

## **General Standing Orders**

### **24. Reference Up of Decisions**

- 24.1 Where a Committee acting under delegated powers considers a particular question at a meeting and, immediately after the question has been put to the vote, not less than 5 members of the Committee, or a third of the membership of the Committee - whichever is the lesser - wish to invoke the provisions of this Standing Order, the Committee shall submit a report on the use of the delegated powers to the Council at its next meeting and, subject to the provisions of paragraph 24.4, the decision shall be treated as a recommendation.
- 24.2 A similar provision shall apply where not less than 15 members from the whole Council wish to question the use of delegated powers by a Committee in which case the Committee shall submit a report on the decision questioned to the next meeting of the Council. If the Committee has not acted upon the decision it shall be held in abeyance until the Council meeting.
- 24.3 Notice under paragraph 24.2 questioning the use of the delegated powers shall be signed by 15 members and delivered to the Democratic Services Specialist by not later than 9.00 a.m. (or by first post if that is later) on the seventh day before the Council meeting at which it is to be considered.
- 24.4 Paragraphs 24.1 and 24.2 shall not apply to any question which arises from an item of business:-
- (a) where a Committee has to make a decision before the next meeting of the Council because the Council has an obligation arising from the nature of the business to be transacted or, in the opinion of the Monitoring Officer, delay would prejudice the Council's position.
  - (b) which concerns the appointment, discipline or dismissal of a member of staff.
  - (c) which is a planning application

### **25. Record of Attendances**

- 25.1 Every member of the Council attending a meeting of the Council, or of any of its Committees of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.

### **26. Interest of Members in Contracts and Other Matters**

- 26.1 Members of the Council will have regard to the Code of Conduct adopted by the Council and set out in Part 5 of the Constitution.

### **27. Interest of Officers in Contracts**

- 27.1 The Executive Assistant to the Chief Executive shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the Council.

## **28. Custody of Seal**

- 28.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Democratic Services Specialist.

## **29. Authentication of Documents for Legal Proceedings**

- 29.1 Where the production of any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by a Proper Officer of the Council unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

## **30. Inspection of Documents**

- 30.1 Any member of the Council may inspect and make a copy of any document in the possession or under the control of the Council and which the member may require in the course of his/her duties as a member of the Council.
- 30.2 A member may not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any pecuniary interest within the meaning of Sections 94 and 95 of the Local Government Act 1972.
- 30.3 The Proper Officer may decline to allow inspection of any document which in his/her opinion discloses exempt information of a description for the time being falling within paragraphs 1 to 7, Part I of Schedule 12A to the Local Government Act 1972 (as amended).
- 30.4 Any document provided for a member and marked "Not for Publication" shall be exclusively for the use of that member and shall not be disclosed to any other person.
- 30.5 All members of the public over the age of 18 have the right to see, to correct factual errors in and to add comments to, all personal records and files held on them by the Council with the exception of legally privileged information.
- 30.6 The right to inspect and request correction of any data covered by the Data Protection Act 2018 shall be subject to the provisions of that Act and of the Council's Data Protection Policy.
- 30.7 All members and employees of the Council who are concerned with the control and/or use of personal data as defined by the Data Protection Act 2018 shall be subject to the provisions of the Act and of the Council's Data Protection Policy.

## **31. Information**

- 31.1 Officials of the Council shall not be required to compile statistical information for members of the Council unless the request for such information has first received the approval of the Council or appropriate Committee or Strategy Group.

## **32. Inspection of Lands, Premises etc**

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

## **33. Appointment of Committees**

- 33.1 The Council shall at the annual meeting appoint such Statutory and Standing Committees, and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:-
- (a) shall not appoint any member of a Committee so as to hold office later than the next annual meeting of the Council;

- (b) may at any time dissolve or alter the membership of a Committee;
- (c) the District Executive and any other Standing Committee(s) will, so far as practicable, reflect the political composition of the Council so that all political groupings shall be represented thereon in proportion to their elected members on the Council, except in so far as individual parties or Councillors might waive their rights.

#### **34. Emergency Procedure**

- 34.1 Unless otherwise provided the Chief Executive or in their absence the appropriate Director shall, from time to time, (after consulting the Chairman of the Committee concerned, or, in his/her absence, the Chairman of the Council or the Vice-Chairman of the Committee concerned), take all necessary steps for protecting the interests of or advancing the business of the Council, providing that action taken shall in all cases be reported to the next appropriate meeting of such Committee.

#### **35. Constitution of Committees**

- 35.1 The Chairman of the Council, and the Leader and Deputy Leader of the District Executive may attend and speak (but may not vote) at any meeting of a Committee including Area Committees or Sub-Committee of which they have not been appointed as voting members.

#### **36. Persons Presiding in Committees**

- 36.1 The Council may appoint Chairmen to preside at meetings of Committees and may also appoint persons to preside in the absence of those Chairmen.
- 36.2 A Committee may appoint a Chairman to preside at meetings of any Sub-Committee appointed by them or a person to preside in the absence of the Chairman.
- 36.3 If any appointments possible under the previous two paragraphs are not made, the Committee shall, at their first meeting after the Annual Meeting of the Council, appoint a Chairman to preside at their meetings and may, in the same way, appoint a person to preside in the absence of the Chairman.
- 36.4 If the persons appointed under the previous paragraphs of this Standing Order are absent, a meeting of a Committee or Sub-Committee/or Strategy Group or Sub-Group shall appoint, from among the voting members present, a person to preside at that meeting.

#### **37. Special Meetings of Committees**

- 37.1 The Chairman of a Committee or the Chairman of the Council may call a special meeting of the Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee, delivered in writing to the Democratic Services Specialist but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

#### **38. Sub-Committees**

- 38.1 Every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Committee.
- 38.2 The Chairman and the Vice-Chairman of the Committee may attend and speak at a meeting of any Sub-Committee appointed by that Committee but may not vote unless appointed as a voting member.

### **39. Quorum of Committees and Sub-Committees**

- 39.1 Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present. Provided that in no case shall the quorum of a Committee be less than three members.
- 39.2 Except as aforesaid or otherwise ordered by the Committee which has appointed it, business shall not be transacted at a meeting of a Sub-Committee unless at least one quarter of the whole number of the Sub-Committee is present. Provided that in no case shall the quorum of a Sub-Committee be less than three members.

### **40. Attendance at Committee**

- 40.1 Any member of the Council may be invited by the Chairman/Portfolio holder or relevant Director to attend a meeting of any Committee or Sub-Committee of which he/she is not a member.
- 40.2 Where a member is not appointed to serve on a particular Standing Committee or Sub-Committee he/she shall nevertheless have the right to attend meetings and, with the agreement of the Chairman, to speak on matters on the agenda.
- 40.3 Provided that a member who has moved a motion which has been referred to any Committee under the Council Rules of Procedure shall be given an opportunity of explaining the motion at the meeting at which it is considered.

- Note** (a) In addition to the specific rights mentioned in this Standing Order, members can attend any meeting and can observe the entire proceedings. Such attendance will not rank as approved duty except in the case of attendance at a meeting of the District Executive. Members will not have to leave the meeting if a resolution excluding the press and public is passed. They will, however, have to leave the room if an item is discussed in which they have an interest.
- (b) Notwithstanding the provisions mentioned in 40 (2) above, members have the right to attend and speak at meetings of Area Committees on which they do not serve when planning applications affecting Wards adjoining the Ward which they represent are being considered.

### **40.(A) Somerset Waste Partnership Board – Substitute Members**

- 40.(A) 1 Subject to the following rules, any member of the Council may act as a substitute for another member appointed by the Council at any meeting of the Somerset Waste Partnership Board provided that the rules of that body so permit. The substitute member shall be as agreed by the Leader of the Council and need not be a member of the same political group as the member being replaced.
- 40.(A) 2 The Leader of the Council may only appoint a substitute member when the appointed member of the Somerset Waste Partnership Board is not able to attend and the substitute appointment shall last only for that meeting. In relation to the Somerset Waste Board if both appointed members are unable to attend a meeting of the Board then at least one of the substitute members must be a member of the District Executive Committee.
- 40.(A) 3 Where the Leader has exercised the power to appoint a substitute member he shall advise the Chief Executive and the Democratic Services Specialist in writing of the substitution as soon as possible and in any event before the meeting is due to take place. In relation to the Somerset Waste Board the Strategic Director shall ensure that any procedural requirements of the Board are complied with and that the substitute member is aware of the Somerset Waste Partnership Board's

requirements.

- 40.(A) 4 A substitute member shall have the same rights of speaking and voting at meetings of the Committee and Board as the appointed member for whom he or she is the substitute.

As soon as the substitute member has been appointed by the Leader of the Council the other appointed member shall not be entitled to attend the meeting of the Committee or Board to which the substitution applies without the Leader of the Council having first revoked in writing the appointment of the substitute member and notified the officers referred to in paragraph 40(A).3 above of such revocation.

#### **40.(B) Appointment of substitute Members at Meetings of Committees**

- 40.(B) 1 This procedure rule shall be subject to review at each Annual Meeting of the Council and shall cease to apply unless the Council resolves it shall continue.
- 40.(B) 2 Other than is provided for in Procedure Rules 40(A) and 40(B) no other substitute arrangements are allowed. No substitution is allowed in relation to the Area Committees, Licensing Committee or the District Executive Committee.
- 40.(B) 3 If a member of a Committee is unable to attend a meeting or meetings of that Committee then they should provide their Group Leader (i.e. the relevant Leader of their political group or the Leader of the independent Members as applicable) with the identity of another member who is prepared to act as their substitute. The Group Leaders are entitled to appoint any member to act as a substitute and are not under any obligation to accept the recommendation of the member who is seeking a substitute. The Group Leaders will endeavor to discuss and agree any proposed substitutions with the Chairman or Vice Chairman of the relevant Committee before the meeting but the Chairman or Vice Chairman's consent to any substitution is not required. Due to the restrictions referred to in paragraph 40(B)4 below, members need to ensure that the appropriate training or instruction has been or will be undertaken by the proposed substitute member before the meeting.
- 40.(B) 4 Before the substitute can attend a meeting of the relevant committee as a substitute member they must have received the appropriate training or instruction from officers and the Chairman of the relevant committee (as appropriate) sufficient to enable them to be familiar with the working arrangements, any legal requirements, the procedures of the committee and the work for which the committee is responsible. The training or instruction required for each committee (if any) is set out in paragraph 40(B)(10)
- 40.(B) 5 A substitute may only be appointed to attend a meeting when an appointed member of the relevant committee is not able to attend and the substitute appointment shall last only for that meeting unless otherwise agreed by the Group Leader.
- 40.(B) 6 Before the start of any meeting where a substitute is to be used, the Leader of the political group concerned or the Leader of the independent members (or their Deputies) shall notify the Democratic Services Specialist of the substitution and which member is to attend the meeting as a substitute member. It is recommended that this notification be in writing rather than verbal and be given as soon as reasonably practicable.
- 40.(B) 7 At the start of any meeting for which a substitution has been arranged, the Democratic Services Officer, shall announce that the absent member or each of them (if more than one) apologises for their absence and that the named member

has been appointed to serve as their substitute.

- 40.(B) 8 If the absent member is subsequently able to attend a meeting for which a substitute has been appointed and they are present for the start of the meeting (and before the announcement in paragraph 40(B)7 has been made) then, with the agreement of the nominated substitute, they can be re-instated and take part in the meeting.
- 40.(B) 9 If the absent member is subsequently able to attend a meeting for which a substitute has been appointed, but arrives after the meeting has opened and the announcement has been made in paragraph 40(B)7 above, they shall be entitled to attend the meeting and speak in accordance with Procedure Rule 40, but not vote.
- 40.(B)10 The minimum training and instruction requirements referred to in paragraph 40(B)(4) are as follows:-

#### Audit Committee

- Role of the Audit Committee - this would include an understanding of its responsibilities in sound corporate governance and the different roles of those that report to Audit Committee including Internal and External Audit.
- Risk Management - an understanding of the Audit Committee role.
- Treasury Management - providing a scrutiny role requires an understanding of the Treasury Management Strategy including an understanding of risk and reward in placing investments. A general understanding of financial instruments and their liquidity and risk profile.
- Statement of Accounts - a basic understanding of the key financial accounting statements to be able to challenge and approve the annual Statement of Accounts.

The training required could be tailored to the items on the particular agenda. The most technical areas are those required for the Statement of Accounts and Treasury Management. Members of the Finance Team can deliver all the necessary instruction and guidance, in usually one hour or up to two hours for the more technical areas to give a basic overall understanding.

#### Scrutiny Committee

- To meet with the Scrutiny Specialist together with the Chairman of the Committee and go through the scrutiny handbook which outlines the principles and practices relating to the scrutiny function.
- To meet with the Scrutiny Specialist (if practicable, failing which a telephone discussion will be acceptable) to go through the agenda so they are aware of the context of the reports that are to be considered at the next meeting.
- Where convenient attend any Scrutiny training arranged for members of the Scrutiny Committee.

## Regulation Committee

- As the only other committee at which planning applications are discussed is the Regulation committee and as all members will have had instruction in relation to the determination of planning matters, there are no additional training requirements although it is advisable that more experienced members are chosen where appropriate.

## **41. Financial Administration**

- 41.1 Every Member-level body and Officer of the Council shall conform with the financial arrangements made by the Council under the provisions of Section 151 of the Local Government Act 1972 as outlined in the Financial Procedure Rules and Contract Procedural Rules contained within this Constitution.