

STANDING ORDERS FOR THE REGULATION OF BUSINESS

The Council Procedure Rules (known as Standing Orders) set out the rules of debate and procedure for the conduct of meetings of the Council, including where necessary their application to committees, sub-committees and other bodies.

The Standing Orders are:

1.	Suspension of Standing Orders	3
2.	Interpretation	3
3.	The Lord Mayor	3
4.	Publicity, Notice and Access to Meetings	3
5.	Annual Meeting	3
6.	Ordinary Meetings	4
7.	Time of Meetings	4
8.	Changes to Schedule of Meetings	4
9.	Extraordinary Meetings	4
10.	Order of Business – Annual Meeting	4
11.	Casual Vacancies	5
12.	Contested Positions	5
13.	Order of Business and Time of Meetings – Council Meetings	5
14.	Six Month Rule	6
15.	Variation of Order of Business	7
16.	Selection of New Lord Mayor and Deputy Lord Mayor	7
17.	Questions for the Cabinet or Chair	7
18.	Adjourned Meetings	8
19.	Seating Plan	8
20.	Quorum	8
21.	Counting Out	8
22.	"Confidential" and "Exempt" Information	9
23.	Circulation of Minutes and Reports	9
24.	Deputations	9
25.	Questions by the Public at Council Meetings	10
26.	Urgent Council Business	11
27.	Reports and Recommendations of the Cabinet, Governance and Audit Committee, Employment Committee, Scrutiny Panels and Standards Committee	11
28.	Questioned and Objected Business	12
29.	Oral Questions by Members	12
30.	Presentations	12
31.	Plans to be Exhibited	12
32.	Notices of Motion	13
33.	Motion not Moved	13
34.	Conduct of Councillors and Members of the Public in Meetings	14
35.	References to Employees of the Council	14
36.	Conduct - The Public	14
37.	Councillors' Right to Speak	14
38.	Time Allowed to Speakers	15
39.	Points of Order and Points of Explanation	15
40.	Motions and Amendments without Notice	15
41.	Motions and Amendments	16
42.	One Amendment at a Time (Not Applicable at Council Meetings)	17

Agreed by the City Council 24 March 2009 (updated 24 November 2009)

43.	Notice of Further Amendment (Not Applicable at Council Meetings)	17
44.	Amendments and Further Amendments (Not Applicable at Council Meetings)	17
45.	Amendments and Further Amendments (Applicable at Council Meetings)	17
46.	Next Business, Closure and Adjournment	18
47.	Right of Reply	18
48.	Voting	18
49.	Application of Standing Orders to other Council meetings including Regulatory committees and Panels	19
50.	The Cabinet and Committees - Continuation in Office	19
51.	Quorum of Cabinet and Committees	19
52.	Absence of Chair	19
53.	Special Meetings	20
54.	Appointment and Quorum of Sub-Committees	20
55.	Councillors speaking at meetings where they are not members of the committee	20
56.	Councillor's request for additional items to be added to agenda	21
57.	Addition of Urgent Items to the Agenda	21
58.	Urgent Decisions by Chief Executive	21
59.	Informal Meetings	22
60.	Respect for Chair and Chair's Decision	22

Where the term “relevant body” is mentioned under the Standing Orders it relates to the Cabinet, committee, sub-committee or overview and scrutiny panel and this item shall be construed as appropriate.

The Council Procedure Rules contain some mandatory standing orders and other standing orders to reflect local custom and practice. Mandatory standing orders are also reflected in the other Procedure Rules set out in this Constitution.

Councillors and officers shall comply with these Standing Orders at all times.

These Standing Orders shall be subject to further review

A. Introduction

1. Suspension of Standing Orders

Any Standing Order except No. 8, (Changes to Schedule of Meetings), 10 (Order of Business- Annual Meetings), 46 (Next Business, Closure and Adjournment) and 60 (Respect for Chair and Chair's Decision) may be suspended by a majority of the Councillors present, subject to the usual rules of debate.

2. Interpretation

The words and phrases listed below have the meaning shown:

"Agenda": The notice for a meeting

"Chair": the person presiding at a meeting.

"Committee": means a Committee; a Sub Committee; joint Committee; overview and scrutiny panel

"Days": calendar days, including bank holidays.

"In writing" includes submission by email or fax

3. The Lord Mayor

The Lord Mayor shall be Chair of all full Council meetings.

B. Meetings of the Council

4. Publicity, Notice and Access to Meetings

- (a) The Agenda, Minutes and Reports for all Council and Committee Meetings will be made available at the Civic Offices Information Desk for inspection by the public as soon as practical following their publication.
- (b) Public notice of the time and place of any meeting will be given at least 7 days before the date of the meeting, unless the Council meeting is held at shorter notice.
- (c) Meetings of the Council are open to the public.
- (d) The Council may decide to exclude the public from a meeting during any item when considering exempt or confidential information.
- (e) Notification of the meeting will be given by a "summons" (agenda) which will be provided to each councillor at least 7 days before the meeting, unless the Council meeting is held at shorter notice.

5. Annual Meeting

The annual meeting shall normally take place on the second Tuesday in May.

6. Ordinary Meetings

In addition to the Annual Meeting normal meetings for the transaction of general business shall be held at least six times in each year.

7. Time of Meetings

The Annual Meeting shall start at 11.00am; other meetings of the Council shall start at 2.00 pm unless the Lord Mayor in consultation with the Leader decides otherwise.

8. Changes to Schedule of Meetings

At the Annual Meeting a programme of ordinary meetings of the council for the year will be agreed. No variation to this programme except for the cancellation of a meeting will be allowed except at the request of the Lord Mayor and with the agreement of the Leader. The revised date shall be

- (i) within seven days before the original date;
- (ii) Notified to all councillors at least 7 days before the original date.

9. Extraordinary Meetings

An Extraordinary Meeting may be called by the Chief Executive at the request of:

- (a) the Lord Mayor in consultation with the Leader and the Monitoring Officer
- (b) the Council by resolution
- (c) ten Councillors by notice which has been signed by those Councillors and specifies the business proposed to be transacted.
- (d) the Monitoring Officer

The items to be included on an Extraordinary Council meeting agenda shall be approved by the Lord Mayor, in consultation with the Monitoring Officer, subject to Deputations being permitted on all open business before the Council for decision.

10. Order of Business – Annual Meeting

The order of business of the Annual Meeting of the Council shall normally be to:

- (a) elect the Lord Mayor and Deputy Lord Mayor of the City;
- (b) approve the minutes of the last meeting;
- (c) receive any announcements from the Lord Mayor;
- (d) elect the Leader of the Council (*Note :change in legislation Leader now appoints Cabinet and portfolios*)
- (e) appoint -
 - (i) a Governance & Audit Committee comprising of six Councillors
 - (ii) a Standards Committee comprising six Councillors, five independent members and two Southsea Town Councillors
 - (iii) a Planning Committee comprising nine Councillors
 - (iv) a Licensing Committee comprising ten Councillors
 - (v) an Employment Committee comprising six Councillors

- (f) appoint the following overview and scrutiny panels –
- (i) Scrutiny Management Panel comprising nine Councillors
 - (ii) Health Overview & Scrutiny Panel comprising six Councillors
 - (iii) Housing & Social Care Scrutiny Panel comprising six Councillors
 - (iv) Education, Children & Young People Scrutiny Panel comprising six Councillors
 - (v) Finance & Resources Scrutiny Panel comprising six Councillors
 - (vi) Traffic, Environment & Community Safety Scrutiny Panel comprising six Councillors
 - (vii) Economic Development Culture & Leisure Scrutiny Panel comprising six Councillors
- (g) appoint Chairs and Vice-Chairs of all the listed committees and panels except for the Standards Committee which shall at its first meeting of the municipal year appoint a chair and vice-chair from amongst the independent members of the committee. No Councillor may be appointed as a chair or vice-chair of a committee during his or her term as Lord Mayor. No Cabinet Member shall be appointed to serve on the Governance and Audit Committee
- (h) appoint Councillors and other Council representatives to Hampshire Fire and Rescue Authority, Hampshire Police Authority, Langstone Harbour Board and Local Government Association
- (i) appoint to each committee or panel up to three named deputies from each political group such standing deputy to deputise at request of the councillor on the committee or panel
- (j) consider any other business set out in the agenda
- (k) approve a programme of ordinary meetings of the Council for the year

Note: Should the Council wish to depart from the above structure it would require prior consultation with the Standards Committee.

11. Casual Vacancies

Any vacancy on the, a committee, panel or other body must be filled by the Council at the next Council meeting after the vacancy has arisen. In respect of Cabinet, a vacancy may be filled at any time by the Leader of the Council (to deal with change in Legislation)

12. Contested Positions

If there are more than two people nominated for any one 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. If there is a contest for more than one vacancy, those nominees receiving the highest number of votes will be appointed.

13. Order of Business and Time of Meetings – Council Meetings (For Extraordinary meetings see Standing Order 9 above)

Agreed by the City Council 24 March 2009 (updated 24 November 2009)

- (1) Council meetings shall begin at 2.00pm. In the event that the Lord Mayor wishes the meeting to start at a different time notice must be given to Councillors at least 7 days before the date of the meeting.
- (2) The order of business at every meeting of the Council shall normally be to:
 - (a) choose a person to preside if the Lord Mayor and Deputy Lord Mayor are absent;
 - (b) where any Councillor has a personal or prejudicial interest under the Code of Conduct in an item at the meeting he or she must declare this at the beginning of the meeting or as soon as practicable after arriving or when the interest becomes apparent and must disclose to the meeting the existence and nature of the interest. Where a Councillor has declared a personal or prejudicial interest and has had to leave the room the business may not proceed after the discussion of the item until the Councillor has been requested to return to the room;
 - (c) approve as a correct record and sign the Minutes of the last meeting of the Council. No motion or discussion shall be allowed on the Minutes except as to their accuracy and any objection on that ground must be made by motion;
 - (d) urgent business brought forward in accordance with Standing Order 26 Urgent Cabinet Business;
 - (e) receive any Lord Mayor's announcements;
 - (f) receive written petitions from the public
 - (g) deputations from the public in accordance with Standing Order 24
 - (h) answer questions from the public submitted under Standing Order 25
 - (i) receive and consider matters for decision referred by Cabinet, Overview & Scrutiny, Governance & Audit, Standards and Employment Committee or referred by the Chief Executive
 - (j) receive Reports submitted by the Overview and Scrutiny Panels
 - (k) consider motions in the order in which notice has been received;
 - (l) answer questions submitted by Councillors under Standing Order 17

14. Six Month Rule

No Councillor or member of the public may ask a further question under these Standing Orders, on the same subject, within 6 months of the Councillor or member of the public previously doing so. This provision does not apply in the event that the council is reconsidering a matter within this 6-month period.

15. Variation of Order of Business

The order of business can only be varied by the consent of the Council.

16. Selection of New Lord Mayor and Deputy Lord Mayor

The Council at a meeting preceding the Annual Council meeting shall agree a Lord Mayor and Deputy Lord Mayor to be proposed at the Annual Council meeting. Following the appointment of the Lord Mayor at the Annual Meeting, the Lord Mayor shall preside over Council for the next municipal year and thereafter will normally be succeeded by the Deputy Lord Mayor.

QUESTIONS BY COUNCILLORS

17. Questions for the Cabinet or Chair

(For Extraordinary meetings see Standing Order 9 above)

- (1) At any meeting a Councillor may, subject to the six-month rule, ask
 - (a) the relevant Cabinet Member or Committee Chair any question relating to the Council's powers or duties or which affects the City but which is not otherwise before the Council;
 - (b) any of the Council's representatives serving on the Hampshire Fire & Rescue Authority, Hampshire Police Authority, Langstone Harbour Board and the Joint Crematorium Board, may comment to the Council in relation to any matter arising from an answer submitted under this Standing Order
- (2) Questions in an acceptable form must be given to the Local Democracy Manager by 12 noon eleven days before the day of the meeting.
- (3) With the permission of the Cabinet Member or Committee Chair, a Councillor may ask any question relating to urgent business for which the usual notice has not been given.
- (4) The Local Democracy Manager will circulate with the agenda questions to be asked under (1) above. Questions will be answered in the chronological order they are received, except that any Councillor who submits more than one question will not have their second or subsequent questions answered until all other Councillors' first round questions have been answered; the same procedure to be followed until all questions have been exhausted.
- (5) The notice of the question under (1) above may indicate that a written answer may be given. Where the question is answered in writing, the written answer will be circulated at the meeting to Councillors.
- (6) The Cabinet Member, committee chair or representative to whom the question is addressed may ask another Councillor to answer the question. The person answering the question shall provide a concise reply to the original or supplementary question(s). Whilst whomsoever is answering the question must make every endeavour to give a full oral answer, an original question may be the

subject of a written reply if it is believed that a detailed reply is required that could best be provided in a written form because of the length and/or complexity of the answer to be given which would be circulated to all Councillors within 7 days.

- (7) On any matter arising out of the reply -
- (i) The Councillor asking the original question may ask up to two supplementary questions that must arise directly out of the original question or the reply;
 - (ii) Any other Councillor will be limited to one supplementary question that must arise directly out of the original question or the replies;
 - (iii) No debate may take place on the reply to a question or any supplementary question.
- (8) Every member of the Council may ask one question. If they wish to ask more than one question the questions shall be asked in rotation in the order in which they were received. Forty five minutes will be allowed for questions under this Standing Order. Where a question is begun an answer will be provided even if the 45 minutes period has been exceeded. If the question has not been put, a written reply will be provided within 14 days and circulated to all members.
- (9) If a Councillor asking a question is not present when that question is reached, a written reply will be forwarded to the Councillor for information.

18. Adjourned Meetings

- (a) When a meeting is adjourned it will reconvene the following day at 4.00 pm, unless the Council decide otherwise.
- (b) When a meeting is adjourned to any other day in the future, notice of the date of the adjourned meeting must be sent to each Councillor and must specify the business to be transacted. A second print of any reports or recommendations will not be sent with the notice.

19. Seating Plan

A seating plan for Council Meetings will be drawn up and amended from time to time by the Local Democracy Manager in consultation with the Leader of the Council and Leader of the Opposition. It will come into effect at the next Council Meeting after being approved by them.

20. Quorum

A quorum is one third of the Councillors. If a quorum is not present at the beginning of a meeting, the Chair must adjourn the meeting or bring it to an end.

21. Counting Out

Whenever the Chair believes or a Councillor or the Local Democracy Manager or their substitute point out that less than one third are present, the Local Democracy Manager or their substitute must call over the names of the Councillors. If less than one third are present the Chair must declare the meeting closed and the names of the Councillors who

are present will be recorded in the minutes. Any business not disposed of must be considered at the next meeting.

22. "Confidential" and 'Exempt' Information

Councillors, Independent non-elected Members, and Southsea Town Councillors who receive –

- 'confidential' or 'exempt' information within the meaning of the Local Government Act 1972, or
- information in a draft copy of any report or document, or
- information in any report or document bearing an indication that its contents are to be treated as confidential or commercially sensitive, must not disclose that information except –
 - (i) to another Councillor entitled to have that information;
 - (ii) to an officer of the Council authorised to receive it; or
 - (iii) where the Council has given permission to disclose it;
 - (iv) any Councillor may appeal to the Standards Committee to rule on whether any document(s) described as commercially sensitive, draft report, business confidential or confidential should remain so. The Standards Committee should consider such a request as soon as practicable and certainly within 10 days, otherwise the document(s) will be deemed 'open' to the public.

This Standing Order shall be construed as forming part of the Code of Conduct.

The unauthorised disclosure of 'business confidential' documents and information shall be considered a breach of this Standing Order.

23. Circulation of Minutes and Reports

- (a) A printed copy of the minutes of every meeting shall be sent to each Councillor prior to the next ordinary meeting.
- (b) Where the next Council meeting is an extraordinary meeting the minutes will be submitted to the next ordinary meeting of the Council for confirmation and signing.

24. Deputations

The Council may receive deputations on a matter, where notice has been given, which is before that meeting of the Council for decision. The following rules will apply –

- (i) Notice of the intended deputation stating which agenda item it refers to and its purpose must be received in writing by the Local Democracy Manager (or the Head of Planning Services in the case of a planning application) by 12 noon on the working day preceding the meeting.
- (ii) When the deputation is given it must relate to the agenda item in respect of which it is made

- (ii) In respect of a Planning Committee matter an objector, or a local ward Councillor, may ask for a matter to be considered by the committee rather than under the scheme of delegation in which case the following provisions will apply:-
 - (a) In respect of a planning application which affects only one ward, only ward councillors may make a deputation on the matter once it has been referred to the planning committee for consideration. Where the application affects more than one ward any Councillor may address the Planning Committee with the consent of the Chair of Planning in consultation with the Monitoring Officer. Further with the consent of the Chair of Planning in consultation with the Monitoring Officer, if the Lord Mayor wishes to make a deputation that deputation may be made by another councillor.
 - (b) any member of the public who objects to the application may make a deputation subject to the provisions below
- (iii) The Council may waive the giving of notice in any case it considers appropriate.
- (iv) No person may speak for more than 6 minutes per deputation.
- (v) The total time for those in favour and against a proposal will be 12 minutes respectively. If more than 2 people wish to speak for or against a proposition, the time allocated to each will be reduced proportionately, unless they agree otherwise amongst themselves how to apportion the 12 minutes.
- (vi) Those attending may make a written or verbal presentation which may be supplemented by a modest visual aid such as a single plan, photograph or video recording. This will be retained by the Council. Video recording presentations are included within the time allowed to deputations.
- (vii) Questions to deputations will be permitted, but only to clarify a statement.

25. Questions by the Public at Council Meetings

(For Extraordinary meetings see Standing Order 9 above)

- (a) A total of 15 minutes will be allowed at each meeting for questions from members of the public on matters relating to the functions of the City Council (*Generic term "City Council" covers "Cabinet"*)(except that no questions will be allowed at meetings to approve the Budget (*to ensure consistent use of the term throughout the document*) and the Annual Meeting).
- (b) Notice of questions in an acceptable form must be given to the Local Democracy Manager by 12 noon eleven days before the day of the meeting.
- (c) If the Local Democracy Manager believes the question does not relate to the functions of the City Council or is vexatious or frivolous, or relates solely or mainly to the interests of an individual (such as a planning application, an application for benefit or for housing accommodation), it may be disallowed after consultation with the Monitoring Officer.
- (d) A question must be asked in person at the Council meeting by the questioner and will be answered orally by the relevant Cabinet Member or Committee Chair.

In respect of questions to the Standards Committee Chair a written reply will be given.

- (e) The Local Democracy Manager will circulate to Councillors at the meeting the questions to be asked under this Standing Order. Questions will be answered in the chronological order they are received, except that any member of the public who submits more than one question will not have their second or subsequent questions answered until all the other members of the public 'first round' questions have been answered; the same procedure to be followed until all questions have been exhausted.
- (f) The questioner may ask one supplementary question arising directly from the answer. No discussion or debate will take place on the question, but any Councillor may move that a matter raised by a question be referred to the Cabinet, Committee or Scrutiny Panel. Once seconded, such a motion will be voted on without discussion.

26. Urgent Council Business

- (a) The Leader of the Council and any Cabinet Member may bring forward at any meeting of the Council or the Cabinet under the appropriate item on the agenda any urgent and important business, notice of and a written summary of which, shall have been given to the Head of Democratic & Community Engagement and the appropriate group spokespersons not later than 5pm on the day preceding the meeting.
- (b) Neither the Leader nor any other Cabinet Member shall speak for more than 6 minutes on the totality of the business each has brought forward under this Standing Order.
- (c) Any matter brought forward by the Leader of the Council or appropriate Cabinet Member will be open to questioning –
 - by each of the other relevant group spokespersons, and
 - If the matter that has been brought forward has a significant impact upon an individual ward, the ward councillorseach of whom may speak for not more than 6 minutes.
- (d) In the event of any matter requiring a decision being brought forward, the normal rules of debate will apply.

27. Reports and Recommendations of the Cabinet, Governance and Audit Committee, Employment Committee, Scrutiny Panels and Standards Committee

The reports and recommendations of the Cabinet, Governance and Audit Committee, Employment Committee, Scrutiny Panels and Standards Committee shall be put to the Council by the Chair one at a time. Those to which no objection is made will be deemed to have been approved and adopted.

28. Questioned and Objected Business

- (a) A Councillor has the right to "question" or "object" to any report or recommendation from the Cabinet, Governance and Audit Committee, Employment Committee, Scrutiny Panels and Standards Committee.
- (b) Where a Councillor asks a question, the Chair will establish whether any other Councillor has a question, and the nature of those questions. Any Councillor wishing to raise an objection must also indicate at this stage. All questions shall then be put and answered by the Leader of the Council relevant Cabinet Member (*this reflects the present practice*) or the committee or panel chair as appropriate (in respect of questions to Standards Committee Chair a written reply will be given). In the event that an objection has been raised the matter will be deferred to be debated after the question has been answered.
- (c) Where a Councillor wishes to object they must stand and call out "object" when asked to indicate when they object by the Chair. If more than one Councillor objects, the Chair will take the objectors in the subsequent debate in the order in which they raised their objection.
- (d) Any recommendation to which objection has been raised will be deferred until all of the reports and recommendations of the Cabinet, Committees and Panels have been put. Objected recommendations and reports beginning with those of the Cabinet will then be proposed, seconded and open for discussion.
- (e) Any Councillor who has objected to any item and is not present at the time the item is due to be considered will be deemed to have withdrawn their objection. In that situation any other Councillor present at that time may then object to the item.
- (f) Where a Councillor withdraws his/her objection before speaking, any other Councillor may object to the item in their place.
- (g) Where a report of the Cabinet or a Panel is submitted for information, or where an item otherwise falls within the delegated powers of a Committee, no motion or amendment to it may be moved.

29. Oral Questions by Members

At any meeting a Councillor may ask the appropriate Cabinet Member, Committee Chair or the Chair of any Panel any question upon their respective published reports and proceedings which are before the Council. The question must be asked before the Council has finished considering the item.

30. Presentations

If required by the Leader or relevant Cabinet Member or Chair of any Committee, Panel or leader of the opposition a presentation of up to a maximum of 15 minutes may be made, and subsequently questions may be put for a further 15 minutes thereby not exceeding 30 minutes in total, for the whole item relating to the presentation.

31. Plans to be Exhibited

Whenever any plan is referred to in any item submitted to the Council, a plan must be exhibited in the room or immediately adjacent to it.

32. Notices of Motion

(a) Every Notice of Motion must be in writing, signed by at least two Councillors and delivered by 12.00 noon 10 days before the meeting to the Local Democracy Manager. Such a notice may be submitted by email separately by the individual members concerned. (These rules do not apply when a notice of motion is not disposed of and is deferred to the next meeting.

(b) As long as the Notice of Motion is received before the 10 days it will be placed on the agenda unless

- (i) it is not a matter within the jurisdiction of Council;
- (ii) it is a matter which has within the previous 6 months been considered by the Council.

In the event that there is any dispute in relation to a proposed notice of motion the matter shall be referred to the Monitoring Officer who shall decide whether it may be presented to Council in consultation with the Lord Mayor where practicable.

(c) Notices of motion shall be entered in the agenda of the Council meeting in the order in which they were received.

(d) Motions included in the agenda must be formally moved and seconded. The mover (but not the seconder) has the right to address the Council for up to three minutes on the question only of whether the motion should be debated at that meeting. Other councillors may not speak nor move any amendment. The motion will then be referred without discussion to the Cabinet or relevant Committee unless the Council agrees to deal with the Motion at that meeting. In that case, the normal rules of debate will apply. Any motion referred to Council or Cabinet shall be reported back to Council or Cabinet within three months. The mover and seconder will have the right to attend and speak on the Motion at the meeting of the Cabinet or Committee to which it is referred.

(e) A Councillor may not propose a Motion under this Standing Order within six months of consideration by the City Council, Cabinet or a Committee of the same subject matter. Eligibility of such motions will be determined by Local Democracy Manager following consultation with the Lord Mayor.

33. Motion not Moved

If a motion is not moved, it will be treated as abandoned unless postponed by consent of the Council and may not be moved without fresh notice.

C Rules of Debate and Role of the Chair

34. Conduct of Councillors and Members of the Public in Meetings

- (a) The Chair may within his or her absolute discretion direct any person
 - (i) to withdraw any improper expression
 - (ii) to stop any irrelevance, repetition, unbecoming language or breach of order
 - (iii) to remove any photographic television sound recording or communications device
 - (iv) to stop their speech or deputation or question or speaking further on an item.
 - (v) to withdraw any statement which is defamatory.
 - (vi) to remove any food from the Council Chamber.
- (b) The Chair may order any further steps to restore order.

35. References to Employees of the Council

- (a) The Chair shall rule out of order any comments relating to the conduct or capability of any officer unless that officer's conduct or capability is the subject matter before the Council.
- (b) If any such question arises it must be dealt with in exempt session.

36. Conduct - The Public

- (a) No member of the public may bring into any part of the room where a meeting has been convened any musical instrument or instrument for making noise or any flag, banner or placard. Any person who attempts to do so may be refused admission or asked to leave the meeting.
- (b) In the case of general disturbance in any part of the room open to the public the Chair may order that part or the whole of the room to be cleared.
- (c) The use of any photographic, television, sound recording equipment or communications, electrical or mechanical device shall only be allowed with the express permission of the Council. The Chair may direct its removal or the removal of any person concerned.

37. Councillors' Right to Speak

- (a) Councillors must stand when speaking and must address the Chair.
- (b) Councillors may only question or object to a report or recommendation under Standing Order 28 or speak or cast a vote from their designated places in the Chamber.
- (c) While a Councillor is speaking, all other Councillors must remain seated unless raising a point of order.

- (d) When Councillors address the Chair or refer to the Lord Mayor, Deputy Lord Mayor or individual Councillors, they must use the titles 'Lord Mayor', 'Deputy Lord Mayor' and 'Councillor' or 'Chair' respectively.
- (e) The Chair must call Councillors to speak strictly in the order in which each Councillor has indicated his/her intention to do so. If two or more Councillors rise to speak at the same moment, the Chair shall decide the order in which they are to speak.
- (f) A Councillor's remarks must be confined to the question under discussion or to a point of order. No Councillor may address the meeting more than once on the same question, unless permitted to do so by the Council.

38. Time Allowed to Speakers

No Councillor may speak for more than 6 minutes on the question under discussion or in moving a motion or amendment, except this shall not apply at the Council Tax meeting when -

the Leader of the Council is moving or replying to the debate and any question arising on the Council Tax estimates, and

the Leaders of each Group are speaking during the debate and any question arising on the Council Tax estimates.

39. Points of Order and Points of Explanation

- (1) A Councillor may rise on a point of order and shall be entitled to be heard immediately. A point of order shall only relate to an alleged breach of a standing order and a Councillor shall begin by specifying the standing order and then state the way in which he or she considers it has been broken.
- (2) A Member who has spoken on any question may make a short explanation of any point which may have been misunderstood or misinterpreted. The Member is entitled to be heard immediately but must begin by making a succinct statement of what is to be explained. Remarks must then be strictly confined to the explanation. The explanation must be a brief statement of fact and not further argument on the question before the meeting.

40. Motions and Amendments without Notice

Any of the following proposals may be moved without notice:

- (1) To appoint a Chair for the meeting or the remainder of the meeting.
- (2) Motions relating to the accuracy of the minutes.
- (3) To vary the order of the Agenda.
- (4) Subject to Standing Order 45, a Motion or amendment arising out of consideration of an item on the Agenda.

- (5) To refer or refer back an item to the Cabinet or a Committee, subject to a majority in the meeting, together with an explanation from the mover as to why the matter cannot be resolved.
- (6) To appoint the Cabinet, a Committee, Sub-Committee, Panel or any other body, or a person to it.
- (7) To adopt reports and recommendations before it.
- (8) To receive, adopt or otherwise take action on any report of the Leader of the Council or a Cabinet Member under Standing Order 26.
- (9) For the proposer to withdraw a Motion.
- (10) To extend the time limit for speeches.
- (11) To put the question to the vote immediately.
- (12) To adjourn the debate.
- (13) To adjourn the Meeting.
- (14) To suspend one or more Standing Orders.
- (15) To exclude the public from the Meeting.
- (16) Any other motion which arises directly or indirectly out of the business immediately under discussion.

41. Motions and Amendments

- (a) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (b) The terms of the motion (unless printed in the Agenda) or amendment must be disclosed before the conclusion of the speech by its mover. The Chair shall require it to be written down and given to the Chair immediately after being seconded and before it is discussed further or put to the meeting.
- (c) An amendment must be relevant to and a modification of the proposition.
- (d) An amendment shall be -
 - (i) to leave out words; or
 - (ii) to leave out words and insert or add others; or
 - (iii) to insert or add words.
- (e) An amendment may not introduce a new proposal or simply negate the motion before the Council.

- (f) After a motion or amendment has been moved and seconded, it may not be withdrawn except with the agreement of the Council. No debate will take place on whether to agree to its withdrawal.
- (g) No motion or amendment which would have a financial effect on the Council may be moved unless it specifies the source of funding.

42. One Amendment at a Time (Not Applicable at Council Meetings)

- (a) When an amendment has been moved and seconded, it must be voted upon before any further amendment is voted upon.
- (b) A Councillor who has either moved or seconded an amendment on the original proposition or anything which has replaced it may neither move nor second any further amendment.

43. Notice of Further Amendment (Not Applicable at Council Meetings)

Notice of a second or subsequent amendment must be given and its terms disclosed before the beginning of the reply to the debate on the first amendment.

44. Amendments and Further Amendments (Not Applicable at Council Meetings)

When an amendment is carried it displaces the proposition and becomes the substantive proposition. Further amendments to the new substantive proposition may be moved, seconded and discussed. Once all the amendments are disposed of, the substantive proposition will be put to the vote without further debate.

45. Amendments and Further Amendments (Applicable at Council Meetings)

In respect of Council Meetings only -

- (i) After introduction by the relevant proposer notice of (and wherever practicable the content of) all amendments must be moved and seconded before the commencement of the debate on the original motion. Unless Councillors otherwise agree, no Councillor may move an amendment or further amendment during the course of debate on the original motion.
- (ii) Paragraph (i) will not apply to the Budget debate.
- (iii) A Councillor who has either moved or seconded an amendment may not move or second a further amendment.
- (iv) Before commencement of the debate the Chair will advise the Council of the sequence in which motions and amendments will be voted upon following the debate and the effect of certain proposals on others.

The original mover of the motion may choose to accept any amendment which has been put which may then become part of the substantive motion which then becomes the matter before them.

46. Next Business, Closure and Adjournment

- (a) A Councillor who has not spoken may, at the conclusion of a speech of another Councillor, move without comment "that the question is put to the vote immediately" or "that the Council adjourn". If this motion is seconded and the Chair believes that the question has been sufficiently discussed, the motion will be put to the vote without amendment or discussion. If it is carried, the mover of the original motion may exercise the right to reply; the question will then be put to the vote, or the subject of debate will be deemed to be disposed of for that day, or the meeting will be adjourned, as the case may be.
- (b) A Councillor who has spoken may not vote on the motion that the question is put to the vote or on a motion that the Council proceed to the next business.

47. Right of Reply

- (a) The mover of the original motion giving rise to any question will have the right to reply to the debate on any question.
- (b) The reply must not exceed 5 minutes in duration and must relate solely to points raised in the debate. After the reply has begun no other Councillor may speak on the question.
- (c) Immediately after the reply -
 - (i) the Chair will remind the Council of the sequence in which motions and amendments will be voted upon following the debate and which, if any, motions or amendments will fall if others are carried; and
 - (ii) voting will then proceed without any further debate or question.

48. Voting

- (a) Every decision must be determined by a show of hands (or a ballot in respect of appointments) unless a recorded vote is requested. To be present for a vote a Councillor must be in an allocated seat. When a vote is taken the Chair will announce the decision.
- (b) A recorded vote may be requested by 8 Councillors standing in their designated places before the vote is taken.
- (c) A recorded vote will be taken by Councillors standing in their places and then sitting as their names are called. The recorded vote will show how each Councillor voted or abstained.
- (d) Any Councillor who so wishes may have their opposition/abstention to a decision recorded in the minutes, provided that they have made this request clearly to the meeting and before the next item on the agenda is called.

D. Other Council Meetings including regulatory committees

49. Application of Standing Orders to other Council meetings including Regulatory committees and Panels

The above standing orders apply to all meetings of the council including the regulatory committees and individual decision making meeting of Cabinet Members and panels with the following exceptions or alterations for meetings other than Council

- (a) Councillors need not stand when speaking in meetings other than Council
- (b) speaking from designated places does not apply
- (c) a recorded vote may be requested by a majority of the Councillors present

E. Continuation in Office, Quorum, Meetings & Committee Business

50. The Cabinet and Committees - Continuation in Office

- (a) The Cabinet and all Committees continue until the successor is appointed by Council.
- (b) The Cabinet nor any Committee may not meet between the fourth day after the day of the ordinary election of Councillors and the date of the Annual Meeting of the Council in any year.
- (c) No Cabinet nor Committee meetings (except Licensing Committee) shall be held during August except when the Chair considers it necessary for the transaction of urgent and important business.

51. Quorum of Cabinet and Committees

- (a) A quorum for a Committee is one third of the membership of the Committee.
- (b) A quorum for the Cabinet is 3 Councillors.
- (c) No standards committee may be quorate without an independent member being present and an independent member chairing the meeting.
- (d) If a quorum is not present at the beginning of a meeting, the Chair may adjourn the meeting or bring it to an end.

52. Absence of Chair

- (a) If the Chair is absent from any part of a meeting, the Committee must appoint a Chair for that period. No Councillor may preside at their own election. If the Chair is present at the meeting the Chair must Chair the meeting.
- (b) If the Chair is absent from any part of the meeting if there is a vice-chair and they are present they will preside over the meeting for that period. If there is no vice-chair then the committee must appoint a Chair for that period.

53. Special Meetings

- (a) The Chair may summon a special meeting of a Committee at any time.
- (b) A special meeting must be summoned if a request is received in writing from one third of the total number of members of the Committee. The agenda for any special meeting must set out the business to be considered.
- (c) The Local Democracy Manager or Monitoring Officer may arrange for a special meeting of the committee at any time.

54. Appointment and Quorum of Sub-Committees

- (a) The Council or a Committee may appoint Sub-Committees from whichever Councillors they think appropriate and may refer or delegate to them whatever powers the Council or Committee has.
- (b) All Sub-Committees must appoint a Chair if one is not appointed by the Council or a Committee. (Except in the case of a Licensing Sub Committee where each sub committee must appoint its own chair).
- (c) A quorum of a sub-committee shall be -
 - (i) For a membership of five or more - 3
 - (ii) For a membership of less than five - 2
 - (iii) Except in the case of a Licensing sub committee when it must be a quorum of 3
 - (iv) In the case of a Standards (Pre-assessment) Committee the quorum shall be 3 and shall include one independent member who shall chair the sub-committee
- (d) If a quorum is not present at the beginning of a meeting, the chair must adjourn the meeting or bring it to an end.
- (e) The Council or a Committee may appoint to each Sub-Committee one named Member of each Group to act as standing deputy. The standing deputy may deputise at the request of the Member of the Sub-Committee. Attendance as deputy will be in accordance with rules issued from time to time by the Local Democracy Manager after consultation with the Group Leaders.

55. Councillors speaking at meetings where they are not members of the committee

All Councillors are entitled to attend meetings of the Cabinet and of Individual Portfolio Members and address the meeting on items on the agenda.

A Councillor may attend and speak at any council meeting for up to 6 minutes subject to the following provisions:-

- Panel:- a councillor may only speak at the invitation of the panel;

- Licensing sub committee:- a councillor may only speak at the committee when making a deputation at the request of the local community in accordance with the law
- Planning Committee:- a councillor may only speak at the committee when making a deputation in accordance with Standing Order 24 above
- Standards sub committee:- a councillor may only speak at the sub committee when requested to do so by the sub committee chair;
- Employment sub committee:- a councillor may only speak when requested to do so by the sub committee chair, otherwise the advice of the Monitoring Officer should be sought before attending any such sub committee.

56. Councillor's request for additional items to be added to agenda

- (a) A Councillor may require additional items to be added to the agenda of Council, Cabinet or committee meetings. The Council, Cabinet or committee may decide not to consider the item if the Councillor does not attend
- (b) In respect of a Cabinet meeting a Councillor must obtain the permission of the Leader to add an item to the agenda.
- (c) No Councillor may require an item of business to be included on an agenda if the subject matter has been considered by the City Council, the Cabinet, Committee within the preceding six months except in the case of rescission.

57. Addition of Urgent Items to the Agenda

The committee chair may agree to add additional items to the agenda if the committee chair on the advice of the local democracy manager considers the matter to be urgent and that the decision must be made before the next meeting of that committee.

58. Urgent Decisions by Chief Executive

- (a) Decisions may be taken as a matter of urgency by the Chief Executive if he/she considers it necessary to do so in the interests of the efficient administration of the council's services to exercise any of the powers of the Council.
- (b) Prior to exercising this provision the Chief Executive must consult with and take into account the views of:
 - the Leader, Leader of the Opposition and Chair of Governance & Audit in respect of Council decisions;
 - the Leader and relevant portfolio holder, if appropriate, Leader of the Opposition and relevant Group Spokesperson, if appropriate in respect of Cabinet decisions;
 - the Chair and Vice-Chair in respect of Employment Committee decisions.

In the event that the appropriate consultees referred to above are unavailable before making the decision then the Chief Executive shall consult with their respective Deputies or Vice Chairs; or another Member of the Employment Committee in respect of Employment Committee decisions

All such decisions shall be reported to the relevant decision making body at its next meeting.

59. Informal Meetings

Informal meetings may be called by the Leader of the Council in consultation with the Chief Executive and Monitoring Officer to discuss any business e.g. revision of Standing Orders and the City Plan and that such meetings be held in closed session.

60. Respect for Chair and Chair's Decision

- (a) The Chair's ruling on any matter in relation to the interpretation or application of these standing orders shall be final and not open to discussion.
- (b) Councillors must respect the authority of the Chair and address him or her accordingly.
- (c) When the Chair stands up during a debate, any Councillor then standing must immediately stop speaking and sit down.

Standing Orders, continued

These Standing Orders are under review (61 to 82 inclusive)

61. Not allocated

62. Not allocated

63. Not allocated

64. Not allocated

65. Not allocated

66. Not allocated

67. Not allocated

68. Not allocated

69. Not allocated

70. Not allocated

71. Not allocated

72. Not allocated

Contracts

General

73.(i) All contracts must -

- (a) where the work involves a contract in excess of £50,000 be subject to the Procurement Gateway Review Process unless the Head of Procurement certifies that in his/her opinion compliance with the process is not required in the particular circumstances of that proposed contract. In such a case the Head of Procurement must record the reasons.
- (b) be in writing in a form approved by the appropriate Chief Officer and the City Solicitor.
- (c) comply with these Standing Orders unless the Council, the Executive, or a Committee acting under delegated powers in respect of a contract decide to the contrary.

(ii) Where an emergency makes compliance with the standing orders impossible or would severely affect performance or services, then the relevant Chief Officer -

- (a) may (after consultation with the relevant Chair, the Monitoring Officer and Director of Corporate Resources and Services wherever the nature of the emergency allows such consultation) take such steps as s/he considers appropriate without compliance with any standing order;

- (b) must subsequently submit a report to the Executive or relevant Committee describing the emergency and the extent of the non-compliance.
- (iii) Every contract must require that all goods and materials be at least in accordance with -
 - (a) any appropriate British Standard Specification, or
 - (b) any appropriate British Standard Code of Practice issued by the British Standards Institution or European equivalent.
- (iv) Where the estimated value or amount of a proposed tender exceeds the amount specified in European and UK Procurement legislation the Chief Officer must comply with instructions issued by the Head of Procurement.
- (v) In a contract for any work or for the supply of goods or materials, the contractor shall be required to
 - (a) indemnify the Council against any claims for -
 - * personal injury,
 - * damage to property;
 - (b) have suitable insurance cover to support the indemnity, in a sum determined from time to time by the Director of Corporate Resources and Services in respect of any one incident;
 - (c) produce, when required, satisfactory evidence that s/he is so insured.

(vi) Wherever it appears likely that during the course of a scheme the contract sum will be exceeded the following procedure will apply where the excess is above the Chief Officer's delegated authority:

- (a) An estimate and full details of the probable excess must be submitted for information to Members of the Council and to the Director of Corporate Resources and Services at the earliest opportunity.
- (b) Before the issue of the final certificate the final account must be submitted to the Director of Corporate Resources and Services together with such supporting information as s/he may require.
- (c) If the contract sum is exceeded or if the final cost of the project exceeds the amount approved by the Council, a joint report must be submitted to Members of the Council by the Chief Officer commissioning the project and the supervising officer in consultation with the Director of Corporate Resources and Services.

Quotations and Tenders

74 (i). This Standing Order is subject to

- (a) the provisions of Standing Order 73(i) which requires all contracts to be in writing, 73(iii) & 73(iv) and
- (b) the legal requirement to seek competitive quotations or tenders in any case.

- (ii) Where the estimated value or amount of a proposed contract -
- (a) does not exceed £5,000, the relevant manager may enter into such a contract with any person that s/he considers competent for the purpose. Verbal quotations must be confirmed in writing.
 - (b) exceeds £5,000 but does not exceed £50,000 the relevant Chief Officer must whenever practicable seek at least three quotations. In cases where it is impracticable to seek at least 3 quotations the Chief Officer must record the reasons. All quotations must be in writing. Alternatively, the Chief Officer may seek tenders.
 - (c) exceeds £50,000, the relevant Chief Officer shall seek not less than three tenders. In cases where it is impracticable to seek three tenders the Chief Officer concerned may proceed without doing so after consultation with the Head of Procurement and the Head of Financial Services, and must record the reasons.
- (iii) Before acceptance, the relevant Chief Officer may negotiate with contractors or suppliers over the quotations or tenders submitted but only in compliance with rules formulated by the Head of Financial Services, and Head of Procurement, to ensure the proper and responsible conduct and recording of negotiations.
- (iv) If more than one quotation or tender is received the following procedure will apply -

- (a) The Chief Officer shall only accept the offer which represents best value for money for the City Council. The offer selected as providing best value for money will be determined by comparing bids against the pre-bid evaluation criteria taking into account whole life costing and management of risk.

In addition the Chief Officer must take account of any instructions issued from time to time by the Head of Financial Services and Head of Procurement as contained in the financial regulations.

- (b) The Chief Officer must record and retain the completed tender evaluation forms and gateway process information form.

(v) Quotations sought in writing or by electronic transmission by a Chief Officer or confirmation in writing or by electronic transmission must be returned to that Chief Officer, and must comply with the instructions issued from time to time by the Director of Corporate Resources and Services after consultation with the Head of Procurement.

(vi) Tenders must be returned to the City Council in accordance with Standing Order 75 and the procedure set out in the Financial and Contract Regulations.

(vii) The sums referred to in this Standing Order will be adjusted by the Director of Corporate Resources and Services annually in accordance with a suitable index of inflation. They may be rounded up to the nearest of £1,000 or such figure as s/he thinks appropriate.

(viii) In cases where more than one tender is to be accepted, references in (iv) above to the lowest or highest includes the lowest tenders received in ascending order. Similarly, the highest tenders may be accepted in the same manner in cases where payment is to be made to the Council.

Public Invitation to Tender

75.(i) Where a Chief Officer seeks tenders, public notice must be given -

- (a) electronically via the Council's web site
- (b) in at least one local newspaper, and
- (c) in at least one appropriate trade journal, and
- (d) any additional publication as required by law, including the Official Journal of the European Union

unless in the opinion of the Head of Procurement (after consultation with the Director of Corporate Resources and Services) s/he certifies that it is not appropriate. In this case the Chief Officer concerned must follow the Head of Procurement's instructions for advertising or making known the availability of the tenders. The Head of Procurement must record the reasons for not giving public notice in a register kept for that purpose.

- (ii) Every invitation to tender must -
 - (a) Explain the nature and purpose of the contract.
 - (b) Invite tenders to undertake the contract.

- (c) State where tender documents may be obtained.
- (d) State either the last date and time when tenders will be received, or the last date when applications for tender documents will be accepted.

(iii) All Council tender documents must comply with Procurement legislation where applicable, and will state that tenders may be returned in writing or by electronic transmission. The method of return shall be at the discretion of the Chief Officer inviting tenders taking into account instructions that may be issued from time to time by the Head of Financial Services and Head of Procurement as contained in the financial regulations. The tender documents will also state that:-

- (a) No paper tender will be considered unless received in a plain sealed envelope which must bear the word "TENDER" followed by the subject to which it relates and the closing date and time for return.

A tender sent to the Council by electronic transmission must comply with the instructions issued for its return. The instructions shall be as may be issued from time to time by the Director of Corporate Resources and Services after consultation with the Head of Procurement.

- (b) Tenders will be retained in the Council's custody and opened at one time, after the closing date and time for their receipt.
- (c) A paper tender envelope must not bear any name or mark indicating the sender.

- (d) Paper tenders must be addressed to the Chief Executive's Office, Civic Offices, Guildhall Square, Portsmouth PO1 2AL.
- (e) The Council will accept the tender that represents best value for money for the City Council, but reserves the right to accept no tender at all.
- (f) In the event of a submitted tender, or part of it, being withdrawn or amended after the tenders have been opened and before the expiration of the period for which the tender is required to remain open, the Executive may decide -
 - (i) that the defaulting tenderer be debarred from direct employment on City Council Contracts for a period of three years, or
 - (ii) that in the case of a tender for a tenancy or leasing for a period of three years or over the defaulting tenderer be debarred for a period of five years.

The period in either case to run from the date of the Executive meeting which approves debarment.

- (g) No tenders received after the fixed date and time shall be considered.

Procedure on Receipt of Tenders

76.(i) Paper tenders must remain in the safe custody of the Chief Executive's Office until the time appointed for their opening.

(ii) Tenders sent by electronic transmission must remain 'securely locked' until the time appointed for their opening.

(iii) Tenders must be opened at one time and in the presence of:-

- (a) The Democratic Services Manager or his/her appointed representative, and
- (b) The Chief Officer advertising for the tenders, or his/her appointed representative, in accordance with the procedure laid down from time to time by the Democratic Services Manager and the Head of Financial Services

(iv) No tender shall be accepted under this Standing Order unless the expenditure can be incurred in accordance with the provisions of Financial Regulations.

Nominated Sub-Contractors and Suppliers

77 (i). Where a contract provides for the nomination by the Supervising Officer of a subcontractor or supplier for undertaking work or supplying goods or materials then the provisions of Standing Order 74 will apply.

(ii) The appointment of a nominated sub contractor shall have gone through a competitive process as if it were a contract where the Council is the awarding authority.

(iii) Tenders must be opened at one time in the presence of two officers designated by the Supervising Officer, and in accordance with the procedure laid down from time to time by the Democratic Services Manager and the Director of Corporate Resources and Services.

(iv) The provisions of this Standing Order will not apply:-

(a) to goods or materials to be purchased or supplied under a trade name or description; or

(b) where the Supervising Officer considers that it would not be in the interests of the Council, and in accordance with the practice prevailing in the profession, to invite tenders before nominating a sub-contractor or supplier. The Supervising Officer must notify the Director of Corporate Resources and Services and the Head of Procurement each time it is proposed to apply this exemption.

(v) "Supervising Officer" means any Council Officer or other person authorised by the contract between the Council and the contractor to nominate sub-contractors or suppliers.

Liquidated Damages and Security for Performance

78.(i) Every contract which -

- (a) exceeds £50,000 must include provision for liquidated damages to be paid by the contractor in the event of the contract not being performed by him/her. The Chief Officer may dispense with this requirement with the agreement of the Director of Corporate Resources and Services and the Head of Procurement.
- (b) is above £100,000 must include or be accompanied by security for its due performance. The Chief Officer may dispense with this requirement with the agreement of the Director of Corporate Resources and Services and the Head of Procurement.

(ii) In both cases the Chief Officer must record the reasons for dispensing with these requirements.

Corruption Acts

79. Every contract must provide that in the event of a contractor or any person acting on his behalf (with or without the contractor's knowledge), undertaking a corrupt act to obtain a Council contract, the Council may -

- (a) cancel the contract, and
- (b) recover from the contractor the amount of any loss resulting from such cancellation.

Selective Tenders Public Notice

80.(i) This Standing Order applies where the Executive or Chief Officer to the extent of delegated authority has decided to obtain tenders for contracts over £50,000 and has decided that invitation to tender for a contract is to be limited to persons who reply to a public notice.

- (ii) Public notice must be given -
 - (a) in at least one local newspaper, and
 - (b) in one or more newspapers or journals circulating among persons undertaking such contracts, and
 - (c) in any additional publication as required by law, including the requirements of the European Procurement Regulations.

The notice must set out particulars of the proposed contract and invite persons interested to apply, within a specified period, being not less than 10 days.

(iii) After the end of the public notice invitation period the Chief Officer in consultation with the Head of Procurement and the Director of Corporate Resources and Services may select not less than 3 persons who applied for permission to tender. This may be either generally or in relation to a particular contract or category of contracts. Invitations to tender for the contract must be sent to those persons selected. If fewer than 3 persons applied (and are considered suitable) they must all be sent invitations to tender.

K Provisions as to Staffing Matters

81. The Head of Human Resources may from time to time issue staffing regulations detailing the procedures that Chief Officers and their staff must follow in respect of staffing and personnel functions, including, but not limited to -

- (a) staffing changes including the creation and deletion of posts
- (b) regradings and changes of designation
- (c) proposals reviewing a department
- (d) Personnel and related policies.

L Rules in Respect of Provisions as to the Acquisition, Disposal, Use and Development of Land by the City Council

82(i) All decisions concerning the acquisition, disposal use or development of land by the City Council shall be taken having regard to the Council's Property Strategy and in accordance with the administrative rules that may be issued by the City Solicitor, after consultation with the Leaders of each political group.

(ii) The Development Control Committee may approve but not refuse on behalf of the Council the granting of planning permission for development by passing the necessary resolutions under the Town and Country Planning General Regulations 1992.

(iii) A Chief Officer may, for the purposes of Regulations 3 and 4 of the Town and Country Planning General Regulations 1992, seek planning consent, and such application shall have effect as if it were a resolution of the Executive or the City Council, as the case may

PART 3B

Rules in Respect of Provisions as to the Acquisition, Disposal, Use and Development of Land by the City Council

These rules are made in pursuance of Standing Order 82

1. The powers of management over all land owned by the City Council is an Executive Function. Unless it is a key decision as defined in Article 13 of the Constitution, or a matter referred to the Council under Article 4 of the Constitution, all decisions concerning the acquisition, disposal, use or development of land shall, with the exception of those matters referred to in paragraphs (a) - (f) below, be taken by the EXECUTIVE OR INDIVIDUAL EXECUTIVE MEMBER(S) under the Executive Scheme of delegation.

Matters Excluded from Report to the Executive

(a) applications for landlords consent for the assignment of an existing lease except where application is also made for consent for the alteration or erection of buildings and applications for mortgages consent under a mortgage deed.

(b) the granting by a service of licences or permission for the use of land for a period of not more than twenty-eight days in one calendar year.

(c) any decision by a service concerning the management of land for operational purposes which is not at variance with the recommendation of the Head of Asset Management nor is contrary to an established policy of the City Council.

(d) the Management of all residential units held in the Housing Revenue Account.

(e) disposal by way of a lease for operational purposes for a term of less than 7 years where the consideration at the date of the disposal is £25,000 or less (this sum to be adjusted annually by the Director of Corporate Resources and Services in accordance with an appropriate index) and the disposal is in accordance with the recommendation of the Head of Asset Management.

(f) any other matters specified by the Executive or the Council, including those matters delegated to Chief Officers.

2. The Executive functions set out in these rules including the power to make decisions may be delegated by the Executive to an Individual Executive Member or a Chief Officer on such terms and subject to such conditions as the Executive may think fit.

3. The Head of Asset Management has the power to refer to the Executive, as s/he considers appropriate, any of the matters in (1) above.

4. Where a service ceases to use land for operational purposes, the land shall immediately revert to the Executive who shall exercise powers of management over the land and either approve its future use or approve the principle of its disposal, subject where necessary to the provisions of the Budget and Policy Framework Procedure Rules.

5. The Executive may approve or refuse the following proposals:-

- (a) the granting of leases or licences;
- (b) the disposal of land freehold or leasehold;
- (c) the granting of building agreements;
- (d) the acquisition of any land, including acquisition for operational purposes.

6. All services shall, if required, submit to the Executive in the form and by the dates prescribed by the Executive details of:-

- (a) existing operational land and its uses;
- (b) proposals to discontinue the use of land during the ensuing three year period (or such other period as the Executive may determine);
- (c) any proposed new use of any land under (a) or (b) above;
- (d) any proposals in service plans requiring the acquisition of land or proposing the development of land which is currently in operational use.

7. The Executive may at any time consider and make decisions in respect of:-

- (a) any matter in paragraph (1) above;
- (b) the transfer of operational land between Service functions;
- (c) powers of management in respect of any land;
- (d) the disposal of land.

8. In these rules the following expressions apply -

"land" includes any interest in land (including any licence, option, easement or right of way other than such as may last no more than six months) and any buildings erected thereon,

"operational land" means land used for the delivery of services to the public and includes land leased for a term of less than 7 years for the purpose of enabling another organisation to deliver services to the public,

"disposal" means any grant or transfer of any interest in land; and

"Service" and "Service function" means the Council Service for whose operational purposes land has been or is proposed to be acquired or appropriated.

9. For the purposes of Paragraph (1) of these Rules the "consideration" shall be deemed to be the greater of the actual consideration for the transaction, or the consideration which might have been obtained had the estate or interest been disposed of on the open market as between a willing vendor and a willing purchaser for the existing use or an alternative use which is in accordance with the established policies of the Council.

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