

Standing Orders – Council Meetings

Contents

Standing Order

- A1. Annual Meeting of the Council
- A2. Ordinary meetings
- A3. Extraordinary meetings
- A4. Time, place and arrangement of meetings
- A5. Notice of and summons to meetings
- A6. Opening of Meeting
- A7. Urgent items of business
- A8. Chair of meeting
- A9. Election of Civic Mayor
- A10. Quorum
- A11. Duration of meeting
- A12. Questions by members
- A13. Notices of Motion
- A14. Motions which may be moved without Notice and/or during debate
- A15. Rules of debate
- A16. State of the Borough Debate
- A17. Previous decisions and motions
- A18. Voting
- A19. Minutes
- A20. Record of attendance
- A21. Exclusion of public
- A22. Representations in respect of planning and licensing applications
- A23. Petitions (please see Appendix 3 for petitions scheme)
- A24. Public Question Time
- A25. Members' conduct

Torbay Council – Constitution**Standing Orders – Council Meetings**

- A26. Disturbance by members of the public
- A27. Use of cameras and tape and video recorders
- A28. Prohibition of smoking, alcohol and drugs at Council meetings
- A29. Suspension and amendment of Standing Orders in relation to Council procedure
- A30. Interpretation
- A31. Application of Standing Orders in relation to Access to Information to meetings of the Council

A1. Annual Meeting of the Council

(This Standing Order may not be suspended)

A1.1 In a year when there is an all-Council election, the annual meeting will take place between 8 and 21 days after the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. (Schedule 12 of the Local Government Act 1972)

A1.2 At the Annual Meeting, the Council will:

- (i) elect a person to preside if the Civic Mayor is not present. (Note 1: Members of the Cabinet are not permitted to be the Civic Mayor or Deputy Civic Mayor; and Note 2 this will normally be a Member from the Administration.);
- (ii) receive apologies for absence;
- (iii) elect the Civic Mayor for the ensuing Municipal Year. Consent shall be given by the individual(s) nominated for this position prior to the meeting where possible or prior to any vote being taken if consent has not been obtained in advance of the meeting. (Note 1: Members of the Cabinet are not permitted to be the Civic Mayor; and Note 2 the Civic Mayor will normally be a Member from the Administration.);
- (iv) elect the Deputy Civic Mayor for the ensuing Municipal Year. Consent shall be given by the individual(s) nominated for this position prior to the meeting where possible or prior to any vote being taken if consent has not been obtained in advance of the meeting. (Note 1: Members of the Cabinet are not permitted to be the Deputy Civic Mayor; and Note 2 the Deputy Civic Mayor will normally be a Member from the Administration.);
- (v) receive any declarations of interest from the members and officers;
- (vi) approve the minutes of the last meeting;
- (vii) receive any announcements from the Leader of the Council (excluding the year of a whole Council election), Civic Mayor and/or the Chief Executive;
- (viii) in the year of a whole Council election, to elect the Leader of the Council for a four year term and until the Annual Council meeting following the next whole Council election. Consent shall be given by the individual(s) nominated for this position prior to the meeting where possible or prior to any vote being taken if consent has not been obtained in advance of the meeting;
- (ix) appoint the Overview and Scrutiny Co-ordinator and (if any) up to four Overview and Scrutiny Lead Members. (Note 1: Cabinet Members shall not be appointed as the Overview and Scrutiny Co-ordinator or Scrutiny Lead Members. Note 2: the Overview and Scrutiny Co-ordinator will normally be a Member from the Opposition and where political balance allows). Consent shall be given by individuals nominated for these positions prior to the meeting where possible or prior to any vote being taken if consent has not been obtained in advance of the meeting;

(x) appoint at least one Overview and Scrutiny Committee, a Health and Wellbeing Board, a Standards Committee and such other committees and working parties as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution). In appointing those committees the Council will:

- (a) determine which committees to establish for the Municipal Year;
- (b) determine the size and terms of reference of those committees;
- (c) determine the allocation of seats in accordance with the political balance rules;
- (d) request nomination of members to serve on each committee and appoint to these committees in accordance with Standing Order A1.4) below; and
- (e) elect the Chair and appoint the Vice-Chair of those bodies (with the exception of Committees and Sub-Committees which meet on ad-hoc basis and require the election of the Chair and appointment of Vice-Chair at each meeting or in the case of an in year vacancy, such appointment shall be made at the next available Council meeting). Consent shall be given by individuals nominated for these positions prior to the meeting where possible or prior to any vote being taken if consent has not been obtained in advance of the meeting. (Note 1: normally the Chair of Overview & Scrutiny Bodies and Audit Committee shall be an Opposition Member, where political balance allows; and, Note 2: normally where the Administration hold Committee Chair positions, the Opposition will hold the Vice-Chair positions and vice versa, where political balance allows.);

(xi) approve a programme of ordinary meetings of the Council for the 4 year term in the year of a whole Council election;

(xii) be informed by the Leader of the Council about the composition of the Cabinet and the names of councillors he/she has chosen to be members of the Cabinet;

(xiii) to receive from the Leader of the Council a record of delegation of executive function in accordance with Standing Order C2;

(xiv) to answer any question under Standing Order A12, unless it is in the year of a whole Council election whereby no questions shall be permitted; and

(xv) consider any business set out in the notice convening the meeting.

A1.3 In the year of a whole Council election, to determine appointments to outside organisations.

A1.4 The members to serve on each committee, sub-committee, working party and any other body (including outside organisations) may be nominated by the Group Leaders by notice in writing to the Head of Governance Support not later than the

day before the Annual Meeting (including by e-mail if verified by the Head of Governance Support) otherwise they must be nominated by the Group Leaders at the Annual Meeting. Once appointed, Group Leaders will notify any changes to appointments in writing to the Head of Governance Support. Members not affiliated to any political group may indicate their preference in relation to places on committees, sub-committee, working parties and other bodies in writing not later than the day before the Annual meeting (including by e-mail if verified by the Head of Governance Support).

A1.5 The Civic Mayor shall not be a member of any committee, sub-committee or working party.

A1.6 The Annual Meeting of the Council will not receive petitions and questions from the public.

A2. Ordinary Meetings

**(A2.2 (ii) to (iv) and (xiii) to apply to Committees and Overview and Scrutiny)
(This Standing Order may not be suspended)**

A2.1 Ordinary meetings of the Council and its committees will take place in accordance with the 4 year programme decided at the Council's Annual Meeting following the all Council election. The Chief Executive in consultation with the Civic Mayor may amend that programme during each year. In relation to committees the relevant Director, Divisional Director or Head of Service in consultation with the Chair of that committee may amend that committee's programme during each year.

A2.2 Every ordinary meeting of the Council shall commence with the following items. These items must not be displaced elsewhere in the agenda:

- (i) to elect a person to preside if both the Civic Mayor and Deputy Civic Mayor are not present. (Note 1 Members of the Cabinet are not permitted to be the Civic Mayor or Deputy Civic Mayor; and Note 2 this will normally be a Member from the Administration.);
- (ii) to deal with any business required by statute to be dealt with before any other business; and
- (iii) to approve as a correct record the minutes of the last meeting of the Council;

The remaining order of business for the meeting shall be determined by the Civic Mayor and he/she will place those items with significant public interest at the beginning of the meeting. The business of ordinary meetings of the Council shall include:

- (iv) to receive any declarations of interest from members and officers;
- (v) to receive any communications or announcements from the Leader of the Council, the Civic Mayor, the Overview and Scrutiny Co-ordinator or Chief Executive;
- (vi) to receive petitions from the public in accordance with Standing Order A23;

- (vii) to receive questions from the public in relation to matters which, in the opinion of the person presiding at the meeting, are relevant to the business of the Council and in accordance with Standing Order A24;
- (viii) to deal with any business from the last meeting of the Council that was on the agenda, but was not dealt with at the last meeting;
- (ix) to answer any question under Standing Order A12;
- (x) to consider motions in accordance with Standing Order A14;
- (xi) to receive reports from the Cabinet, the Council's committees (including Overview and Scrutiny Bodies) and officers including proposals from the Cabinet in relation to the Council's budget and policy framework and receive questions and answers on any of those reports;
- (xii) to receive reports on the business of joint arrangements and external organisations; and
- (xiii) to consider any other business specified in the summons to the meeting.

A3. Extraordinary Meetings (To apply to Committees and Overview and Scrutiny)
(This Standing Order may not be suspended)
(Paragraph 3 of Part 1, Schedule 12 of the Local Government Act 1972)

A3.1 Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Civic Mayor;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Civic Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
(Members exercising their rights under this paragraph are to give notice in writing (including by e-mail if verified by the Head of Governance Support) to the Head of Governance Support who will then call the meeting in accordance with the Standing Orders in relation to Access to Information.)

A3.2 An extraordinary meeting shall conduct no business other than that for the purpose of which it was called.

A4. Time, Place and Arrangement of Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)

A4.1 The time and place of meetings will be determined by the Chief Executive, in consultation with the Civic Mayor, and notified in the summons.

A4.2 Seating arrangements at meetings of the Council shall be determined by the Civic Mayor in consultation with the Leader of the Council and Group Leaders.

A5. Notice of and Summons to Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)

A5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Standing Orders in relation to Access to Information.

A5.2 The Chief Executive will send by electronic means, or in paper form where a member has requested, a summons signed by him/her to every member of the Council.

A5.3 The summons will give the date, time and place of the meeting, specify the business to be transacted and will be accompanied by such reports as are available. However, non-receipt of a summons by any member shall not affect the validity of the meeting.

A6. Opening of Meeting

A6.1 The proceedings of every Council meeting may be preceded by such an address as the Civic Mayor may determine.

A7. Urgent Items of Business

(This Standing Order may not be suspended)
(Paragraph 4(5) of Part 1, Schedule 12 of the Local Government Act 1972)

A7.1 Urgent items of business shall not be dealt with at ordinary or extraordinary meetings of the Council unless notice of the item in question has been included in the summons sent to members under Standing Order A5.2.

A8. Chair of Meeting

(This Standing Order may not be suspended)

A8.1 At Meetings of the Council, the Civic Mayor, if present, shall preside and, in his/her absence, the Deputy Civic Mayor, shall preside. In the absence of both the Civic Mayor and Deputy Civic Mayor the Council shall elect a Chair for that meeting, who will normally be a Member from the Administration, or the meeting shall be adjourned.

A8.2 The person presiding at any Council, committee or sub-committee meeting may exercise any power or duty of the Civic Mayor. (To apply to Committees and Overview and Scrutiny)

A9. Election of Civic Mayor and Deputy Civic Mayor
(This Standing Order may not be suspended)

A9.1 The selection of the Civic Mayor Elect and the Deputy Civic Mayor Elect of the Council shall take place at the final ordinary Council meeting of each Municipal Year at the latest, following the rules of debate set out in Standing Order A15 (Note the Civic Mayor Elect and the Deputy Civic Mayor Elect will normally be a Member from the Administration). The Council may resolve not to select a Civic Mayor Elect and/or Deputy Mayor Elect in the year of the all-Council elections. In the event that the Council fails to pass a motion to select the Civic Mayor Elect and/or Deputy Civic Mayor Elect the matter must be determined at the following

Annual Council meeting. Consent shall be given by the individuals nominated for Civic Mayor Elect and Deputy Civic Mayor Elect prior to the meeting where possible or prior to any vote being taken if consent has not been obtained in advance of the meeting

A10. Quorum

(This Standing Order may not be suspended)

A10.1 The quorum at a meeting of the Council shall one quarter of the whole number of members which equates to nine members, including the person presiding at the meeting.

(Paragraph 6 of Part 1, Schedule 12 of the Local Government Act 1972)

A10.2 During any meeting if the Civic Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Civic Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

A11. Duration of Meeting (To apply to Committees, Cabinet and Overview and Scrutiny)

A11.1 Subject to Standing Order A11.2, unless the majority of members present vote for the meeting to continue, any meeting or adjourned meeting that has lasted for four hours will adjourn immediately. Remaining business will be considered at a time and date to be fixed by the Civic Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

A11.2 Prior to the adjournment of any meeting pursuant to Standing Order A11.1, the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Section 151 Officer (Chief Finance Officer) to indicate whether there is any other business that they believe must be transacted at that meeting. If any such officer indicates that there is any other business that must be transacted at the meeting before it is adjourned, such business must be transacted before any adjournment regardless of the outcome of the vote referred to at paragraph A11.1.

A12. Questions by Members**A12.1 Notices of questions at Council**

Subject to Standing Order A12.3, a member of the Council may ask:

- (i) the Civic Mayor;
- (ii) the Leader of the Council;
- (iii) a member of the Cabinet;
- (iv) the Chair of any committee (including the Overview and Scrutiny Board); or
- (v) a Council representative on an outside organisation

a question on any matter in relation to which the Council has powers or duties or which affects the Borough of Torbay and is relevant to the area or areas of responsibility of the person to whom the question has been asked.

A12.2 Notice of questions

A member may only submit three questions for consideration at each Council Meeting and may only do so if either:

- (i) he/she has given notice in writing (including by e-mail if verified by the Head of Governance Support) of the question to the Head of Governance Support by 4.00 p.m. ten clear working days before the next Council meeting and that question has been accepted; or
- (ii) the Civic Mayor permits the question to be put because of exceptional circumstances and the questioner has given a copy of his/her question to the Head of Governance Support by 4.00 p.m. on the working day prior to the meeting or (if later) as soon as reasonably practicable.

A12.3 The Chief Executive, in consultation with the Civic Mayor, may decline to accept any question if it is in his/her opinion:

- (i) factually inaccurate; or
- (ii) it is identical or materially similar to a question which has received a response within the 12 months preceding the Council meeting; or
- (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable; or
- (iv) to respond to the question would require a disproportionate amount of officer time (having regard to any possible benefits such work would deliver) and the question is not of such nature that would require a response if made pursuant to the Freedom of Information Act 2000.

Where a member's question is declined by the Chief Executive, the Chief Executive will provide the reason(s) for this and where possible assist the member to amend the declined question so that it is acceptable.

Following approval of the question, the Head of Governance Support will send a copy of the question(s) to the member to whom it has been put and include the question(s) with the Council agenda.

A12.4 The Chief Executive (in consultation with the Civic Mayor and group leaders) may defer any question from a Member to a subsequent meeting of the Council where in his/her opinion, having regard to the complexity of the questions and amount of officer time reasonably likely to be required to be spent in researching the matter, it is reasonable to do so.

At the Meeting

A12.5 At the Council meeting each member will present their first question in turn, when all the first questions have been dealt with the second and third questions may be asked in turn.

A12.6 The time for members' questions will be limited to a total of 30 minutes. If a member has already commenced a response, the member who asked the question shall have the right to ask his/her supplementary question and receive a response.

A12.7 Any questions not dealt with after 30 minutes will be deemed withdrawn, the member may resubmit the question as one of their three question to the next Council meeting provided the question is submitted in accordance with Standing Orders A12.1, A12.2 and A12.3.

A12.8 A member submitting a question under this Standing Order shall attend the Council meeting to present their question. In the absence of the questioner, another member may present the question.

A12.9 Subject to Standing Order A12.11, questions submitted under this Standing Order shall be put and answered without discussion.

A12.10 Responses

An answer to a question will take the form of:

- (i) a written answer and will be published at least one hour prior to the meeting; or
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.

An answer to a supplementary question will take the form of a:

- (i) a direct oral answer; or
- (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication.

Where the member to whom the question was asked is either absent and no other member is able to respond, the question will be referred to the next meeting where the member is present. If the member asking the questions wishes a response prior to the next meeting, they may request a written answer from the member concerned. If the member asking the question is absent, the member must seek agreement from the Civic Mayor prior to the Council meeting for another member to present the question on their behalf or the question will withdrawn.

A12.11 Supplementary Question

A member asking a question under this Standing Order may ask one brief supplementary question, with the consent of the Civic Mayor or the person presiding (which shall not be reasonably refused), without notice to the member to whom the question was asked. The supplementary question must arise directly out of the original question or the reply and must not be a statement. A member asking a supplementary question shall have a maximum of one minute to put his/her question at the meeting. The member responding to a supplementary question shall have a maximum of three minutes to put his/her answer to the question.

A13. Notices of Motion**A13.1 Scope**

(This Standing Order may not be suspended)

Motions must be about matters for which the Council has a responsibility or direct ability to influence and/or control and must not include declaratory statements relating to matters wholly outside the ambit of the Council.

A13.2 Notice

- (a) Except for motions which can be moved without notice under Standing Order A14, written notice of every motion, signed (or sent by e-mail and verified by the Head of Governance Support) by the proposer and seconder, must be delivered to the Head of Governance Support by 4.00 p.m. ten clear working days before the date of the Council meeting or, for matters which relate to Cabinet functions, the Cabinet meeting. For matters relating to Cabinet functions the proposer and seconder shall be referred to as the promoter and supporter where those members are not members of the Cabinet.
- (b) The Chief Executive (in consultation with the Civic Mayor in respect of Council motions or the Leader of the Council in respect of Executive motions) may decline to accept any notice of a motion if it is in his/her opinion:
 - (i) factually inaccurate; or
 - (ii) it is identical or materially similar to a motion which has been presented to a meeting of Council, the Cabinet or a Council committee within the 12 months preceding the meeting; or
 - (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable.

Where a member's Notice of Motion may be declined by the Chief Executive, the Chief Executive will provide the reason(s) for this and where possible assist the member to amend the declined Motion so that it is acceptable.

- (c) Motions for which notice has been given and require a council decision will be listed on the agenda in the order in which notice was received, unless the proposer and seconder giving notice state, in writing (including by e-mail if verified by the Head of Governance Support), that they propose to move it to

a later meeting or withdraw it. The Civic Mayor may alter the order in which Notices of Motion are taken on the agenda if he/she considers this will facilitate the efficient running of the meeting. Motions which subject matter comes within the province of the Cabinet or any Council Committee will be included on the relevant agenda for those decision-making bodies

(d) Motions which result in financial implications for the Council must include an outline of such implications together with advice from the Council's Finance Officer (including an officer report where required). Where there is insufficient time to enable a robust assessment of the financial implications the Motion will stand deferred to a subsequent meeting.

A13.3 Procedure

(a) If the subject matter of any motion comes within the province of the Cabinet or any Council committee, it shall stand referred to the Cabinet or committee, as appropriate, without inclusion on the Council agenda. Cabinet Standing Orders sets out the procedure for consideration of Notice of Motions at Cabinet. Matters referred to a Council committee will be placed on the next available agenda and the Committee will determine whether to request officers to prepare a report on the matter for consideration at a future meeting.

(b) If the subject matter does not fall within the remit of the Cabinet or a Council committee, the Council may deal with the matter immediately via normal rules of debate.

A13.4 Motions affecting the setting of the Budget

(This Standing Order may not be suspended)

Written notice of every proposed amendment (or objection in the case of the first meeting of Council at which the Cabinet's proposals will be considered) to a recommendation affecting the setting of the Budget, signed (or sent by e-mail and verified by the Head of Governance Support) by the member (or members), must be delivered to the Head of Governance Support by 4.00 p.m. two clear working days before the commencement of the meeting (including any adjourned meetings) at which the setting of the Budget is to be considered. These will be published on the Council's website, after approval by the Chief Executive, and be open to public inspection. The provisions in A13.2 (b) will apply.

A14. Motions which may be moved without Notice and/or during debate (To apply to Committees, Cabinet and Overview and Scrutiny)

A14.1 The following motions may be moved during the meeting:

- (i) to appoint a Chair for that meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;

- (v) to appoint a committee or member arising from an item on the summons for the meeting;
- (vi) to receive reports or the adoption of recommendations of the Cabinet (or committees or individual members of the Cabinet), committees, sub-committees, working parties or officers and any resolutions following on from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;
- (ix) to proceed to the next item of business;
- (x) that the motion/amendment be now put to the vote;
- (xi) to adjourn a debate;
- (xii) to adjourn a meeting;
- (xiii) that the meeting continue beyond four hours in duration;
- (xiv) to suspend a particular Council Standing Order (subject to Standing Order A29);
- (xv) to exclude the public and press in accordance with the Standing Orders in relation to Access to Information;
- (xvi) to not hear further a member or to exclude them from the meeting where that member is behaving improperly or offensively or is deliberately obstructing business;
- (xvii) to give the consent of the Council where its consent is required by this Constitution; and
- (xviii) any motion relating to the use of cameras or the audio or visual recording of the proceedings of the meeting.

A15. Rules of Debate. See flowcharts at appendices 1 and 2

These rules do not apply for the consideration of Planning or Licensing applications. Standing Order 22 below sets out the rules of debate for such applications.

A15.1 No speeches until motion moved and seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

A15.2 Right to require motion or amendment in writing and adjournment for un-tabled amendments

Unless notice of the motion has already been given, the Civic Mayor may require it to be written down and handed to him/her before it is discussed. The Civic Mayor may also require an amendment to be written down and handed to him/her

before it is discussed. The Civic Mayor shall call a short adjournment for any un-tabled amendments to enable members to confer within their groups.

A15.3 Seconder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate (note: if a member does reserve their speech until later in the debate and that member wishes to speak later in the debate they must raise their hand/indicate such wish to the Civic Mayor).

A15.4 Content of speeches

A member's speech must relate to the business under discussion or to a personal explanation or point of order.

A15.5 Length of speeches

No speech or response may exceed five minutes without the consent of the Civic Mayor except the opening speeches on the revenue budget by the Leader of the Council and the leaders of each political group at the annual budget setting meeting, which shall not exceed fifteen minutes without the consent of the Civic Mayor.

A15.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (i) to speak once on any amendment;
- (ii) to move a further amendment if the motion has been amended since he/she last spoke;
- (iii) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (iv) in exercise of a right of reply (under Standing Order A15.10);
- (v) on a point of order (under Standing Order A15.12);
- (vi) by way of personal explanation (under Standing Order A15.13).

A15.7 Amendments to motions

- (a) An amendment to a motion must be reasonably relevant (in the opinion of the Chief Executive) to the motion and must seek to:
 - (i) refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) delete words;
 - (iii) delete words and add other words; or

- (iv) add words,

and an amendment that otherwise complies with this Standing Order shall be valid even if the direct or indirect consequence of the amendment (if carried) would be to negate the motion (except amendments made at Planning Committee).

Assistance with drafting amendments will be provided by the Head of Governance Support where requested and the Head of Governance Support will involve the relevant officers for their professional advice. Where officer advice is sought in advance on amendments, this advice will be provided in confidence and not shared with any other members unless instructed to do so by the member preparing the amendment. The mover of an amendment prepared in advance of the meeting will confirm with the Head of Governance Support when they wish the amendment to be shared.

- (b) Only one amendment may be moved and discussed at any one time except that the Civic Mayor may permit more than one amendment to be debated at the same time if he/she considers this would facilitate the efficient running of the business and if a majority of members present do not object. No further amendment may be moved until the amendment under discussion has been disposed of. Amendments to motions will be moved at the earliest possible opportunity during the debate.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which further amendments may be moved. At the end of the debate, the substantive motion will then be put to the vote.
- (e) For the avoidance of doubt no amendment can be made to the motion to set the Council Tax.

A15.8 Amendment of motions by proposer

- (a) A member may request, with the consent of the seconder, to alter a motion of which he/she has given notice. If there is no objection to the request it shall be amended as proposed. If there is an objection, the request to alter the motion shall be put to the vote without debate.
- (b) A member may alter a motion which he/she has moved without notice with the consent of the seconder.
- (c) Only alterations which could be made as an amendment (in accordance with Standing Order A15.7) may be made.

A15.9 Withdrawal of motions

A member may withdraw a motion which he/she has moved with the consent of the seconder. No member may speak on the motion after the mover has asked permission to withdraw it unless the seconder refuses consent to withdraw the motion.

A15.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the amendment has the right of reply before the mover of the original motion. The mover of the original motion then has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. This Standing Order also applies if the amendment is carried and further amendments are moved.
- (c) The mover of the amendment has no right of reply to the debate on his/her amendment.

A15.11 Procedural Motions which may be moved during debate

When a motion is under debate, the following procedural motions may be moved:

- (i) to proceed to the next business;

If a motion to proceed to the next business is seconded and the Civic Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- (ii) that the motion/amendment be now put to the vote;

If a motion that the motion/amendment be now put to the vote is seconded and the Civic Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

- (iii) to adjourn a debate;

If a motion to adjourn the debate is seconded and the Civic Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If the motion is carried and no timeframe is explicit the discussion will be resumed at the next ordinary meeting of the Council and the member who moved its adjournment shall be entitled to speak first. If the motion to adjourn is lost, a second motion for adjournment may be moved during the same meeting and the Civic Mayor thinks a reasonable amount of time has lapsed since the last motion to adjourn.

- (iv) to adjourn a meeting;

If a motion to adjourn the meeting is seconded and the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Chief Finance Officer to indicate whether there is any other business that they believe should be transacted at that meeting (in accordance with Standing Order A11.2) and it shall be put to the vote without debate and without giving the mover of the original motion the right of reply.

- (vii) that the meeting continue beyond four hours in duration;

If a motion that the meeting continue beyond four hours in duration or a motion to adjourn the meeting is moved, the Civic Mayor shall invite the Chief Executive, Monitoring Officer and Chief Finance Officer to indicate whether there is any other business that they believe should be transacted at that meeting (in accordance with Standing Order A11.2) and if the motion is then seconded it shall be put to the vote without debate.

- (viii) to exclude the public and press in accordance with the Standing Orders in relation to Access to Information; and

If a motion to exclude the press and public in accordance with the Standing Orders in relation to Access to Information is seconded, it shall be put to the vote without debate but the Civic Mayor may invite the Chief Executive and/or the Monitoring Officer to advise on the matter.

- (ix) in accordance with Standing Order A25 (members' conduct), to not hear further a member or to exclude them from the meeting.

A15.12 Point of order

A member may raise a point of order, subject to first obtaining the consent of the Civic Mayor. The Civic Mayor will determine when they are heard, either immediately or after the member speaking has finished their speech. A point of order may only relate to an alleged breach of these Council Standing Orders, a significant factual inaccuracy or a breach of the law. The member must indicate the Standing Order, the alleged significant factual inaccuracy or the law (and the way in which he/she considers it has been broken, or is inaccurate) before speaking further. The ruling of the Civic Mayor on the matter will be final.

A15.13 Personal explanation

A member may make a personal explanation, subject to first obtaining the consent of the Civic Mayor. The Civic Mayor will determine when they are heard, either immediately or at an appropriate point during the debate. A personal explanation may only relate to some statement by, or material fact relating to, the member which may appear to have been misunderstood in the present debate. The ruling of the Civic Mayor on the admissibility of a personal explanation will be final.

A15.14 Briefings by Officers

In exceptional circumstance and with the consent of the Civic Mayor, the Chief Executive may request officers to provide members with a briefing at the Council meeting on agenda items before they are considered by the Council. The Civic Mayor will allow each member a maximum of two questions to the officer presenting. Questions must only relate to factual elements of the matter under discussion and not draw the officer into the debate of the Council.

A16. State of The Borough Debate**A16.1 Calling of debate**

The Leader of the Council or Civic Mayor may call a State of the Borough debate annually to be held at the first ordinary meeting of the Council after the Annual Council meeting or on such other occasion to be determined by the Civic Mayor in consultation with the Leader of the Council.

A16.2 Form of debate

The Leader of the Council in consultation with the Civic Mayor (or the Civic Mayor if calling the debate) may decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the Borough debate.

A16.3 Chairing of debate

The debate will be chaired by the Civic Mayor.

A16.4 Results of debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Cabinet in proposing the budget and policy framework to the Council for the coming year.

A17. Previous Decisions and Motions (To apply to Committees and Overview and Scrutiny)**A17.1 Motion to rescind a previous decision**

A motion or amendment to rescind a non-Executive decision made at a meeting of Council within the past six months cannot be moved unless:

- (i) the notice of motion is signed by at least the same number of members as would make the meeting quorate; or
- (ii) an amendment is moved at a meeting, which seeks to rescind a previous decision, which is supported by at least the same number of members as would make the meeting quorate to enable the matter to be debated; or
- (iii) the motion or amendment is substantially in accordance with a recommendation contained in an officer report.

No resolution shall be rescinded if, in the opinion of the Monitoring Officer, it would infringe on any third party's legal rights or be likely to result in a finding of maladministration against the Council.

This Standing Order does not apply to a decision that has previously been rescinded.

A17.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless:

- (i) the notice of motion or amendment is signed by at least the same number of members as would make the meeting quorate; or
- (ii) an amendment moved at a meeting is supported by at least the same number of members as would make the meeting quorate to enable the matter to be debated; or
- (iii) the motion or amendment is substantially in accordance with a recommendation contained in an officer report.

A18. Voting (To apply to Committees, Cabinet and Overview and Scrutiny except A18.5)**A18.1 Majority**

(This Standing Order may not be suspended)

Prior to voting the Civic Mayor will read out the motion or amendment due to be voted upon if he/she considers the debate has been complex and clarity is needed before taking the vote. Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put.

(Schedule 12 of the Local Government Act 1972)

A18.2 Civic Mayor's casting vote

(This Standing Order may not be suspended)

If there are equal numbers of votes for and against, the Civic Mayor (whether or not he/she has voted) will have a casting vote. There will be no restriction on how the Civic Mayor chooses to exercise a casting vote, save that he/she must use his/her casting vote for the election of the Civic Mayor at the Annual Council meeting in the case of an equality of votes.

(Schedule 12 and Section 4 of the Local Government Act 1972)

A18.3 Method of Voting

Unless a recorded vote is demanded under Standing Order A18.4, the Civic Mayor will take the vote by a show of hands or by an appropriate alternative means determined by the Civic Mayor.

A18.4 Recorded vote

If at least the same number of members as would make the meeting quorate demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

A18.5 Recorded vote at budget meetings

(This is a mandatory standing order under The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and may not be suspended)

Recorded votes will be taken on any decision relating to the budget or Council Tax, including any amendments and substantive motions on agreeing the budget, setting, Council Tax or issuing precepts.

A18.6 Right to require individual vote to be recorded

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and may not be suspended.)

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. The member must ensure the Governance Support Officer present at the meeting is made aware of how they voted for the minutes.

A19. Minutes

(This Standing Order may not be suspended)

A19.1 Signing the minutes (To apply to Committees, Cabinet and Overview and Scrutiny)

The Civic Mayor will sign the minutes of the proceedings at the next suitable meeting (Schedule 12 of the Local Government Act 1972/Local Authorities (Standing Orders) Regulations 1993). The Civic Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

A19.2 No requirement to sign minutes of previous meeting at extraordinary meeting

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and may not be suspended. The language is constrained by that permitted in the regulations.)

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

A19.3 Form of minutes (To apply to Committees, Cabinet and Overview and Scrutiny)

Minutes will include all decisions in the form and order they were taken at the meeting.

A20. Record of Attendance (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)

A20.1 The Governance Support Officer will make a record of all members present during the whole or part of a meeting before the conclusion of every meeting to assist with the record of attendance. The official attendance record will be held in the minutes of the meeting.

(Schedule 12 of the Local Government Act 1972)

A21. Exclusion of Public (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)

A21.1 Members of the public and press may only be excluded either in accordance with the Standing Orders in relation to Access to Information or Standing Order A26 (Disturbance by Public).

A22. Representations In Respect Of Planning and Licensing Applications (To apply to Committees)

A22.1 Members of the public shall be entitled to speak at meetings of the Council, committees or sub-committees during the consideration of:

- (i) any application for approval or consent required under the Town and Country Planning legislation; and
- (ii) any licensing applications that fall outside the Licensing Act 2003.

in accordance with the following provisions and in accordance with Standing Order A24.4 below.

A22.2 Any member of the public or person who is not a member of the Committee who wishes to speak shall notify the Head of Governance Support or his/her representative by 11.00 am on the day of the meeting he/she wishes to speak at or at lesser notice at the discretion of the Civic Mayor.

A22.3 The following procedure shall apply in respect of each item:

- (i) introduction of item by officer;
- (ii) representations by objector(s);
- (iii) Brixham Town Councillors (including as Brixham Peninsula Neighbourhood Forum) (if it relates to a Brixham application or area covered by the Brixham Peninsula Neighbourhood Plan);
- (iv) representations by Torquay Neighbourhood Forum (if it relates to an application in the area covered by the Torquay Neighbourhood Plan);
- (v) representations by Broadsands, Churston and Galmpton Neighbourhood Forum (if it relates to an application in the area covered by the Broadsands, Churston and Galmpton Neighbourhood Forum);
- (vi) representation by a Councillor who is not a member of the Planning Committee;

- (vii) representations by applicant, agent or supporters;
- (viii) in exceptional circumstances, the Civic Mayor may permit Members of the Committee to ask for clarification from the registered speakers outlined in (i) to (vi) above immediately following their presentation.
- (ix) Once all questions have been asked, a motion will be put forward and seconded to open the application for debate, the options for the motion include:
 1. Approval (with or without conditions); or
 2. Refusal (with reasons); or
 3. Deferment for further information or a site visit; or
 4. Delegation for determination by an officer or other Committee of the Council.
- (x) Members may speak more than once on a motion;
- (xi) During the debate if any further additions (such as reasons for refusal or additional conditions) are suggested to the motion, the Civic Mayor will seek consent of the proposer and seconder for these to be included in the original motion. If consent is not forthcoming, then a further motion can be moved once the motion on the table has been dealt with;
- (xii) prior to the vote on the motion, the Civic Mayor will confirm the details of the motion, including asking the Planning Officer to clarify if there are any additional technical conditions required or reasons for refusal; and
- (xiii) a vote will be taken on the motion and the Chair will announce the result of the vote. If the motion fails the Civic Mayor will invite Members to propose an alternative motion which will be subject to debate prior to the vote and following (viii) to (xi) above.

A22.4 The total time allowed for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Civic Mayor may allow:

- (a) objectors;
- (b) applicant, agent or supporters;
- (c) Brixham Town councillors;
- (d) Torquay Neighbourhood Forum; and
- (e) Broadsands, Churston and Galmpton Neighbourhood Forum.

A22.5 Where more than one objector to or supporter of an application wishes to speak, the Civic Mayor may if he/she considers it convenient and conducive to the despatch of business of the meeting require that a spokesperson be appointed to represent the views of the objectors or supporters as the case may be.

Torbay Council – Constitution

Standing Orders – Council Meetings

A22.6 The Civic Mayor shall ensure, as far as is practicable, that both objectors and supporters are given the opportunity to speak but an application will not normally be deferred merely because one side is unable or does not wish to be present.

A22.7 Brixham Town Council (including when acting as Brixham Peninsula Neighbourhood Forum), Torquay Neighbourhood Forum and Broadsands, Churston and Galmpton Neighbourhood Forum may nominate a representative to speak on a planning application in relation to their respective areas.

A22.8 The Civic Mayor may:

- (i) suspend the operation of this Standing Order during the consideration of any application or for the remainder of the meeting if he/she considers it necessary so to do for the purpose of maintaining order at the meeting; or
- (ii) vary the order of representations if he/she considers that it is convenient and conducive to the despatch of business and will not cause any prejudice to the parties concerned.

A22.9 Guidance on representations in respect of licensing (2003 Act) applications is available in the Local Code of Good Practice for Members and Employees Involved in the Licensing Process.

A22.10 Guidance on representations from Brixham Town Council, Torquay Neighbourhood Forum and Broadsands, Churston and Galmpton Neighbourhood Forum is available in the Local Protocol – Consultation Arrangements with Town/Parish Councils and Neighbourhood Forums for Planning Applications.

(Note: This Standing Order A22 shall also apply to a member with an interest that means they should not be present when the matter is under consideration but who wishes to make a representation in respect of a planning or licensing application, but having made his/her representations he/she must withdraw from the meeting room and cannot vote on the matter.)

A23. Petitions

A23.1 The Council will consider petitions received in accordance with its Petition Scheme (as set out in Appendix 3 to these Standing Orders).

A24. Public Question Time

A24.1 Members of the public shall be entitled to ask questions/make statements during the Question Time sessions held at the meetings of Council. The total time allowed for questions or statements shall not exceed 30 minutes except with the consent of the Civic Mayor and a maximum of three public questions may be asked at a single meeting. Questions submitted will be dealt with in the order they are received, with any questions submitted after the maximum number for the Council meeting has been reached refused and referred back to the person asking the question. The Civic Mayor may allow additional questions in exceptional circumstances, those circumstances to be determined by the Civic Mayor. Questions/statements must:

- (a) relate to the Council and/or the services it provides (or are provided on its behalf) to local people or to a matter that affects local people more than

the general public nationally and is relevant to the area or areas of responsibility of the person to whom the question or statement is directed;

- (b) do not relate to planning or licensing applications to be considered by the Authority;
- (c) do not relate to any matter where public consultation is being undertaken in the next six months by the Council; and
- (d) are provided to the Head of Governance Support in writing (including by e-mail if verified by the Head of Governance Support) by no later than 4.00 p.m. on the tenth clear working day before the date of the meeting in order that a suitable response may be prepared. The Civic Mayor may permit a question/statement after this deadline in exceptional circumstances, those circumstances to be determined by the Civic Mayor, and the questioner has given a copy of his/her question to the Head of Governance Support by 4.00 p.m. two clear working days prior to the meeting.

However, the Chief Executive, in consultation with the Civic Mayor may decline to accept any question or statement if it is in his/her opinion:

- (i) factually inaccurate; or
- (ii) it is identical or materially similar to a question which has been presented to a meeting of Council or a Council committee within the 12 months preceding the Council meeting; or
- (iii) it is illegal, defamatory, scurrilous, irrelevant or otherwise objectionable; or
- (iv) to respond to the question or statement would require a disproportionate amount of officer time (having regard to any possible benefits such work would deliver) and the question or statement is not of such nature that would require a response if made pursuant to the Freedom of Information Act 2000.

And the reasons for rejection will be provided.

A24.2 The Head of Governance Support will immediately send a copy of the question/statement to the member to whom it has been put and publish the questions/statements.

A24.3 No person may submit more than one question at any one meeting, and no more than one such question may be asked on behalf of an organisation.

A24.4 Each person addressing the meeting shall be restricted to five minutes of speech or such period as the Civic Mayor may allow. Any persons addressing the Council under this Standing Order may only refer to matters relevant to the question or statement and shall:

- (a) not use discriminatory or offensive language;
- (b) not make any party political statements;
- (c) not use personal abuse; and

(d) treat others with courtesy and with respect.

If the Civic Mayor considers that any of these requirements have been breached he/she may take such action as he/she considers appropriate (including prohibiting the person addressing the Council from speaking further).

A24.5 Questions shall be directed to the Civic Mayor, who may request:

- (i) the Leader of the Council;
- (ii) a member of the Executive;
- (iii) the Chair of any committee (including the Overview and Scrutiny Board or sub-committee);
- (iv) a Council representative on an outside organisation

to reply. The Civic Mayor, Leader of the Council or other Councillor may, in turn, request an appropriate officer or his/her representative to reply.

If a questioner who has submitted a written question is unable to be present, they may ask the Civic Mayor to put the question on their behalf or the Civic Mayor can decide to put the question. The Civic Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

A24.6 Every question shall be put and answered without discussion although the questioner may be permitted by the Civic Mayor to ask one supplementary question provided that it is relevant to the original question (or the response thereto) and his/her allocation of five minutes is not exceeded (subject to Standing Order A24.4).

A24.7 Where a statement is made, this will not be responded to at the meeting.

A24.8 Five minutes shall be allocated for the response to a question and shall take the form of:

- (i) a direct oral answer; or
- (ii) where the reply to the question cannot conveniently be given orally, an undertaking that a written reply will be provided.

A24.9 Unless the Civic Mayor decides otherwise, no discussion will take place on any question or statement, but any member may move that a matter raised by a question or statement be referred to the Executive or appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

A24.10 Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

(Note: This Standing Order A24 shall also apply to a member with an interest that means they should not be present when the matter is under consideration but who wishes to make a representation, but having made his/her

representations he/she must withdraw from the meeting room and cannot vote on the matter.)

A25. Members' Conduct (To apply to Committees, Cabinet and Overview and Scrutiny)**A25.1 Members addressing the meeting**

When a member addresses a meeting of the Council they must make themselves clearly identifiable and address the meeting through the Civic Mayor. If more than one member seeks to address the meeting, the Civic Mayor will rule on the order on which they may address the meeting. Other members must behave in an appropriate manner whilst a member is addressing the meeting and not interrupt unless they wish to move a motion under Standing Order A15.11 or to make a point of order or a point of personal explanation. When making a point of order or point of personal explanation, once requested the member making the request must sit down and not speak again until invited to do so by the Civic Mayor.

A25.2 Civic Mayor calling the meeting to order

When the Civic Mayor calls to order, whether by standing or banging his/her gavel or by some appropriate means during a debate, any member addressing the meeting at the time must stop and sit down. The meeting must be silent.

A25.3 Member not to be heard further

If a member behaves improperly or offensively or deliberately obstructs business, the Civic Mayor or the Council by resolution may determine that the member in question be not heard further in respect of the item under discussion.

A25.4 Member to leave the meeting

If the member continues to behave improperly after a motion under A25.3 is carried, the Civic Mayor may either determine that (a) the member in question leaves the meeting in respect of the item under discussion or for the remainder of the meeting, as appropriate, or (b) that the meeting is adjourned for a specified period.

A25.5 General disturbance

If there is a general disturbance making orderly business impossible, the Civic Mayor may adjourn the meeting for as long as he/she thinks necessary.

A25.6 Addressing other members

At meetings of the Council, its committees and sub-committees, members shall address each other as “councillor” followed by the member’s surname. At meetings of the Council, the Civic Mayor shall be addressed as the Worshipful the Mayor of Torbay or such other title as he/she may reasonably choose, but at meetings other than Council the Civic Mayor shall be referred to as “councillor” followed by his/her surname.

A25.7 Members Leaving During the Meeting

Where a Member leaves the meeting room temporarily during the meeting for whatever reason, they shall acknowledge the Civic Mayor by nodding their head (or by another appropriate means) and leave the chamber. Where a Member leaves the meeting room permanently before the end of the meeting (or its formal adjournment) they shall give their apologies to the Civic Mayor (either immediately prior to their departure or earlier during the meeting or immediately prior to its commencement) and their departure shall be recorded in the minutes.

A26. Disturbance by Members of the Public (To apply to Committees, Cabinet and Overview and Scrutiny)**A26.1 Removal of member of the public**

If a member of the public interrupts proceedings or behaves improperly or offensively, the Civic Mayor will warn the person concerned. If they continue to interrupt or behave improperly or offensively, the Civic Mayor may order their immediate removal from the meeting and the premises. If the Civic Mayor considers behaviour to be grossly improper or offensive he/she may order the immediate removal of the person from the meeting and the premises without warning. The person concerned shall not be permitted re-entry to the premises for the duration of the meeting.

A26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Civic Mayor may call for that part to be cleared.

A27. Use of Cameras and Tape and Video Recorders (To apply to Committees, Cabinet and Overview and Scrutiny)

A27.1 Any persons present at the meeting may, unless prohibited or restricted by a resolution, take photographs, make audio or visual recordings and make live stream recordings on social media of the proceedings of meetings of the Council, its committees and sub-committees. However, no flash photography or other artificial light source shall be used without the prior approval (which may be withdrawn or conditional) of the person presiding at the meeting concerned.

A27.2 The Head of Governance Support may make arrangements for the electronic recording (including filming) of those parts of the meetings of Council, Planning Committee and Standards Hearings Sub-Committee at which the press and public are entitled to be present.

**A28. Prohibition of Smoking, Alcohol and Drugs at Council Meetings (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)**

A28.1 No member or officer or member of the public shall smoke (this includes any electronic smoking devices), consume (or, in the opinion of the Civic Mayor be incapacitated by) alcohol and/or illegal drugs at any council meeting.

A29. Suspension and Amendment of Standing Orders In Relation To Council Procedure (To apply to Committees, Cabinet and Overview and Scrutiny)
(This Standing Order may not be suspended)**A29.1 Suspension**

All of these Standing Orders in relation to Council except Standing Orders A1, A2, A3, A4, A5, A7, A8, A9, A10, A13.1, A13.4, A18.1, A18.2, A18.5, A18.6, A19, A20, A21, A28 and A29 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

A29.2 Any motion to suspend any Standing Order (or part of any Standing Order) shall indicate the Standing Order (or part thereof) to be suspended.

A29.3 Amendment

Any motion to add to, vary or revoke these Standing Orders in relation to Council and Meetings will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council (unless the Monitoring Officer agrees otherwise).

A29.4 Conflict between Standing Orders and the law

If any Standing Order does not comply with any relevant legal requirement (whether arising from statute, subordinate legislation, EU directives or case law), that Standing Order shall be deemed to be amended so far as shall be necessary to comply with the legal requirement in question

A30. Interpretation

(To apply to Committees, Cabinet and Overview and Scrutiny)

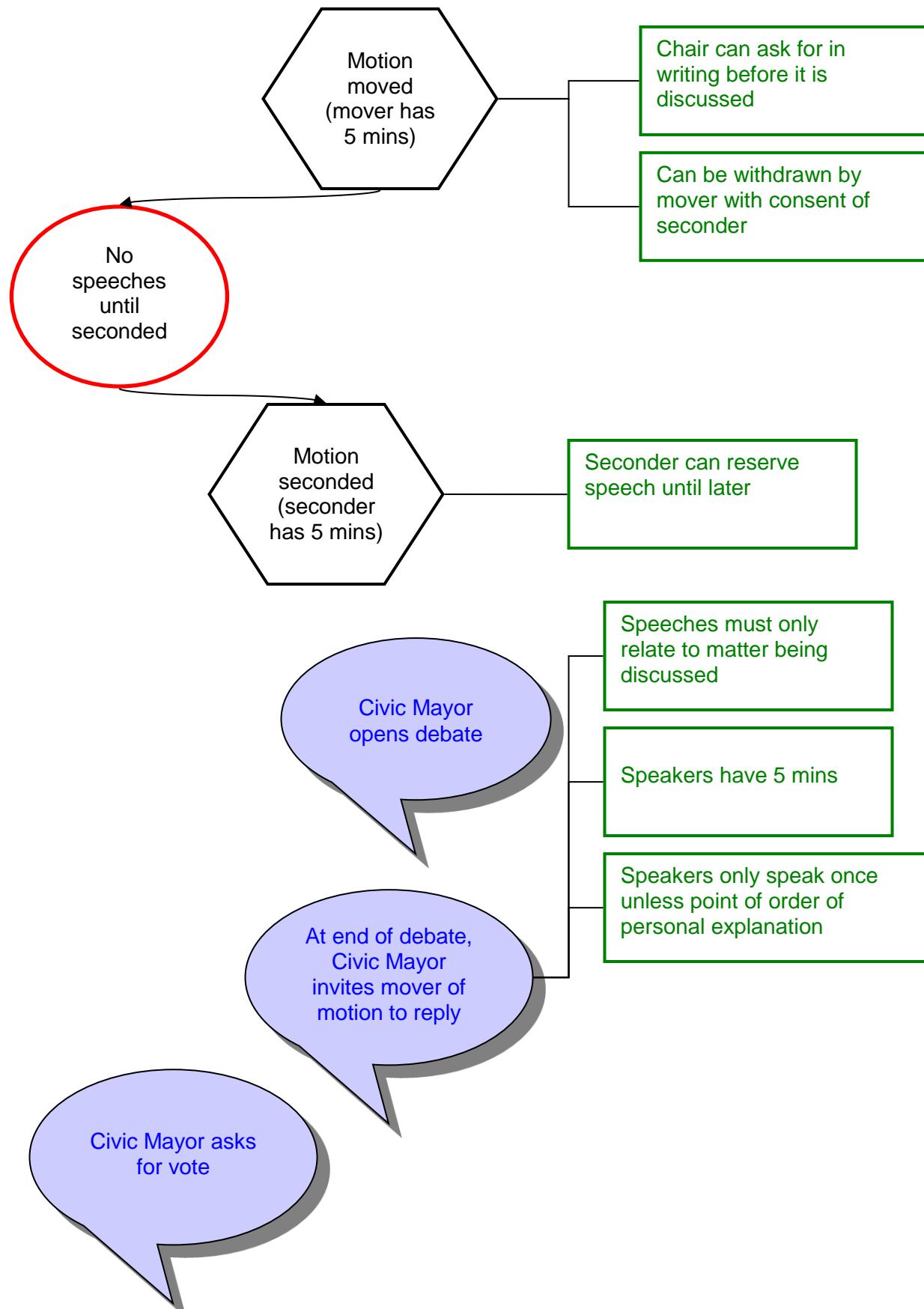
A30.1 Any references to writing or speaking in these Standing Orders shall be deemed to include any other means of communication that are reasonably appropriate having regard to any person's disabilities or special needs.

A30.2 The Civic Mayor's ruling on the interpretation of these Standing Orders and on the conduct of the proceedings shall be final.

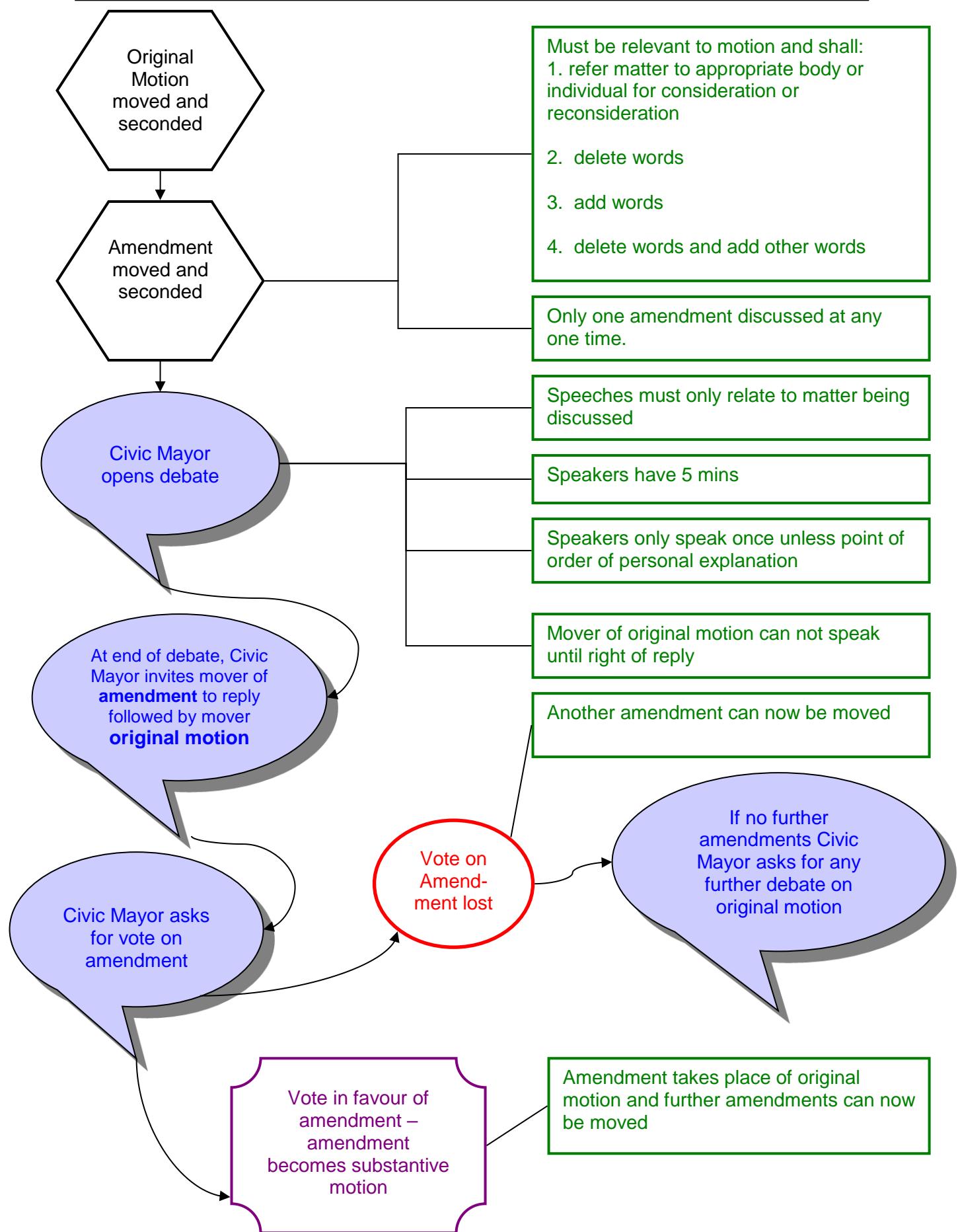
A31. Application of Standing Orders in Relation to Access to Information to Meetings of The Council

A31.1 The following Standing Orders in relation to Access to Information will apply to meetings of the Council: E1 to E11, E19 and E20.

Appendix 1 Standing Order A16 Rules of Debate – Motions without Amendment



Appendix 2 Standing Order A16 Rules of Debate – Amendments to Motions



Appendix 3 - Petition Scheme

Contents

1. Introduction
2. What are the guidelines for submitting a petition?
3. Are there any issues which the Council will not consider in a petition?
4. How can I submit a petition?
5. Petition Deadlines
6. How will the Council respond to my petition?
7. Feedback – will the petitioners be told of the outcome?
8. What can I do if I feel my petition has not been dealt with properly?
9. Other ways to make your views known
10. Data Protection
11. Special requirements
12. Sample Petition Form

1. Introduction

A petition is a request for Torbay Council to consider an issue or concern or to take a particular course of action. Petitions set out a particular view point and can be a useful tool to demonstrate that a view is shared by others. The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

This document sets out the guidelines for submitting a petition and what you can expect from the petitions process.

To meet the requirements of the scheme, the petition must be about:

- **an issue which relates to the Council and/or services it provides to local people;**
- **an improvement in the economic, social or environmental well-being of Torbay to which any of the Council's partner authorities could contribute'; or**
- **to issues which relate to services provided by partner authorities, including matters which are sub-regional and cross-authority;**

Petitions can be submitted in paper format or can be scanned and sent electronically. There is also a *Torbay Council e-petitions* facility available (this is a method of starting a petition and gathering signatures online which allows petitions and supporting information to be made available to a much wider audience). We are also happy to accept e-petitions generated from third party facilities, but only if they meet the submissions criteria set out in this scheme – including, for example, by providing sufficient information to enable the Council to verify signatures in support of the petition.

2. What are the guidelines for submitting a petition?

Petitions submitted to the Council **must** include (see *Appendix 1 for a sample paper petition template*):

- **A clear and concise statement covering the subject of the petition.** It should state what action the petitioners wish the Council to take.
- **The subject matter of the petition on each page.** People need to know what they are signing and therefore the petition should clearly state this on each page.
- **The petition organiser's contact details.** Including a phone number and address, – this will be the person who we will contact to explain how we will respond to the petition.
- **At least 25 valid signatures.** Anyone who lives, works or studies in the Torbay area, including under 18's, can sign or organise a petition. In order for a signature to be valid it must be accompanied by the name and

address (which must include the name or number, street and town) of each person supporting the petition. The address provided should be that place of work or study if they do not live in the bay. To ensure the Council understands the local level of support for a petition, it reserves the right to seek to verify each signature submitted as part of a petition. This may be particularly significant when establishing whether a petition has obtained the required number of signatures to trigger a specific process (see section 6 below Full Council Debate).

In the case of e-petitions, (including those submitted from other online petition facilities) the Council requires a name, valid email address (one email address per person), address (including the name or number, street and town) for each person supporting the petition; failure to provide this information may lead to a signature not being counted.

The Council may also ask for additional information it may require to confirm that the petition complies with the requirements of this scheme.

The Council's Monitoring Officer may decline to accept any petition where in his/her opinion the petition does not include any of the above.

3. Are there any issues which the Council will not consider in a petition?

3.1 There are certain circumstances when petitions will not be accepted by the Council's Monitoring Officer, this mirrors the UK Parliament and Government petition rules and includes if a petition:

- calls for the same action as a petition that's already open
- does not ask for a clear action from the Council
- relates to an issue which is clearly outside the control or reasonable influence of the Council (e.g. petitions on national issues)
- is defamatory or libellous, or contains false or unproven statements
- refers to a case where there are active legal proceedings
- contains material that may be protected by an injunction or court order
- contains material that could be confidential or commercially sensitive
- could cause personal distress or loss. This includes petitions that could intrude into someone's personal grief or shock without their consent.
- accuses an identifiable person or organisation of wrongdoing, such as committing a crime
- names individual officers, unless they are Divisional Directors or above
- names family members of councillors or officers
- asks for someone to be given a job, or to lose their job. This includes petitions calling for someone to resign and petitions asking for a vote of no confidence in an individual councillor or officer or the Cabinet as a whole
- contains party political material
- is nonsense or a joke
- is an advert, spam, or promotes a specific product or service

- is a Freedom of Information request
- contains swearing or other offensive language
- is offensive or extreme in its views. That includes petitions that attack, criticise or negatively focus on an individual or a group of people because of characteristics such as their age, disability, ethnic origin, gender identity, medical condition, nationality, race, religion, sex, or sexual orientation
- is a duplicate or substantially similar to a petition received in the last 12 months, unless there has been a material change in circumstances

Petitions made under other enactments, such as petitions under the Local Government Act 2000 asking for referendum on whether the area should have an elected mayor, will be dealt with according to the procedures set out in those enactments. If such a petition fails to meet the requirements of the enactment in question, for example a petition under the 2000 Act does not achieve the requisite number of signatures, it will then be dealt with through this Petitions Scheme in exactly the same manner as any other petition.

3.2 This Petitions Scheme does not apply to certain matters, where there are already existing processes for communities to have their say. The following matters are therefore excluded from the scope of this Petitions Scheme:

- Any matter relating to a planning decision,
- Any matter relating to a licensing decision,
- Any matter relating to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months, (e.g. Formal Budget/Savings Proposals consultation).
- Any matter where there is already an existing right of appeal such as council tax banding and non-domestic rates.

We will advise the petition organiser what will happen to petitions under this category.

3.3 In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which will apply.

4. **How can I submit a petition?**

Paper petitions may be submitted to the Council in person/by post to:

Governance Support
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

Alternatively, you can give your petition to your local councillor who will deliver it on your behalf.

Petitions can be emailed to:

Governance.support@torbay.gov.uk

For emailed petitions each sheet of signatures should be scanned in full as an exact replica of the original copy.

E-petitions may be submitted through the Council's *e-petitions facility* or via an independent online e-petition system and not via the Council's facility, however, in this case the Petition Organiser must ensure that the petition meets the submissions criteria set out in this scheme – including, for example, a valid email address (one email address per person), full name, address and postcode for each person supporting the petition to enable the Council to verify signatures on the petition.

The Council will also allow a combined paper and e-petition providing there are no duplicate signatories and the date of receipt is when the final submission is made.

Please note that we keep all original copies of petitions for our records for six years.

Upon submission of your petition, you need to advise the Governance Support Team whether you wish for your petition to be presented to a meeting of the full Council or referred directly to the decision maker for consideration. Please refer to section 6 below for further details.

5. Petition Deadlines

If you would like your petition to be presented at a Council meeting, (see details in section 6 below), it must be received by the Governance Support Team by 4.00 p.m. 10 clear working days before the meeting. The deadlines/dates of meetings can be found at (www.torbay.gov.uk).

Once approved and activated, a standard e-petition will remain open for 60 days. However this can be amended, following discussion with the petition organiser, to fit with timescales for specific meeting deadlines.

6. How will the Council respond to my petition?

All petitions received by the Governance Support Team will be acknowledged within 10 working days of receipt. The acknowledgement will be sent to the petition organiser and will explain what we plan to do with the petition and when you can expect to hear from us again. Your petition details will be provided to the Leader of the Council, the Civic Mayor, the Group Leaders and the Chief

Executive. Details of any petitions that have not been accepted for the reasons cited in 3.1 will also be provided to those listed above for information purposes.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, relates to a subject where consultation by the Council is currently being undertaken or is due to be undertaken in the next six months (e.g. Formal Budget/Savings Proposals consultation), or is a statutory petition on a matter where there is already an existing right of appeal (such as Council tax banding and non-domestic rates) other procedures apply. In our acknowledgment to you, we will explain these procedures and how you can express your views. Where a petition is passed to another department it may then become subject to any conditions relating to representations for such matters i.e. a petition in respect of a planning representation may be published in full which includes names and address of those who have signed the petition.

Petitions containing less than 50 signatures will not be presented to a Council meeting, but treated as general correspondence and forwarded directly to the relevant service department for response.

'Ordinary' petitions

For petitions containing at least 50 valid signatures you can present your petition to a meeting of the Council (which all Councillors can attend). Alternatively, you (as the petition organiser) and up to two other people who have signed the petition, can choose to meet directly with the relevant decision-maker to present your petition.

Once an 'ordinary' petition is received the Governance Support Team will write to you to inform you which body/decision-maker will respond to your petition and confirm which of the above options you would like to proceed with.

Presentation to Council

If you wish for the petition to be presented to a meeting of the Council you can speak in support of the petition at the meeting for up to five minutes.

Confirmation of speaking in support of a petition must be received from the petition organiser by 4.00 p.m. the day before the Council meeting by registering with the Governance Support Team (by telephone on 01803 207087 or by e-mailing governance.support@torbay.gov.uk).

At each Council meeting, 30 minutes is allocated for the presentation of petitions received (except petitions with over 1,000 signatures – see further information below). To ensure sufficient time is allowed for presenting petitions a maximum of 5 petitions can be presented at a single Council meeting. The Civic Mayor may allow additional petitions in exceptional circumstances, those circumstances to be determined by the Civic Mayor. Petitions are included in the order that they have been received and once verified by the Governance Support Team.

Subsequent petitions will be included on the agenda for the following Council meeting unless requested by the lead petitioner not to do so and request that it is referred directly to the decision-maker or they wish to withdraw the petition.

Please note the petition will not be debated by the Councillors at the Council meeting, it will be referred straight to the relevant decision maker following the presentation of your petition at the meeting.

Also, if the subject of the petition is due to be considered by the decision-maker before the next meeting of the Council it will be referred to the decision-maker direct and you will not, therefore, have the opportunity to present the petition at a Council meeting.

Meeting with decision-maker

If you wish for the petition to be submitted directly to the decision-maker you will be informed of who will be contacting you to make the necessary arrangements for meeting with the decision maker. This meeting will normally be arranged within 28 days from notifying the Governance Support Team of your decision to proceed with this option.

The decision-maker may respond to the issues raised in your petition in one or more of the following ways:

- Taking the action requested in the petition;
- Holding an inquiry into the matter;
- Undertake research into the matter;
- Hold a public meeting; and/or
- Undertake consultation.

Full Council Debates

If a petition contains more than 1000 valid signatures it will be debated by all Councillors at a meeting of the Council unless the matter is resolved before the meeting to the Petition Organiser's satisfaction. Petitions with over 1,000 valid signatures will be listed as separate agenda items for debate and are not subject to the 30 minutes time allocation, to enable debate.

You will receive notification from the Governance Support team with details of the Council meeting to which your petition will be submitted. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. You will be given five minutes to present the petition at the meeting and the petition will then be discussed by the councillors.

The Council will decide how to respond to the petition at this meeting, it may decide to:

- take the action the petition requests;
- not to take the action requested for reasons put forward in the debate;

- make recommendations to the Cabinet if the issue is one for them to make the decision; or
- commission further investigation into the matter, for example by a relevant committee.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

7. Feedback – will the petitioners be told of the outcome?

Yes, the Petition Organiser will receive written confirmation setting out the Council's final response to the petition. This will normally outline the steps taken by the Council to consider the issue, including the involvement (where applicable) of the elected Councillors.

We will also publish details of petitions received and the final response/outcome of the petition on the Council's website.

8. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser can complain through the Council's complaints procedure. The Governance Support Team can provide you with details of how to complain or you can find details on the Council's website (www.torbay.gov.uk).

9. Other ways to make your views known

Torbay Council values petitions and this document sets out clear commitment about how we will respond to the petitions we receive.

Petitions are not, however, the only - or necessarily the easiest or quickest - way to resolve an issue or to make your views known.

You can also:

- Contact the relevant Council service directly.
- Contact your local Councillor or Community Partnership if you have a concern which relates to your local area or neighbourhood.

If you wish to make a complaint about a Council service, then you should instead use the Council's Complaints Process.

There are a number of other ways you can have your say and get involved in local decisions. To find out more go to our website:

<http://www.torbay.gov.uk/index/yourcouncil/councillorsdecisions/haveyoursay.htm>

10. Data Protection

If you are organising a petition you will need to consider whether you will become a data controller under Data Protection Law for the personal data you will process as part of the petition. Further information can be found on the ICO's [website](#).

One of the key requirements of data protection law is that individuals should be informed as to how their personal data will be used. Therefore, you will need to advise those signing your petition, that their personal data may be made available for anyone to inspect, to confirm the validity of the petition.

Petitions received under this scheme will not be published in full and when they are presented to Council or to the decision maker, details are provided about the petition organiser and the number of people who have signed the petition. A full original copy of the petition is retained by the Governance Support Team.

Once we receive your petition, Torbay Council becomes the data controller for the petition and will process it in accordance with this scheme. Our lawful basis under Data Protection Law for processing this personal data, is that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council, in accordance with our duties to support and promote democratic engagement under the Local Government Act.

Should an individual wish for their name to be removed from a petition, they can make an information rights request via our [website](#).

11. Special requirements

If you need any special help with accessing any Council buildings or if you have any special requirements please advise the Governance Support Team (using the contact details provided below) before the meeting.

To ask for a copy of this guide in another format or language, or for more information on petitions or Council meetings, please contact:

Governance Support on (01803) 207087
Email: governance.support@torbay.gov.uk

Subject of petition:		
Action required:		
Organiser/Main Contact for Petition		
Name:	Telephone number:	
e-mail address:		
Address (including name or number, street, town):		

Using the guidance set out in this scheme please select the relevant petition type for your petition from the options below. If applicable, please also tick the box confirming whether you would like to present your petition by speaking at a Full Council meeting:

Ordinary (contains 25 signatures or more)

please indicate where you wish to submit your petition:

Full Council Meeting or

Direct to Decision Maker

If you have chosen to submit your petition straight to a Full Council Meeting would you like to speak at the meeting? *please tick box below*

Yes Name of speaker:

No

Petitions for Council debate (contains 1000 signatures or more)

please indicate if you would like to speak at the Council meeting

Yes Name of speaker:

No

FAO: TORBAY COUNCIL

Petition Scheme Appendix 1

Subject of petition:	
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Please copy this page for further signatures

DATA PROTECTION: Torbay Council will become the data controller when the petition is submitted to the Council. The details you provide on this form will only be used for the purpose of this petition, however, please be aware that your name and address may be published in accordance with our petition scheme.