

**Comhairle Ceantair an Iúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council**

2017



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

Standing Orders

Approved by Council 9th January 2017

Newry, Mourne and Down District Council

STANDING ORDERS

Definitions

“2014 Act” means the Local Government Act (Northern Ireland) 2014;

“budget” means the expenditure authorised by a Council under section 3 of the Local Government Finance Act (Northern Ireland) 2011;

“call-in” means a requisition for the reconsideration of a decision as provided for in section 41(1) of the 2014 Act;

“Clerk” means the Clerk of a Council appointed under section 41 of the Local Government Act (Northern Ireland) 1972;

“Committee” means a Committee appointed under section 7 of the 2014 Act;

“delegated authority” means the discharge of a function under authority fixed by a Council under section 7 of the 2014 Act;

“decision maker” means the body or person making an executive decision, a decision under delegated authority or a key decision;

“Member” means a Councillor on that Council;

“nominating officer” means

(a) the person registered under the Political Parties, Elections and Referendums Act 2000 as the party’s nominating officer; or

(b) a Member of the Council nominated by that person for the purposes of Schedule 1 to the 2014 Act;

“party” means a party registered under the Political Parties, Elections and Referendums Act 2000 in the Northern Ireland register (within the meaning of that Act);

“policy framework” means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the Council;

“published” means made available for inspection by Members of the Council;

“Register of Decisions” means a register of decisions maintained by the Council of those decisions agreed by the council;

“section of the inhabitants of the district” means any section of the inhabitants that is clearly identifiable by location, interest or other category;

“special resolution” means a resolution of a Council as defined in section 148 of the Local Government Act (Northern Ireland) 1972; and

“Standing Orders Regulations” means the Local Government (Standing Orders) Regulations (Northern Ireland) 2015.

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1. Annual and Monthly Meetings

- (1) In every year that is not a local election year the Council shall hold an Annual Meeting in the month of May or June.
- (2) In any year which is a local election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix, at the offices of the Council or at such other place as the Department may direct.
- (3) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the first Monday of every month, except a summer month as determined by the Council. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.
- (4) Meetings of the Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. Where the day of a meeting falls on one of these days, the meeting shall instead be held on the next following weekday, or such other day as might be agreed by the Council for that meeting.

2. Time and place of meetings

The Annual Meeting and other meetings of the Council shall be held at 6pm in the Council Chamber, except where otherwise fixed by statute or by special summons.

3. Convening Special Meetings

- (1) The Chairperson of the Council may call a meeting of the Council at any time.
- (2) The Chairperson of the Council must call a meeting of the Council if a requisition for such a meeting, signed by not less than five Members of the Council is presented to him/her; and, if he/she refuses to call a meeting on such a requisition or if, without so refusing, he/she does not call such a meeting within the period of seven days from the date of service of the requisition on him/her, not less than five Members may, on that refusal or on the expiration of that period, forthwith call a meeting of the Council.

4. Notice and Summons of Meetings

- (1) Five days at least before a meeting of the Council, a Committee or Sub-Committee, notice of the time and place of the intended meeting shall be published at the offices of the Council. Where the meeting is called by Members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat.
- (2) A summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be served on every Member at

least three days before the meeting. Failure to serve this summons within the correct time shall not affect the validity of a meeting.

- (3) Except in the case of business required by statute or, where in the opinion of the Chairperson at the meeting the business should be considered by the meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a Committee or Sub-Committee other than that specified in the summons relating thereto.

5. Chair to be taken

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with.

6. Chairperson of Meeting

- (1) At a Meeting of the Council, the Chairperson of the Council, if present, must preside.
- (2) If the Chairperson of the Council is absent from a Meeting of the Council, the Deputy Chairperson of the Council, if present, shall preside.
- (3) If neither the Chairperson nor Deputy Chairperson are present at a Meeting of the Council, a Member of the Council chosen by the Members who are present must preside.
- (4) If discussion arises on the allocation of the position of Chairperson, the Clerk shall exercise the powers of the Chairperson to assist in the regulation of that discussion.
- (5) Any power of the Chairperson of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

7. Quorum

- (1) Subject to sub- paragraph (7), no business shall be transacted at a Meeting of the Council unless at least one-quarter of the whole number of Members are present.
- (2) No business shall be transacted at a Committee Meeting of the Council unless at least one-quarter of the whole number of Members of the specific Committee are present, subject to paragraph (3) and paragraph (4).
- (3) No business shall be transacted at an Audit Committee Meeting unless at least one-third of the elected Members of the Committee are present.
- (4) No business shall be transacted at a Planning Committee Meeting unless at least one half of the Members of the Committee are present.

- (5) If during a meeting, the person presiding, after the number of Members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he/she shall declare the meeting adjourned.
- (6) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(5) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.
- (7) Where more than one-quarter of the Members become disqualified at the same time then, until the number of Members in office is increased to not less than three-quarters of the whole number of Members, the quorum of the Council shall be determined by reference to the number of Members remaining qualified instead of by reference to the whole number of Members.

8. Admission to meetings

- (1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public, in accordance with section 42 of the 2014 Act.
- (2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety.
- (3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.
- (4) At all times during which a Meeting of the Council is open to the public, the Council must, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.
- (5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of any proceedings as they take place shall be prohibited unless expressly permitted by the Council.
- (6) The use of social media by Members of the Council, members of the public or journalists shall be permitted during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

9. Record of attendances at meetings

The names of the Members present at a Meeting of the Council must be recorded.

10. Exclusion of the public

- (1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.
- (3) The Chairperson may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.
- (4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chairperson may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.
- (5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a Member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.
- (6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a Member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.
- (7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.

11. Deputations

- (1) Deputations, from any source, shall only be considered to address the Council or Committee of Council provided the Clerk has received ten clear days notice of the intended deputation and a statement of its objective. The Chairperson shall have the discretion, in cases of emergency, to reduce this period of notice.
- (2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed ten minutes for the total presentation.
- (3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made a presentation to the Council, the Council may decline to accept another deputation on the same issue from the same individual or group for a period of six months.
- (4) Arrangements for Deputations to Planning Committee are detailed in the Council's Planning Committee Operating Protocol.

12. Order of Business

Subject to any statutory requirements to the contrary, the order of business at every meeting of the Council shall be as follows:

- a) apologies;
- b) declaration of Members' interests;
- c) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- d) deputations;
- e) business required by statute to be transacted at the Meeting;
- f) adoption of the Minutes of the proceedings of any Committees and consideration of reports, if any, from such Committees;
- g) reports of officers, public bodies, agencies etc. if any, may be considered and such orders given thereon as may be deemed necessary;
- h) reports on decisions/recommendations subject to the reconsideration process;
- i) other reports;
- j) correspondence and matters not already dealt with;
- k) sealing of documents;
- l) consideration of motions of which due notice has been given, in the order in which they have been received.

13. Minutes of the Council

13.1 Keeping of; as evidence; etc

- (1) Minutes of the proceedings of a Meeting of the Council, or of a Committee or Sub-Committee, shall be drawn up and entered in a bound book kept for that purpose.

- (2) No discussion shall take place upon the Minutes except upon their accuracy.
- (3) Any minute purporting to be signed as mentioned in sub- paragraph (1) shall be received in evidence without further proof.
- (4) Until the contrary is proved, a Meeting of the Council or of a Committee or Sub-Committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a Committee or Sub-Committee, the Committee or Sub-Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the Minutes.

13.2 Signing of

The Minutes of a Meeting of the Council shall be signed at the next ensuing Meeting of the Council by the Chairperson presiding, if approved by the meeting at which they fall to be signed.

14. Submission of Minutes

- (1) In order to give sufficient time for the printing of the Minutes and for their perusal by the Members of the Council, Minutes of meetings of a Committee held later than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be disappplied where a Committee considers the matter to be of extreme urgency and records such a decision in its Minutes.
- (2) It shall be the duty of a Committee, through the Chairperson or his/her representative, when its Minutes are submitted for approval, to call the attention of the Council to any resolution or matter of an unusual or special character contained therein.

15. Minutes of Committees

- (1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of Committees with reference to any matter within the remit of a Committee which does not appear on the Minutes submitted to the Meeting of the Council.
- (2) Any Member wishing to raise an issue regarding any matters appearing in the Minutes submitted to the Council for approval and who states his/her request in writing to the Chairperson of the Committee twenty-four hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular Committee are submitted for approval.

- (3) A reply to an issue raised at the Meeting regarding any matter in the Minutes, without written notice, shall be at the discretion of the Chairperson of the Committee.
- (4) Any matter in the Minutes of a Committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the Clerk of the Council shall be identified, and may not be the subject of discussion at that Meeting.

16. Motions

- (1) Every motion shall be relevant to some matter:
 - i) in relation to which the Council:
 - a) has power or duties;
 - b) is not prevented from taking action on by other legislation;
 - ii) which directly affects the local government district or its residents; and
 - iii) for which the Council is legally competent.

16.1 On notice

- (1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given in writing, signed by the Member or Members of the Council giving the notice, to the Clerk not later than at least ten clear days before the next Meeting of the Council. The motion must be clear in meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than ten clear days before the meeting. Motions shall be accepted by email and a hard copy shall then require to be signed prior to the Meeting taking place.
- (2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.
- (3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council.
- (4) Notices of motion shall be entered by the Clerk in their proper place on the summons paper in the order in which they are received.
- (5) If a motion set out in the summons is not moved either by a Member who gave notice, or by some other Member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (6) If the subject matter of any motion of which notice has been properly given comes within the remit of any Committee it shall, upon being moved and seconded, stand referred without discussion to that Committee, or to such other Committee, working group or forum as the Council may determine, for consideration and report. The Chairperson presiding may, if he/she considers it

urgent and necessary to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

- (7) If a notice of motion fails to be considered at a Meeting of the Council, such notice of motion will only be included on the agenda for the following meeting if submitted in writing to the Clerk by the Member concerned not later than ten clear days, at least, before the Council meeting.
- (8) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the summons paper for a period of six months from the date of the second meeting at which the matter has failed to be considered.

16.2 Without notice

The following motions may be moved without notice:

- a) to appoint a Chairperson of the meeting at which the motion is moved;
- b) in relation to the accuracy of the Minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee or Members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of Committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend Standing Orders, in accordance with Standing Order 29.1;
- n) to exclude the public and press in accordance with section 42 of the 2014 Act;
- o) to not hear further a Member named under Standing Order 25.3 or to exclude them from the meeting under Standing Order 25.4.

17. Amendments

- (1) When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:
 - a) to amend the proposal; or
 - b) that the Council do now adjourn; or
 - c) that the debate be adjourned; or
 - d) that the question be now put; or
 - e) that the Council do proceed to the next business.

17.1 To amend the Proposal

- (1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter, and must not place a greater responsibility on the meeting than the original proposal.
- (2) An amendment to a motion shall be either:
 - a) to refer a subject of debate to a Committee or to an officer for consideration or re-consideration;
 - b) to leave out words;
 - c) to leave out words and insert or add others; or
 - d) to insert or add words

but such omission, insertion or addition of words shall not have the effect of directly negating the motion before the Council.
- (3) When an amendment upon an original proposal has been moved, the question to be put shall be "That the amendment be made". Where any amendment is agreed, the question to be put shall be "That the proposal, as amended, be agreed". Where any amendment is rejected the question of the substantive proposal shall be put.

17.2 That the Council Do Now Adjourn

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the Council do now adjourn". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.
- (2) In the event of the proposal for the adjournment being carried, the Chairperson shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.
- (3) A second proposal "that the Council do now adjourn" shall not be made within half-an-hour unless, in the opinion of the Chairperson, the circumstances are materially altered.

17.3 That the Debate be Adjourned

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the debate be adjourned". Such a

proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

- (2) Before putting to the meeting a proposal “that the debate be adjourned”, the Chairperson presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.
- (3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.
- (4) On resuming an adjourned debate, the Member who moved its adjournment shall be entitled to speak first. A second proposal “that the debate be adjourned” shall not be made within half-an-hour. A Member shall not move or second more than one proposal for the adjournment of the same debate.

17.4 That the Question Be Now Put

- (1) Any Member who has not already spoken to the proposal or amendment then under debate may move “that the question be now put”. Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he/she shall put the proposal “that the question be now put” to the vote without debate and if same is carried, the proposal or amendment under discussion shall be put to the Council.
- (3) A second proposal “that the question be now put” shall not be made on the discussion of the same question within half-an-hour.
- (4) A Member shall not move or second more than one proposal “that the question be now put” on the discussion of the same question.

17.5 That the Council Do Now Proceed to the Next Business

- (1) Any Member of the Council who has not already spoken to any proposal or amendment then under debate may move, “that the Council do proceed to the next business”. Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.
- (2) If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he/she shall put the proposal “that the Council do proceed

to the next business” to the vote without debate and if same is carried the proposal or amendment under discussion shall be put to the Council.

- (3) When a proposal is carried “that the Council do proceed to the next business”, the question under discussion shall be considered as dropped.
- (4) A second proposal “that the Council do proceed to the next business” shall not be made on the same question within half-an-hour.
- (5) A Member shall not move or second more than one proposal “that the Council do proceed to the next business” on the discussion of the same question.

18. Amendments to Regulatory Decisions

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority or any application for which the Council is the licensing authority.

19. Rules of Debate

19.1 Motions and amendments to be reduced to writing and seconded

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chairperson presiding, be put into writing and handed to the Chairperson presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

19.2 Alteration of motion

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting’s consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

19.3 Withdrawal of motion

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1 at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

19.4 Mode of address

The established mode of address is through the Chairperson, by raising a hand or by use of electronic device, if available. While a Member is speaking, he/she shall not be interrupted by the other Members unless they are speaking to a point of order or in personal explanation. A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

19.5 Precedence in speaking

Whenever two or more Members indicate to speak at the same time, the Chairperson shall decide who has precedence.

19.6 Place of Member speaking

A Member, when addressing the Chairperson, shall remain in the place allocated to him/her in the Council Chamber.

19.7 Member called to order

If any Member, while speaking, be called to order, he/she shall cease speaking and shall not again address the Council until the Chairperson has disposed of the question of order.

19.8 Definition of point of order

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

19.9 Member may raise a point of order

A Member may raise a point of order and shall be entitled to be heard immediately.

19.10 Ruling of Chairperson on point of order

The ruling of the Chairperson on a point of order shall not be open to discussion.

19.11 Member to speak to motion

A Member who speaks shall direct his/her speech strictly to the motion under discussion, or an amendment thereof.

19.12 Member shall not speak more than once

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate until Members who have not previously spoken have done so.

19.13 Duration of speeches

Except with the permission of the Council, a Member, in introducing a motion, shall not speak for more than ten minutes and in replying, for more than five minutes.

19.14 Addressing the Council

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a Member of the Council.

19.15 Only one motion / amendment may be moved and discussed at a time

- (1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (2) If an amendment is not carried, other amendments to the original motion may be moved.
- (3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

19.16 When a motion is under debate no other motion shall be moved

When a motion is under debate no other motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;

- g) by the Chairperson under Standing Order 25.4, that a Member do leave the meeting.

19.17 Chairperson rising during debate

Whenever the Chairperson rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

19.18 Chairperson not to receive motion for direct negative

The Chairperson shall not receive a motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

19.19 Mover's right of reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

19.20 Councillors attending Committee meetings of which they are not a Member

Where a Member attends a meeting of a Council Committee of which they are not a Member, that Member shall not have any right to speak at the meeting unless so permitted by the Chairperson.

20. Voting

20.1 Majority

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those Members present and voting.

20.2 Chairperson's casting vote

If there are equal numbers of votes for and against, the Chairperson will have a second or casting vote.

20.3 External appointments

If agreement cannot be reached by Members when voting on external appointments where there is more than one post to be filled and the number of nominations exceeds the number of vacancies, there shall be a ballot of the Members present at the meeting in which each Member of the Council shall vote for as many candidates as there are vacancies to be filled. Vacancies shall then be filled using the single transferable vote system.

This arrangement does not apply to positions which must be filled in accordance with the 2014 Act.

20.4 Qualified majority [MANDATORY]

- [1] A qualified majority (not less than 80% of the Members present and voting) shall be required in relation to Council's decision on—
- (a) the adoption of executive arrangements or prescribed arrangements as the Council's form of governance, as provided for in section 19 of the 2014 Act;
 - (b) the adoption of paragraph 3(2) of Schedule 1 to the 2014 Act as the method for filling positions of responsibility;
 - (c) the adoption of Part 2 of Schedule 1 to the 2014 Act as the method for filling positions of responsibility;
 - (d) the adoption of paragraph 3(3) of Schedule 2 to the 2014 Act as the method for appointing councillors to Committees;
 - (e) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
 - (f) the suspension of standing orders, other than Standing Orders 20.4, 21, 22 and 23, which cannot be suspended.
- [2] Any vote on a matter where a qualified majority is required, shall be by way of a recorded vote where the names of the Members voting for and against the question or abstaining from voting shall be taken down in writing and recorded in the Minutes.

20.5 Show of hands

Unless a ballot or recorded vote is demanded under Standing Order 20.6, the Chairperson will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.6 Recorded vote

If, before a vote is called, any Member present at the meeting demands 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. A demand for a recorded vote will override a demand for a ballot.

20.7 Voting at Planning Committee

Unless a Member has been present at a Planning Committee for an entire item, including officer/s' introduction and update they must not take part in the debate or vote on that item. However the Chairperson of the Planning Committee can use his/her discretion in exceptional circumstances.

21 'Call-in' Process [MANDATORY]

21.1 Decisions subject to call-in

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders—
 - (a) a decision of the Council;
 - (b) a key decision taken by an officer of the Council
 - (c) a decision taken by a Committee under delegated authority in accordance with section 7 of the 2014 Act; and
 - (d) a decision taken by a Committee to make a recommendation for ratification by the Council.
- (2) The following decisions shall not be subject to call-in—
 - (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
 - (b) a decision where an unreasonable delay could be prejudicial to the Council's or the public's interests;
 - (c) a decision taken by an officer which is not a key decision;
 - (d) a decision which is required to be taken by a special resolution.
- (3) No decision may be subject to call-in more than once for each of the grounds specified in section 41(1) of the 2014 Act.

21.2 Call-in procedure

- (1) A call-in must be submitted in writing to the Clerk by 10am on the fifth working day following:
 - (a) in the case of a decision of the Council, the date of the Council meeting at which the decision was taken; and
 - (b) in the case of a decision of a Committee, the date on which the decision to which the call-in relates was published.
- (2) If a call-in is received after the relevant period specified in paragraph (1), it must be deemed inadmissible.
- (3) A call-in shall—
 - (a) specify the reasons why a decision should be reconsidered; and
 - (b) subject to paragraph (6), be deemed to be inadmissible if the reasons are not specified.
- (4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, Members must in the reasons specified under paragraph (3)(a) specify—
 - (a) the section of the inhabitants of the district that would be affected by the decision; and
 - (b) the nature and extent of the disproportionate adverse impact.
- (5) Within one working day of receipt of a call-in, the Clerk must confirm that—

- (a) it has the support of 15 per cent of the Members of the Council; and
 - (b) the reasons for the call-in have been specified.
- (6) Where the reasons have not been specified on the requisition, the Clerk must notify the Members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified period.
 - (7) Within two working days of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the Clerk must seek the opinion of a practising solicitor or barrister in accordance with section 41(2) of the 2014 Act.
 - (8) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the Clerk must-
 - (a) furnish the opinion to Members; and
 - (b) include the decision on the agenda for the next available meeting of the Council, at which it will be taken by a qualified majority.
 - (9) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act indicates that the call-in does not have merit, the Clerk must-
 - (a) furnish the opinion to Members; and
 - (b) make arrangements for the decision to be implemented or tabled for ratification by the Council, as appropriate.

21.3 The call-in process: Committee arrangements

- (1) For the purposes of reconsideration of a decision pursuant to a call-in, the Minutes of a Committee which record a decision:
 - (a) taken under delegated authority; or
 - (b) for referral for ratification by the Council
 must be published within five working days of the conclusion of the meeting. The date on which the Minutes were published must be regarded as the relevant date for the purposes of a call-in.
- (2) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1):
 - (a) a decision to which paragraph (1)(a) applies must be implemented; or
 - (b) a decision to which paragraph (1)(b) applies must be tabled for ratification by the Council.
- (3) The tabling for ratification of a decision to which paragraph (1)(b) applies, or the implementation of a decision to which paragraph (1)(a) applies, must be postponed until the decision has been reconsidered. The decision maker may rescind the decision at any time prior to the decision being reconsidered.
- (4) If a call-in is made in accordance with Standing Order 21.2 paragraph (3) and section 41(1)(a) of the 2014 Act, the Council must appoint an ad hoc Committee of the Council, the membership of which will be:

the Chairpersons and Deputy Chairpersons of the following Council Committees:

- (i) Enterprise, Regeneration and Tourism Committee
- (ii) Active and Healthy Communities Committee
- (iii) Regulatory and Technical Services Committee
- (iv) Strategy, Policy and Resources Committee
- (v) Planning Committee

to consider the process adopted by the decision-making Committee.

- (5) The Chairperson and Deputy Chairperson of the Committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the Committee appointed in accordance with paragraph (4).
- (6) The Members of the ad hoc Committee who are present shall choose a Member to preside at the meeting.
- (7) The Members who submitted the call-in, or a Member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chairperson, address the meeting, but must not have voting rights, unless they are voting Members of the ad hoc Committee.
- (8) A Committee appointed in accordance with paragraph (4) may:
 - (a) refer the decision back to the decision maker;
 - (b) in the case of a decision taken under delegated authority, support the decision; or
 - (c) in the case of a decision for ratification by the Council, refer the decision to the Council.
- (9) Where a decision has been supported in accordance with paragraph (8), that decision must:
 - (a) be approved;
 - (b) be inserted in the Register of Decisions; and
 - (c) become operative from the date of the meeting at which the Committee appointed in accordance with paragraph (4) confirmed support for the decision.

21.4 The call-in process: Council decisions

- (1) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1) in respect of a decision, that decision may be implemented after that period expires.
- (2) The implementation of a decision must be postponed until the decision has been reconsidered.

- (3) If a call-in is made in accordance with Standing Order 21.2 paragraph (3) and section 41(1)(a) of the 2014 Act, the Clerk must place the call-in on the agenda for the next Meeting of the Council.
- (4) If a call-in is made in accordance with Standing Order 21.2 paragraph (4) and section 41(1)(b) of the 2014 Act, the Clerk must proceed in line with the procedures set out in Standing Orders 21.2 (4 – 9).

22 Positions of responsibility, etc. – Time Limits [MANDATORY]

- (1) Subject to paragraph (2), in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) or paragraph 4(1) or paragraphs 6(1) and 6(2) of Schedule 1 to the 2014 Act, the period specified for:
 - (a) the nominating officer to select a position of responsibility and the term for which it shall be held; and
 - (b) the person nominated to accept the selected position is 15 minutes.
- (2) An extension to the period specified in paragraph (1) may be granted subject to the approval of the Council. Such an extension may be requested by:
 - (a) the nominating officer;
 - (b) the person nominated to hold the selected position; or
 - (c) another Member.

23 Appointment of more than one Committee [MANDATORY]

- (1) Where the Council appoints more than one Committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent Members of the Council, it must agree:
 - (a) the number of Committees to be appointed; and
 - (b) the number of Councillors that shall constitute the membership of each Committee.
- (2) The total number of places to which a nominating officer of a party may nominate Members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.
- (3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act must be exercised in such manner as to ensure that:
 - (a) all the Members of a Committee are not nominated by the same nominating officer;
 - (b) a nominating officer of a party may nominate Members who stood in the name of that party to fill the majority of places on a Committee, if the majority of Members stood in the name of that party; and

- (c) subject to (a) and (b), the number of Members which each nominating officer of a party may nominate, in so far as far as is practicable, bears the same proportion to the number of places on that Committee as is borne by the number of Members on the Council who stood in the name of that party.
- (4) Nominations made in accordance with paragraph (3) must take into account any positions of responsibility on a Committee held by a Member who stood in the name of a party.

24 Rescission of a preceding resolution

- (1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed by a Member unless the notice thereof given in pursuance of Standing Order 16.1 bears the names of at least 15% of the Members of the Council.
- (2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of six months.
- (3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee or a call-in.

25 Members conduct

25.1 Requesting to speak

When a Member speaks at the Council he/she must address the meeting through the Chairperson. If more than one Member requests to speak, the Chairperson will ask one to speak and the others must remain silent.

25.2 Chairperson addressing the meeting

When the Chairperson addresses the meeting, any Member speaking at the time must stop. The meeting must be silent.

25.3 Member not to be heard further

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chairperson or any other Member may move "that the Member named be not further heard". The motion, if seconded, shall be put and determined without discussion.

25.4 Member to leave the meeting

If the Member named continues to behave improperly after such a motion is carried, the Chairperson or any other Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

25.5 General disturbance

When the Chairperson is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

26 Disturbance by public

26.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room.

26.2 Clearance of part of meeting room

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

27 Common Seal

The Common Seal of the Council shall be kept in a safe place at all times when not in use.

- (a) Every document sealed shall be attested and a record kept in a book containing particulars of the documents sealed.
- (b) The Common Seal shall not be set to any document unless a resolution of the Council shall be passed in that behalf or unless the Council shall have passed a resolution authorising any particular Committee to affix the Common Seal to any particular documents; but a resolution of the Council (or of a Committee approved by the Council) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any contract, or any other matter or thing, shall be sufficient authority for the Chairperson or his/her deputy or Clerk to affix the Common Seal to any document necessary to give effect to such resolution.

28 Contracts

In these Standing Orders –

- (a) The expression 'the Council' shall include where appropriate a Committee or person acting in accordance with delegated authority on behalf of the Council.
- (b) 'Chief Officer' shall mean the Director of any Department concerned with any particular contract
- (c) 'the statutory amount' shall mean £30,000 (exclusive of VAT) or such other amount as shall be determined from time to time by the Department of the Environment for Northern Ireland under Section 100 (1) of the Local Government Act (Northern Ireland) 1972.

28.1 Compliance

Every contract governed by these Standing Orders shall comply with the relevant requirements of national and European Community legislation and the Council's policy and procedures in relation to contracts.

28.2 Tendering

Every contract for the supply of services, goods or materials, or the execution of work, and which is likely to exceed the statutory amount in value shall, subject to permitted exceptions, be made subject to tender in accordance with the Council's policy and procedures in relation to procurement.

28.3 Sealing, Damages and Bonds

- (a) Every contract which exceeds the statutory amount in value shall be made under the Common Seal.
- (b) Every written contract shall specify –
 - (i) The work to be done, or the services to be provided, or the goods or materials to be supplied;
 - (ii) The price to be paid, with a statement of discounts or other deductions; and
 - (iii) The time or times within which the contract is to be carried out.
- (c) Every contract which exceeds the statutory amount in value and which is for the execution of works (or the supply of goods or materials by a particular date or series of dates) shall provide for liquidated damages or the making good by the contractor of any loss incurred by the Council in case the contract is not duly performed.
- (d) Where a contract is estimated to exceed a statutory amount in value and is for the execution of works (or for the supply of goods and materials by a particular date or series of dates), a Performance Bond or other adequate security shall not be required unless there are sound commercial reasons for their use.

29 Suspension and amendment of Standing Orders

29.1 Suspension

A Member may move a motion for the suspension of one or more of these Council Standing Orders excluding Standing Orders 20.4, 21, 22 and 23 which cannot be suspended. A motion under this Standing Order shall require the support of a

qualified majority within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the Meeting must record the reason for the suspension. Mandatory standing orders, specified in the Standing Orders Regulations, may not be suspended by the Council.

29.2 Amendment

Any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council. The mandatory standing orders may not be added to, varied or revoked by the Council.

30 Interpretation of Standing Orders

The ruling of the Chairperson as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any Meeting of the Council.