DARTFORD BOROUGH COUNCIL

CONSTITUTION OF THE COUNCIL

PART 4 PROCEDURAL STANDING ORDERS





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Amendments to these Standing Orders authorised by the General Assembly of the Council:

23.04.2001 Min.No.186
12.12.2002 Min.No.95
15.12.2003 Min.No.115(2)
26.07.2004 Min.No.54(8)
24.10.2005 Min.No.85
30.07.2007 Min.No.56
27.07.2009 Min.No.49
07.06.2010 Min.No.35
13.12.2010 Min.No.85
25.05.2011 Min.Nos.31 & 43
16.07.2012 Min.No.35
23.06.14 Min.No.95
29.07.14 Min.No.114
15.12.14 Min.No.144
13.07.15 Min.No.40
14.01.19 Min.No.89

Amendments to these Standing Orders under the delegated authority of the Managing Director - 10.09.2012 Amendments to these Standing Orders – Audit Board 26.09.2012 [Min.No.22]
Amendment to these Standing Orders under the delegated authority of the Managing Director – 16.12.2013 [GAC Min.No.80] Amendment to these Standing Orders under the delegated authority of the Managing Director - 7 September 2015 Amendment to these Standing Orders under the delegated authority of the Managing Director – 15 August 2019
Amendment to these Standing Orders under SO38 – 14.04.2020
Amendments to these Standing Orders under Director delegated authority – 15 June 2020 Amendments to these Standing Orders under Director delegated authority – 28 July 2020
Amendments to these Standing Orders under the Chief Officer and Director of Corporate Services' delegated authority – 10 May 2021 Amendments to these Standing Orders under the Chief Officer and Director of Corporate Services' delegated authority – 23 February 2022
Amendments to these Standing Orders under the Chief Officer and Director of Corporate Services' delegated authority – 16 May 2022 Amendments to these Standing Orders under the Chief Officer and Director of Corporate Services' delegated authority – 28 June 2022
Amendments to these Standing Orders under the delegated authority of the Monitoring Officer - 23 February 2023

1. MEETINGS AND PROCEEDINGS OF THE COUNCIL

1.1 Annual Meeting

The Council holds its Annual Meeting (with the order of business as specified in Standing Order 7);

I. in a year of ordinary elections of councillors, on the 8th day after the retirement of councillors unless the Council fixes another day within 21 days' immediately following the day of retirement;

II. in any other year, on a day fixed by the Council either in March, April or May, normally the second Wednesday in May.

2.2 Ordinary Meetings

III. In addition to the Annual Meeting, the Council holds other meetings i.e. ordinary meetings for the transaction of general business specified in Standing Order 8.

NB: The Budget Setting meeting will be considered an ordinary meeting.

IV. The dates and times of ordinary meetings of the Council are fixed by the Council, usually at the Annual Meeting.

1.3 Extraordinary Meetings

V. An extraordinary meeting of the Council may be convened either by the Mayor on his/her own initiative or by the Mayor on being presented with a requisition signed by five Members of the Council.

VI. Where the Mayor convenes an extraordinary meeting following a requisition signed by five Members of the Council, the Mayor will ensure that the notice and summons to the meeting are given within 7 days of the date of the requisition (NB: This Standing Order is not to be interpreted as meaning that the meeting itself must take place within that period).

VII. Subject to consultation with and agreement of all the Group Leaders, and the rules detailed in paras. (b) and (f) of this Standing Order, the requisition may request that the meeting be held on a particular date.

VIII. The Mayor may exercise his/her discretion as to the date of the meeting. In exercising this discretion, the Mayor will not delay unduly in convening the meeting.

IX. Upon the Mayor's refusal or neglect to convene a meeting, the meeting may be convened by five Members of the Council – not necessarily those who signed the requisition, whenever they themselves determine and the rules detailed in paragraphs (b) and (f) of this Standing Order will apply.

X. The business to be conducted will be restricted to the specified item(s) on the agenda with no consideration of previous minutes or reports from the Cabinet, Committees, Sub-committees, Boards and Panels.

1.4 Specific Purpose Meetings

The Council may hold a meeting for a purpose required by law or on the resolution of the Council or on the request of the Monitoring Officer and/or Chief Finance Officer for the purposes of presenting their statutory reports.

1.5 Venue and Time of Meetings of the Council

Meetings are held at the Civic Centre, Home Gardens, Dartford at 7.00pm (or at such other venue or time as the Proper Officer may determine in consultation with the Leader of the Council).

1.6 Notice of Public Meetings

Public notice of the time and place of every meeting of the Council:

XI. must be given at least five clear days' before the meeting (five weekdays, i.e. five periods of 24 hours running from midnight to midnight excluding the day documents become available and the day on which the meeting is held), or if the meeting is summoned or convened on less than five clear days' notice, then at the time it is summoned or convened;

XII. must detail the date and time and the place of the meeting;

XIII. must be displayed in a conspicuous or prominent place at the Civic Centre, Dartford and published on the Council's website; and

XIV. in the case of an extraordinary meeting;

(i) must specify the business to be transacted/dealt with and;

(ii) must be signed by the Member(s) of the Council who has called the meeting, or

XV. in the case of an ordinary, specific purpose or Annual Meeting, signed by the Proper Officer.

1.7 Summons

A summons to attend a Council meeting must give the date, time, and place of the meeting and state the business to be transacted and must be signed by the Proper Officer and sent to every member of the Council at least five clear days' before the meeting (five weekdays i.e. five periods of 24 hours running from midnight to midnight excluding the day documents become available and the day on which the meeting is held) either by post, or left at the usual place of residence of Members, or to another address which has been notified to the Proper Officer.

1.8 Other Business

No other business will be transacted at a meeting of the Council other than the list of items which are specified in the summons. Exceptions to this rule apply only in the following circumstances:

XVI. where a copy of the agenda including the item (or a copy of the item) is open to public inspection for at least five clear days' before the meeting, (five weekdays i.e. five periods of 24 hours running from midnight to midnight excluding the day documents become available and the day on which the meeting is held), or where the meeting is called on less than five clear days' notice, from the time the meeting is convened or summoned; or

XVII. any other business which is considered urgent under these Standing Orders, in which case the reason must be specified in the minutes of the meeting and in relation to urgent private Cabinet meetings, publicised in accordance with Standing Order 45 (6)(iii).

1.81 A meeting of the Council will not be invalidated because of failure to serve a summons on any member of the Council.

2. THE MAYOR

a) The Mayor will be elected each year at the Annual Council meeting by the Council from among the Councillors of the Borough.

b) Unless the Mayor resigns or becomes disqualified, he/she will continue in office until his/her successor has made a declaration of acceptance of office to act as Mayor.

c) The Mayor will continue to be a member of the Council notwithstanding the rules relating to the retirement of councillors as set out in Sections 7 and 26 of the Local Government Act 1972.

d) The Mayor cannot be a Cabinet member.

2.1 Election of Mayor at Annual Meeting

I. Election of the Mayor will be the first item of business at the Annual Meeting.

II. The person presiding at the meeting will be the Mayor elected the previous year. If he/she is not present, the Deputy Mayor will preside. If neither is present then another Member will preside, chosen by the Council from Councillors who are not members of the Cabinet.

III. If the person presiding at the meeting is no longer a member of the Council, he/she may not vote in the election of the Mayor unless;

(i) he/she is the retiring Mayor or the Deputy Mayor still in office, and;

(ii) where there is an equality of votes, he/she must give a casting vote.

2.2 The Deputy Mayor

IV. The Mayor will at the Annual Meeting, appoint a Deputy Mayor.

V. Unless the Deputy Mayor resigns or becomes disqualified, he/she will continue in office until his/her successor has made a declaration of acceptance of office to act as Deputy Mayor.

VI. The Deputy Mayor will continue to be a member of the Council notwithstanding the statutory provisions relating to the retirement of councillors referred to in paragraph (3) of this Standing Order.

VII. The matters detailed in paragraph (5) (b) and (c) of this Standing Order for the election of the Mayor applies equally to the appointment of the Deputy Mayor.

VIII. The Deputy Mayor cannot be a Cabinet member.

IX. Anything authorised or required to be done by, to or before the Mayor may be done by, to or before the Deputy Mayor.

3. CHAIRMAN OF MEETING OF THE COUNCIL

a) The Mayor if present, will preside at a meeting of the Council and in his/her absence, the Deputy Mayor.

b) If neither the Mayor nor the Deputy Mayor is present, another Member will preside chosen by the Council from Councillors who are not members of the Cabinet (Standing Order 8(1)(a) refers).

4. ELECTION OF LEADER OF THE COUNCIL AND TERM OF OFFICE

a) The Leader will be a councillor of the Borough of Dartford elected by the Council to the position of Leader, at the first Annual Meeting of the Council following Borough whole-Council elections or, if not elected at the Annual Meeting, at the first ordinary meeting of the Council following the Annual Meeting or, the next ordinary meeting of the Council following the resignation, dismissal or vacation of office by the Leader. The Leader will hold office until:

I. he/she resigns from office; or
II. he/she is no longer a councillor; or
III. he/she is removed from office by resolution of the Council in accordance with Standing Order 4A; or
IV. he/she is otherwise disqualified by law.

b) During his/her term of office, the Leader will continue to hold office as a councillor and accordingly, any enactment which provides for earlier retirement as a councillor will not apply.

c) The election of the Leader will be conducted by the Mayor on the basis of nominations being made and seconded and put to the vote. In the event of

there being more than two nominations and no one candidate receiving an absolute majority of votes of all Members present and voting, there will be a second vote solely between the two candidates with the largest number of votes. Where there is an equality of votes, the Mayor must give a casting vote. The candidate with the larger number of votes will be elected Leader of the Council.

4A. REMOVAL OF LEADER OF THE COUNCIL

(1) A motion to remove the Leader of the Council will be by notice of motion in accordance with Standing Order 10(8).

(2) The rules of debate in Standing Order 16 will not apply. The Leader of the Council will be entitled to speak last. The mover of the motion will be entitled to a second or closing speech immediately before the Leader of the Council.

(3) The Leader of the Council will be removed from office on a simple majority of those Members present and voting. The Leader of the Council will be entitled to vote on the motion.

(4) If a motion to dismiss the Leader of the Council is carried, it takes effect immediately.

4B. DEPUTY LEADER OF THE COUNCIL

(1) The Deputy Leader of the Council will be appointed by the Leader of the Council. When appointed, the name will be notified to the Proper Officer for report to the Council at the first available opportunity.

(2) The Deputy Leader will hold office until the end of the term of office of the Leader of the Council or until:

(a) he/she resigns from office; or
(b) he/she is no longer a councillor; or
(c) the Leader in his/her absolute discretion, removes him/her from office, upon written notice to the Proper Officer; or
(d) he/she is otherwise disqualified by law.

(3) The Deputy Leader will have authority to exercise the Leader of the Council's powers only in the event that the Leader is unable to act at any time or the office of Leader is vacant.

(4) If, for whatever reason there is a vacancy in the office of Deputy Leader, the Leader will appoint another Deputy Leader from among the Cabinet members and the rule relating to notification to the Proper Officer referred to in paragraph(1) of this Standing Order will apply.

4C. ABSENCE OF LEADER AND DEPUTY LEADER

If, for whatever reason both the Leader and Deputy Leader are unable to act or both positions are vacant, the Cabinet will either collectively act in the Leader's place or will arrange for a Cabinet member to act in the place of the Leader.

4D. CABINET MEMBERS

(1) Only Councillors may be appointed to the Cabinet by the Leader of the Council. There may be no co-optees and no deputies or substitutes for Cabinet members. Neither the Mayor nor Deputy Mayor may be appointed to the Cabinet and Cabinet members (including the Leader and Deputy Leader) may not be members of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee. [This deleted – see previous sentence].

(2) Cabinet members will hold office until:

(a) they resign from office; or
(b) they are no longer councillors; or
(c) they are removed from office, either individually or collectively, by the Leader, upon written notice to the Proper Officer;
(d) they are otherwise disqualified by law.

(3) If a vacancy occurs in the office of a Cabinet member, the Leader of the Council will fill the vacancy and report the appointment to the Proper Officer for report to the Council at the first available opportunity.

(4) Cabinet members can only be removed from the Cabinet by the Leader of the Council.

5. THE SHADOW LEADER AND DEPUTY SHADOW LEADER

a) The Shadow Leader and the Deputy Shadow Leader will be appointed by the Members forming the largest party in opposition on the Council.

b) When appointed, all the names will be notified to the Proper Officer for report to the Council at the first available opportunity.

6. QUORUM FOR THE MEETING OF THE COUNCIL

a) No business will be transacted at a meeting of the Council unless at least one quarter of the whole number of members of the Council (the total number of seats) are present. The requisite numbers of Members must be present throughout the meeting.

b) If, the number of Members present is below the quorum, the Mayor may at the expiry of 15 minutes (or such other period as he/she may decide) after the appointed hour, declare that the meeting of the Council will not take place. The consideration of all business which is on the agenda will be postponed to the next meeting of the Council whether ordinary or extraordinary and if extraordinary, by majority view of those Members present.

c) (a) If during any meeting of the Council, the absence of a quorum is drawn to the attention of the Mayor, the Proper Officer will ring the division bell for one minute and he/she will then count the number of Members present. The Mayor will announce the absence of a quorum and will immediately adjourn the meeting and set a time for the meeting to restart.

(b) If the number of Members present remains below the quorum, the meeting will end and consideration of the remaining business which is on the agenda of the meeting will be postponed to the next meeting of the Council, whether ordinary or extraordinary and if extraordinary, by majority view of those Members present.

d) If more than one third of the Members of the Council become disqualified at the same time, then, until the number of Members in office is increased to not less than two thirds of the whole number of Members of the Council, i.e. seats - the quorum will be determined by reference to the number of Members remaining qualified instead of by reference to the whole number of Members.

NB: Paragraph (4) of this Standing Order is intended to meet the situation where a considerable number of Members i.e. more than one third are disqualified: if seats are vacant for other reasons (by reason of death or resignation) then these can be taken into account in calculating the total number of Members but Members who have died or resigned clearly must not be counted with Members who are disqualified.

7. ORDER OF BUSINESS AT THE ANNUAL MEETING

a) The order of business at the Annual Meeting of the Council will be as follows;

I. Election of Mayor;

II. Notification by the Mayor of the appointment of Deputy Mayor;

III. Election of the Leader of the Council;

IV. To receive and note the appointments of Deputy Leader of the Council, Shadow Leader and his/her Deputy and [Leader of the Swanscombe and Greenhithe Residents' Association and his/her Deputy???];

V. To receive and note the size of the Cabinet and receive a report as to the appointments made to the Cabinet by the Leader of the Council and receive the list of Portfolios and the allocations/distribution of Portfolios (with no decision making) by the Leader of the Council to Members of the Cabinet;

VI. To appoint the Overview and Scrutiny Committee and such other Committees, Sub-committees, Boards and Panels as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions;

VII. Any other business specified in the notice convening the meeting.

b) No other business will be transacted at the Annual Meeting.

8. ORDER OF BUSINESS AT ORDINARY MEETINGS

a) Unless the Council otherwise determines in accordance with paragraph(2) of this Standing Order, the order of business at every meeting of the Council other

than a special meeting (the Annual Meeting, an extraordinary meeting or a meeting convened for a specific purpose) will be;

I. to choose a member of the Council to preside in the absence of the Mayor and Deputy Mayor (refer to Standing Order 3(2) (Chairman of meeting of the Council));

II. to deal with any business required by law to be done before any other business;

III. to receive any declarations of interest and to note the interest(s) and term(s) of the Grant of Dispensation(s);

IV. to approve as a correct record and sign the minutes of the last meeting of the Council although, it should be noted that if a copy of the minutes has already been circulated to every member of the Council before the date of issue of the summons to attend the meeting of the Council, the minutes will be taken as read.

NB: Refer to Standing Order 476 (Conflict Resolution Mechanism in relation to matters of policy and budget setting) for implementation of decisions of the Council.

V. Mayor's announcements (limited to urgent/necessary matters subject to the total time taken with Mayor's announcements not exceeding 5 minutes);

VI. to dispose of business (if any) remaining from the last meeting of the Council;

VII. Leader of the Council announcements (limited to urgent/ necessary matters and subject to the total time taken in Leader's announcements not exceeding 10 minutes);

VIII. To receive Political Group Leaders questions to and answers from the Leader of the Council/Cabinet Member(s) under Standing Order 14;

IX. to consider motions under Standing Order 10 in the order received;

X. (where applicable) "That the Council go into committee and that the rules of procedure for committees do apply" [The only Cttee rules referred to are those relating to O & S] (NB: without prejudice to the rules relating to the Guillotine, reports from Officers will be considered in Committee unless otherwise stipulated);

NB: The Council in Committee - The Leader of the Council will consult with the Leaders of the Political Groups on the Council on the item(s) for inclusion (i.e. budget and/or policy framework issues) on the agenda and/or whether the item(s) are better suited for debate at an extraordinary meeting of the Council. The decision to accept an item(s) for inclusion on the agenda will be at the Leader of the Council's discretion and his/her decision will be final.

XI. (where applicable) "That the Council do reconvene";

XII. to consider reports (not minutes) of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee for debate;

NB: These reports must be at the request of and agreed in advance by the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee;

XIII. to consider reports (not minutes) of other Committees, Sub-committees, Boards, Panels and Officers for debate;

XIV. to receive minutes of the Cabinet marked for decision/recommendations only;

XV. to receive minutes of Committees, Sub-committees, Boards and Panels marked for decision/recommendations only;

XVI. to receive reports (not minutes) on the business of joint arrangements and external organisations;

XVII. to receive minutes of the Cabinet under Standing Order 16(14) as follows;

- minutes reserved for full debate by Political Groups on the Council;
- minutes reserved by ward Members.

XVIII. to authorise the sealing of documents;

XIX. to consider other business, (if any) specified in the summons for the meeting.

b) The order of business (with the exception of items (a), (b), (c) and (d) referred to in paragraph (1) of this Standing Order) may be altered at the discretion of the Mayor to give precedence to an urgent item of business not included in the agenda for the meeting.

c) Guillotine

I. Where a Council meeting is still in progress at 10pm the Mayor will;

(i) at the first convenient opportunity, draw the attention of Members to the time and to the requirements of this Standing Order;

(ii) specify any remaining business which, in the Mayor's opinion, is of such a nature as to justify an adjournment or extension of the meeting until 10.30pm;

(iii) with the exception of any business specified in paragraph (ii) of this Standing Order, put to the vote (as a whole and not individually) and without discussion any business remaining to

be dealt with, which will be deemed to have been agreed as recommended and any (written) motions and questions will fall;

(iv) following approval of the motion referred to in paragraph (iii) of this Standing Order, deal with the items specified in paragraph (ii) of this Standing Order;

(v) in the event of having specified any business as justifying an adjournment to another day (any such business will be limited to urgent matters and the Mayor's decision will be final), to declare the meeting adjourned to such a day and time as the Mayor may direct or to the next ordinary meeting of the Council or, if there is no such business, close the meeting.

II. The Mayor may extend the meeting beyond 10.30pm upon the vote of the majority of the Members present and actually voting.

III. If the business of the meeting has not been concluded by 10.30pm and the meeting is not extended in accordance with paragraph (b) of this Standing Order, the Mayor may interrupt the meeting (the Member speaking must immediately sit down) and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion. Any business remaining to be dealt with will be put to the vote in accordance with the rules detailed in paragraph (a)(iii) of this Standing Order or the Mayor may specify any business as justifying an adjournment in accordance with the rules detailed in paragraph (v) of this Standing Order.

IV. (i) The 'guillotine ' rules detailed in this Standing Order will apply to the following meetings of the Council:

- Ordinary Meetings;
- Extraordinary Meetings;
- Specific Purpose Meetings.

(ii) An Extraordinary or Specific Purpose Meetings may be convened on the same night as and on the rising of an Ordinary meeting (which ordinary meeting will be subject to the rules detailed in this Standing Order) and the Mayor may upon the vote of the majority of the Members present and actually voting, agree to conclude the Extraordinary or Specific Purpose Meeting at an appointed time.

(iii) If the Extraordinary or Specific Purpose Meeting is not concluded at the appointed time, the rules detailed in paragraph (c) of this Standing Order relating to interruption, calling for an immediate vote etc. will apply.

9. PETITIONS/ePETITIONS

a) Petitions/ePetitions will be dealt with in accordance with the Ordinary Petitions Guidelines (Part 11).

b) Any member of the Council may at an ordinary meeting of the Council present a petition on behalf of the lead petitioner which:

I. deals with an issue relating to the Council's responsibilities/functions; and/or

II. deals with anything relating to an improvement in the economic, social or environmental well-being of the Borough to which any of the Council's partners (e.g. Dartford Community Safety Partnership) could contribute.

c) The presentation of a petition in accordance with paragraph (2) of this Standing Order will be limited to the giving of a brief indication of the content of the petition. No speech or debate will be allowed on the petition. The petition will be dealt with in accordance with paragraph(1) of this Standing Order.

10. MOTIONS WHICH NEED TO BE SUBMITTED IN WRITING BEFORE THE MEETING OF THE COUNCIL

a) If a Member(s) wishes to move a motion at a Council meeting (other than the motions listed in Standing Order 11), the Member(s) must give notice of the motion in writing to the Proper Officer not later than noon on the day prior to publication of the Agenda, such deadline dates to be advised to Members in advance. The motion must be signed by the Member(s) giving the notice and must state for which meeting of the Council the notice is given.

b) The Proper Officer will;

(i) record the time and date and number each notice of motion in the order received. A record of each motion will be kept in a book, which may be inspected by Members of the Council;

(ii) set out in the summons for the Council meeting all motions which comply with the requirements of paragraph. (1) of this Standing Order, in the order that they have been received, unless the Member(s) giving the notice has in writing either withdrawn it or has stated a wish to move it at a future meeting of the Council.

c) Motions must relate to some matter(s) where the Council has powers or duties or which affect the whole or part of the Borough or some or all of its inhabitants.

d) A motion will only be moved by the Member(s) who gave the notice or by another Member authorised on his/her behalf.

e) If notice of motion has been given for any meeting of the Council and that motion is neither moved (for whatever reason) nor referred to the Cabinet, a Committee, Sub-committee, Board or Panel in accordance with paragraphss. (6)(a) or (6)(b) of this Standing Order, unless postponed by the consent of the Council, the notice will lapse and the motion will be treated as withdrawn and will not be moved without further notice being given in accordance with paragraph (1) of this Standing Order.

f) Where a notice of motion has been given in relation to some matter within the Terms of Reference of the Cabinet, a Committee, Sub-committee, Board or Panel, the motion may;

I. upon being moved and seconded, stand referred without discussion to the Cabinet or relevant Committee, Sub-committee, Board or Panel;

or

II. upon being moved and seconded, stand referred without discussion to such other Committee, Sub-committee, Board or Panel as the Council may decide;

or

III. the Mayor considers that it would be convenient and helpful to the dispatch of business, provided that where the motion relates to a Cabinet function, the motion must upon being moved and seconded, stand referred without discussion to the Cabinet.

g) Where a motion has been referred to the Cabinet, a Committee, Sub-committee, Board or Panel, the mover of the motion will be given notice of the date and time of the meeting by the Proper Officer and will have the right to attend the meeting and will be given an opportunity to explain the motion.

11. 'MOTION OF NO CONFIDENCE'

I. A motion of no confidence which would have the effect of removing the Leader of the Council (whether following a successful vote of no confidence or otherwise) will not be deemed to have been duly given for the purposes of this Standing Order unless it is signed by five members of the Council and indicates the reasons for the motion.

II. A motion of no confidence will take precedence over any other item of business but is otherwise subject to the same rules as other motions under this Standing Order 10.

III. A motion of no confidence will not be amended but may be withdrawn.

IV. A motion of no confidence will not be treated as an urgent item under Standing Order 1.(8)(b).

12. MOTIONS AND AMENDMENTS WHICH DO NOT NEED TO BE SUBMITTED IN WRITING BEFORE THE MEETING OF THE COUNCIL

The following motions and amendments do not need to be submitted in writing before the meeting of the Council. They should however be proposed and seconded:

a) To appoint a Chairman or Vice-Chairman or to appoint a person to preside at the meeting at which the motion is made (refer to Standing Order 3(2) (Chairman of meeting of the Council));

b) Motions relating to the accuracy of the minutes;

c) That an item of business specified in the summons has precedence (change in order of business);

d) Remission or reference to the Cabinet, a Committee, Sub-committee, Board or Panel;

e) Motions to refer a petition (which has been presented to the Council) to the Cabinet, a Committee, Sub-committee, Board or Panel for consideration;

f) Appointment of the Cabinet, a Committee, Sub-committee, Board or Panel or Members thereof, occasioned by an item mentioned in the summons to the meeting;

g) Adoption of reports and recommendations of the Cabinet, Committees, Sub-committees, Boards or Panels or Officers and any consequential resolutions/motions;

h) That leave be given to withdraw a motion;

i) Motions extending the time limit for speeches;

j) Amendments to motions;

k) "That the debate be now adjourned";

l) "That the Council, Cabinet, Committee, Sub-committee, Board or Panel do now adjourn";

m) “That the Council go into committee and that the rules of procedure for committees do apply”; [See comment above – re rules of procedure for committees]

n) “That the Council, Cabinet, Committee, Sub-committee, Board or Panel do now re-convene”;

o) Motions authorising the sealing of documents;

p) Motions under Standing Order 40(2) (Suspension of Standing Orders without Notice);

q) Motions to exclude the public from a Council, Cabinet, Committee, Sub-committee, Board or Panel meeting, where there is likely to be a disclosure of exempt or confidential information in accordance with Standing Orders 49 and 53;

r) Motions to exclude the public from a meeting where there is likely to be disclosure of information relating to persons employed by the Council (Standing Order 55) (Motions affecting persons employed by the Council);

s) Motion to exclude the press;

t) That a Member named under Standing Order 18 (Disorderly Conduct) stop speaking or leave the meeting;

u) Motions giving consent of the Council, Cabinet, Committee, Sub-committee, Board or Panel where consent is required under these Standing Orders;

v) Motions under Standing Order 8(3)(a)(iii) - to put to the vote and without discussion any business remaining to be dealt with;

The following motions may not be moved or seconded by the proposer or seconder of the motion or amendment under discussion when either of these motions are put;

w) "That the Council, Cabinet, Committee, Sub-committee, Board or Panel proceed to the next business";

x) "That the question be now put".

13. RESCISSION OR AMENDMENT OF PRECEDING RESOLUTION OF COUNCIL

a) (a) A proposal to rescind or amend a resolution of the Council passed within the preceding six months must be treated as an original motion unless it arises out of a report.

NB: Any objection/challenge by the Cabinet against a decision of the Council must be raised in accordance with Standing Order 47 (Conflict Resolution Mechanism in relation to Matters of Policy and Budget Setting).

(b) Notice of motion to rescind or amend a resolution will be by notice, in writing and bearing the names of at least one third of the Members of the Council following the procedure detailed in Standing Order 10(1) (Motions which need to be submitted in writing before the meeting of the Council).

b) (a) An unsuccessful motion (one which has been rejected within the preceding six months) cannot be revived unless a further notice of motion is submitted in accordance with paragraph 1(b) of this Standing Order.

(b) It is not open to any member of the Council to propose a similar motion within a further period of six months, when any motion to rescind or amend a resolution of the Council has been disposed of by the Council.

c) This Standing Order does not apply to motions moved in pursuance of a recommendation(s) of the Cabinet, a Committee, Sub-committee, Board or Panel.

14. VOTING IN COUNCIL

a) All questions coming or arising before the Council will be decided only upon the vote of the majority of the Members present and actually voting.

b) Except where a requisition is made under paragraph (3) of this Standing Order the method of voting at meetings of the Council will be by show of hands.

c) Before a vote is taken on questions coming or arising before the Council, any five Members present at the meeting of the Council may "on requisition" require that the voting on any question be by roll call and recorded so as to show whether each Member present and voting gave a vote for or against the question and the name of any Member present and not voting will also be recorded.

d) Immediately after a vote is taken at a meeting of the Council any Member present may require that the minutes of the meeting record whether he/she cast his/her vote for or against the question or whether he/she abstained from voting.

e) If there is an equality of votes (whether or not the voting includes a vote by the Mayor) the Mayor will have a second or casting vote.

f) Voting on Appointments

If there are two or more 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.

14.1 Budget Decision Meeting

(a) The Chief Officer and Director of Corporate Services (or nominee) shall call upon each Member present to state whether he/she casts his/her vote for or against the decision or whether he/she abstains from voting.

(b) Immediately after a vote is taken, there shall be recorded in the minutes of the meeting, the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

15. QUESTIONS AT COUNCIL MEETINGS

a) Political Group Leader Questions on Notice of the Leader of the Council or Member(s) of the Cabinet

I. Subject to the rules detailed in this Standing Order, a Political Group Leader (or nominee) may at any meeting of the Council ask the Leader of the Council or a Member(s) of the Cabinet (such Member(s) to be nominated by the Leader of the Council) questions (each question being encapsulated in no more than fifty words) on any matter relating to the powers or duties of the Council or on any matter which affects the Borough and its inhabitants or on any matter which falls within the Terms of Reference of the Cabinet.

II. The Political Group Leaders will give notice (in accordance with paragraph (e) of this Standing Order) of no more than three questions (per Political Group Leader) for any meeting of the Council.

III. The total time taken at any meeting of the Council in discussion of all questions (including the supplementary questions under paragraph. (7) of this Standing Order) and answers received under this Standing Order will not exceed twenty minutes.

IV. Questions raised under this Standing Order will be dealt with in the following order;

[1]Has the meaning set out in the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended)

- from the Political Group on the Council forming the largest party in opposition on the Council;
- from the Political Group on the Council forming the smallest party on the Council;
- from the Political Group(s) on the Council forming the administration on the Council.

} alternating at each ordinary meeting of the Council

V. Questions under this Standing Order must be raised on notice in writing to Member Services before 12 noon on the Thursday before the meeting of the Council and will indicate the general nature of the comments to be made.

15.1 Scope of Questions

The Proper Officer may reject (and his/her decision will be final) any question raised under paragraph (1) of this Standing Order and paragraph (14)(2) of Standing Order 16 (Cabinet Minutes Reserved by ward Members) if the question;

VI. is not about a matter for which the Council has a responsibility or which affects the Borough and its inhabitants;

VII. is defamatory, frivolous or offensive;

VIII. is substantially the same as a question which has been put at a meeting of the Council in the past six months;

NB: There must be a change in circumstances to warrant the same question being raised and being accepted by the Proper Officer.

IX. requires the disclosure of confidential or exempt information.

b) Every question will be put and answered without discussion but the person to whom the question has been put may decline to answer it.

c) An answer to a question may take the form of;

I. a direct oral answer or;

II. where the answer to the question cannot conveniently be given orally, a written answer will be circulated to all Members of the Council;

III. a reference to information contained in some publication of the Council.

d) Questions and answers under this Standing Order will not be recorded in the minutes of the meeting of the Council at which the questions were put and answered, but will be printed and a copy of the questions and answers will be deposited in the Members' Room.

15.2 Urgent Business

With the permission of the Mayor, a member of the Council may put to him/her or the Leader of the Council or the Chairman of any Committee, Sub-committee, Board or Panel one question relating to urgent business (even though due notice of the question has not been given in accordance with paragraph

(1)(e) of this Standing Order). A written copy of any urgent question must be delivered to the Proper Officer not later than 10 o'clock in the morning of the day of the meeting of the Council.

15.3 Supplementary Question

A Member asking a question under this Standing Order may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds detailed in paragraph (2) of this Standing Order.

16. MINUTES

a) Subject to Standing Order 47 (Conflict Resolution Mechanism) relating to decisions of the Council, minutes of every meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel will be drawn up and recorded in a Minute Book (loose leafed and consecutively numbered) by the Proper Officer and will be submitted for confirmation to the next succeeding meeting of the body concerned.

b) The Mayor (in the case of a meeting of the Council) or the Chairman (in the case of a meeting of the Cabinet, a Committee, Sub-committee, Board or Panel) will ask whether he/she may sign the minutes as a correct record and on assent of the Members present, will sign the minute book and initial each loose leaf.

c) Minutes which have been drawn up and entered in the minute book and confirmed in accordance with paragraph (1) of this Standing Order will be admissible as evidence. Furthermore, until the contrary is proved, the body concerned will be deemed to have been duly constituted and to have power to deal with the matters referred to in the minutes and the Members present deemed to have been duly qualified.

d) No motion or discussion will be allowed upon the confirmation of minutes except as to their accuracy and then only by motion specifying the amendments thought to be necessary. As soon as any motion has been disposed of (or if no motion is moved) the Mayor/Chairman will sign the minutes subject to any amendments set out in any motion and approved by the body concerned.

e) If following the signing of the minutes, inaccuracies are discovered, the inaccuracy will be reported to the next succeeding meeting of the body concerned and corrected by resolution.

f) Minutes, or a copy of the minutes of meetings of the Council, Cabinet, a Committee, Sub-committee, Board or Panel

I. (excluding so much of the minutes which disclose exempt or confidential

information) will be open to public inspection without payment, for a period of 6 years beginning with the date of the meeting.

II. will be available during office hours for inspection by any member of the Council but subject to the provisions detailed in Standing Order 54 (Inspection of Documents by Members).

g) The Proper Officer will produce a record/statement of every decision taken at a Council, Cabinet, Committee, Sub-committee, Board or Panel meeting. The record/statement will identify:

I. The reasons for the decision; and

II. Any alternative options considered and rejected; and

III. Any declarations of interest.

h) Draft minutes of a meeting of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee will be circulated to the Committees' respective Chairman and Shadow Chairman and any other Member(s) of the Committees who requests a copy.

17. RULES OF DEBATE FOR COUNCIL MEETINGS

17.1 Motions and Amendments

I. All motions and amendments must be proposed and seconded.

II. Unless notice has already been given in accordance with Standing Order 10, the Mayor may request that a motion or amendment (other than Standing Order 11(1), (8) and (11); paragraph (11) of this Standing Order 16 and Standing Order 18) be put in writing and handed to him/her before it is further discussed or put to the meeting.

17.2 Seconder's Speech

A Member who seconds a motion or an amendment, does not have to speak immediately, but may reserve his/her right to speak until later in the debate, as long as the debate has not been closed under paragraph (11) of this Standing Order.

17.3 Standing when Speaking

(a) When a Member is speaking he/she will stand (unless disabled from doing so) and address the Mayor. If two or more Members stand up, or indicate that they wish to speak, the Mayor will call on one of them to speak and the other Members must then sit.

(b) While a Member is speaking, the other Members will stay sitting down, unless they are standing to raise a point of order, or to give a personal explanation.

17.4 Content and length of Speeches

a) A Member must only speak on the subject under discussion, in personal explanation or on a point of order (refer to paragraph (12) of this Standing Order). A mover of a motion

must limit his/her speech to no longer than 5 minutes. Any other speech will not be longer than 3 minutes. The Council may at its discretion, allow a speaker to speak for longer.

b) When a Member can speak again on a Motion

A Member who has spoken on any motion (and for this purpose each separate minute of the Cabinet, a Committee, Sub-committee, Board, Panel or joint committee or any group of minutes being taken together will be regarded as a separate motion) must not speak again until the debate on the motion has finished, except in the following circumstances:-

I. to speak once on an amendment moved by another Member;

II. to move a further amendment if the motion has been amended since the Member last spoke;

III. to speak on the main issues if the Member's first speech was on an amendment moved (whether carried or not) by another Member;

IV. he/she is using his/her right of reply under paragraphs (9) or (11) of this Standing Order;

V. he/she is speaking on a point of order or to give information;

VI. he/she is giving a personal explanation;

VII. to move or speak on a procedural motion set out in paragraph (10) (b), (i) and (j) of this Standing Order;

VIII. questions/comments of the Leader of the Council to matters raised by Members on minutes of a Committee, Sub-committee, Board, Panel or joint arrangements.

17.5 Amendments to Original Motions

a) An amendment (a formal proposal to vary the terms of an original motion before it is adopted by the meeting) must relate to the motion and will be either:

I. to leave out words or;

II. to leave out words and insert or add others; or

III. to insert or add words.

b) An amendment must be pertinent and relevant to the original motion and must be within the scope of the meeting.

c) An amendment which tries to omit, insert or add words to the original motion must not introduce a new proposal into or negative the original motion if, the same effect could be achieved by voting against the motion.

17.6 Debate on Amendment

a) The Mayor will put an amendment which has been moved and seconded unless:

(i) it is outside the scope of the meeting or beyond the

Council's power;

(ii) it bears no relation to the original motion or subject matter;

(iii) it is incompatible with a decision previously taken at the same meeting;

(iv) it is intended only to impede the transaction of business.

b) Each amendment must be voted on separately.

c) Only one amendment can be moved and discussed at a time. No further amendment will be moved until Members have dealt with the amendment under discussion although the Mayor may allow more than one amendment to be discussed at a time (but not voted on) if he/she believes that it would help the conduct of the Council's business, but each amendment must be voted on separately.

d) If an amendment is lost, other different amendments can be moved on the original motion.

e) If an amendment is carried, the original motion as amended (now referred to as the substantive motion) will replace the original motion. Any further amendment may be moved on the substantive motion.

17.7 Alteration of Motions

a) In the course of discussion on a motion - or even before discussion commences the proposer may wish to make an alteration which he/she thinks might make the motion more acceptable to Members and with the permission of the Council (given without comment) the proposer may:-

I. alter a motion which he/she has given notice of;

II. with the permission of his/her seconder alter a motion which he/she has moved and

III. in either (a) or (b) the alteration must comply with the rules governing amendments (refer to paragraphs (6)(1) - (3) of this Standing Order).

b) Withdrawing a Motion or Amendment

The mover of a motion or amendment (i.e. the person who proposes a motion or amendment) may withdraw it with the permission of his/her seconder and of the Council (given without comment). After the mover has asked for permission to withdraw the motion or amendment, no Member may speak on the motion or amendment unless permission to withdraw has been refused.

c) Right of Reply at Close of Debate

(1) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

(2) If an amendment is moved, the mover of the original motion also has a right to reply at the close of the debate on the amendment, but will not speak on the amendment at any other time.

(3) The mover of the amendment has a right to reply to the debate on his/her amendment immediately before the mover of the original motion.

d) Motions which may be moved during Debate

When a motion is under debate, the only other motions which may be moved (either singly or combined and with any necessary added words) are:

i. to amend the motion;
ii. to adjourn the meeting;
iii. to adjourn the debate;
iv. to postpone considering the motion;
v. that the subject of debate should be referred back to the Cabinet, a Committee, Sub-committee, Board or Panel;
vi. to go on to the next business;
vii. that the question can now be put immediately to the vote;
viii. that a Member should not be heard;
ix. by the Mayor, that a Member should leave the meeting i.e. disorderly behaviour (Standing Order 18);
x. to exclude the public and/or press (Standing Orders 49, 53 and 55);
xi. a closure motion (paragraph (11) of this Standing Order);
xii. that the Council go 'into committee and that the rules of procedure relating to committees do apply';
xiii. that the Council do reconvene.

e) Closure Motions

At the end of any speech in relation to a motion or amendment under debate, the following closure motions may be moved without comment;

i. "That the Council proceed to the next business"

1. by any Member who has not spoken on the original motion and provided no one else is speaking at the time;

2. if seconded, the Mayor providing he/she is satisfied that the matter before the meeting has been fully discussed, will then put the closure motion "that the Council proceed to the next business" to the vote.

ii. "That the question be now put"

1. by any Member who has not spoken on the original motion and provided no one else is speaking at the time;

2. if seconded, the Mayor will, providing he/she feels that the matter before the meeting has been fully discussed, put the closure motion "that the question be now put" to the vote and if the closure motion is carried, the Mayor will give the mover of the original motion the right to reply under paragraph (9) of this Standing Order and then put the original motion to the vote.

iii. "That the debate be adjourned"

"That the meeting be adjourned"

1. by any Member other than the mover or seconder of the original motion or the mover or seconder of any amendment or formal motion in relation to it;

2. if seconded, the Mayor will, providing he/she feels that the matter before the meeting has not been fully discussed and has no reasonable prospect of being fully discussed at the meeting, will put the closure motion "that the debate be adjourned" or "that the meeting be adjourned" to the vote without giving the mover of the original motion a right to reply.

17.7 Points of Order and Personal Explanation

Points of Order

(a) A point of order must only be about an irregularity or impropriety in the constitution or conduct of the meeting i.e. must relate to procedure only.

(b) A Member may raise a point of order at any time without notice. It must, however, be raised immediately the alleged irregularity or impropriety becomes apparent and the Member will be entitled immediately to stand up and address the Mayor and will say which Standing Order or legal point has been broken or infringed and the Member's speech must be limited to a point of order.

(c) The Member whose speech has been interrupted in accordance with paragraph (1)(b) of this Standing Order must stop speaking, sit down and allow the Mayor to make a decision.

(d) The Mayor will make a decision on a point of order and this decision will be conclusive and final i.e. it will not be open to discussion.

Personal Explanation

(e) A Member may find that he/she has made a mis-statement which has been quoted by a later speaker or that the latter has misunderstood or misquoted him/her. In such circumstances the Member will be entitled immediately to rise on point of explanation and to interrupt the speaker for a few moments while he/she (the Member) makes the desired correction.

(f) A personal explanation must only be about a Member's earlier speech which has given rise to a misunderstanding or misquote in the debate.

(g) The Mayor will make a decision on a personal explanation and this decision will be conclusive and final i.e. it will not be open to discussion.

17.8 Respect for Chair

Whenever the Mayor rises during a debate, any Member who is standing will sit down, and the Council will be silent.

17.9 Cabinet Minutes Reserved;

(1) By Political Groups

(a) The Political Groups will notify the Democratic Services Manager which Cabinet minutes (other than matters marked for decision by the Council) they wish to debate before 12.00 noon on the Thursday before the meeting of the Council. The notice will indicate the general nature of the comments to be made.

(b) Minutes marked for decision or reserved by a Political Group are minutes reserved for full debate.

(c) The Mayor will invite Members to speak or move a motion on each minute reserved by a Political Group in the order in which they appear on the agenda.

NB: A motion cannot seek to amend or reverse a Cabinet decision(s) but may seek to request the reconsideration of a decision(s) by the Cabinet.

(2) By ward Members

(a) Any individual ward Member may reserve a Cabinet minute(s) (which will not be a minute raised for full debate as detailed in paragraph (14)(1)(b) of this Standing Order) by giving notice (written or verbal) to the Democratic Services Manager before 12.00 noon on the Thursday before the meeting of the Council. The notice will indicate the general nature of the question to be raised which must relate to a matter which affects the Member's ward and its residents.

(b) The Mayor will take minutes reserved by ward Members in the order they appear on the agenda and will invite the ward Member(s) who reserved the minute and if applicable any other Member with a ward interest in the matter, to speak.

(c) No motion or amendment may be proposed on a minute reserved by a ward Member under this Standing Order and the total time taken at any meeting of the Council in dealing with each minute (including a supplementary question raised under Standing Order 14(7)) will not exceed two minutes.

(d) The rules detailed in Standing Order 14 paragraphs (3), (4), (5), (6) and (7) and Standing Order 16(4) will apply to questions raised under this Standing Order 16(14)(2).

(3) The Mayor will conclude the debate by asking the Chairman of the Cabinet to reply.

(4) No discussion will be permitted on any minute, which is not reserved in accordance with this Standing Order.

18. RECORD OF ATTENDANCES

The names of all Members present at meetings of the Council, Cabinet a Committee, Sub-committee, Board or Panel will be recorded.

19. DISORDERLY CONDUCT

19.1 Member(s) of the Council

I. The Mayor (in the case of a meeting of the Council) or a Chairman (in the case of a meeting of the Cabinet, a Committee, Sub-committee, Board or Panel) is entitled to call upon any disorderly Member to behave properly.

II. If a Member continues to misbehave by: -

(i) persistently disregarding the ruling of the Mayor, or the Chairman;

(ii) behaving irregularly, improperly or offensively (which includes smoking during the meeting);

(iii) purposely obstructing the Council's business; or

(iv) repeating himself/herself or using offensive language in his/her speech;

the Mayor or Chairman or any other Member may move "that the Member named be not further heard". If seconded, the motion will be put to the vote and determined without discussion.

III. A motion in the terms "that the Member named be not further heard" will only apply to the item that is being discussed at that time.

IV. If the Member continues to misbehave following a motion being carried in the terms referred to in paragraph (1)(b) of this Standing Order the Mayor or Chairman will:

(i) either move "that the Member named do leave the meeting". This motion will not require seconding but will be put to the vote and decided without comment and if carried, the Member will leave the meeting immediately; or

(ii) adjourn the meeting for such a period, as they may at their discretion consider appropriate.

19.2 General Disturbance by an Individual(s) other than a Member

V. In the event of general disturbance which in the opinion of the Mayor (in the case of a meeting of the Council) or the Chairman (in the case of a meeting of the Cabinet, a Committee, Sub-committee, Board or Panel) disrupts the meeting or makes it impossible to deal with the business on the agenda, the Mayor or Chairman may, in addition to any other powers which he/she may have under these Standing Orders and/or by law (the

public's right of access to meetings is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour) order that any part of the Council Chamber (or other meeting place) which is open to the public be cleared of members of the public and the Mayor or Chairman may, without debate, adjourn the meeting for any length of time that they at their discretion, consider appropriate.

VI. If a member(s) of the public interrupts the proceedings or misbehaves at any meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel the Mayor or the Chairman will;

(i) warn the person to stop interrupting and to behave properly;

(ii) if the person continues to interrupt or misbehave, order him/her to leave the Council Chamber or other meeting place and;

(iii) if the person refuses to leave, the Mayor or the Chairman will have him/her removed from the meeting.

VII. In the case of persistent interruptive and/or disturbance by a member(s) of the public, the Mayor or Chairman may adjourn without debate, the meeting for any length of time that they at their discretion, consider appropriate.

20. RECORDING, FILMING, PHOTOGRAPHING, BROADCASTING AND/OR ORAL COMMENTARY BY THE PRESS AND/OR PUBLIC

I. Any person who records, films, photographs, broadcasts or uses other communication methods in such a way as to be disruptive to the conduct of the meeting or the decision making process, will be asked by the Mayor or the Chairman to desist from such behaviour with immediate effect. Standing Order 18(2) will be applied where the person fails to comply with the Mayor or Chairman's instruction.

II. Oral commentary during a meeting is prohibited. Any person who contravenes this Standing Order, will be asked by the Mayor or the Chairman to desist from such behaviour with immediate effect. Standing Order 18(2) will be applied where the person fails to comply with the Mayor or Chairman's instruction.

21. INTERESTS OF MEMBERS IN MATTERS UNDER DISCUSSION

a) A Member with a disclosable pecuniary interest or prejudicial interest in a matter to be considered, or being considered at a meeting must:

I. disclose the interest; and

II. explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to paragraph 4 of this Standing Order 19); and unless he/she has been granted a dispensation:

III. not participate in any discussion of, or vote taken on, the matter at the meeting; and

IV. withdraw from the meeting room whenever it becomes apparent that the

business is being considered; and

V. not seek improperly to influence a decision about that business.

b) Unless a dispensation has been granted, where a Member with a disclosable pecuniary interest or prejudicial interest in a matter under discussion, chooses to participate in the discussion and vote, the Mayor/Chairman may refuse to count the 'vote' of the Member concerned, for the 'vote' will have been cast illegally and cannot be considered to be a vote at all.

c) The Mayor/Chairman may request that a Member declare a disclosable pecuniary interest or prejudicial interest in a matter under discussion, and, leave the room, should he/she have reason to believe that the provisions of the Member Code of Conduct and/or this Standing Order 19 are being breached. The Mayor/Chairman may apply the rules in Standing Order 18 relating to 'disorderly conduct'.

d) Where a disclosable pecuniary interest or a prejudicial interest has been agreed by the Monitoring Officer as being a sensitive interest, the Member need only disclose the existence of the interest but not its nature.

21.1 Notification of Interests

(a) The Monitoring Officer must be notified of any disclosable pecuniary interest before the end of 28 days beginning with the day a Member becomes a member or voting co-opted member of the Council, or before the end of 28 days beginning with the day on which the Member Code of Conduct takes effect (whichever is the later). In addition, a Member must, before the end of 28 days beginning with the day they become aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

(b) Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office as Councillors/Co-opted Members. Interests must be recorded and capable of audit.

(c) Members attending meetings to present petitions, will declare any interests in the manner specified in this Standing Order 19.

21.2 Council 2 Arrears

(d) A Member who is two months or more in arrears with his/her council tax payments must promptly declare the nature and existence of the interest and although entitled to participate in the discussion, may not vote at any Council or Cabinet meeting, on any matter affecting:

- the setting of the Council's budget or
- the setting of the Council's council tax or
- the administration including penalties and enforcement of

council tax or

- any other matter which is concerned with a financial decision.

(e) It is the responsibility of any Member who is two months or more in arrears with his/her council tax payments to declare the fact and it is a criminal offence not to do so and to vote on any matter specified in this paragraphs(a)-(d) above.

22. INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

a) Officers must follow the Council's Employee Code of Conduct set out in Part 6 of the Constitution (and in the Employee Handbook) relating to disclosures of personal, pecuniary and non-pecuniary interests which could bring about conflict with the Council's interests.

b) Officers of the Council are under a legal duty to disclose their interests (which not only includes pecuniary interests but also extends to situations where any material benefit might be obtained), in any contract, grant, proposed contract or other matter which is to be or has been considered by the Council, Cabinet, a Committee, Sub-committee, Board or Panel.

c) Officers must immediately disclose their interest(s) to the Monitoring Officer. The interest(s) will be recorded in the Declarations of Officers' Interests Register and the Register may be inspected during normal office hours, by members of the Council, internal/external auditors, Statutory Officers, Directors, heads of service and other officers nominated by Directors.

d) Where an Officer submits a report to a meeting on a matter in which he/she has already declared an interest, the Officer must state that a declaration of the interest has already been made to the Monitoring Officer and give brief details of it, in a separate paragraph at the commencement of the report.

e) Where an Officer advises orally, a meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel on a contract, grant, proposed contract or other matter and has declared an interest in that matter, then the Officer must remind the meeting orally of that interest.

f) This Standing Order will not apply to a contract of employment between the Council and an Officer, or the tenancy of a dwelling provided by the Council.

g) Officers are forbidden, under colour of their office or employment, to exact or accept any fee or reward other than their appropriate remuneration. Any fee or reward will include such things as unauthorised commissions, gifts, presents or bribes.

h) Officers are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office. Interests must be recorded and capable of audit.

23. SEALING OF DOCUMENTS

a) Safekeeping

The Common Seal of the Council will be kept in a safe place and in the

custody of the Chief Officer and Director of Corporate Services.

b) Sealing

The Common Seal must not be attached to any document unless it gives effect to:-

I. a decision or resolution of the Council, Cabinet, a Committee, Sub-committee, Board or Panel, or

II. a decision by an Officer exercising delegated powers pursuant to the Scheme of Delegations to Officers.

c) Witnessing

I. The Head of Legal Services (and in their absence, any other Officer of the Council nominated by the Proper Officer) will sign on behalf of the Council, where appropriate, any orders, deeds, or documents necessary to give effect to any decisions/recommendations of the Council, Cabinet, a Committee, Sub-committee, Board or Panel.

II. An entry of every document sealed will be made in the Sealing Register, numbered consecutively and signed by the person who witnesses the seal.

24. INSPECTION OF LAND, PREMISES, ETC

Members will not issue any order for works which are being carried out by or on behalf of the Council unless they are specifically authorised to do so, by the Council, Cabinet, a Committee, Sub-committee, Board or Panel. Membership of the Council does not give Members any right to inspect or to enter any land or premises which the Council has by law, the power or duty to inspect or enter.

25. APPOINTMENT OF THE CABINET, COMMITTEES, SUB-COMMITTEES BOARDS, PANELS AND JOINT COMMITTEES

(1) The Council at the Annual Meeting, receives and notes the size of the Cabinet and appoints the Committees, Sub-committees, Boards and Panels and will specify and agree Terms of Reference. The Council or a Committee (where a committee has the legal power of appointment), may at any other time, appoint such other Committees, Sub-committees, Boards and Panels as is necessary to carry out the work of the Council or Committee.

(2) The Council at the Annual Meeting, will specify the number of Members to be appointed to Committees, Sub-committees, Boards and Panels and will note the appointments to membership made in accordance with the wishes of the political groups on the Council and may specify their term of office.

(3) The Council may appoint a joint committee with one or more local authorities or their executives, to discharge functions that are not executive functions.

(4) Where joint arrangements involve a joint committee to discharge a number of functions on behalf of the Council, some of which are the responsibility of the Cabinet and some of which are the responsibility of the Council as a whole, appointment of Members to

the joint committee will be made by the Council, with the agreement of the Cabinet. Where the Council appoints only one Member to the joint committee, that Member may be, but need not be, a Cabinet member. Where the Council appoints more than one Member, at least one of them will be a Cabinet member. The political balance rules will apply to appointments made in these circumstances.

(5) The Cabinet may appoint a joint committee with one or more local authorities to exercise Cabinet functions. Except as set out in paragraph (6) of this Standing Order, the Cabinet will only appoint Cabinet members to a joint committee.

(6) The Cabinet may appoint Members to a joint committee from outside the Cabinet in the following circumstances and the appointments need not reflect the political composition of the Council as a whole:

a. where the joint committee has functions only in respect of a part of the area of one of the local authorities which is smaller than two-fifths of that local authority (either by area or population). In this case, the Cabinet may appoint to the joint committee any Councillor who is a member for an electoral division or ward which is wholly or partly contained within the area in respect of which the joint committee has functions; and

b. where the joint committee is between a County Council and the Council and has functions only in respect of the area of the Borough. In this case the executive of the County Council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the Borough.

(7) The Leader of the Council will determine appointments as to membership of the Cabinet. The Council will note the appointments to the Cabinet as determined by the Leader of the Council.

(8) Members of the Cabinet may be removed either individually or collectively by the Leader of the Council, under notice to the Proper Officer. Vacancies in the Cabinet will be dealt with in accordance with the rules detailed in Standing Order 32 (Filling vacancies in the Cabinet).

(9) Members selected for membership of the Cabinet, Committees, Sub-committees, Boards, Panels and joint committees will hold office until the next Annual Meeting of the Council, unless one of the provisions detailed in Standing Order 34 (Duration of Offices) applies.

(10) The Council, or, on the recommendation of a Committee, may resolve that persons, who are not elected members of the Council, be appointed as voting or non-voting members (co-optees), assessors and advisers to its Committees, Sub-committees, Boards and Panels.

(11) The Council may at any time terminate or suspend the membership of an individual Member (voting and non-voting) on Committees, Sub-committees, Boards and Panels before the expiration of the term for which he/she has been appointed.

(12) A Member who ceases to be a member of the Council will also cease to be a member of the Cabinet, Committee, Sub-committee, Board, Panel or joint committee to which he/she was appointed. For the purposes of this Standing Order, membership of the Council will not cease because of retirement of a Member(s) providing he/she is re-elected a member of the Council not later than the day of his/her retirement.

(13) In the year of the Borough elections, the Council will at the Annual Meeting either;

(i) For the particular municipal year or until successors have made their declarations of acceptance of office, appoint Chairman and Vice-Chairman as required and Members to serve on its Committees, Sub-committees, Boards, Panels and on any other Committee, Sub-committee, Board, Panel or joint committee established under Standing Order 25 and note the appointments to the Cabinet, made by the Leader of the Council; or

(ii) Approve the procedure under which such appointments will be made and will direct accordingly.

(14) In any other year (not being the year of the Borough elections) the appointments referred in Standing Order 25 will be made by the Council at the Annual Meeting for the ensuing municipal year.

26. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB- COMMITTEES, BOARDS AND PANELS

The 'Rules for Substitution on Standing Committees, Sub-committees, Boards and Panels' will apply as detailed in Standing Order 25.

27. CONSTITUTION OF THE CABINET, COMMITTEES, SUB-COMMITTEES, BOARDS AND PANELS

The Standing Committees of the Council will be as set out in column 1 of the table and will consist of the numbers of Members specified in column 2:

Cabinet (executive function)	Consisting of 7 elected Members (the Leader of the Council and 6 other Councillors)* No Co-optees, Substitutes or Deputies Quorum (3) **The Local Government Act 2000 section 11, limits the number of councillors who can be on Cabinet to ten and prevents the Mayor or Deputy Mayor from being a member of Cabinet*
Cabinet Advisory Panel A (executive function)	Consisting of 50% (or nearest number) of [non-Cabinet] elected Members Substitution permitted Quorum (5)
Cabinet Advisory Panel B (executive function)	Consisting of 50% (or nearest number) of [non-Cabinet] elected Members Substitution permitted Quorum (5)
Overview and Scrutiny Committee	Consisting of 17 elected Members who are not Cabinet members Substitution permitted Quorum (5)
Crime and Disorder (Overview and Scrutiny)	Consisting of 8 elected Members who are not Cabinet members

Committee	Substitution permitted Quorum (3)
Audit Board (non-executive function)	Consisting of 9 elected Members who may also be Cabinet members* **Chairman of the Audit Board not to be a Cabinet or Scrutiny Committee member* *The Cabinet Portfolio Holder for Finance may attend as an Observer* Substitution permitted Quorum (3)
Hearing Panel (non-executive function and regulatory)	Consisting of 3 elected Members of the Audit Board (politically balanced) Substitution (subject to relevant training) not permitted once a hearing has commenced Quorum (3)
Treasury Management Panel (executive function)	Consisting of 7 elected Members *The Cabinet Portfolio Holder for Finance may attend as an Observer.* Substitution permitted (subject to relevant training) Quorum (2)
Development Control Board (non-executive function and regulatory)	Consisting of 17 elected Members of whom no more than one may be a Cabinet member Substitution permitted (subject to relevant training) Quorum (5)
Licensing Committee (non-executive function)	Consisting of up to 15 elected Members who may also be Cabinet members Substitution permitted Quorum (4)
Licensing Sub-committee (non-executive function and regulatory)	Consisting of 3 elected Members who may also be Cabinet members Substitution (subject to relevant training) not permitted once a hearing has commenced or been adjourned

	Quorum (3)
Appeals Panel (non-executive function and regulatory)	Consisting of 5 elected Members who may also be Cabinet members Substitution (subject to relevant training) not permitted once a hearing has commenced or been adjourned Quorum (3)
Statutory Officer Advisory Panel	Consisting of 5 elected Members of whom at least 1 must be Cabinet member Substitution (subject to relevant training) not permitted for meetings which are adjourned or once a hearing has commenced Quorum (3) [including 1 Cabinet member] Dismissal: membership of the Panel to be extended to include at least two Independent Persons when the independent investigator's report recommends dismissal Quorum (5) [including 1 Cabinet member and 2 Independent Persons]

Electoral Provisions Sub-committee	Consisting of 10 elected Members who may also be Cabinet members Substitution permitted Quorum (3)
Independent Remuneration Panel	Consisting of 3 Co-opted Members Substitution not permitted Quorum (3)
Joint Transportation Board (non-statutory forum)	Consisting of: 6 [DBC] elected Members who may also be Cabinet members 6 [KCC] elected Members who may also be Cabinet members 2 Parish/Town Council representatives Substitution permitted Quorum (4) including 2 DBC and 2 KCC elected Members
Deed, Trust and Obligations Committee (executive function)	Consisting of 9 elected Members who may also be Cabinet members and 5 Co-opted Members In situations where all elected Councillors on the Committee are conflicted, the quorum is three (3) [voting] co-opted members Substitution not permitted Quorum (3)
Grants Approval Panel	Consisting of 5 elected Members who may also be Cabinet members Substitution permitted Quorum (3)

a) The Cabinet, Committees, Sub-committees, Boards and Panels will not have the power to make decisions in relation to any function which is specifically reserved to the Council by law.

b) The Cabinet may invite any Member it considers appropriate to attend its meetings to speak on behalf of an absent Cabinet member. This person would, however, not be able to take part in the decision-making process or count towards the quorum of the Cabinet.

c) Subject to Standing Orders 6 and 28 (Quorum of the Cabinet , Committees, Sub-Committees, Boards and Panels), the validity of the proceedings of meetings of the Council, Cabinet, Committees, Sub-committees, Boards, and Panels will not be affected where Members are required by the Member Code of Conduct and/or Standing Orders, to disclose an interest and withdraw from the meeting.

28. SPECIAL MEETINGS OF THE CABINET, COMMITTEES, SUB-COMMITTEES AND BOARDS

a) A special meeting of the Cabinet, or a Committee, Sub-committee, Board or Panel may be called for a specific purpose at any time by the Chairman of the relevant body, on the request of at least the prescribed number of Members forming the quorum, as detailed in Standing Order 28 (Quorum);

and delivered in writing to the Proper Officer.

b) The special meeting will be convened by the Proper Officer and a summons to attend the meeting of the Cabinet, Committee, Sub-committee, Board or Panel will be sent to every member of the relevant body and will set out the business to be considered at the meeting and subject to the requirements of these Standing Orders relating to the consideration of urgent items, no business other than that set out in the summons will be considered.

c) In cases of urgency, the Proper Officer may call a special meeting of the Cabinet, a Committee, Sub-committee, Board or Panel.

29. BOARDS, PANELS AND SUB-COMMITTEES

a) The Cabinet and a Committee of the Council may appoint boards, panels or sub-committees to undertake specific functions identified respectively by legislation, the Cabinet or the Committee.

b) The Chairman and the Vice-Chairman of the Cabinet and the Chairman and Vice-Chairman of the Committee will, unless they signify otherwise, be ex-officio Members of any Board, Panel or Sub-committee appointed respectively, by the Cabinet and the Committee and will be full members of the Board, Panel or Sub-committee, able to speak and vote.

30. QUORUM OF THE CABINET, COMMITTEES, SUB-COMMITTEES, BOARDS AND PANELS

(a) The quorum for a meeting of the Cabinet, Committees, Sub-committees, Boards and Panels, will be one quarter of the whole of the number of Members on the relevant body provided that a quorum will not comprise less than 3 Members, unless the Chief Officer and Director of Corporate Services is of the opinion that, by reason of special circumstances, the quorum should be 2 Members.

(b) The requisite numbers of Members must be present throughout the meeting.

(c) The rules detailed in Standing Order 6 will apply for meetings of the Cabinet, Committees, Sub-committees, Boards and Panels which become inquorate.

31. VOTING IN CABINET, COMMITTEES, SUB-COMMITTEES, BOARDS OR PANELS

a) Voting at any Cabinet, Committee, Sub-committee, Board or Panel meeting is by a show of hands.

b) Recording of Votes

Where immediately after a vote is taken at a meeting of the Cabinet, a

Committee, Sub-committee, Board or Panel, any Member may ask that the minutes of the meeting record whether he/she cast his/her vote for or against the question or whether he/she abstained from voting.

c) Equality of Votes

If there is an equality of votes (whether or not the voting includes a vote by the Chairman), the Chairman will have a second or casting vote.

d) This Standing Order applies to Committees, Sub-committees, Boards and Panels appointed under Section 101 and 102 of the Local Government Act 1972.

32. CABINET, COMMITTEE, SUB-COMMITTEE, BOARD AND PANEL MINUTES

(a) Standing Order 15 (Minutes) of these Standing Orders will apply to Cabinet, Committee, Sub-committee, Board and Panel minutes.

(b) Minutes of the Cabinet will be produced/circulated within six clear days' (not counting the day of the meeting or the day of delivery) following the meeting of the Cabinet.

33. ELECTION OF CHAIRMAN AND VICE–CHAIRMAN OF THE CABINET, COMMITTEES, SUB-COMMITTEES, BOARDS AND PANELS

a) This Standing Order does not apply to the election of any Chairman or Vice-Chairman who holds that office ex officio.

b) If the Chairman or Vice-Chairman of the Cabinet, a Committee, Sub-committee, Board or Panel is not elected by the Council under the procedure detailed in Standing Order 23, paragraphs (9) and (10), the Cabinet, a Committee, Sub-committee, Board or Panel will before the start of any business at its first meeting, fill that office.

c) If a casual vacancy occurs in the office of Chairman or Vice- Chairman of the Cabinet, a Committee, Sub-committee, Board or Panel for which the original appointment was made by the Council, the Proper Officer will report the vacancy to the next ordinary meeting of the Council, who will either fill the vacancy or direct accordingly. In any other case, the vacancy must be filled as soon as possible by the Cabinet, a Committee, Sub-committee, Board or Panel concerned.

34. FILLING VACANCIES IN THE CABINET

a) If a vacancy occurs in the office of the Leader of the Council, the vacancy will be reported the Council who will either fill the vacancy or direct accordingly.

b) If a vacancy occurs in the office of a Member(s) of the Cabinet, the Leader of the Council will fill the vacancy and report the appointment to the Council.

35. PRESIDING AT MEETINGS OF THE CABINET, COMMITTEES, SUB-COMMITTEES, BOARDS AND PANELS

a) The Chairman of the Cabinet, a Committee, Sub-committee, Board or Panel must preside at the meeting if he/she is present.

b) If the Chairman is absent from the meeting of the Cabinet, then the Vice-Chairman will preside and where the Chairman of a Committee, Sub-committee, Board or Panel is absent from the meeting, then the Vice- Chairman (or where there are two Vice-Chairmen), the senior Vice-Chairman will preside.

c) Subject to paragraph(2) of this Standing Order 33, if neither the Chairman nor the Vice-Chairman/Vice -Chairmen are present at Cabinet, Committee, Sub-committee, Board and Panel meetings, another voting elected Member of the body concerned, present at the meeting, will be chosen by the body to preside (Standing Order 11(1) (Motions and amendments which do not have to be submitted in Writing) refers.

d) If the Chairman leaves the Chair without leaving the meeting, then he/she will be treated as absent from the meeting.

36. DURATION OF OFFICES

Subject to the requirements of law and to paragraph (2) of this Standing Order, a person appointed to the office of Chairman, Vice-Chairman or member of the Cabinet, a Committee, Sub-committee, Board or Panel, or to represent the Council on Outside Bodies will, notwithstanding the expiry of the municipal/Council year for which he/she was formally appointed, continue to hold office until a successor is appointed, unless;

(a) he/she ceases to be a Member or a Co-opted member of the Council;

(b) he/she ceases to be a member of the outside body to which he/she has been appointed;

(c) the appointment to or membership of a Committee, Sub-committee, Board or Panel is terminated by the Council or the relevant Committee, Board or Panel;

(d) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension);

(e) he/she is removed from the Cabinet by the Leader of the Council;

(f) he/she is removed from office (where the appointment was made the Council), by resolution of the Council.

37. ATTENDANCE OF MEMBERS AT CABINET, A COMMITTEE, SUB-COMMITTEE, BOARD OR PANEL MEETING OF WHICH THEY ARE NOT MEMBERS

a) Subject to the rules detailed in this Standing Order, Members of the Council have a general right to attend as an observer, the public part of the meetings of the Cabinet and any Committee, Sub-committee, Board or Panel of which he/she is not a member.

b) (a) Subject to paragraph(d) of this Standing Order, any Member may, on the giving of 24 hours' notice in writing to the Democratic Services Manager, be entitled to request to speak on any item(s) on the agenda of a Cabinet or any other Committee, Sub-committee, Board or Panel meeting of which they are not a member, providing they do not have a disclosable pecuniary interest or prejudicial interest in the item and subject to the Chairman being satisfied that the item directly affects the

ward which the Member represents. The decision to accept such a request will be at the Chairman's discretion and his/her decision will be final.

(b) The requirement to give 24 hours' notice referred to in paragraph (a) of this Standing Order, will not apply to urgent items of business not included in the agenda for the meeting.

(c) Permission to speak in accordance with this Standing Order does not entitle the Member to any voting rights.

(d) Any Member may make written relevant representations in their own right or on behalf of their constituents to the Licensing Sub- committee, within the specified period after notice of the application is published by the Council (as licensing authority). Having made those written representations and providing the Member does not have a disclosable pecuniary interest or prejudicial interest in the application, they can appear at the Licensing Sub-Committee hearing in the same way as the responsible authorities/interested parties.

c) A member of the Council who has moved a motion which has been referred to the Cabinet, a Committee, Sub-committee, Board or Panel will be given notice of the date and time of the meeting by the Proper Officer and will have the right to attend the meeting and given an opportunity to explain the motion.

d) A Member with a disclosable pecuniary interest or prejudicial interest in any matter under discussion at a Council, Cabinet, Committee, Sub-committee, Board or Panel meeting, may not attend the meeting as an observer.

38. STANDING ORDERS TO APPLY TO THE CABINET, COMMITTEES, SUB- COMMITTEES, BOARDS AND PANELS

The following Standing Orders will apply with any necessary modifications, to the Cabinet, Committee, Sub-committee, Board and Panel meetings: -

a)	S.O.1(5)	Venue and time of meetings of the Council
b)	S.O.1(6)	Notice of Public Meetings
c)	S.O.1(7)	Summons
d)	S.O.3	Chairman of the Meeting of the Council
e)	S.O.6 (3) and (4)	Quorum of Council
f)	S.O.10	Motions on Notice
g)	S.O.11	Motions without Notice
h)	S.O.13	Voting
i)	S.O.14	Questions at Council Meetings
j)	S.O.15	Minutes
k)	S.O.16	Rules of Debate (except paragraph (3); "Standing when Speaking")
l)	S.O.17	Record of Attendances
m)	S.O.18	Disorderly Conduct
n)	S.O.19	Interests of Members
o)	S.O.40	Suspension of Standing Orders
p)	S.O.49	Admission of Public to Meetings
q)	S.O.51	Public Inspection of Papers
r)	S.O.52(5)	Tabling/Submission of Additional Documents before a Meeting
s)	S.O.55	Motions affecting Persons employed by the Council

39. DELEGATION OF URGENT AND ROUTINE MATTERS

a) (a) The Council will delegate to the Proper Officer (and in his/her absence, other members of the Leadership Team) the authority to act in respect of any function of the Council which in his/her opinion is urgent or of a routine nature, subject however, to this delegated authority being exercised in consultation with the Mayor.

(b) Cabinet will delegate to the Proper Officer (and in his/her absence, other members of the Leadership Team) the authority to act in respect of any function of the Cabinet which in his/her opinion is urgent or of a routine nature, subject however, to this delegated authority being exercised in consultation with the Cabinet Chairman or Vice- Chairman.

(c) Where action is taken under this Standing Order 37(1)(a) or (b), the Officers must report the action taken, including a note of the circumstances which made it necessary, to the next ordinary meeting of the Council or Cabinet (as appropriate).

b) (a) The Council will delegate to each member of the Leadership Team, the authority to act in respect of any function of the Council delegated to a Committee, Sub-committee, Board or Panel which in his/her opinion is either urgent or of a routine nature, subject however to the delegation being exercised in consultation with the Chairman or Vice- Chairman of the Committee, Sub-committee, Board or Panel responsible for the function in accordance with Terms of Reference.

(b) Cabinet will delegate to each member of the Leadership Team, the authority to act in respect of any function of the Cabinet delegated to a Committee, Sub-committee, Board or Panel which in his/her opinion is either urgent or of a routine nature, subject however to the delegation being exercised in consultation with the Chairman or Vice-Chairman of the Committee, Sub-committee, Board or Panel responsible for the function in accordance with Terms of Reference.

(c) Where action is taken under this Standing Order 37(2), Officers must report the action taken, including a note of the circumstances which made it necessary, to the next meeting of the Committee, Sub-committee, Board or Panel responsible for the function in accordance with Terms of Reference.

c) The arrangements under this Standing Order are in addition to and without prejudice to the powers of a Committee to arrange for the discharge of any of its functions by a Sub-committee, Board, Panel or an Officer.

d) Nothing in these Standing Orders will imply that any Member is empowered to make any decision alone, or that decisions may be taken or Council functions delegated other than in accordance with Section 101 Local Government Act 1972 (which permits delegation to Committees, Sub-committees, Boards and Panels and Officers but not to individual Members).

e) The provisions of Standing Order 52 (Inspection of Background Papers) apply with appropriate modifications to action taken under this Standing Order.

40. FINANCIAL ADMINISTRATION

a) The Cabinet, Committees, Sub-committees, Boards and Panels of the Council will observe the Council's Financial Regulations insofar as they relate to the activities under their control.

b) Every Officer of the Council will comply with the Council's Financial Regulations and any other financial procedures made by the Council, or approved by the Chief Officer and Director of Corporate Services.

c) Directors (or their representative(s)) have individual responsibility for the accountability and control within their respective Directorates, of staff, and the security, custody and control of all other resources including plant, buildings, materials, cash and stores.

41. VARIATION AND REVOCATION OF STANDING ORDERS

a) With the exception of Standing Orders 14(d), 16(b), 21.(a).(I) to (v) inclusive, 21.5, 44, 51, 55 and 57, these Standing Orders may be added to and any Standing Order may be varied or revoked without notice by a resolution of the Council (if at least one half of the whole number of Members of the Council are present) or on advance notice of motion under Standing Order 10 (Motions and amendments which need to be submitted in writing before the meeting of the Council).

b) Any motion under this Standing Order when proposed and seconded will stand adjourned without discussion to the next ordinary meeting of the Council.

42. SUSPENSION OF STANDING ORDERS

a) Subject to paragraph (2) of this Standing Order and with the exception of Standing Orders 14(d), 16(b), 21.a (I) to (v) inclusive, 31(b), 45, 51, 55 and 57, any Standing Order may be suspended (i.e. where the Council, Cabinet, a Committee, Sub-committee, Board and Panel decide by resolution that for a special purpose or for a period of time, one or other of these Standing Orders will be of no effect) by advance notice of motion under Standing Order 10 (Motions and amendments which need to be submitted in writing before the meeting of the Council) or by the Council if at least one half of the whole number of Members of the Council are present.

b) A Standing Order may be suspended in whole or in part for any item of business and suspension will only be for part of or the duration of the meeting.

c) The Articles of the Constitution may not be suspended.

43. STANDING ORDERS AND CONSTITUTION TO BE GIVEN TO MEMBERS

a) Members of the Council on declaring acceptance of office will receive from the Proper Officer a printed copy of these Standing Orders, the Constitution and any other legal material that regulates the proceedings and business of

the Council. Members will be notified of any changes to these Standing Orders and/or the Constitution.

b) Members will sign a statement to acknowledge that they have received a copy of these Standing Orders and the Constitution and agree to be guided by their provisions.

44. DISPOSAL OF PROPERTY

The disposal of land and property shall comply with the Policy on the Disposal of Surplus and Underused Land and Property owned by the Council.

45. INTERPRETATION OF STANDING ORDERS

a) The Mayor's (in the case of a meeting of the Council) or Chairman's (in the case of a meeting of the Cabinet, a Committee, Sub-committee, Board or Panel) ruling on the application or the meaning of these Standing Orders, or as to any proceedings of the Council will not be challenged. The interpretation will be fully recorded in the minutes.

b) Reference in these Standing Orders to any legislation will include any subsequent amendments or replacements to the legislation.

c) In these Standing Orders the terms;

I. 'Proper Officer' refers either collectively or individually to the Officer appointed for a particular purpose by the Council and as referred to in the Scheme of Delegations to Officers and/or the Constitution.

II. 'Leadership Team Members' and 'Leadership Team Member' refers, either collectively or individually to the Chief Officer and Director of Corporate Services, the Director of Housing and Public Protection and the Director of Growth and Community.

III. 'Senior Officers' means staff graded "M" with management responsibilities or such other staff as may be nominated by the Directors from time to time.

46. MINUTES

The rules detailed in Standing Order 15(6) will apply as it relates to the minutes of the meetings of the Council, Cabinet, a Committee, Sub-committee, Board and Panel.

47.EXECUTIVE PROCEDURE RULES

47.1 LEADER WITH CABINET FORM

a) Discharge of Executive (Cabinet) Functions

I. The executive functions will be discharged by the Cabinet as a whole in accordance with the Cabinet's Terms of Reference agreed by the Council.

II. The Cabinet may delegate responsibility for an executive function to an Officer, and to an area committee/joint arrangements.

III. Delegation of an executive function under paragraph (b) of this Standing Order does not prevent the discharge of the delegated function by the Cabinet.

b) Delegations outside the Cabinet

I. The Scheme of Delegations to Officers (Part 3 of the Constitution) contains the details relating to delegations of Cabinet functions to Officers. The Scheme is subject to adoption by the Council and may only be amended by the Council.

II. Part 3 of the Constitution (Responsibility for Functions), contains the details relating to delegations of executive functions outside the Cabinet to area committees/joint arrangements.

c) Allocation of Portfolios by the Leader of the Council

I. The Leader of the Council has within his/her discretion the right to allocate/distribute Portfolios (i.e. roles and responsibilities but excluding decision-making) to individual Cabinet Members to facilitate the day-to-day management and/or operational activities of the Cabinet. The Leader may alter the allocations/distribution of Portfolios from time to time.

II. The list of Portfolios and the allocations/distribution of Portfolios to Members of the Cabinet by the Leader of the Council will be received (and noted) by the Council and is open to public inspection.

III. The Leader of the Council may at his/her discretion amend the list of Portfolios from time to time subject to any amendments being reported to the Council 'for noting'. The amended list of Portfolios will be open to public inspection.

IV. No individual Cabinet member has the authority to take decisions on behalf of the Council and/or the Cabinet.

d) Cabinet Arrangements

(1) The Proper Officer will maintain;

(a) a register stating the name and address of every Cabinet member and the ward which he/she represents. The register will also specify the functions delegated to the Cabinet under its Terms of Reference.

(b) a list of the powers to the Cabinet which are exercised by Officers under delegated authority and pursuant to the Scheme of Delegations to Officers. This list will state the title of the Officer(s).

(c) a written summary of the rights of the public and press to attend meetings of the Cabinet.

(2) This Standing Order will not apply to delegations to Officers for a period

not exceeding 6 months.

(3) The register and the list will be open to public inspection and Standing Order 52(6)(a) (providing copies of or extracts from a document) will apply.

e) Conflicts of Interest

I. Members of the Cabinet will comply with the Member Code of Conduct as set out in Part 6 of the Constitution.

II. If every Cabinet member has a conflict of interest, the Cabinet may delegate the function to an Officer or to another body outside the Cabinet responsible for executive functions, for example a committee of the Cabinet.

III. If the exercise of a Cabinet function has been delegated to an Officer under the Scheme of Delegations to Officers or otherwise by resolution or to a structure outside the Cabinet, and a conflict of interest arises, then the function will be exercised by the Cabinet.

IV. Where the exercise of a Cabinet function has been delegated to an Officer under the Scheme of Delegations to Officers or otherwise by resolution, a Cabinet member with a conflict of interest in any subsequent decision or action to be taken by the Officer, may be consulted by the Officer, provided the Head of Paid Service has granted a dispensation permitting the Member to be consulted.

f) Notice of Private Cabinet Meetings

(i) 'Private Meeting' for the purpose of this Standing Order means a Cabinet meeting, or part of a Cabinet meeting during which the press and public are excluded in accordance with Standing Order 49(1).

Public notice of every private meeting:

(a) must be given at least twenty eight clear days' before the meeting (twenty eight calendar days (including weekends and bank holidays, but excluding the day of publication of the notice and the day on which the private meeting is held);

(b) must detail the date and time and the place of the private meeting;

(c) must be displayed in a conspicuous or prominent place at the Civic Centre, Dartford and published on the Council's website; and

(d) include a statement of reasons for the private meeting.

(ii) A further public notice of the private meeting:

(a) must be given at least five clear days' before the meeting (five weekdays, i.e. five periods of 24 hours running from midnight to midnight excluding the day documents become available and the day on which the private meeting is held);

(b) must detail the date and time and the place of the private meeting;

(c) must be displayed in a conspicuous or prominent place at the Civic Centre, Dartford and published on the Council's website; and

(d) include a statement of reasons for the private meeting;

(e) must detail the representations received by the Proper Officer about why the meeting should be held in public and a statement of the Proper Officer's response to such representations.

(iii) Urgency of Private Cabinet Meeting

(a) Where the date by which the private meeting must be held makes compliance with this Standing Order impracticable, the meeting may only be held in private where the Proper Officer has obtained agreement from the Chairman of the Overview and Scrutiny Committee, or, if the Chairman of the Overview and Scrutiny Committee is unable to act, the agreement of the Mayor or Deputy Mayor, that the meeting is urgent and cannot reasonably be deferred.

(b) Following the agreement referred to in paragraph(a) above of the Chairman of the Overview and Scrutiny Committee or Mayor/Deputy Mayor, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred will be published on the Council's website.

g) Presiding at Cabinet Meetings

The rules detailed in Standing Order 31 (Election of Chairman and Vice-Chairman of the Cabinet, Committees, Sub-committees, Boards and Panels) will apply.

h) Order of Business at Cabinet Meetings

I. Unless the Cabinet otherwise determines in accordance with paragraph (b) of this Standing Order, the order of business at every meeting of the Cabinet will be;

(i) to receive any declarations of interest and to note the interest(s) and term(s) of the Grant of Dispensation(s);

(ii) to approve as a correct record and sign the minutes of the last meeting of the Cabinet;

(iii) to receive matters referred by the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee or by the Council for consideration/reconsideration in accordance with the rules detailed in Standing Orders 46(2)(d)(iv).

(iv) to consider reports from the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee; and

(v) to consider matters set out on the agenda for the meeting which will indicate which are key decisions and which are not, in

accordance with Standing Order 57(1) (Definition of Key Decision).

II. The order of business (with the exception of items (i) and (ii) referred in paragraph (a) of this Standing Order, may be altered at the discretion of the Chairman of the Cabinet to give precedence to an urgent item of business not included in the agenda for the meeting.

III. Consultation

IV. All reports to the Cabinet relating to the budget and policy framework will contain details of the nature and extent of the consultation with stakeholders, the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee and the outcome of the consultation.

V. Reports about other matters will set out the details and outcome of the consultation as appropriate.

VI. The level of consultation required will be appropriate to the matter under consideration.

Placing Items on the Cabinet Agenda

VII. Where the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee or the Council have resolved that an item be considered by the Cabinet, the Proper Officer will ensure that the item is placed on the agenda of the next available meeting of the Cabinet.

VIII. There will be a standing item on the agenda of each meeting of the Cabinet for consideration of reports from the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee, but limited to one per Committee.

IX. Any member for the Council may ask the Leader of the Council to place an item (limited to one) on the agenda of a Cabinet meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered and he/she will be invited to attend the meeting.

X. The Monitoring Officer and/or the Chief Finance Officer or the Head of Paid Service may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties.

Giving account at the Cabinet

The Cabinet may invite any person(s) to attend a meeting to contribute to any particular decision or series of decisions or to act as advisors or assessors to assist the Cabinet in its decision making. Advisors and assessors have no voting rights.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

47. BUDGET AND POLICY FRAMEWORK

The Framework for Executive (Cabinet) Decisions

The Council will be responsible for the adoption of its budget and policy frameworks as set out in Article 4 of the Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

Process for Developing the Framework

I. The Cabinet will publicise by including in the Regulation 9 Notice (Standing Order 57 (Key Decisions)) a timetable for making proposals to the Council for the adoption of any policy, plan, strategy or budget that forms part of the budget and policy frameworks and its arrangements for consultation after publication of those initial proposals. The Chairman of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee will also be notified. The consultation period will in each instance be no less than 8 weeks.

NB: The timetable may also be available for inspection at the Council offices and on the Council's website.

II. The Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee have responsibility within their respective terms of reference for fixing their own work programme and may investigate, research or report in detail to the Cabinet with policy recommendations before the end of the consultation period referred to in paragraph (a) of this Standing Order.

III. At the end of the eight-week period, the Cabinet will then draw up firm proposals having regard to the responses to the consultation referred to in paragraph (a) of this Standing Order. The Cabinet will take any response from the Overview and Scrutiny Committee and/or the Crime and Disorder (Overview and Scrutiny) Committee into account in drawing up firm proposals for submission to the Council and the Cabinet's report to the Council will reflect the comments made by consultees including the y Overview and Scrutiny Committee's and/or the Crime and Disorder (Overview and Scrutiny) Committee's proposals and the Cabinet's response.

IV. Once the Cabinet has approved the firm proposals, the Proper Officer will refer these proposals at the earliest opportunity to the Council for decision. In reaching a decision, the Council;

(i) may adopt the Cabinet's proposals without amendment;

(ii) accepts the Cabinet's proposals but subject to amendment;

(iii) may substitute its own proposals for those of the Cabinet;

(iv) refer the proposals back to the Cabinet for further consideration.

V. If the Council accepts the recommendation of the Cabinet without amendment, it may make a decision which has immediate effect. The decision will be decided upon the vote of the majority of the Members actually present and voting.

VI. If the Council accepts the Cabinet's proposals subject to amendments, or substitutes its own proposals in place of those of the Cabinet, in either case, the decision will be referred to as an in-principle decision and subject to paragraph (g) of this Standing Order will only become effective i.e. be implemented on the sixth working day after the meeting of the Council at which the in-principle decision was made.

VII. The rules detailed in Standing Order 47 (Conflict Resolution Mechanism in relation to matters of Policy and Budget Setting) will apply to in-principle decisions of the Council.

VIII. (i) The decisions of the Council referred to in paragraphs (e) and (f) of this Standing Order will be made public and a copy of the decision(s) will be given to the Leader of the Council.

(ii) The notice of decision will be dated and will state either that the Council's decision will be effective immediately (refer to paragraph (e) of this Standing Order) or will become effective on the expiry of the sixth working day after the meeting of the Council unless the Leader of the Council objects/challenges the decision in that period in accordance with the rules detailed in Standing Order 47 (Conflict Resolution Mechanism).

(iii) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet in accordance with paragraphs (5) and in (6) of this Standing Order. Any other changes to the policy and budgetary framework are reserved to the Council.

b) Decisions outside the Budget or Policy Framework (Departure Decisions)

I. A Cabinet decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget approved by the Council is referred to as a "Departure Decision".

II. Urgency is defined as any matter of immediate urgency (i.e. where any delay in the decision-making would prejudice the Council's or the public's interests) making the prompt exercise of the powers of the Cabinet in consultation with the relevant Director and the Monitoring Officer/Chief Finance Officer desirable and/or necessary and which cannot await the next meeting of the Cabinet or the next ordinary meeting of the Council.

III. If the Cabinet wishes to make a Departure Decision, advice must be sought from the Monitoring Officer and/or the Chief Finance Officer as to whether the proposed decision would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

IV. If the advice of the Monitoring Officer and/or the Chief Finance Officer is that the Cabinet decision would be contrary to the budget and/or policy framework, then the Departure Decision must be referred to the Council for decision, unless the Departure Decision is a matter of urgency, in which case the rules detailed in paragraph (4) (Urgent Departure Decisions) of this Standing Order will apply.

c) Urgent Decisions outside the Budget or Policy Framework (Urgent Departure Decisions)

I. The Cabinet may take an urgent decision which is contrary to the policies or budget approved or adopted by the Council (an Urgent Departure Decision) but only if the Chairman of the Overview and Scrutiny Committee agrees in writing that the decision is urgent and reasonable. If the Chairman of the Overview and Scrutiny Committee or (on crime and disorder matters) the Chairman of the Crime and Disorder (Overview and Scrutiny) Committee is not available (for whatever reason) then the Mayor (or in the Mayor's absence, the Deputy Mayor) must agree in writing that the decision is urgent and reasonable.

II. If the Chairman of the Overview and Scrutiny Committee/Crime and Disorder (Overview and Scrutiny) Committee Chairman refuses to act in accordance with paragraph (a) of this Standing Order then the Urgent Departure Decision may be referred on a report of the Cabinet to an Extraordinary meeting of the Council.

III. The Cabinet must as soon as reasonably practicable after making the Urgent Departure Decision in accordance with paragraph (a) of this Standing Order provide the Council with a report explaining the decision, the reasons for it and the reasons for urgency.

IV. The rules detailed in paragraphs (3) and (4) of this Standing Order will apply to Urgent Departure Decisions taken by Officers, area committees/joint arrangements discharging Cabinet functions.

d) Virement

Budgets and virement rules will be agreed annually by the Council at the Budget meeting. The virement rules are included in Financial Regulations (Part 7 of the Constitution).

e) In-year Changes to the Policy Framework

No changes to any policy and strategy which make up the policy framework may be made by the Cabinet except where those changes relate to;

(i) a closure or discontinuance of a service or part of a service to meet a budgetary constraint;

(ii) necessary to ensure compliance with the law, ministerial direction or government guidance;

(iii) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council, following consultation, but where the existing policy document is silent on the matter under consideration;

(iv) where the Council delegates in-year amendment responsibilities to the Cabinet.

f) Call-in of Decisions outside the Budget or Policy Framework

(1) Where the Overview and Scrutiny Committee or (on crime and disorder matters), the Crime and Disorder (Overview and Scrutiny) Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then the Committee will seek advice from the Monitoring Officer and/or Chief Finance Officer.

(2) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report will be to the Cabinet with a copy to every member of the Council.

(3) The Cabinet must meet (regardless of whether the decision is delegated or not) to decide what action to take in respect of the Monitoring Officer's/Chief Finance Officer's report and to prepare a report to the Council in the event that the Monitoring Officer and/or the Chief Finance Officer conclude that the decision was a Departure Decision and to the Overview and Scrutiny Committee or (on crime and disorder matters), the Crime and Disorder (Overview and Scrutiny) Committee, if the Monitoring Officer and/or the Chief Finance Officer conclude that the decision was not a departure.

(4) If the decision has yet to be made or has been made but not yet implemented and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee or (on crime and disorder matters), the Crime and Disorder (Overview and Scrutiny) Committee, may refer the matter to the Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

(i) An Extraordinary meeting of the Council may be called in accordance with the rules detailed in Standing Order 1(3). At the meeting, the Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

(ii) The Council may either;

(a) Endorse the Cabinet decision or proposal as falling within the existing budget and policy framework. No further action will be required save that the decision of the Council will be minuted and circulated to all Members of the Council in the normal way;

or

(b) Amend the Council's Financial Regulations or policy concerned or take any other action considered appropriate to encompass the decision or proposal of the Cabinet and

agree to the decision with immediate effect. No further action will be required save that the decision of the Council will be minuted and circulated to all Members of the Council in the normal way;

or

(c) Where the Council accepts that the Cabinet decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget and does not amend the existing framework to accommodate the decision or proposal, the Council will require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Chief Finance Officer.

(5) The rules detailed in Standing Order 46(2)(h)(i) (making decisions public) will apply to decisions of the Council under paragraph 7(4)(ii) of this Standing Order.

48. CONFLICT RESOLUTION MECHANISM IN RELATION TO MATTERS OF POLICY AND BUDGET SETTING

a) The rules detailed in this Standing Order will apply to decisions referred to in Standing Order 46(2)(f) (in-principle decisions).

b) Minutes of the meeting of the Council will be produced and provided to the Leader of the Council and the Monitoring Officer within five working days' of the meeting of the Council.

c) In-principle decisions of the Council relating to matters of policy and budget setting will take effect, i.e. be implemented on the sixth working day after the meeting of the Council at which the in-principles decision(s) was made.

d) Subject to the restrictions detailed in paragraph (9) of this Standing Order, within the six working days' referred to in paragraph (3) of this Standing Order and before the in-principle decision of the Council takes effect, the Leader of the Council may object to/challenge the in-principle decision of the Council in writing, i.e. in report form, to the Monitoring Officer giving reasons.

e) The in-principle decision(s) once objected to/challenged, will stand as suspended until the next ordinary meeting of the Council.

f) The Council at its next ordinary meeting will reconsider the in-principle decision(s) in the light of the Leader of the Council's objection/challenge and may:

I. adopt the Cabinet’s proposals without amendment;

II. in relation to policy matters, overturn the Leader of the Council’s objection (or make amendments) upon the vote of the majority of those Members present and actually voting.

III. in relation to budget setting matters, overturn the Leader of the Council’s objection (or make amendments) upon the vote of the majority of those Members present and actually voting;

IV. insist on its in-principle decision (i.e. approve a different decision which does not accord with the recommendation of the Cabinet) upon the vote of the majority of those Members present and actually voting.

g) Following reconsideration of the in-principle decision(s) in accordance with paragraph (6) of this Standing Order, the in-principle decision(s) will take effect, i.e. be implemented immediately.

h) In-principle decisions of the Council may only be the subject of objection/challenge once.

i) Once implemented in accordance with paragraph (7) of this Standing Order, the in- principle decision will be published in accordance with the rules detailed in Standing Order 46(2)(h)(i) (making decisions public).

j) This Standing Order will not apply to:

I. the removal from office of Members of the Cabinet, or in respect of Cabinet functions where the law requires that only the Cabinet can take the decisions (or delegate them) so long as the decisions are in accordance with the Council's approved policy framework and budget.

II. decisions of the Council which are required to be taken by law within a specified timescale.

49. OVERVIEW AND SCRUTINY

This Standing Order must be read in conjunction with the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee Protocols.

I. The Council will have a Overview and Scrutiny Committee and a Crime and Disorder (Overview and Scrutiny) Committee as set out in Part 2, Article 6 of the Constitution to perform respectively, overview and scrutiny functions on behalf of the Council.

II. The appointment of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee will be in accordance with the rules detailed in Standing Order 23 (Appointment of the Cabinet, Committees, Sub-Committees, Boards and Panels).

III. The Terms of Reference of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee will be specified and agreed by the Council.

IV. The Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee may arrange for some of their work to be handled by informal Member working groups/panels. Whilst such informal bodies cannot substitute for the Committees or exercise the formal powers associated respectively with overview and scrutiny (which are the preserve of those Committees and their sub-committees), the working groups/panels may contribute to or inform the overview or scrutiny process.

V. With the exception of Cabinet members, members of the Council may

be members of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee. However, no Member may be involved in scrutinising a decision or action which he/she has been directly involved.

b) Constitution of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee

The Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee, will be constituted in accordance with the rules detailed in Standing Order 25 (Constitution of the Cabinet, Committees, Sub-committees, Boards and Panels).

c) Chairing Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee Meetings

The rules detailed in Standing Order 31 (Election of Chairman and Vice-Chairman of the Cabinet, Committees, Sub-committees, Boards and Panels) will apply.

d) Appointment of Overview and Scrutiny Sub-Committee and Crime and Disorder (Overview and Scrutiny) Sub-Committee

I. Subject to the rule detailed in paragraph(d) of this Standing Order, the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee, may appoint sub-committees/task groups as is necessary to carry out the work of the Committees. These sub-committees/task groups will only deal with cross-cutting themes and will be appointed for a fixed period, on the expiry of which the sub-committee(s) will cease to exist.

II. Appointments of sub-committees and their discontinuance will be regarded as a change(s) to the Constitution and the rules detailed in Article 15.04(a)(i) of the Constitution will apply and Part 3 (Responsibility for Functions) of the Constitution will be amended accordingly.

III. The Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee may delegate any of their functions to their respective sub-committees.

IV. With the exception of the Licensing Sub-committee, Assessment Sub-committee, Review Sub-committee and Hearing Sub-committee, sub-committee membership (taken from the parent Committee), will normally reflect the political balance of the Council.

e) Co-optees

(b) Subject to the following rules, the Overview and Scrutiny Committee may recommend to the Council, the appointment/co-option of additional persons as voting or non-voting co-optees to the Committees or their sub-committees:

(i) a co-opted person's membership may be limited to the exercise of the Committees'/sub-committees' powers in relation to a particular matter or type of matter;

(ii) the membership of the person co-opted to serve on the Committees/sub-committees, may be withdrawn at any time by the Committees;

(iii) permission for voting rights must be granted by the Council in advance.

(b) The Crime and Disorder (Overview and Scrutiny) Committee may recommend to the Council, the appointment/co-option of additional

persons to serve on the Committee or its sub-committee, subject to the following;

(i) a person co-opted to serve on the Committee/sub-committee will not be entitled to vote on any particular matter, unless the Committee so determines and subject to the Council's permission in advance.

(ii) a co-opted person's membership may be limited to the exercise of the Committee's/sub-committee's powers in relation to a particular matter or type of matter.

(iii) the Committee may only co-opt an employee, officer or member of the responsible authorities or co-operating body comprising the Dartford Community Safety Partnership to serve on the Committee/sub-committee, providing this person:

(a) is not the chairman or vice chairman of the Partnership or the nominated representative/member or substitute of the responsible authorities and/or co-operating body; and

(b) is not a Cabinet member (or an executive member of Kent County Council).

(iv) the membership of a person co-opted to serve on the Committee/sub-committee, may be withdrawn at any time by the Committee.

(c) Voting Co-optees will comply with the Member Code of Conduct set out in Part 6 of the Constitution.

(d) The rules detailed in Standing Order 54(4) will apply.

f) Meetings and Quorum of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee

The rules detailed in these Standing Orders as set out in the Council Procedure Rules and the Access to Information Procedure Rules will apply.

g) Work Programme

The Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee will be responsible for setting their own work programme and in doing so, the Committees will take into account the minority interest views held by members on the Committees.

h) The Party Whip

I. The 'party whip' means any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any Committee, Sub-committee, Board or Panel or the

application or threat to apply any sanction by the group in respect of that councillor “should he/she speak or vote in any particular manner”.

II. When considering any matter in respect of which a member of the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the Committee’s deliberations on the matter. The declaration and the detail of the whipping arrangements will be recorded in the minutes of the meeting.

i) Order of Business at Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee Meetings

I. Unless the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee and their sub-committees otherwise determine in accordance with paragraph (b) of this Standing Order, the order of business at every meeting of the Committee/sub-committee will be;

(i) Declarations of interest (including whipping declarations) and noting the interest(s) and term(s) of the Grant of Dispensation(s);

(ii) Minutes of the last meeting;

(iii) Responses of the Cabinet to reports of the Committee/sub-committee; and

(iv) The business otherwise set out on the agenda for the meeting.

II. The order of business (with the exception of items (i) and (ii) referred to in paragraph (a) of this Standing Order) may be altered at the discretion of the Chairman to give precedence to an urgent item of business not included in the agenda for the meeting.

(c) Composite Motions

Any consequential composite motions (a substantive motion made up of separate parts) arising out of a report and/or recommendation to the Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee, will be dealt with as follows;

(i) The Chairman may request that a composite motion be put in writing;

(ii) Each part of the motion will be dealt with as a separate motion and will be voted on separately;

(iii) The rules detailed in Standing Order 16 (except paragraph (3) "Standing when Speaking" will apply with any necessary modifications.

j) Giving Account at Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee

The rules detailed in the Committees' respective Protocols will apply.

ACCESS TO INFORMATION PROCEDURE RULES

50. ADMISSION OF PUBLIC TO MEETINGS

a) Members of the public, including the press[2], have a right to attend any meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel unless they are excluded (either for the whole or part of the meeting) because;

I. confidential information under paragraph (2) of this Standing Order might be disclosed during an item of business on the agenda; or if,

II. one or more specified categories of exempt information set out in Annex 1 of these Standing Orders would be disclosed;

III. of general disturbance under Standing Order 18(2).

b) Confidential Information

I. There is a legal requirement on the Council, Cabinet, a Committee, Sub-committee, Board and Panel to exclude the public and the press where the transaction of business on the agenda is likely to involve the disclosure of confidential information. Exclusion of the public may be by resolution but it is sufficient for the Mayor (in the case of a meeting of the Council) or Chairman (in the case of a meeting of the Cabinet, a Committee, Sub-committee, Board or Panel) to ask the public and the press to withdraw so that confidential information can be dealt with.

II. "Confidential Information" means:-

(i) information given to the Council by a Government department upon terms which prevent its disclosure to the public; or

(ii) information which is prohibited from being disclosed to the public under legislation (other than the Data Protection Act 2018) or by a court order.

c) Exempt Information

I. In cases where one or more specified categories of exempt information set out in Annex 1 of these Standing Orders applies, the Proper Officer will be required to consider the public interest test i.e. whether it is in the interests of the public to release some or all of the information even where such disclosure would cause harm to a specific interest. Annex 1 of these Standing Orders identifies the specified categories of exempt information where the public interest test must be applied.

NB: The public interest test involves considering the circumstances of each particular case and the specified category that covers the information. The balance will lie in favour of disclosure, in that exempt information may only be withheld if the public interest in withholding the information is greater than the public interest in releasing it.

II. The Council, the Cabinet, a Committee, Sub-committee, Board or Panel or an Officer under delegated authority may decide to disclose otherwise exempt information detailed in Annex 1 in the public interest even where such a disclosure could cause harm to a specific interest.

III. The Council, Cabinet, a Committee, Sub-committee, Board or Panel may by resolution exclude the public and the press from a meeting (they have a discretion in the matter) if it is likely that the information within one of the specified categories of exempt information referred to in Annex 1 of these Standing Orders would be disclosed. The resolution will identify the proceedings or part of the proceedings to which it applies and state the description of the exempt information, which gives rise to the exclusion of the public and the press.

d) Where a Sub-committee, Board or Panel is conducting regulatory business for example considering an application for a music and dancing licence, the proceedings will be conducted in public (unless a private hearing is necessary for one of the reasons specified in Article 6 of the Human Rights Act 1998) until the parties have concluded their representations when the Chairman will advise the meeting that Members of the Sub-committee, Board or Panel will retire to consider the representations which have been made and will either, reassemble shortly to announce their decision or that the decision will be communicated to the parties in due course. In the circumstances, there is no resolution to exclude the public and the press.

e) The legal obligation upon the Council, Cabinet, a Committee, Sub-committee, Board or Panel to admit the public and the press to their meetings is "without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting" as referred to in Standing Order 18(2) (Disorderly Conduct).

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2 Includes citizen journalists, bloggers, social commentators, film crews as well as more traditional print media

6) Filming, photographing, recording, broadcasting and oral commentary

(i) The press and public may, during the whole or part of a meeting of the Council, Cabinet, Committees, Sub-committees, Board and Panels that is open to the public:

(a) film, photograph, record and broadcast the proceedings;

(b) use other means for enabling persons not present at the meeting, to see or hear proceedings, as it takes place or later;

(c) in *writing only*, report or provide commentary on the proceedings, so that the written report or written commentary is available, as the meeting takes place or later, to persons not present at the meeting.

(ii) The making of an *oral* report or *oral* commentary on the proceedings at a meeting, by the press and/or public is not permitted, as this would be disruptive to the good order of the meeting.

(iii) If it is resolved to exclude the press and public in accordance with paragraph (2)(a) or paragraph (3)(c) of this Standing Order, in conjunction with this, all rights to film, photograph, record and broadcast the meeting will be rescinded and recording equipment used for the purpose of reporting the meeting, removed from the meeting room.

(iv) Where a member of the public is permitted to address a meeting, the Mayor (in the case of a meeting of the Council) or Chairman (in the case of a meeting of the Cabinet, a Committee, Sub-committee, Board or Panel), will ask the individual to give their express permission to being filmed, recorded, photographed or appear in a broadcast. Where permission is refused, the Mayor or Chairman will instruct that, whilst the person is addressing the meeting, any recording, filming, photographing, broadcast or the use of other communication methods, cease with immediate effect. Failure of any person to comply with this instruction will be deemed to constitute disruptive behaviour in accordance with Standing Order 18(2).

(i) In the event that the activity is carried out in a manner that disrupts and/or interferes with the proper conduct of the meeting, the Mayor or the Chairman may at any time withdraw consent to film, record, photograph, broadcast or to the use of other communication methods. The Mayor or Chairman's ruling is final.

(7) Notice of Meetings

Public notice must be given of the time and place of every meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel. The notice must comply with the rules set out in Standing Order 1(6) (Meetings and Proceedings of the Council) and Standing Order 45(6) (Notice of Private Cabinet Meetings).

(8) The rules detailed in this Standing Order do not affect any more specific rights to information contained elsewhere in the Constitution or the law.

51. INSPECTION OF MINUTES AND OTHER DOCUMENTS AFTER MEETINGS

a) After a meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel, the following documents will be open to inspection by members of the public and the press without charge, at the Civic Centre for a period of six years beginning with the date of the meeting:-

I. The minutes of the public part of the meeting and those dealing with any part when the public has been excluded although in these cases, the minutes will have been produced in a way which does not disclose exempt information (as defined in Standing Order 53 and Annex 1 of these Standing Orders) which caused the public to be excluded in the first place (refer to paragraph (2) of this Standing Order);

II. a copy of the agenda for the meeting; and

III. a copy of any report (or part of a report) for an item discussed when the meeting was open to the public.

b) The Proper Officer will prepare a written summary of that part of the meeting where the public has been excluded and the summary will provide the public and the press with a reasonably fair and coherent report without disclosing any exempt information.

c) Where a document is open to public inspection any person including the press may, subject to copyright restrictions;

I. make copies of or extracts from the documents; or

II. require the Council on the payment of a reasonable fee to supply within a reasonable period following request, a photocopy of or extracts from the document.

d) Paragraphs(1), (2) and (3) of this Standing Order will apply to the record/statement of every decision taken at a public part of a Cabinet meeting.

e) Inspection of Accounts (Local Audit and Accountability Act 2014)

A local government elector (or representative) for the Borough of Dartford has a right to;

I. inspect during office hours and without payment, the Council's statement of accounts and reports prepared by the Auditor and also has a right to see all books, deeds, contracts, bills, vouchers and receipts relating to the audited accounts.

II. make copies of or extracts from the accounts and/or other documents without payment; or

(i) require the Council on the payment of a reasonable fee to supply within a reasonable period following request, a photocopy of or extracts from the accounts and/or other documents.

(ii) question the Auditor about the accounts.

52. PUBLIC INSPECTION OF AGENDA AND CONNECTED REPORTS

a) Copies of the agenda for a meeting of the Council, Cabinet, a Committee, Sub-Committee, Board or Panel and subject to paragraph (2) of this Standing Order, copies of any report for the meeting must be open to public and press inspection at the Civic Centre for at least five clear days' before the meeting (five weekdays, i.e. five periods of 24 hours running from midnight to midnight excluding the day the documents become available and the day on which the meeting is held) except:

I. where the meeting is convened at shorter notice, copies of the agenda and the reports will be open to inspection from the time the meeting is convened; and

II. where an item is added to the agenda which is open to public inspection, copies of the item (or the revised agenda) and copies of any report relating to that item will be open to public inspection from the time the

item is added to the agenda.

b) The Proper Officer may exclude from the copies of reports the whole or any part of an item(s) which contains confidential/ exempt information which is to be discussed at a meeting or part of a meeting where the public and the press are excluded in accordance with Standing Orders 49 (Admission of Public to Meetings) and 55 (Motions affecting persons employed by the Council). In such cases, the copy of the relevant part of the item must be marked "Not for Publication" with a statement identifying the specified category of exempt or confidential information (refer respectively to Annex 1 and Standing Order 49(2)) which is relied on, for excluding the public and the press during the discussion of the item to which the report relates.

c) Nothing in this Standing Order requires copies of any agenda, item or report to be made available for public and press inspection before copies have been made available to members of the Council.

d) Consideration of Items at Meetings

An item of business must not be considered at a meeting of the Council, Cabinet, a Committee, Sub-Committee, Board or Panel unless either:

I. a copy of the agenda including the item or a copy of the item has been made available for public inspection as described in paragraph (1) of this Standing Order; or

II. the Chairman of the meeting (for Council meetings, the Mayor in consultation with the Leader of the Council) agrees that the item should be considered at the meeting as a matter of urgency because of special circumstances, which must be specified in the minutes.

e) (a) Where a meeting or part of a meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel is open to the public, including the press, copies of the agenda for the meeting and subject to paragraph (2) of this Standing Order, copies of any reports for the meeting must be handed out to the public and press present at the meeting.

(b) On payment of postage and/other charges, the press must be sent on request:

(i) a copy of the agenda for any meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel and, subject to paragraph (2) of this Standing Order, a copy of any report(s) for the meeting and further statements or particulars which indicate the nature of the item(s) in the agenda;

(ii) if the Proper Officer feels it appropriate, copies of any other documents supplied to Members of the Council for a particular item(s).

53. INSPECTION OF BACKGROUND PAPERS

a) "Background Papers" are documents disclosing material on which a report or an important part of it has been based and which have been relied upon to a material extent in preparing the report. Excluded from the definition of

"background papers" are published works such as HMSO publications and most government departmental circulars and documents, which disclose confidential or exempt information (refer to paragraphs (3) and (4) of this Standing Order).

b) The Proper Officer will decide which documents fall within the definition of "background papers". Once these background papers have been identified, a list of them will be made and open for public inspection from the time the agenda first becomes available until four years after the meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel, which considered the report.

c) Documents which disclose confidential information, as defined in Standing Order 49(2) will not be included in the list of background papers.

d) Documents, which disclose exempt information, as described in Standing Order 53 and Annex 1 to these Standing Orders, do not have to be included in the list of background papers.

e) Tabling/Submission of Additional Documents prior to/during a Meeting

The tabling/submission of additional documents other than background papers as defined in Standing Order 52(1) prior to/during a meeting of the Council, Cabinet, Committee, Sub-committee, Board or Panel will not be considered unless the following rules are complied with;

1. Prior to a Meeting

(a) the document(s) must be submitted to the Democratic Services Manager, by 12 noon on the day of the meeting together with written reasons specifying the relevance of the document(s) to an item(s) on the agenda of the meeting;

(b) the Mayor/Chairman must agree (in the exercise of his/her discretion) to the tabling/submission of the additional document(s);

(c) the document(s) must be accepted into the proceedings on the vote of the majority of the Members present at the meeting and actually voting (whereupon the document(s) will be deemed to be a background paper(s) as defined in Standing Order 52(1):

(d) the relevance of the document(s) to the item(s) on the agenda of the meeting will be specified in the minutes of the meeting;

(e) the rules detailed in paragraphs (3) and (4) of this Standing Order will apply to documents which disclose confidential/exempt information.

2. During the Meeting

a. the reasons justifying why paragraph (5)(a) (notice provisions) of this Standing Order have not been complied will be stated;

b. the reasons specifying the relevance of the document(s) to an item(s) on the agenda of the meeting will be stated;

c. the rules detailed in paragraphs (5) (b), (c), (d) and (e) of this Standing Order will apply.

d. Where background papers are open to public inspection, any person including the press may, subject to copyright restrictions:-

i. make copies of or extracts from a document; or

ii. require the Council on the payment of a reasonable fee to supply within a reasonable period following request, a photocopy of or extracts from the document.

NB: Where the owner of the copyright is the Council, making copies of or extracts from a document which is open to public inspection will not constitute an infringement of copyright. In addition, any defamatory matter contained in published documents which are required to be accessible to the public and the press will be privileged unless the publication of the defamatory material is proved to be made with malice.

3. CONFIDENTIALITY OF REPORTS AND BACKGROUND PAPERS

a. Members of the public, including the press have the right to inspect background papers (documents disclosing material on which a report or an important part of it, has been based and which have been relied upon to a material extent in preparing the report) relating to reports which are considered in public. This right of inspection is not available to members of the public and the press where background papers;

i. disclose confidential information as detailed in Standing Order 49(2) of these Standing Orders;

ii. disclose information within one of the specified categories of "exempt information" detailed in Annex 1 of these Standing Orders and which covers such matters as personal information relating to staff, financial and business affairs of people or companies, action likely to lead to a prosecution and industrial disputes affecting the Council as employer.

b. A report or document which contains confidential or exempt information will be marked "Not for Publication".

c. No Member will disclose or quote in public the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Council, Cabinet, a Committee, Sub-Committee, Board or Panel.

d. No Member will disclose to a non-member or quote in public any matter that is not otherwise published which has come to his/her knowledge by virtue of his/her office as a member of the Council where such disclosure may prejudice the interests of the Council.

e. The rules detailed in this Standing Order will apply to the decision of an Officer exercising delegated powers pursuant to the Scheme of Delegations to Officers.

4. INSPECTION OF DOCUMENTS BY MEMBERS

a. Statutory Right

i. Subject to the restrictions detailed in this Standing Order, a member of the Council has a statutory right to be provided with or to inspect Council documents which it is reasonably necessary for him/her to see in order to carry out his/her duties as a Councillor.

ii. The statutory right of access is limited to documents concerned with business about to be transacted at a meeting of the Council, Cabinet, a Committee, Sub-committee, Board or Panel. This right may be exercised by any Member regardless of whether he/she is a member of the Cabinet, Committee, Sub-committee, Board or Panel but it is a right that can only be exercised before the matter is considered at the meeting and relates to items that are “to be considered” at the meeting. The papers of working parties are not covered by this statutory right.

iii. A Member cannot demand to see a document which relates to business not yet due to come before a meeting of the Council, Cabinet, Committee, Sub-committee, Board or Panel.

iv. The statutory right is not all-embracing. A Member (other than a member of the Cabinet) has no right to see Cabinet documents which are in draft form. A Member has no right to see documents disclosing exempt information other than under category 3 (except to the extent that the information relates to terms proposed to or by the Council in the course of contract negotiations) and category 6 of the Schedule detailed in Annex 1 to these Standing Orders. This means that for a Member to have access to information relating to an individual (category 1), he/she must still establish a "need to know" in accordance with paragraph (3) of this Standing Order.

b. A request to inspect Council documents must be made in writing to the Proper Officer and he/she will be entitled to satisfy himself/herself that the request is a proper one and that the Member has given reasons for requiring the information. The Proper Officer will consider whether it is necessary for the Member to see that particular document or paper to get the information

he/she is seeking; and are the duties he/she is seeking to carry out those which he/she has “as a Councillor”. Are they, in other words, consistent with his/her responsibilities as an elected member of the Council.

c) ’Need to Know’

In addition to the statutory right of access to reports as detailed in paragraph (1) of this Standing Order, Members have a common law right to inspect other documents of the Council. Access to such documents is subject to the following restrictions;

i. There is no right to a roving commission to go and examine books or documents of the Council. Mere “curiosity or desire to see and inspect documents” is insufficient. The crucial question is the determination of the “need to know”; Members have a good reason for access to all written material relating to a function controlled by the Cabinet, a Committee, Sub-Committee, Board or Panel on which they serve but an

"outside Member" has no such automatic right and any claim to a "need to know", if disputed, will be decided by the Council, Cabinet or the Committee, Sub-Committee, Board or Panel or Officers to whom the task has been delegated or by the Proper Officer and the decision will be final.

ii. The test of the Member's "need to know" derives from the Member's Cabinet, Committee, Sub-Committee, Board or Panel responsibilities but may also extend to a Councillor with a legitimate ward problem.

iii. A Member must not knowingly inspect or request a copy of a document which relates to a matter in which he/she is professionally interested or in which he/she has any personal interest.

iv. A Member will not have an automatic right if his/her interest in requesting access to files/documents springs from something other than the wish to pursue rights as a member of the Cabinet, a Committee, Sub-Committee, Board or Panel.

v. A Member will have the right to see other papers including confidential or exempt information if he/she can establish a "need to know" in order to perform properly his/her duties as a Councillor and this need is not outweighed by any public interest requiring non-disclosure. The rules detailed in paragraph (1)(d) of this Standing Order will apply.

vi. The Proper Officer may refuse to allow the inspection or release of any document which is or would be protected by legal professional privilege (i.e. arising from a relionship of solicitor and client)

c) Overview and Scrutiny Committee and the Crime and Disorder (Overview and Scrutiny) Committee Access to Documents

vii. Subject to the restrictions detailed in this Standing Order, a member (including a voting co-optee) of the Overview and Scrutiny Committee or Crime and Disorder (Overview and Scrutiny) Committee is statutorily entitled to a copy of any document relating respectively, to any item of business that has been transacted at a Cabinet meeting or a decision taken by an Officer under delegated authority of the Cabinet.

viii. The statutory right is not all-embracing. A member (including a voting co-optee) of the Overview and Scrutiny Committee or the Crime and Disorder (Overview and Scrutiny) Committee has no right to see documents:

1. disclosing exempt or confidential information unless the information is relevant to a matter being reviewed or scrutinised by the Member's Committee or which is contained in the work programme of the Committee or its Sub-committee;
2. which relates to business not yet due to come before a meeting of the Cabinet;
3. which relates to an Officer decision under delegated authority where the decision has yet to be taken.

ix. A request for information referred to in paragraph(a) of this Standing Order must be made in writing to the Leader of the Council. The

information must be provided no later than 10 clear days (10 week days i.e. 10 periods of 24 hours running from midnight to midnight excluding the day on which the request is received) after the Leader receives the request.

x. Where the Leader of the Council refuses the request for a reason set out in paragraph (b) of this Standing Order, a written statement must be provided to the Member's Committee setting out the reason for the decision to refuse.

c. Material relating to Key Decisions

All non executive (non Cabinet) Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession of or under the control of the Cabinet which relates to any key decision unless the document discloses exempt information under the categories of the Schedule detailed in Annex 1 to these Standing Orders.

d. The rights detailed in paragraphs (4) and (5) of this Standing Order are additional to any other right which Members may have.

e. A Member must not use information gained during his/her duties as a Councillor either for personal gain or in a way which could disadvantage or discredit the Council. Disclosure is prohibited until publicity occurs as a normal incidence of Council activity.

f. Members have the right to see the Council's accounts prepared by the Section 151 Officer and also have a general right to see all books, deeds, contracts, bills, vouchers and receipts relating to the accounts.

5. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

a. If any question arises at a meeting of the Council, Cabinet, Committee, Sub-Committee, Board or Panel as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, the question will not be discussed until a resolution to exclude members of the public from the meeting (whether during the whole or part of the meeting) has been passed on one of the following grounds;

i. that by reason of the confidential nature of the business to be transacted, publicity would be prejudicial to the public interest, or;

ii. for other special reasons (to be stated in the resolution) and arising from the nature of the business or of the proceedings.

b. Once a resolution is passed in accordance with this Standing Order, the public will be excluded from the meeting during proceedings to which the resolution applies.

6. SUMMARY OF THE PUBLIC/PRESS RIGHTS

A written summary of the public/press rights to attend meetings and to inspect and copy documents will be kept at and available to the public and the press at the Council Offices, Civic Centre, Home Gardens, Dartford.

7. KEY DECISIONS

a. Definition of Key Decision[3]

A key decision is defined in Articles 13.03(b) and 13.04 of the Constitution.

b. The rules detailed in these Standing Orders relating to access to information will apply to key decisions unless the general exception or special urgency rules detailed respectively in paragraphs (6) and (7) of this Standing Order apply.

c. The requirements to comply with the rules detailed in this Standing Order do not apply to meetings whose sole purpose is for Officers to brief Members.

d. Procedure before taking a Key Decision

Subject to the general exception and special urgency rules detailed respectively in paragraphs (6) and (7) of this Standing Order, a key decision will not be taken, unless a Regulation 9 Notice in accordance with paragraph (5) of this Standing Order is available for inspection at the Council offices and on the Council's website, at least twenty eight clear days' (i.e. twenty eight calendar days (including weekends and public holidays, but excluding the day of publication of the Regulation 9 Notice and the day of the meeting)) before the key decision is taken.

[3] Part 3 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

e) Regulation 9 Notice

The Regulation 9 Notice will describe the following particulars insofar as the information is available or might reasonably be obtained;

(i) The key decision is being taken on behalf of the Council by Cabinet[4] or by an Officer[5] under delegated authority;

(ii) The matter in respect of which a key decision is to be made;

(iii) The date on which, or the period within which, the key decision will be taken;

(iv) Whether the key decision will be dealt with wholly or partly in private;

(v) A list of the documents submitted to the decision-maker for consideration in relation to the matter;

(vi) The address from which background papers[6] (excluding draft documents and confidential/exempt information) may be obtained;

(vii) The identity of the principal group(s) whom the Cabinet proposes to consult before taking the decision and the means by which any such consultation is proposed to be undertaken;

(viii) That other documents relevant to the key decision may be submitted to the Council; and

(ix) The procedure for requesting details of the documents (if any) as they become available.

f) General Exception (Regulation 10 Notice)

If a matter which is likely to be a key decision has not been included in the Regulation 9 Notice in accordance with paragraph (5) of this Standing Order, then subject to paragraph (7) of this Standing Order relating to the special urgency rule, the decision may still be taken if;

i. the Proper Officer has informed the Chairman of the Overview and Scrutiny Committee or (on matters related to crime and disorder), the Chairman of the Crime and Disorder (Overview and Scrutiny) Committee (or in the absence of the Chairman, each Committee member) in writing (a Regulation 10 Notice) of the matter to which the decision is to be made;

ii. the Proper Officer has made copies of the Regulation 10 Notice available to the public for inspection on the Council's website; and

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[4] Cabinet members to be named
[5] Include name and title of Officer
[6] Background information must contain particulars of the matter, but will exclude confidential or exempt information

iii. at least five clear days' (five weekdays i.e. five periods of 24 hours running from midnight to midnight excluding the day the Proper Officer complies with paragraph (b) of this Standing Order) has elapsed.

iv. A key decision must be taken in public, except where confidential and/or exempt matters are being discussed.

v. The Regulation 10 Notice will be reported to the next scheduled meeting of the Overview and Scrutiny Committee or Crime and Disorder (Overview and Scrutiny) Committee.

g) Special Urgency (Regulation 11 Agreement)

vi. In cases of special urgency, the Regulation 9 and 10 Notices (refer to paragraphs (5) and (6) of this Standing Order) may be dispensed with, but only where the decision maker (i.e. Leader of the Council where the key decision is being taken by Cabinet or where the key decision is being taken by an Officer under delegated authority, the Officer taking the decision) has obtained the agreement of the Chairman of the Overview and Scrutiny Committee or (on matters related to crime and disorder), the Chairman of the Crime and Disorder (Overview and Scrutiny) Committee (a Regulation 11 Agreement) that the taking of the key decision cannot reasonably be deferred by the decision maker. If the Chairman of the Overview and Scrutiny Committee or the Chairman of the Crime and Disorder (Overview and Scrutiny) Committee are unable to act, then the Mayor (or in the Mayor's absence, the Deputy Mayor) must agree that the taking of the decision cannot reasonably be deferred by the decision maker.

vii. As soon as reasonably practicable, the Regulation 11 Agreement setting out the reason(s) for urgency and that the taking of the key decision cannot reasonably be deferred by the decision maker will be published on the Council's website.

viii. The Regulation 11 Agreement will be reported to the next scheduled meeting of the Overview and Scrutiny Committee or Crime and Disorder (Overview and Scrutiny) Committee.

h) Report to the Council

Where a decision has been taken either by Cabinet or an Officer under delegated authority and;

(i) the Overview Scrutiny Committee or (on crime and disorder matters), the Crime and Disorder (Overview and Scrutiny) Committee is of the opinion that the decision is a key decision;

(ii) no Regulation 9 or Regulation 10 Notice has been published in accordance with paragraphs (5) or (6) of this Standing Order); and

(iii) no Regulation 11 Agreement has been obtained in accordance with paragraph (7) of this Standing Order; the Overview and Scrutiny Committee or Crime and Disorder (Overview and Scrutiny) Committee may require the Cabinet to submit a report to the Council (within a reasonable period to be agreed between

the Chairman of the Cabinet and the Chairman of the Committee) detailing particulars of the decision and reason(s), the decision maker and if the Cabinet are of the opinion that the decision is not a key decision, the reasons for that opinion must also be detailed.

NB: The power to require a report rests with the Overview and Scrutiny Committee or the Crime and Disorder (Overview and Scrutiny) Committee (as applicable), but is also delegated to the Proper Officer, who, if requested by the Chairman or any 5 Members of the Committee can require such a report from the Cabinet on behalf of the Committee. Alternatively, the requirement to report may be raised by resolution passed at a meeting of the Committee.

i) Reports on Special Urgency Decisions

The Leader of the Council will report to the Council at the next scheduled meeting, all key decisions requiring special urgency action (refer to paragraph (7) of this Standing Order). The report must detail the special urgency key decisions taken together with a summary of the matters in respect of which the decision(s) was taken.

j) Key Decisions taken by Area Committees/Joint Arrangements and Officers

The rules detailed in this Standing Order 57 will apply to key decisions of taken by area committees/joint arrangements and Officers under delegated authority, in the course of the discharge of a Cabinet function.

k) Recording Decisions

The rules detailed in Standing Order 15(7) will apply to the recording of key decisions.

54. OFFICER EMPLOYMENT PROCEDURE RULES

55. RECRUITMENT OF STAFF

a) Relationships

I. A Member must not participate in a staff appointment or allow himself/herself to serve on the Cabinet where, to his/her knowledge, any of the job applicants to be interviewed is related to him/her or where his/her involvement may well be such as to amount to canvassing or give rise to suspicion of an improper motive, financial or otherwise.

II. A job applicant is required to disclose (at the time of making the application) any relationship with a Member or Officer.

III. A job applicant who fails to disclose a relationship will be disqualified from further participation in the appointment or liable to dismissal without notice, if the Council has reasonable grounds for believing that he/she failed to disclose his/her relationship with a Member or Officer of the Council prior to appointment.

IV. A Member must disclose to the Monitoring Officer any relationship

known to him/her, which exists between himself/herself and any job applicant.

V. No job applicant related to a Member or Officer will be appointed without the authority of the Head of Paid Service.

b) Canvassing and Other Improper Influences

The Monitoring Officer will report any disclosures made under this Standing Order to the Council or to the Audit Board. A job applicant must not canvass a Member and a Member must not improperly favour a job applicant to whom for example, he/she may be related. A job applicant will be disqualified if a Member has canvassed on his/her behalf.

c) References given by Members

A member of the Council may give a written reference for a job applicant (as to ability, experience or character) but must not solicit a job for any person.

d) The requirements of this Standing Order will be summarised in every advertisement inviting applications for appointment or in application forms.

e) Members must not sit on the Cabinet or a Committee, Sub-Committee, Board or Panel responsible for the Directorate for which an employee does significant work, if they are related to or the partner of that employee. A role in policy-making, strategic or operational management or resources allocation would be considered as significant work.

56. RECRUITMENT/APPOINTMENT OF STATUTORY OFFICERS[7] AND DIRECTORS

a) Subject to paragraph (9) below, this Standing Order will apply to the recruitment, interview and appointment of Statutory Officers (Head of Paid Service, Monitoring Officer and Section 151 Officer) and Directors.

b) The interviewing body will be a panel of Members appointed by the Council, politically balanced and including one Cabinet member (the Statutory Officer Advisory Panel).

c) Executive Objections Procedure

I. The Executive Objections Procedure must precede the Council meeting convened to deal with the appointment of the successful applicant.

II. Prior to making a recommendation to the Council to appoint, the Statutory Officer Advisory Panel will notify the Proper Officer of the name of the successful applicant and of any other particulars which the Statutory Officer Advisory Panel considers relevant to the making of the appointment;

III. The Proper Officer will notify *every* Cabinet member:

- of the fact that the Statutory Officer Advisory Panel is proposing to the Council, the appointment of the successful applicant;
- of any other particulars relevant to the recommendation to appoint;
- of the period (not being less than five calendar days) by which any objection to the recommendation to appoint is to be made by the Leader (or the Deputy Leader where the Leader is conflicted) on behalf of the

Cabinet, to the Proper Officer; and
- that any objection must be not only based on evidence i.e. well founded but must also be relevant i.e. material.

IV. At the end of the five calendar day period referred to in paragraph(c) above, the Proper Officer will inform the Statutory Officer Advisory Panel, either:

- that neither the Leader (or the Deputy Leader where the Leader is conflicted) nor any Cabinet member has any objection to the recommendation to appoint; or
- that no objection to the recommendation to appoint has been received; or
- that an objection to the recommendation to appoint has been received and provide details of the objection.

V. Where an objection to the recommendation to appoint has been received by the Proper Officer, the Statutory Officer Advisory Panel will reconvene to consider the objection. If, notwithstanding the objection, the Panel is satisfied that the objection is neither material nor well founded and it is appropriate to recommend the appointment, the Panel will notify the Proper Officer. The Panel's proceedings will be deemed to be closed.

VI. If no objection has been notified under the Executive Objections Procedure, the Statutory Officer Advisory Panel's Chairman will finalise the Panel's recommendation to appoint and notify the Proper Officer. The Panel's proceedings will be deemed to be closed.

d) Having first considered:

(i) the advice, view(s) or recommendation(s) of the Statutory Officer Advisory Panel; and
(ii) the objection received (if any), through the Executive Objections Procedure to the recommendation for appointment, the Council may approve the appointment.

e) No offer of appointment will be made until the Council has approved the appointment.

f) Advertisement

Where recruitment of a Statutory Officer or Director is proposed otherwise than by internal promotion, the following will apply;

I. a statement specifying the duties of the post concerned and any qualifications or qualities required of the applicant will be drawn up and a copy of this statement will be given to anyone who asks for it;

[7] Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

II. the post will be advertised in such a way as to encourage applications from suitable candidates.

g) Interview

I. Where a post has been advertised in accordance with paragraph (6)(b) of this Standing Order, the Statutory Officer Advisory Panel will interview shortlisted candidates.

II. Where no suitably qualified person applies, the post will be re-advertised in accordance with paragraph (6)(b) of this Standing Order.

III. Where it is proposed that the appointment of a Director is made exclusively from among existing Council staff, the Statutory Officer Advisory Panel will shortlist and interview candidates for the post of Director. Paragraphs(3), (4) and (5) of this Standing Order 59 will apply.

h) The Proper Officer and (in his/her absence) other members of the Leadership Team have delegated authority to act in respect of any of the procedural steps in paragraphs (3) and (6) of this Standing Order.

i) Paragraphs (2), (3) (4) (6) and (7) of this Standing Order 59 will not apply where it is proposed that the appointment of the Section 151 Officer or Monitoring Officer be made exclusively from among existing Council staff. In such circumstances, the Head of Paid Service (or nominee) will recommend the appointment to the Council, pursuant to paragraph(5) of this Standing Order.

57. APPOINTMENT OF STAFFOTHER THAN STATUTORY OFFICERS AND DIRECTORS

(a) For the purposes of this Standing Order 60, 'Chief Officers' means Statutory Officers and Directors.

(b) Members of the Council (including members of the Cabinet) will not be involved in the appointment of Officers below Chief Officer level.

(c) Appointment of Officers below Chief Officer level will be the responsibility of the Head of Paid Service (or nominee) who retains overall corporate management and staff responsibility.

58. DISCIPLINARY ACTION IN RESPECT OF STATUTORY OFFICERS[8] AND DIRECTORS

Where an independent investigator's report recommends dismissal of the Head of Paid Service, the Monitoring Officer, the Section 151 Officer or Director, the Officer will not be dismissed unless the following procedure is complied with:

(a) The disciplinary body will be a panel of Members appointed by the Council and politically balanced, including one Cabinet member and at least two Independent Persons (appointed in accordance with paragraph (c) of this Standing Order), with voting rights (the Statutory Officer Advisory Panel).

(b) In the event that one or more of the Council's appointed Independent Persons

are unable to act, the Head of Paid Service will invite and appoint such persons from another local authority as a substitute(s). Where the Head of Paid Service is conflicted or absent, the invitation will be issued and the appointment made, by the Monitoring Officer or Section 151 Officer.

(c) Independent Persons appointed to the Statutory Officer Advisory Panel will be appointed in the following order of priority:

(i) the Independent Person(s) appointed by the Council who is a local government elector in the borough of Dartford;
(ii) any other Independent Person(s) appointed by the Council;
(iii) an Independent Person(s) appointed by another authority.

(d) Any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Statutory Officer Advisory Panel will not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as Independent Person under the Localism Act 2011.

(e) Executive Objections Procedure

(i) The Executive Objections Procedure must precede the Council meeting convened to deal with the dismissal of a Statutory Officer or Director.

(ii) Prior to making a recommendation to the Council, to dismiss, the Statutory Officer Advisory Panel will notify the Proper Officer of any particulars,

which the Statutory Officer Advisory Panel considers relevant to the recommendation to dismiss;

(iii) The Proper Officer will notify *every* Cabinet member:

- of the fact that the Statutory Officer Advisory Panel is recommending dismissal to the Council;
- of any other particulars relevant to the recommendation to dismiss;
- of the period (not being less than five calendar days) by which any objection to the recommendation to dismiss is to be made by the Leader (or Deputy Leader where the Leader is conflicted) on behalf of the Cabinet, to the Proper Officer; and
- that any objection must be not only based on evidence i.e. well founded but must also be relevant i.e. material.

(iv) At the end of the five calendar day period referred to in paragraph(iii) above, the Proper Officer will inform the Statutory Officer Advisory Panel, either:

- that neither the Leader (or Deputy Leader where the Leader is conflicted) nor any Cabinet member has any objection to the recommendation to dismiss; or
- that no objection to the recommendation to dismiss has been received; or
- that an objection to the recommendation to dismiss has been received and provide details of the objection.

[8] Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

(v) If no objection has been notified under the Executive Objections Procedure, the Statutory Officer Advisory Panel's Chairman will finalise the Panel's recommendation to dismiss and notify the Proper Officer. The Panel's proceedings will be deemed to be closed.

(vi) Where an objection (which may introduce new evidence) to the recommendation to dismiss has been notified under the Executive Objections Procedure, the Statutory Officer Advisory Panel will reconvene and may either:

(a) on a further report of the independent investigator and in accordance with the procedure outlined in the Statutory Officer Disciplinary and Dismissal Policy and Procedure, consider the impact of the objection and its relevance to the dismissal recommendation;

or

(b) notwithstanding the objection, if satisfied that the objection is neither material nor well founded and it is appropriate to recommend dismissal, the Statutory Officer Advisory Panel will finalise its recommendation to dismiss and notify the Proper Officer.

The Panel's proceedings will be deemed to be closed.

(f) Before a deciding on whether or not to approve a dismissal, the Council will take into account:

(i) the conclusions of any investigation by the independent investigator into the proposed dismissal;

(ii) the objection received (if any), through the Executive Objections Procedure to the recommendation of the Statutory Officer Advisory Panel to dismiss;

(iii) any written representations made by the Statutory Officer or Director;

(iv) any advice, view(s) or recommendation(s) of the Statutory Officer Advisory Panel.

The Council will not be bound by the Statutory Officer Advisory Panel's advice, view(s) or recommendation(s) and is at liberty to reject the proposal to dismiss. The Council may decide on an appropriate course of action, which could include substituting a lesser sanction.

(g) Members of the Appeals Panel will not participate in the Council meeting.

(h) No notice of dismissal will be issued to the Statutory Officer or Director, until the Council has approved the dismissal.

59. DISCIPLINARY ACTION IN RESPECT OF STAFF OTHER THAN STATUTORY OFFICERS[10] AND DIRECTORS

(a) For the purposes of this Standing Order 62, 'Chief Officers' means Statutory Officers and Directors.

(b) Disciplinary action against staff other than Chief Officers is the responsibility of the Head of Paid Service (or nominee) in accordance with the Council's Disciplinary and/or Capability Policies and related procedures.

(c) Members will not be involved in disciplinary action against Officers below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

NB: A Member may give evidence in any enquiry or investigation of misconduct or other disciplinary action if he/she was a victim of, or a witness to any alleged misconduct.

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[10] Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

60. LOCAL GOVERNMENT ACT 1972 ANNEX 1 SCHEDULE 12A: PARTS 1-3

ACCESS TO INFORMATION: CATEGORIES OF EXEMPT INFORMATION

Category	Qualification
1. Information relating to an individual	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated. Information is only exempt: (a) where disclosure is prohibited by statute; or (b) where disclosure might involve providing personal information about individuals; or (c) where disclosure might breach a duty of confidentiality; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description i.e. it must relate to and be recognisable as referring to a particular living individual in the roles indicated. Information is only exempt: (a) where disclosure is prohibited by statute; or (b) where disclosure might involve providing personal information about individuals; or (c) where disclosure might breach a duty of confidentiality; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.

3. Information relating to the financial or business affairs of any particular person (including the authority holding the information) 'financial or business affairs' includes contemplated, as well as past or current, activities This category will include commercial and contractual interests	Information is not exempt information if it is required to be registered by law e.g. company information, registered charities etc. Information is only exempt if and for so long as: (a) disclosure of the amount involved would be likely to give advantage to a person entering into or seeking to enter into a contract with the Council in respect of property, goods or services whether the advantage would arise as against the Council or as against other persons; or (b) disclosure would prejudice the efficiency and effectiveness of the use of Council resources; or (c) disclosure of trade secrets and other information would, or would likely, prejudice the commercial interests of any person, including the Council; and (d) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
Category	Qualification
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office-holders under, the authority 'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974 i.e. matters which may be the subject of a trade dispute 'employee' means a person employed under a contract of service 'office-holder' means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority	Information is only exempt if and for so long as its disclosure to the public: (a) would prejudice the Council in those or any other consultations or negotiations in connection with a labour relations matter; and (b) in all the circumstances of the case, the public interest in not disclosing the information out weighs the public interest in disclosing the information.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Information is only exempt: (a) where a claim of legal professional privilege could be maintained in legal proceedings e.g. correspondence such as legal advice and assistance between the Council's Legal Services and its client; and (b) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or (b) to make an order or direction under any enactment	Information is exempt only if and so long as: (a) disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice order or direction is to be given or made; and (b) in all circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is only exempt if its disclosure would, or would be likely to, prejudice- (a) criminal investigations and proceedings; or (b) the apprehension or prosecution of offenders; or (c) the administration of justice; or (d) the assessment or collection of any tax or duty or of any imposition of a similar nature; or (e) regulatory enforcement; or (f) any civil proceedings; or (g) Health and safety; or (h) information obtained from confidential sources; and (i) in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing the information.

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.