

## Council Procedure Rules (Standing Orders)

These Standing Orders govern the way in which the County Council works and the conduct of elected members and officers.

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## **PART 1**

### **[County Council Meetings]**

#### **1 Meetings**

- (1) All meetings of the County Council will be held at County Hall, Exeter or such other place as the Council may decide.
- (2) The Annual Meeting of the Council will be held during the month of May unless otherwise directed by the Council.
- (3) In addition to the Annual Meeting, the Council will hold:
  - (a) ordinary meetings to consider general business, on the dates and times shown in the Council's calendar of meetings;
  - (b) a Budget Meeting on the date shown in the Council's calendar of meetings to consider and approve the annual estimates and to determine the Council's precept;
  - (c) special meetings convened by the Chair or by any five members of the Council in accordance with Schedule 12 of the Local Government Act 1972;
  - (d) in the year of the County Council Quadrennial Elections an additional meeting immediately prior to those elections to deal with any outstanding business identified in respect of 5 (e), (f) (g), (l,) (n) or (9) below.
- (4) If a meeting of the Council has not finished by 8pm, it will be adjourned automatically to the next Saturday morning, at 10.30am, unless a majority of members present agree to continue the meeting until it finishes or to adjourn it to some other day.

#### **2 Notice of and Summons to Meetings**

The Chief Executive will give notice to the public of the time and place of meetings in accordance with the Access to Information Procedure Rules contained in the Council's Constitution.

#### **3 Chair of Meeting**

The Chair of the County Council will, if present, preside at all meetings of the Council but in their absence the powers and duties of the Chair will be exercised by the Vice-Chair or the person appointed by the Council to preside at the meeting.

#### **4 Quorum**

The minimum number of members needed for a meeting of the Council to start and to continue (a quorum) is one quarter of the whole number of members on the Council. If a quorum is not present or maintained, the meeting will be adjourned to a time fixed by the Chair. If no time is fixed then any outstanding business will be dealt with at the next ordinary meeting of the Council.

#### **5 Order of Business**

- (1) The order in which business is dealt with at meetings of the Council will be as set out below. The order of items in paragraphs (e)-(p) may however be changed by the Chair at their discretion or by a majority of the members present at the meeting in accordance with paragraph (2) below:

- (a) Election of the Chair & Vice-Chair (Annual Meeting only) (see also standing order 3 above).
  - (b) Appointment of Leader of the Council (Annual Meeting following quadrennial elections only).
  - (c) Appointment of Cabinet Members by the Leader (Annual Meeting following quadrennial elections only).
  - (d) Appointment of a member to act as Chair for the meeting if the Chair and Vice-Chair are absent.
  - (e) Approval of the minutes of the last meeting as a correct record and their signature by the Chair (standing order 12 also refers)
  - (f) Disposal of any business left over from the last meeting.
  - (g) Announcements from the Chair.
  - (h) Filling vacancies on committees or other bodies.
  - (i) Receipt of Petitions.
  - (j) Answers to questions by and receipt of representations from members of the public asked under the Public Participation Procedure Rules
  - (k) Answers to questions by members asked under standing order 17.
  - (l) Consideration of Framework Decisions/Recommendations from the Cabinet.
  - (m) Receipt of Reports from Cabinet Members.
  - (n) Consideration of minutes, reports and/or recommendations from committees.
  - (o) Consideration of reports from officers.
  - (p) Consideration of any other business listed on the agenda for the meeting.
  - (q) Consideration of motions placed on the agenda under standing order 6.
- (2) Any proposal by a member under paragraph (1) above to change the order of business shall be voted on without discussion immediately after it has been moved and seconded.
- (3) A provisional Order paper indicating the business to be transacted at a Council meeting will be available in the Chief Executive's Office from 10.30am on the day of the meeting (or in the case of the Budget Meeting starting at 10.30am, from 9.00am) but will not be finalised until it is tabled in the Council Chamber before the start of the meeting.

## **6 Notices of Motion: At County Council**

- (1) A member who wishes to place a motion on the agenda of a meeting of the Council must give notice, in writing, to the Chief Executive by 9.00am on the eighth working day before the meeting of the Council at which it is to be considered. The Chief Executive will keep a record of all such motions received which may be inspected by any member of the Council.

This standing order does not apply to motions which can be moved without written notice in accordance with standing order 11.

- (2) All motions submitted under this standing order will be set out on the agenda for the meeting of the Council in the order they were received. A motion may only be withdrawn — in writing — by the member who originally submitted it.
- (3) A motion which has been placed on the agenda must be formally moved at the meeting of the Council by the member who submitted it or, with his/her written consent, by another member. If it is not moved it will be regarded as withdrawn unless the Council agrees to postpone it.
- (4) The mover may if the Council agrees, without discussion, alter a motion provided that the alteration could have been made as an amendment under standing order 14(7).
- (5) The Council shall only consider a motion if it relates to some matter on which the Council has powers or duties or which directly affects the County as a whole.
- (6) At any ordinary meeting of the Council, a motion shall, after being formally moved and seconded, be passed to the Cabinet There will then be no discussion on the motion at that meeting of the Council.

If the motion is on a matter for which the Cabinet has no remit, then it shall be passed to the relevant Committee (Local Authorities (Functions and Responsibilities)(England) Regulations 2000).

However, and subject also to standing orders 9 and 29, the Council may decide to discuss a motion at the meeting to which it is submitted if, in its view, there is sufficient reason to do so.

## **7 Notice of Motion: To Rescind a Previous Resolution**

Any Notice of Motion which would negate, cancel or revoke an earlier decision taken by the Council on a motion submitted under standing order 6 during the previous six months can only be considered if the notice given to the Chief Executive under standing order 6(1) is signed by ten members.

When the Council has considered any such motion the subject matter or topic shall not be raised again by Notice of Motion within the following six months.

*[NOTE: This standing order only applies to formal Notices of Motions submitted to the County Council under standing order 6. The six-month rule does not apply to any decision of the Council taken as a result of approving a minute or recommendation of the Cabinet or a committee]*

## **8 Referred Motions**

- (1) When a motion has been referred to the Cabinet under standing order 6(6) the Chief Executive will inform the member who originally submitted it when the Cabinet is to discuss it. If they are not a member of the Cabinet they have a right to attend the meeting and speak but not to vote on the motion.
- (2) The Cabinet will consider the matter and either refer it to another committee or make a recommendation to the Council.

## **9 Motions Regulating Procedures of Council**

Any motion which would affect the procedures of the Council will be passed to the Procedures Committee to consider and report back to the Council.

## **10 Motions affecting persons employed by the Council**

If any question arises at a meeting of the Council about the appointment, promotion, dismissal, salary, superannuation, conditions of service, or conduct of any employee of the Council, it shall not be discussed until the Council has decided whether or not to exercise the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972.

## **11 Motions and amendments which may be moved without notice**

Motions or amendments on the following topics or matters may be moved without giving notice to the Chief Executive under standing order 6;

- (1) Appointing or electing a Chair.
- (2) Varying the order of business on the agenda.
- (3) Referring a matter to the Cabinet or a committee.
- (4) Appointing a Committee (or members thereto) when the agenda contains an item to allow members to do so.
- (5) Agreeing the minutes of the Council or a Committee and/or querying the accuracy of the minutes.
- (6) Requesting approval to withdraw a Motion.
- (7) Extending the time limit for speeches.
- (8) Amending a motion submitted under standing order 6 or 7.
- (9) Asking the Council to proceed to the next item on the agenda.
- (10) Asking the Council now to vote on the issue being discussed (otherwise known as a motion that the question be now put).
- (11) Adjourning the debate.
- (12) Adjourning the meeting.
- (13) Suspending standing orders in accordance with standing order 30.
- (14) Excluding the press and public in accordance with Section 100A(4) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012.
- (15) Dealing with disorderly conduct by a member under standing order 18.

## **12 Minutes: of Council Meetings**

- (1) The minutes of a meeting of the Council will be submitted to the next ordinary meeting for approval as 'a correct record'.
- (2) The Chair will ask the Council to agree *that the minutes of the meeting of the Council held on the ... day of ... be approved as a correct record*. and they will then sign the minutes. There shall be no discussion on any minute unless its accuracy is called into question.

### **13 Minutes: of the Cabinet and Committees submitted to Council**

- (1) Any Minute of the Cabinet relating to a Framework Decision (see paragraph 11 of the Cabinet Procedure Rules) submitted to the Council for approval will be formally 'moved' by the Leader or appropriate Cabinet Member.
- (2) Minutes of other committees submitted to the Council for approval will be formally 'moved' by the Chair of the relevant committee (or another member acting on their behalf) and put to the Council for consideration. When all matters relating to those minutes have been dealt with (see also standing order 14(1)-(3)) the Chair of the committee will then ask the Council to adopt the minutes as a whole (together with any amendments the Council may have agreed), without any further discussion.
- (3) The mover of the minute will exercise the 'right of reply' to any amendment moved under standing order 14.
- (4) Any decision of a committee taken on a matter for which it has power delegated to it under the Council's scheme of delegation (set out in Part 3 of the Council's Constitution) shall be known as a 'starred minute' and be denoted by an asterisk (\*) immediately in front of the minute number.
- (5) The County Council may only consider an amendment to a starred minute called for consideration at a Council meeting if 20 members vote in favour of so doing.

### **14 Rules of Debate and Procedures for Meetings of the County Council**

*[NOTE: This standing order relates to motions and amendments moved at meetings of the Council other than Notices of Motion submitted under standing order 6. Motions or amendments moved at the Cabinet or Committees do not have to be in writing].*

#### **'Calling' of Minutes: at Council**

- (1) If a member wants to amend or talk to or ask a question on any committee minute which is before an ordinary meeting of the Council for approval they must give notice of their intention to "call" that minute to the Chief Executive by 12.00 noon on the day before the meeting. Minutes of the Cabinet relating to Framework Decisions will be regarded as having been called automatically.

If a member wishes the text of his/her motion or amendment to be printed on the Order Paper they should also supply that text and the name of their seconder.

Any motion or amendment which has not already been published on the Order Paper (see also standing order 5(3)) must be put in writing, read out at the meeting by the mover and then handed to the Chair. It must be moved and seconded before being discussed.

- (2) Any member may, without giving notice, move an amendment to, talk to or ask a question on a minute which has already been 'called'.

#### **Motions and Amendments**

- (3) At a Budget meeting the text of any motion or amendment relating to the annual estimates must be put in writing and submitted to the Chief Executive by 9.00am on the third working day before the meeting in order that the officers may have sufficient time to consider and advise the Council of the financial implications of any such motion or amendment.
- (4) Only one amendment may be moved and discussed at a time.

- (5) If an amendment is lost other amendments may be moved to the original motion.
- (6) If an amendment is carried the motion, as amended, is the one to which further amendments may be moved.
- (7) An amendment must relate to a motion and can:
- refer the subject of debate to a committee for consideration or re-consideration
  - leave out words
  - leave out words and insert or add others
  - insert or add words;
- but must not introduce a substantially new proposal or give effect to the direct opposite of what was proposed in the original motion.
- When an amendment is carried, any further amendment must follow the advice above and not revert to the wording of the original motion.
- (8) No amendment may be moved to a minute of a committee unless it has been called under paragraph (1) of this standing order and no amendment can be moved to a minute which does not contain a resolution.
- (9) Any motion or amendment may be altered or withdrawn by the mover with the agreement of his/her seconder, without debate, provided that the amendment in its altered form complies with paragraph (7) of this standing order.
- (10) When a motion is under debate, no other motion shall be moved, except the following:
- to amend the motion;
  - to adjourn the meeting;
  - to adjourn the debate;
  - to proceed to the next business;
  - that the question be now put;
  - that a member be not further heard (in accordance with Standing Order 18);
  - by the Chair that a member do leave the meeting;
  - to exclude the public under section 100A(4) of the Local Government Act 1972.
- (11) On a motion by a member (who has not already spoken in a debate), duly seconded, 'That the Council proceed to the next business', 'That the question be now put' 'That the debate be now adjourned' or 'That the Council do now adjourn', the Chair will, if they agree that there has been enough debate on the matter or that further debate would not be helpful to the Council:
- on a motion *To Proceed to the Next Business* put that motion to the vote and if it is passed go on to the next item;

on a motion *That The Question be Now Put* put that motion to the vote, and if it is passed immediately ask the mover of any amendment (if there is one) and the mover of the original motion to exercise their right of reply in that order and will then put the motion and/or amendment to the vote;

on a motion to *Adjourn the Debate* or *Adjourn the Meeting*, put that motion to the vote without giving the mover of the original motion or amendment a right of reply on that occasion.

- (12) Motions and/or amendments which are not seconded or are withdrawn by the mover will not be recorded in the minutes.
- (13) Motions and/or amendments moved and seconded at Council meetings which are not approved will be recorded in the minutes of that meeting.

## **15 Speaking at Meetings**

- (1) At meetings of the Council, members shall stand and face the Chair when speaking. The Chair will decide which member speaks first if more than one indicates a wish to do so. All other members shall remain seated until the Chair indicates it is their turn to speak or unless they wish to speak to a point of order or in personal explanation (see also paragraph 4 below).
- (2) If the Chair stands up any member who may be speaking must stop and, if necessary, sit down.
- (3) A member's speech must relate either to the matter under discussion or to a personal explanation or to a point of order, as appropriate.
- (4) Any member who wants to raise either a point of order or to speak in personal explanation will be allowed to speak immediately. A point of order must relate to an alleged breach of a standing order or statutory provision and the member must say which standing order or statutory provision has been broken and in what way. A member may only speak in personal explanation to clarify remarks made by them earlier in that debate which appear to them to have been misunderstood.
- (5) In seconding a motion or amendment any member may reserve their right to speak until later in the debate.
- (6) Any member who has spoken in any debate may only speak again if it is:
  - to speak on an amendment subsequently moved by another member;
  - if the motion has been amended since they last spoke, to move a further amendment;
  - if their first speech was on an amendment moved by another member, to speak on the original motion, whether or not the amendment on which they spoke was carried;
  - to exercise their right of reply (see paragraph 7 below);
  - to raise a point of order (see paragraph 4 above);
  - to speak in personal explanation (see paragraph 4 above).
- (7) In any debate the mover of a motion under standing order 14 has a right to speak immediately before the motion is voted on (a 'right of reply'). If there is an amendment to that motion the mover of the amendment also has a right of reply - immediately before the mover of the motion. Where an amendment is moved to a

minute the mover of the amendment shall have a right of reply immediately before the appropriate Cabinet Member or Chair who is moving the adoption of their minutes in accordance with standing order 13(2). The appropriate Cabinet Member or Chair cannot speak on an amendment to a minute until that time.

## **16 Length of Speeches**

Unless the Council decides otherwise, the length of speeches will be as set out below:

- (a) on a minute or other matter relating to the Cabinet, by the Leader or an Cabinet Member: 7 minutes
- (b) on a minute or other matter relating to any other committee, by the Chair of that committee or the relevant 'spokesperson' of the main Party Groups serving on that Committee: 7 minutes
- (c) by the mover of a motion to remove the 'star' from a minute to enable an amendment to that minute to be considered by the Council: 3 minutes.  
  
[Such a motion shall be formally seconded without any further speech by the seconder]
- (d) by the mover of any other motion or an amendment: 7 minutes
- (e) by the mover of a motion or an amendment exercising his/her right of reply: 3 minutes
- (f) by the Leader of the Council exercising their right of reply to Budget amendments: up to 10 minutes
- (g) by a Member attending a meeting of a committee under standing order 8(1) or 25: 5 minutes
- (h) all other speeches: 5 minutes

## **17 Written Questions: Council Meetings**

- (1) A member of the Council may ask the Leader, appropriate Cabinet Member or Chair of any other Committee a question about any matter or subject on which the Council has powers or duties or which affects the County as a whole.
- (2) If the meeting is a special meeting questions must relate to the matter to be discussed at that special meeting. Similarly, questions at the budget meeting must relate to the annual estimates for the year in question.
- (3) A question must be delivered to the Chief Executive's office, in writing, fax or email, by the member asking it, by 12.00 noon on the fourth working day before the meeting at which it is to be asked.
- (4) Questions will be printed in the order they were received and circulated to members before the Council meeting starts together with the answers to those questions (unless an oral answer is to be given). Copies will also be sent to members who are not able to attend the meeting.

- (5) There will be no discussion about any question so dealt with except that a member who has submitted a question is entitled to ask one supplementary question arising from that question and answer and to receive a further answer.

Provided that if a Member considers that the answer does not fully address the question, they may also ask for a full and written answer to be provided to all Members of the Council.

- (6) If any reply indicates that the subject matter of the question is to be considered by the Cabinet or a committee, the member who asked the question will be told by the Chief Cabinet of the date and time that the Cabinet or committee will consider the question. The member will be regarded as having given notice to place that item on the agenda under standing order 23(2).

- (7) 'Question Time' shall not exceed thirty minutes. If however an oral answer has been given within the time limit, the member who asked the question has the right to ask a supplementary question and to receive an answer. If a question to which an oral answer was to have been given has not been reached within the time limit, a written answer will be sent by the Chief Executive to all members of the Council as soon as is practicable.

- (8) The Chair of the Council may rule questions or supplementary questions 'out of order' if in his/her view they are irrelevant, frivolous or derogatory to the dignity of the Council.

## **18 Disorderly Conduct**

- (1) If a member persistently ignores or disobeys the ruling of the Chair or behaves irregularly, improperly or offensively or deliberately obstructs the business of the meeting any other member may move '*That the member named be not further heard*' which, if seconded, must be put to the vote without discussion.

If the same member continues to misbehave the Chair will either move '*that the member named do leave the meeting*' (in which case the motion shall be determined without seconding or discussion) or adjourn the meeting for such time as they think fit.

- (2) If a motion, '*that the member named do leave the meeting*' is approved by a meeting the Chair will then order the member concerned to leave the room for the rest of the meeting. If the member refuses to go the Chair can order that they be removed.

- (3) In the event of general disturbance by members which the Chair believes will prevent the business of the meeting being carried out properly, they can adjourn the meeting immediately for whatever period they think fit.

## **19 Disturbance by Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them. If that person continues to interrupt or disrupt proceedings the Chair may order them to leave or be removed from the room. If there is a general disturbance in that part of the room open to the public the Chair may order that part to be cleared and, if they consider it necessary, may adjourn the meeting whilst this action is taken.

## **PART 2 [Rules of Debate and Procedures for the Cabinet]**

The Cabinet Procedure Rules are set out in Part 4 of this Constitution.

## **PART 3**

### **[Rules of Debate and Procedures for Meetings of all Committees other than the Cabinet]**

#### **20 Standing Orders applying to Committees**

Standing Orders 2, 10-19 will apply, mutatis mutandis, to committees except for Standing Orders 13, 14(1), 14(3) and 17.

#### **21 Appointment and Membership of Committees**

- (1) All committees (including any Statutory Committee) will be appointed by the Council. The Council will decide on the size of each committee and how many voting or non-voting members it will have.

Provided that:

- (a) the Chair of the County Council may not be a member of the Cabinet or of a Scrutiny Committee;
  - (b) the Vice-Chair of the County Council may not be a member of the Cabinet;
  - (c) A Member of the Cabinet may not be a member of a Scrutiny Committee.
- (2) A Scrutiny Committee may appoint ad hoc working groups to assist in the investigation of a specific issue of policy or performance. Any other Committee may only appoint a sub-committee or working party with the approval of the Procedures Committee.
  - (3) Whenever the Council is required to review the allocation of seats on committees between political groups, or the Council resolves to carry out such a review the Chief Executive shall submit a report to the Council showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the Local Government and Housing Act 1989 and in the light of such a report, the Council shall determine the allocation of seats to political groups.
  - (4) Whenever an appointment of a member of a committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Chief Executive shall make or terminate the appointment accordingly.

#### **22 Meetings of Committees**

- (1) Every committee shall meet at such times and places as are shown in the Council's calendar of meetings or otherwise agreed.
- (2) Meetings of committees shall not normally be held during August, the annual recess of the Council.
- (3) If a meeting of a committee has to be adjourned it should not normally meet within 7 days of the date of the original meeting and appropriate notice of the revised date shall be given.

*[NOTE: This paragraph does not apply to adjournments of meetings under standing orders 14(10) & (11), 18(3) and 19.]*

- (4) The Chair of a committee may call a special meeting of a committee at any time. A special meeting may also be called if one quarter of the whole number of a committee (but not fewer than three members) requisition a meeting in writing through the Chief Executive. The summons for any special meeting shall set out the business to be considered at that meeting.

## **23 Agenda and Order of Business**

- (1) The agenda for every meeting of a committee shall include an item to enable the Chair of that meeting to raise any matter which in his/her opinion warrants urgent consideration in accordance with section 100B(4) of the Local Government Act 1972.
- (2) Any member of the Council may put an item on the agenda of any committee relevant to the functions of that committee.

Provided that should a member wish to place an item on an agenda of any meeting that relates solely to a local matter within the electoral division of another member then the local member should be consulted upon the inclusion of any such item and the agenda should indicate whether or not its inclusion has the support of the local Member.

- (3) Notice must be given in writing, by fax or by email to the Chief Executive by 9.00am on the eighth working day before the date of the meeting of the appropriate committee giving details of the matter to be discussed. The member will have the right to attend the meeting at which the item is to be considered and explain the matter.

This paragraph applies to any co-opted or additional member of a committee but only in relation to that committee.

## **24 Chairs and Vice-Chairs**

- (1) The Chair and Vice-Chair of every committee must be a county councillor and will be appointed by the Council at the Annual Meeting except for any Highways and Traffic Orders Committee and Locality (County) Committee which will each elect a Chair and Vice-Chair at the first meeting of those committees after the Annual Meeting of the County Council;
- (2) The Chair and Vice-Chair of the Devon Pension Board and the Vice Chair of the Health & Wellbeing Board will be elected at the first meeting of those Boards (after the Annual Meeting of the County Council) and, thereafter annually, from among the membership of each Board respectively.
- (3) Chairs and Vice-Chairs shall remain in office until their replacements are appointed unless they cease to be members of the Council in which case a replacement will be appointed at the next meeting of the Council or the relevant body.

## **25 Attendance at Committee Meetings**

- (1) The Chair of the County Council or any member of the Cabinet may attend meetings of a Scrutiny Committee but may not exercise his/her right to speak under paragraph 2(a) below except at the invitation of that Committee.

- (2) Subject to (1) above, a member of the Council may attend a meeting of the Cabinet or a committee of the council of which they are not an ordinary member as follows:
- (a) Any member, having given 24 hours notice to the Chief Executive in writing, fax or email, may attend any meeting and speak but not vote on an item on the agenda for that meeting.
  - (b) Any member of the Council may attend, without notice, a meeting of the Development Management Committee to speak (but not vote) about a planning application or other matter which is on the agenda and which affects his/her electoral division and will have the right to speak at the beginning of the debate and again before the debate is finished — before any right or reply by a mover of a motion or an amendment. If a local member is unable to attend a meeting of the Development Management Committee they may put their views in writing and they will be read out and circulated at the meeting.
  - (c) Any member who has asked under standing order 23(2) that an item be placed on the agenda of any committee (which is within its terms of reference) or whose Notice of Motion has been referred by the Council to a Committee or the Cabinet under standing order 6(6) may attend the meeting at which this matter is considered with a right to speak (but not vote) on that item.
  - (d) In the case of the Procedures Committee only, a Deputy Group Leader or Deputy Whip or Secretary may attend any meeting in the absence of either a relevant Leader or Whip or Secretary.
  - (e) In the case of the Investment and Pension Fund Committee, alternate (nominated) representatives of Unitary and District Councils may attend in the absence of the appointed relevant Unitary or District Council representative.
  - (f) In the case of the Devon Audit Partnership Committee, alternate (nominated) representatives of constituent Councils may attend in the absence of that Council's appointed representative.
- (3) In the event of a member of a committee being unable to attend any meeting they shall have the right to submit their views in writing on any matter before the Committee, which shall be reported at the meeting.

## **26 Quorum**

The quorum for any committee is one quarter of the whole number of the committee (but not fewer than three elected members) except in the case of a Highways and Traffic Orders Committee where the quorum shall be three, of whom two shall be County Councillors.

## **27 Confidential Proceedings**

Documents marked 'Not for Publication' and all proceedings of the Council, the Cabinet or committees from which the public have been excluded under Section 100A(4) of the Local Government Act 1972 shall be treated as confidential unless and until they become public in the ordinary course of the Council's business, in line with the Access to Information Procedures contained in the Council's Constitution.

## **28 Public Participation at Meetings**

A member of the public who is a resident of the administrative area of the County of Devon may deliver a petition, make representations or ask a question at meetings of the County Council or specified Committees of the County Council as set out in the Public Participation Procedures in the Council's approved Constitution.

## **PART 4**

### **[Variation, Revocation Suspension or Interpretation of Standing Orders]**

#### **29 Variation and Revocation of Standing Orders**

Any Notice of Motion under standing order 6 to add to, vary or revoke any of these standing orders shall, when proposed and seconded, automatically stand adjourned without further discussion to the Procedures Committee and any amendment moved and seconded under standing order 14 which is capable of having the same effect shall not be debated further until it has been considered by the Procedures Committee.

#### **30 Suspension of Standing Orders**

*[NB: This standing order must be read in conjunction with Article 13(9) of the Constitution]*

- (1) Subject to paragraph (2) of this standing order, any of the preceding standing orders except standing orders 6(1), 6(2), 11, 12(1), 14(3), 32 and 35 may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend standing orders shall not be moved at a meeting of the Council without notice unless there shall be present at least one half of the whole number of the members of the Council.
- (3) The minute of any resolution of a committee which requires the suspension of a standing order before it can be acted upon shall be recorded as an unstarred minute.

#### **31 Interpretation of Standing Orders**

The Chair's decision on the meaning, application or interpretation of any standing order or on conduct of business at any meeting of the Council or a committee is final.

#### **32 Voting: on motions and amendments**

- (1) The method of voting at meetings of the Council and committees will, unless a roll call vote is requested or required, in accordance with paragraphs (2) and (5) below, be by show of hands.
- (2) At a meeting of the County Council, if a majority of the members present agree, the vote on any matter at that meeting may be by roll call. All members present will be then asked how they wish to vote and how they voted will be shown in the minutes of the meeting. The names of those members who do not vote will also be shown in the minutes. The Leader or Deputy Leader of a Political Group may also ask at any time for the number of votes for and against any decision to be shown in the minutes.
- (3) In the case of an equality of votes the Chair or person presiding at any meeting of the Council the Cabinet or a committee will have a second or casting vote.

- (4) A member may, immediately after a vote has been taken, ask that his/her vote on any decision taken by the Council or a committee be recorded in the minutes as for, against or in abstention.
- (5) At a Budget meeting, the vote on any motion or amendment relating to the setting of the Council Tax or level of precept shall be by roll call (or by any electronic voting mechanism available to the Council) and the names of Members who voted as for, against or in abstention to any such motion or amendment shall be recorded in the minutes of that meeting.

### **33 Voting: on appointments**

- (1) Where there are more than two persons nominated for one position to be filled by the Council or a committee and one of those persons does not receive at least half of the votes cast in his/her favour then the name of the person having the least number of votes shall be removed from the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- (2) In the case where more than one position is to be filled and there are more persons nominated than there are vacancies the same procedure as in paragraph (1) of this standing order shall apply.
- (3) Voting shall be by a show of hands unless it is resolved to use a secret ballot or, in the case of an appointment made at a Council meeting, a roll call under Standing Order 32 (2).
- (4) In the case of equality of votes and where the Chair does not exercise his/her casting vote the matter shall be determined by lot.

## **PART 6 [General]**

### **34 Members' Interests**

- (1) If any member or co-opted member of the Council, Cabinet or a committee has any financial or other interest within the meaning of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and as set out in the Council's Code of Conduct for Members at Part 6 of the Constitution made by the Secretary of State under section 30 of the Localism Act 2011 that member shall disclose the fact to the Monitoring Officer, in writing, and any such notification shall be recorded in a Register kept by the Monitoring Officer for that purpose;
- (2) If any member or co-opted member has any disclosable pecuniary interest in any matter being considered at a meeting of the Council, Cabinet or a Committee or any personal interest as defined by the above Code of Conduct adopted by the Council and set out in the Council's Constitution they shall disclose that interest and give an explanation of its nature but may remain speak and vote unless the interest is a disclosable pecuniary interest, in which case the member shall withdraw from the meeting while the matter is under consideration unless:
  - (i) the disability to discuss that matter imposed upon them by the section has been removed\* by the Monitoring Officer in consultation with the Chair of the Council's Standards Committee;

*[\*See explanatory note appended to the Members' Code of Conduct at Part 6 of the Constitution]*

(ii) the meeting concerned is a Scrutiny, Area or Joint Committee which is not exercising functions of the Council or the Cabinet and the disclosable personal interest is of a non-financial nature;

(iii) the matter is under consideration by the Council as part of the minutes or report of a committee and is not itself the subject of debate.

Provided also that a member of a Scrutiny Committee will be regarded as having a personal and prejudicial interest where that Committee is considering a decision or action made by another Committee or joint Committee of which they are a member but that does not prevent them from attending the meeting of the Scrutiny Committee to answer questions or give evidence relating to that decision or action.

- (3) If any member of the Cabinet has, in their opinion (and in addition to any personal interest they are required to declare at (2) above under the Members' Code of Conduct), a conflict of interest relating to a matter to be decided by the Cabinet or in his/her capacity as a Cabinet member then they shall must disclose it and give an explanation of its nature and may remain and speak and vote on and determine the matter provided the disability to discuss and determine that matter has been removed by the Monitoring Officer in line with the Cabinet Procedure Rules. Similarly any member of the Devon Pension Board is required to declare any conflict of interest in line with the guidance notes appended to the Members' Code of Conduct at Part 6 of the Constitution and as set out at paragraph 12.4 of the Cabinet Procedure Rules.
- (4) Any member who declares any interest as required under paragraphs (2) and (3) above shall do so orally as soon as the matter in which they have an interest is raised and before any discussion takes place on that matter and they shall also complete the declaration form available at the meeting to indicate the nature of the interest;
- (5) In addition to the financial and other interests which a member must register in compliance with the Code of Conduct, a member of the Council and an officer holding a politically restricted post (as defined by the Local Government and Housing Act 1989) may submit to the Monitoring Officer, in writing, details of any matter(s) which in their view might create a conflict of loyalties with their Council duties and any such notification shall be recorded in a Register kept by the Monitoring Officer for that purpose;
- (6) Every Member of the Council and every Officer shall disclose details of every offer of gift or hospitality in line with the County Council's Policy Statement on the Proper Conduct of Business and any such notification shall be recorded in a Register kept by the Monitoring Officer for that purpose;
- (7) The Monitoring Officer shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, and the register shall be open during office hours to the inspection of any Member of the Council.

### **35 Appointment of Officers and Disciplinary Action**

The appointment of, and disciplinary action against, Officers and in particular the Head of Paid Service, Statutory Chief Officers and other Chief Officers shall comply with the Regulations made by the Secretary of State under sections 8, 20 and 190 of the Local Government and Housing 1989 and, in respect of the Director of Public Health under s73A of the National Health Services Act 2006, as reflected in the Chief Officer Employment Procedure Rules set out at Part 6 of this Constitution and the Personnel Regulations as may from time to time be made by the Council.

## 36 Financial Matters and Procedures

All decisions by the Council or by the Cabinet or any Committee or Officer of the Council or any other person spending or controlling the spending of the Council's money or other resources shall comply with the Budget and Policy Framework Procedures and the Code of Business Conduct set out in the Council's Constitution.

## 37 Inspection of Lands, Premises, etc.

Unless specifically authorised to do so by the Council, the Cabinet or a committee, a member of the Council shall not issue any order respecting any works which are being or about to be carried out by or on behalf of the Council, or claim, by virtue of his/her membership of the Council, any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

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