by the Director: Governance and Assurance (Monitoring Officer) (or by another officer duly nominated) with the consent of the Chair of the panel.
- (4) The minutes of each panel meeting shall be submitted to the subsequent meeting of the committee concerned.
- (5) Notwithstanding the delegation of any powers to a panel, a panel may, if it so decides, submit a matter to the committee concerned or to a sub-committee for decision.

- (6) Standing Orders 23, 25(4) and (6), 27, 29(2), 30 and 31 shall apply to meetings of panels. Any reference to a committee or sub-committee in other parts of the Council's Rules of Procedure shall be construed as including a panel.

#### **34. Petitions**

Petitions will be managed in accordance with the Petition Scheme

#### **35. Calling-In of decisions**

- (1) All decisions of:
- (i) the Cabinet;
  - (ii) an individual member of the Cabinet; or
  - (iii) a committee of the Cabinet; and
  - (iv) key decisions taken by an officer

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

- (2) That Minute(s) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 5:00p.m. on the final day of the Call-In period of **within** five clear working days from the date of publication. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period).
- (3)
- (i) During that period, the Chief Executive shall Call-In a decision for scrutiny by the responsible Overview and Scrutiny Committee in which the matter relates if so requested by any six members of the Council who have given detailed reasons for the Call- In of the decision. The detailed reasons must be provided by the Lead signatory by the Call-In deadline. When a Call-In is requested, the Chief Executive shall liaise with the Member listed first on the Call-In schedule to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the Call-In should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a special meeting of one of the Overview and Scrutiny Committees, designated through consultation with the Chairs of the committees, on such date as he/she may determine, where possible and in any case within 15 working days of the decision to Call-In.

- (ii) The relevant Chief Officer and all members will be notified of a Call-In immediately and no action will be taken to implement the decision until the Call-In procedure has been completed. A decision of the Cabinet, a committee of the Cabinet or individual Cabinet member may be called in only once.
  - (iii) The meeting of the committee to consider the Call-In shall be quorate if four (4) or more members are in attendance.
  - (iv) The meeting of the Overview and Scrutiny Committee shall commence at 4:00pm unless otherwise agreed by the Chairperson.
  - (v) Should a committee meeting be adjourned part-heard it must be convened within 7 working days thereafter otherwise it shall be abandoned and a new committee meeting convened within 7 working days.
- (4) Having considered the decision, the Overview and Scrutiny Committee may:-
- (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;
  - (ii) refer the matter to full Council. Such a referral should only be made where the Overview and Scrutiny Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (5) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Overview and Scrutiny Committee before a final decision is made.
- (6) If following a Call-In, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting. If the Overview and Scrutiny does not meet the decision shall take effect from the date when the Committee should have met.
- (7) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise 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 Executive as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.

- (9) Call-In should only be used in circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.
- (10) Call-In and urgency
  - (a) The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. 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 interest. The record of the decision and the 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 Chief Executive must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
  - (b) 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.
- (11) Call-In shall be consistent with the Scrutiny Call-In Guidelines. The Scrutiny Call-In Guidelines shall be amended / approved by Overview and Scrutiny Committee Chairs as required.

## **APPENDIX 1**

### **STANDING ORDER 10**

#### **Public Question Time - Procedure**

There shall be a period of the Council Meeting of not more than 30 minutes in total during which any member of the public may address a question to the Leader, Cabinet Member, Chair of a Overview and Scrutiny Committee or Chair of an Ordinary Committee.

To qualify as a questioner a person must be a registered voter in Wirral or a representative of a local firm or organisation.

Questions must be submitted in writing to Director: Governance and Assurance (Monitoring Officer) at least five clear working days before the meeting of Council and must relate to the discharge of the Council's functions.

Questions may be edited as necessary by Director: Governance and Assurance (Monitoring Officer) to bring them into proper form and to ensure brevity.

Questions which, in the opinion of Director: Governance and Assurance (Monitoring Officer) and the Mayor are defamatory, frivolous or otherwise improper or objectionable may be rejected.

The Mayor shall call questions in the order in which they have been received and the questioners must read them out.

Replies to the questions shall be oral unless the person questioned feels that a written response may be more suitable.

No speeches or discussion will be allowed but the questioner may ask one supplemental question.

If there is insufficient time for all questions, written replies will be made to any unanswered question.

A questioner may ask only one question at each meeting of the Council (subject to the right to ask a supplementary on that question) but if that person has asked a question at a previous meeting the Mayor shall have the right to change the order of questions or to reject questions which are repetitious.

Persons not able to attend to ask a question will be provided with a written answer in due course.