

ANNEX 6 – COUNCIL STANDING ORDERS

MEETINGS OF THE COUNCIL

Note : * = Those Standing Orders which are required or substantially required by law and cannot be suspended or revoked.

In these Standing Orders, except Standing Order 2, “Chairman” means the person presiding at the meeting. “Cabinet” means the Leader of the Council and other members appointed as Executive Members by the Leader.

STANDING ORDER 1 - Ordinary Meetings

- (1)* The Annual Meeting of the Council shall be held -
 - (a) in a year of ordinary elections of County Councillors on the last Tuesday in the period of 25 days after the ordinary day of election.
 - (b) in every other year on the third Tuesday in May.
- (2) The other fixed meetings of the Council shall be held each year:-
 - on a weekday in February each year, not during half-term, to be determined by the Council
 - on a weekday in March or April each year, not during the Easter school holidays, to be determined by the Council
 - on the third Tuesday in July
 - on the last Tuesday in November.
- (3) All ordinary meetings of the Council shall be held at County Hall, Hertford at 10.30 am.
- (4) The Chairman may, after consultation with Group Leaders, cancel an ordinary meeting of the Council on grounds of lack of business by requiring the County Secretary to inform all members of the Council of the cancellation at any time before the summons is sent under Standing Order 3 (b).

STANDING ORDER 2 - Extraordinary Meetings

- (1)* The Chairman may call an extraordinary meeting at any time and in any place in Hertfordshire.
- (2)* On a requisition signed by any five members of the Council the Chairman shall call an extraordinary meeting. If the Chairman refuses, or fails to do so within 7 days after the requisition has been presented, the five members may call a meeting at any time and in any place in Hertfordshire.
- (3) These Standing Orders shall apply to extraordinary meetings subject to the following modifications:
 - (a) the summons sent to every member by virtue of Standing Order 3 shall state the business specified in the requisition as the business to be transacted at the extraordinary meeting

- (b) Standing Order 7 (Questions) shall not apply
- (c) Standing Order 14 (Public Petitions) shall only apply so as to allow public petitions which relate to the business to be transacted at the meeting
- (d) Standing Orders 8(3) and 8(5) (Notice of Motions) shall not apply.
- (e) when sending the summons to every member, the Chairman, or the 5 members of the Council who requisitioned the extraordinary meeting as the case may be, shall notify every member of the time and date by which written notice of motions in relation to the business to be transacted at the extraordinary meeting shall be lodged with the County Secretary. However that time and date shall be no later than 5 p.m. on the second day before the extraordinary meeting.

STANDING ORDER 3 - Notice

* At least three clear days before a Council meeting -

- (a) notice shall be published at County Hall of the time and place
- (b) a summons shall be sent to every member of the Council stating the time and place and the business to be transacted.
- (c) the minutes of the last meeting shall be sent to every member.

STANDING ORDER 4 - Chairman and Leader

- (1)* At the Annual Meeting the Council shall elect a Chairman and Vice-Chairman for the ensuing year
- (2)* The Chairman if present shall chair the meeting.
If the Chairman is absent, the Vice-Chairman will take the chair.
If both are absent another member chosen by the members present will chair the meeting.
- (3) The Chairman is entitled to a briefing by Officers on the business of the meeting.
- (4) At the first Annual Meeting following the ordinary election of County Councillors the Council shall appoint a Leader of the Council who shall hold office in accordance with the Constitution.

STANDING ORDER 5 - Minutes

- (1)* Minutes of meetings shall be kept in a book which shall be signed at the next ordinary meeting by the Chairman. The book shall be open for inspection by any member of the Council.
- (2) Minutes of the previous meeting shall be taken as read and no motion shall be put or discussion take place except on their accuracy.

STANDING ORDER 6 - Order of Business

- (1) At the Annual meeting of the Council the first business must be to elect a Chairman and Vice-Chairman for the ensuing year.
- (2) Otherwise, except where the Council varies the order of business by resolution, the order of business at every meeting of the Council shall be:-
 - (a) to choose a person to preside if the Chairman and Vice-Chairman are absent
 - (b) to confirm the minutes of the last meeting as being correct
 - (c) to receive such announcements as the Chairman wishes to make
 - (d) to deal with business expressly required by law or the Constitution to be done
 - (e) to deal with any business remaining from the last meeting
 - (f) to deal with questions asked under Standing Order 7
 - (g) to appoint members to serve on Committees (if necessary)
 - (h) to hear public petitions under Standing Order 14 which do not relate to particular items or reports
 - (i) to deal with reports from the Executive and Scrutiny Committees.
 - (j) to deal with reports from officers of the Council
 - (k) to deal with any other business of which notice has been duly given in the Summons
 - (l) to consider and deal with notices of motion under Standing Order 8(5) in the order in which they have been received. A motion to vary the order of business may be proposed at any time during a meeting.
- (3)* No business shall be dealt with except that:-
 - (a) specified in the summons
 - (b) required by law
 - (c) declared by the Chairman to be urgent.
- (4) The Chairman may adjourn the meeting from time to time, or to another day if it appears that the meeting cannot be conveniently concluded.

STANDING ORDER 7 - Questions

Questions to Leader and Executive Members

- (1) At each meeting of the Council there shall be an opportunity for members of the Council to put questions to the Leader of the Council and Executive Members about the discharge of their responsibilities.
- (2) A member who wishes to ask a question shall give written notice of it to the County Secretary at least 10 clear days before the meeting, stating to whom the question is to be put.

- (3) Questions shall be answered orally at the meeting in the order in which notice has been received. At the end of each reply, the questioner may put one supplementary question to the person to whom the original question was put; who may reply orally or may undertake to reply in writing within 7 days. There shall be no other debate or discussion of the question at the meeting.
- (4) The period of time allocated to questions under Standing Order 7(10) shall not exceed 30 minutes. Any questions remaining after that period has elapsed shall be answered in writing within 7 days.
- (5) Answers given orally at the meeting shall be included in the Minutes. Answers given in writing after the meeting shall be copied to all members.

Questions to the Hertfordshire Police Authority

- (6) Questions on the discharge of the functions of the Hertfordshire Police Authority may be asked by members at a meeting of the County Council and shall be put to and answered by a person nominated for the purpose by the Authority.
- (7) Written notice of such questions shall be given to the County Secretary at least 10 clear days before the meeting.
- (8) Questions shall be answered orally at the meeting in the order in which notice has been received. At the end of each reply, the questioner may put one supplementary question to which the person responding may reply orally or may undertake to give a written reply within 7 days. There shall be no further debate or discussion on the question.
- (9) Answers given orally shall be included in the Minutes. Answers given in writing after the meeting shall be copied to all members.

Public Questions

- (10) At each meeting of the Council there shall be the opportunity for any member of the public being resident in or a registered local government elector of Hertfordshire to put questions to the Leader of the Council and Executive Members about any matter over which the Council has power or which directly affects the county.
- (11) A member of the public who wishes to ask a question shall give written notice of it to the County Secretary at least 10 clear days before the meeting, stating to whom the question is to be put.
- (12) Questions shall be answered orally at the meeting in the order in which notice has been received. At the end of each reply, the questioner may put one supplementary question to the person to whom the original question was put; who may reply orally or may undertake to reply in writing within 7 days. There shall be no other debate or discussion of the question at the meeting.
- (13) The period of time allocated to questions under Standing Order 7(10) shall not exceed 30 minutes. Any questions remaining after that period has elapsed shall be answered in writing within 7 days.
- (14) Answers given orally at the meeting shall be included in the Minutes. Answers given in writing after the meeting shall be copied to all members.

Questions on Reports

- (15) A member may ask questions arising from a report presented to the Council at the time it is presented. All questions shall be directed to the person who presided at the meeting, who may answer orally or may undertake to reply in writing within 7 days. A copy of a written reply shall be sent to any member on request.

STANDING ORDER 8 - Motions

All Motions

- (1) Every motion shall be relevant to some matter over which the Council has power or which directly affects the County.

Motions without Notice

- (2) The following motions may be proposed without notice:-
- (a) to appoint a person to preside at the meeting
 - (b) to question the accuracy of the minutes, or the closure, adjournment, order of business, or next business
 - (c) to vary the order of business in Standing Order 6(2)
 - (d) to appoint a committee or members thereof, arising from business referred to in the summons to the meeting
 - (e) to adopt reports and recommendations from the Executive or from officers
 - (f) to amend a motion
 - (g) to exclude the press and public under section 100A of the Local Government Act 1972
 - (h) to move that a named member be not further heard or leave the meeting under Standing Order 13(9)

Motions arising from reports on the agenda

- (3) Notice of motions arising out of reports or recommendations from the Executive, Scrutiny Committees or officers, require notice in writing to be lodged with the County Secretary by noon of the Thursday before the meeting (or of the fifth day before the meeting if it is not on a Tuesday).
- (4) The Chairman may in the interests of convenience allow debate on a motion of which such notice has not been given.

Motions not arising from reports on the agenda

- (5) All motions which do not relate to a report on the agenda require notice, which shall be in writing, signed by the member (or members) of the Council giving the notice, and delivered at least fourteen clear days before the meeting of the Council, to the County Secretary by whom it shall be entered in a book which shall be open to any member of the Council to inspect.

(6) The County Secretary (subject to the deletion of any defamatory words) shall insert in the summons for every meeting of the Council all notices of motion, in the order in which they are received.

(7) The mover of a motion of which notice has been given under Standing Order 8(5) shall move the motion formally and shall not otherwise speak; the seconder shall second the motion formally and shall not otherwise speak. The motion shall then stand referred to such Scrutiny Committee as the Chairman may determine for consideration.

The Chairman may however determine that, in order to protect or promote the Council's interests, it is desirable to deal with the motion on the day. In this case the proposer may speak, then one speaker from the other group or groups, then finally the seconder. No other speeches may be made except by the proposer and seconder of any amendment to such motion.

(8) If a motion, notice of which is given in the summons, is not moved by the member who has given the notice, or by another member, it shall be treated as abandoned.

STANDING ORDER 9 – Amendments to Motions or Recommendations

(1) An amendment to a motion or recommendation shall relate directly to the subject matter of the motion or recommendation, and shall either leave out words, put in words, or leave out words and put in others instead.

An amendment shall not negative a motion or recommendation.

(2) If an amendment is lost, other amendments may be moved, except that the Chairman may disallow repetitious ones. If an amendment is carried, it is incorporated into the original motion upon which other amendments may then be moved.

STANDING ORDER 10 - Procedure on Debates

(1) The Chairman may require the mover of a motion or amendment to provide a written version so that it may be read out.

(2) All motions and amendments must be seconded except those proposed by the Chairman.

(3) A member seconding a motion or amendment may reserve a speech until later in the debate.

(4) The mover of a motion or amendment, with the consent of the seconder, may withdraw the motion or amendment, following which no further debate may then take place.

(5) The mover of a motion, with the consent of the seconder, may alter the motion, but only if the alteration could have been moved as an amendment (see Standing Order 9(1)).

(6) The Chairman, having notice that more than one motion or amendment on a matter is to be moved, may determine the order in which such motions or amendments are to be taken, and may determine that more than one motion or amendment be debated together.

- (7) A member shall not speak more than once on a motion or amendment except:-
- (a) on a point of order stating which Standing Order has been broken and how
 - (b) by way of personal explanation confined solely to correcting a misunderstanding of an earlier speech on that motion or to rebut a personal allegation
 - (c) to exercise a right of reply under Standing Order 11
 - (d) to move a further amendment
- (8) The Chairman, or any member who has not previously spoken in that particular debate may, at the end of a speech of another member, move without comment the following motion (which must then be seconded):-
- (a) “That the question be now put”
 - (b) “That the Council proceeds to next business”
 - (c) “That the debate be now adjourned”
 - (d) “That the Council now adjourn”.

If the Chairman decides that the matter before the meeting has been sufficiently discussed, the motion shall be put to the vote, (subject to any right of reply under Standing Order 11) and if carried shall immediately take effect.

STANDING ORDER 11 - Right of Reply

- (1) At the close of a debate the proposer of a motion shall have a right to reply immediately before it is put to the vote and before any of the motions listed in Standing Order 10 (8) are put. That right of reply shall not introduce new matter.

If an amendment is proposed, the proposer of the original motion shall also have a right of reply at the close of the debate upon the amendment, immediately before it is put to the vote, but shall not otherwise speak on the amendment.

The proposer of an amendment shall not have a right of reply.

- (2) After every right of reply is exercised under this Standing Order a decision shall be taken without further discussion.

STANDING ORDER 12 - Voting

- (1)* Except where otherwise required by law, all questions shall be decided by a majority of members present and voting.

- (2)* In the case of an equality of votes, the Chairman shall have a second or casting vote.
- (3)* Votes shall normally be by show of hands, except that any member may require a recorded vote.
- (4) Where three or more persons are nominated for one position to be filled, and of the votes cast there is no overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken until a majority of votes is cast in favour of one person.
- (5) Where more than one position is to be filled by the Council and there are more candidates than positions, votes shall be cast by written ballot.

STANDING ORDER 13 – Conduct of Meetings

All Meetings

- (1)* All meetings of the Council shall be open to the public to the extent of the safe capacity of the Chamber.
- (2) Smoking is prohibited.

Members of the Council

- (3) A member when speaking shall address the Chairman.
- (4) The Chairman shall determine which member shall speak and in which order. Only one member shall speak at once.
- (5) When the Chairman rises, all members will sit and be silent.
- (6) All speeches shall be relevant to the matter in hand.
- (7) Unless the Chairman agrees otherwise in advance, no member shall speak for more than five minutes on any one occasion. However if the Chairman so declares at the start of a debate, in order to allow more members a chance to speak, that time limit may be shortened for that debate to three minutes.
- (8) The ruling of the Chairman on any point of order shall be final.
- (9) If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting:-
 - (a) the Chairman may adjourn or suspend the meeting for so long as seems fit
 - (b) a member may move “that the member named be not further heard” or “that the member named leave the meeting” and upon being seconded such motion shall be put without discussion and shall, if passed, be complied with forthwith. If the member named does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.

Press and Public

- (10) Those present may make a written record of the proceedings but no person (including members) may undertake photography or any form of sound or vision recording without the express consent of the Chairman.
- (11) If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If such a warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.
- (12) In the case of general disturbance by members of the public the Chairman may order that all or part of the Chamber be cleared and may order that members of the public be removed from all or any part of County Hall.

STANDING ORDER 14 - Public Petitions

- (1) Any member of the public being resident in or a registered local government elector of Hertfordshire may present a petition relating to a matter with which the Council is concerned, containing 100 or more signatures of residents or business ratepayers of Hertfordshire.
- (2) Notification of intent to present a petition must be given in writing to the County Secretary at least 14 clear days before the meeting where an item relating to the subject matter of the petition does not appear on the agenda for the meeting and at least three clear days before where the item is the subject of a report.
- (3) The person named in the notification may address the Council for no more than three minutes on the subject of the petition, but thereafter shall not have the right to speak further.
- (4) If the subject matter of the petition is not the subject of a report on the agenda of the meeting of the Council, the petition will be referred to the next appropriate Scrutiny Committee meeting, or to officers for consideration and report to the local member and Group Spokesmen.
- (5) No more than three petitions shall be presented at any one meeting of the Council. The order of notification shall govern priority, though the County Secretary shall have authority to amalgamate within the first received petition other petitions of like effect on the same subject.
- (6) Petitions shall be taken immediately before the reports from the Executive and Scrutiny Committees, but if a petition relates to a particular item on a report then it shall be presented immediately before consideration thereof.

STANDING ORDER 15 - Quorum

- * No business shall be transacted unless twenty members are present in the Chamber.

STANDING ORDER 16 - Members' Interests

- (1)* Any member who has any pecuniary interest, direct or indirect, within the meaning of Section 94 of the Local Government Act 1972 in any matter (except a matter which is before the Council as part of a report of a Committee and not for debate) shall forthwith disclose that interest and shall withdraw from the Chamber, unless the disability has been removed by the Secretary of State under Section 97 of that Act.
- (2) Any member who has a personal interest defined by the National Code of Local Government Conduct in any matter (except a matter which is before the Council as part of a report of a Committee and not for debate) shall forthwith disclose that interest but may remain, speak and vote unless the interest is clear and substantial in which case the member shall withdraw from the Chamber (unless allowed to remain by the National Code).

STANDING ORDER 17 - Variation and Suspension

- (1) Those Standing Orders marked * are required or substantially required by law and cannot be suspended or revoked.
- (2) Other Standing Orders may only be varied or revoked after consideration of a report from the Cabinet.

END