

**STANDING
ORDERS
OF THE
COUNCIL**



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STANDING ORDERS OF THE COUNCIL

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WARWICK DISTRICT COUNCIL

STANDING ORDERS

1. MEETINGS OF THE COUNCIL

Meetings of the Council will be held at 6 p.m. (or at such other time as may be determined by the Council) on such day or days as may be determined by the Council, at the Town Hall, Royal Leamington Spa.

2. CHAIRMAN OF MEETING

- (1) Any power or duty of the Chairman in relation to the conduct of a meeting of the Council, the Executive or a committee may be exercised by the person presiding at the meeting.*
- (2) Subject to paragraph (4) of this Standing Order, the Vice-Chairman of a committee will in the absence of the Chairman preside at all meetings of the committee at which he is present.*
- (3) If both the Chairman and the Vice-Chairman of a committee or the Leader of the Executive are absent from a meeting the members present will choose one of their number to chair the meeting, subject to paragraph (1) of this Standing Order.*

- (4) If the Chairman of a committee or the Leader of the Executive arrives at a meeting after it has started, he will be invited to preside over the meeting after any question under discussion on his arrival has been disposed of.

3. QUORUM OF MEETINGS

The quorum for a meeting of the Council will be a quarter of the membership subject to a minimum of 15.

The quorum for a meeting of the Executive will be a quarter of the membership subject to a minimum of 5.

The quorum for a meeting of a committee will be a quarter of the membership subject to a minimum of 4.

4. ORDER OF BUSINESS

- (1) The order of business at every meeting of the Council will be:
- (a) To choose a person to preside if the Chairman and Vice-Chairman are absent.
 - (b) To deal with any business required by statute to be done before any other business.
 - (c) Apologies for absence.

- (d) To approve as a correct record and sign the minutes of the last meeting of the Council.
- (e) To deal with any business expressly required by statute to be done.
- (f) To receive such communications as the Chairman or the Chief Executive may wish to present to the Council.
- (g) Chairman's announcements.
- (h) Petitions and questions.
- (i) To dispose of business, if any, remaining from the last meeting.
- (j) To receive and consider the minutes of committees and those minutes of the Executive which contain recommendations or have been called in under Standing Order 18 (c).
- (k) To consider motions in the order in which notice has been received.
- (l) To authorise the sealing of documents so far as the Council's authority is required.

- (m) *Other business, if any, specified in the summons.*
- (2) *With the exception of (a) to (d) above the order of business may be varied by:*
- (a) *the Chairman at his discretion, or*
- (b) *a resolution passed on a motion moved under Standing Order 10 (15) (c) and duly seconded, which will be moved and put without discussion.*
- (3) *Where in relation to any meeting of the Council the next meeting is called under paragraph 3 of Schedule 12 of the Local Government Act 1972, (special meeting) the next following meeting of the Council (not called under that paragraph 3) may be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of that Schedule (signing of minutes).*

5. NOTICES OF MOTION

- (1) *Any Member of the Council may give notice of a motion to a meeting of the Council, the Executive or a committee.*
- (2) *Notice of every motion must be in writing, or by e-mail signed by the member, or by 10 members in the case of motions submitted under Standing Order 13, and delivered at least nine clear days before the next meeting of the*

Council, the Executive or committee at the office of the Chief Executive.

- (3) Every motion must be relevant to some matter in relation to which the Council have powers or duties or which affects the District.*
- (4) The Chief Executive will set out in the summons for every meeting of the Council, the Executive or committee all motions of which notice has been given in the order in which they have been received unless the member giving the notice intimates in writing, when giving it, that he proposes to move it at some later meeting, or has since withdrawn it in writing.*
- (5) If a motion set out in the summons is not moved either by the member who gave notice of it or by some other member on his behalf, it will, unless postponed by consent of the Council, the Executive or committee, be treated as withdrawn and will not be able to be moved without fresh notice.*
- (6) If the subject matter of a motion submitted to the Council comes within the terms of reference of the Executive or any committee, it will, upon being moved and seconded, stand referred without discussion to the Executive or that committee for consideration and report, provided that the Council may, by a simple majority, allow the motion to be*

dealt with at the meeting at which it is brought forward.

6. QUESTIONS

(1) *A member may ask the Leader of the Executive or the Chairman of a committee any questions on an item of the minutes of a committee, or an item of the minutes of the Executive which contains a recommendation or has been called in under Standing Order 18 (c), when that item is under consideration by the Council.*

(2) *Except at the Annual Meeting of the Council a member may:*

(a) *if nine clear days notice in writing or by e-mail has been given to the Chief Executive, ask the Chairman, the Leader of the Executive or the Chairman of any committee any question on any matter for which the Council have powers or duties or which affects the District.*

(b) *with the permission of the Chairman, put to him, the Leader of the Executive or the Chairman of any committee any question relating to urgent business, where notice has not been given - but a copy of any*

such question must be delivered to the Chief Executive in writing or by e-mail not later than 11 a.m. on the day of the meeting.

- (3) If a question has been answered, the member who asked it may ask one supplementary question to clarify the answer which was given.
- (4) Every question will be put and answered without discussion.
- (5) An answer may take the form of:
 - (a) an oral or written answer at the meeting; or
 - (b) where the required information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot be given at the meeting, a written answer be circulated as soon as possible to members and to the press.

7. PETITIONS

Petitions must be sponsored by a member. They can be submitted to the Council, the Executive or a committee provided at least nine clear days notice have been given to the Chief Executive. If a petition is submitted to a meeting of the Council no discussion will take place

until the Executive or the appropriate committee have reported on it. Provided that the Council may, by a simple majority allow a decision to be made.

8. MINUTES

(1) *The Chairman (or the Leader in the case of the Executive) will put the motion that the minutes of the meeting of held onday of be approved as a correct record.*

(2) *No discussion will take place on the minutes, except on their accuracy, and any question of their accuracy must be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chairman will sign the minutes.*

9. RECORD OF ATTENDANCE

Every member of the Council attending a meeting of the Council, the Executive or a committee must sign his name in the attendance book or sheet provided for that purpose.

10. RULES OF DEBATE FOR COUNCIL MEETINGS

*(Those marked * will also apply to the Executive and committee meetings)*

* (1) *Institution of Debate*

A motion or amendment cannot be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 5, it will, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

** (2) **Seconders's Speech***

A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

*(3) **Only one member to stand at a time***

A member when speaking must stand and address the Chairman. If two or more members rise, the Chairman will request one to speak, the other or others must then sit. While a member is speaking the other members must remain seated, unless rising to a point of order or in a personal explanation.

** (4) **Content and length of speeches***

(a) A member must direct his speech to the matter under discussion or to a personal explanation or to a point of order.

(b) No speech will exceed ten minutes except by consent of

the Council.

(5) When a member may speak again

A member who has spoken on any motion must not speak again whilst it is the subject of debate except:

- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since he last spoke, to move a further amendment;
- (c) if his first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he spoke was carried;
- (d) in exercise of a right of reply given by paragraph (9) or (11) of this Standing Order;
- (e) on a point of order;
- (f) by way of personal explanation;

* (6) Amendments to motion

- (a) An amendment must be relevant to the motion and be a deletion or addition of words which do not have the effect of negating the motion.

- (b) *Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of.*
- (c) *If any amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the substantive motion in place of the original motion and will become the motion on which any further amendment may be moved.*

* (7) *Alteration of motion*

A member may with the consent of the Council, the Executive or committee signified without discussion:

- (a) *alter a motion of which he has given notice, or*
- (b) *with the further consent of his seconder, alter a motion which he has moved, if (in either case) the alteration is one which could be made as an amendment to it.*

* (8) *Withdrawal of motion*

A motion or amendment may be withdrawn by the mover with the consent of his seconder, and no member may speak on it after it has been withdrawn.

* (9) *Right of reply*

The mover of an original motion will have the 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 will also have the right to reply at the close of the debate on the amendment, and must not otherwise speak on the amendment. A reply under this paragraph must be confined to matters raised in the debate. The mover of an amendment shall have a right to reply at the close of the debate immediately before the proposer of the original motion.

* (10) *Motions which may be moved during debate*

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

(a) to amend or withdraw 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) *under Standing Order 12 (1) that a member be not further heard;*
- (g) *by the Chairman under Standing Order 12 (1) that a member do leave the meeting;*
- (h) *a motion under Section 100 (A) of the Local Government Act 1972, to exclude the public and press.*

* (11) *Closure motions*

A member may move without comment at the conclusion of a speech of another member; 'That the Council proceed to the next business'. 'That the question be now put'. 'That the debate be now adjourned', or 'That the Council do now adjourn', on the seconding of which the Chairman will proceed as follows:

- (a) *on a motion to proceed to the next business; he will put the motion to the vote after giving the mover of any amendment before the meeting and the mover of the original motion (in that order) a right of reply;*

(b) on a motion that the question be now put; he will first put to the vote the motion that the question be now put and, if it is passed, then give the mover of any amendment before the meeting and the mover of the original motion their rights of reply under paragraph (9) of this Standing Order before putting the motion to the vote;

(c) on a motion to adjourn the debate or the meeting; he will put the motion to the vote after giving the mover of any amendment and the mover of the original motion their rights of reply.

* (12) A member may raise a point of order or personal explanation at any time. A point of order may relate only to an alleged breach of a standing order or statutory provision and the member must specify the standing order and the way in which he considers it has been broken.

* (13) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation will not be open to discussion.

(14) Whenever the Chairman rises during a debate a member then standing must resume his seat and the Council must be silent.

* (15) The following motions and amendments may be moved without notice:

- (a) *Appointment of a Chairman of the meeting at which the motion is made.*
- (b) *Motions relating to the accuracy of the minutes.*
- (c) *That an item of business specified in the summons have precedence.*
- (d) *Reference to a committee.*
- (e) *Appointment of the Executive or a committee or its members, occasioned by an item mentioned in the summons to the meeting.*
- (f) *Adoption of the Executive or committee minutes or reports of officers and any consequent resolutions.*
- (g) *That leave be given to withdraw a motion.*
- (h) *Extending the time limit for speeches.*
- (i) *Amendments to motions.*
- (j) *That the Council proceed to the next business.*
- (k) *That the question be now put.*
- (l) *That the debate be now adjourned.*

- (m) That the Council do now adjourn.
- (n) Suspending Standing Orders, in accordance with Standing Order 30.
- (o) Motion under section 100 A of the Local Government Act, 1972, to exclude the public and press.
- (p) That a member named under Standing Order 12 be not further heard or do leave the meeting.
- (q) Inviting a member to remain under Standing Order 28 (1) (c).
- (r) Giving consent of the Council where the consent of the Council is required by these Standing Orders.

11. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at a meeting of the Council, the Executive or a committee to which the public (including the press) are admitted on the appointment, promotion, dismissal, salary, superannuation or conditions of service, or on the conduct of any person employed by the Council, the question will not be discussed until the public and the press have been excluded by resolution, unless the Council decide otherwise.

12. DISORDERLY CONDUCT

- (1) If the Chairman of a meeting of the Council, or a committee,

or the Leader of the Executive considers that a member of the Council is acting improperly in any way he may put to the vote without further discussion, that the member be no longer heard and if the misconduct continues that the member leave the meeting.

- (2) If the Chairman of a meeting of the Council, or a committee, or the Leader of the Executive considers the orderly conduct of the business is not reasonably possible then he may adjourn the meeting.

13. RESCISSION OF PRECEDING RESOLUTION

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, can be proposed unless the notice given under Standing Order 5, bears the names of at least ten members of the Council. When any such motion or amendment has been disposed of by the Council, it will not be open to any member to propose a similar motion within a further period of six months.

Provided that this Standing Order will not apply to motions moved under a recommendation of a Committee.

14. VOTING

- (1) Voting at meetings of the Council, the Executive and committees will be by the show of hands and in the case of

an equality of votes the Chairman (or Leader in the case of the Executive) will have the casting vote.

- (2) Any member present may, before the vote is taken with the support of two other members, require that the voting be recorded in the minutes so as to show whether each member present gave his vote for or against the question or abstained from voting.*
- (3) Where immediately after a vote is taken any member so requires there must be recorded in the minutes of the proceedings of the meeting whether the member cast his vote for or against the question or abstained from voting.*
- (4) If a decision taken at a meeting of the Executive is not carried unanimously, a note will be made in the minutes of those members who voted against or abstained.*

15. VOTING ON APPOINTMENTS

- (1) Where there are more than two persons nominated for any position (except the Leader of the Executive) to be filled by the Council and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes will be struck off the list and a fresh vote be taken, and so on until a majority of votes is given in favour of one person.*
- (2) Where there are more than two persons nominated for the position of the Leader of the Executive the Alternative Vote*

system will be used.

16. APPOINTMENT OF LEADER OF THE EXECUTIVE

- (1) The Council will appoint the Leader of the Executive annually in the manner prescribed by Standing Order 15 (2).*
- (2) In the case of a vacancy arising a further appointment will be made for the remainder of the term.*
- (3) This Standing Order will not prevent the Council from appointing a new Leader of the Executive at any time.*
- (4) The Leader of the Executive will be a member of the Executive as one of his group's representatives and will, when present, chair meetings of the Executive.*

17. APPOINTMENT OF COMMITTEES

The Council will at the Annual Meeting appoint the Executive and such committees as are necessary to carry out the work of the Council but, subject to any statutory provision –

- (a) will not appoint any member to the Executive or a committee for a period later than the next annual meeting of the Council;*

- (b) will not appoint the Chairman of the Council to the Executive or a Scrutiny Committee, the Vice Chairman of the Council to the Executive, the Leader of the Executive to the Standards Committee or a member of the Executive to a Scrutiny Committee.
- (c) may at any time dissolve or alter the membership of the Executive or a committee.

18. DECISIONS OF THE EXECUTIVE

- (a) A summary of the decisions taken at meetings of the Executive will normally be published on the next working day following the meeting.
- (b) Subject to (c) below decisions made under delegated powers at a meeting of the Executive will become effective at 5.00 pm on the fifth clear working day after the publication of the summary of decisions of that meeting.
- (c) If during the period of five clear working days the Chief Executive receives from four members of the Council, in writing or by e-mail an objection to any decision, that decision will not become effective but will be referred to the next meeting of the Council for consideration and final decision.
- (d) The minutes of meetings of the Executive will be circulated

to all members of the Council for information and will be placed on the agenda for the next meeting of the relevant Scrutiny Committee.

19. SUBSTITUTION OF MEMBERS

- (1) Each political group may nominate, and the Council will appoint, a named Councillor(s) of the Council who will act as a substitute(s) (with full right of discussion and voting) for any member(s) of the group who is a member of the relevant committee and who is unable to attend a particular meeting.
- (2) If there are two or more members of the Council who are not members of a political group they may nominate and the Council will appoint a named Councillor(s) of the Council who will act as a substitute(s) (with full rights of discussion and voting) for them at any meeting of a committee of which they are a member, which they are unable to attend.
- (3) Notification of the name of the substitute and of the member being substituted must be given in writing or by e-mail to the Chief Executive by the Group Leader or a councillor nominated by him before 1 p.m. on the day of the relevant meeting.

(4) Every agenda for a committee meeting must contain the following as its first item: -

"1. To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the councillor for whom he is acting."

(5) If a Member, for whom a substitute has been notified in accordance with paragraph 2 above subsequently attends part of the relevant meeting, they will do so as an observer only.

(6) This Standing Order will not apply to the Executive.

20. MEMBERSHIP OF THE EXECUTIVE AND COMMITTEES

The Executive will each year recommend to the Annual Meeting of the Council the Membership of the Executive and committees.

21. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL

The Executive will each year recommend to the Annual Meeting of the Council

a person or persons for consideration for election as next Chairman and Vice-Chairman of the Council.

22. ATTENDANCE AT THE EXECUTIVE AND COMMITTEES

- (1) Where a motion or petition stands referred to the Executive or a committee or is submitted directly to the Executive or a Committee the member who moved the motion will, if he is not a member of the committee, have notice of the meeting of the committee at which it is proposed to consider the motion and will have the right to attend the meeting and explain the motion.
- (2) Any members wishing to attend meetings of the Executive or committees of which they are not members will be entitled to do so but without any right to take part in the proceedings except under Standing Order 22 (1) or by leave of the Leader or Chairman.

23. AGENDA PAPERS

- (1) Every meeting of the Council, the Executive and committees will be convened by the Chief Executive three clear days before a meeting (other than a special meeting called as a matter of urgency).
- (2) All Members of the Council will receive a copy of the agenda papers for meetings of the Executive. Copies of agenda papers for a committee will normally only be sent to members of that committee although if other members of the Council ask for copies of the papers for a particular committee they will be sent to them. Agenda papers will also be made available to members in electronic form.

24. URGENT ITEMS

The Chairman of a meeting of the Executive or a committee will not be asked to accept an item as urgent to allow it to be dealt with at that meeting, without the consent of the Chief Executive in consultation with Group Leaders.

25. SPECIAL MEETINGS OF THE EXECUTIVE AND COMMITTEES

A special meeting of the Executive or a committee will be called on the requisition of either the Leader or the Chairman (or in the absence of the Chairman, the Vice-Chairman) or of a fifth of the whole number of the Executive or committee, submitted in writing or by e-

mail to the Chief Executive. The notice of the special meeting will set out the business to be considered and no business other than that set out in the notice will be considered at that meeting.

26. INSPECTION OF DOCUMENTS

- (1) A member of the Council may, for the purposes of his duty as such member but not otherwise, on application to the Chief Executive, inspect any document which has been circulated for consideration by the Executive, a committee, or by the Council, and if copies are available will on request be supplied with a copy of such a document: Provided that a member will not knowingly inspect and will not call for a copy of any document relating to a matter in which he is professionally or commercially interested or in which he has directly or indirectly any pecuniary interest within the meaning of Section 95 of the Local Government Act, 1972.
This Standing Order will not preclude the Chief Executive or any solicitor to the Council from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.
- (2) All reports made to, or minutes of, the Executive or a committee will be open for inspection by any member of the Council during office hours.
- (3) These rights of members are in addition to any other

statutory rights which they may possess by virtue of the Local Government (Access to Information) Act 1985.

27. REGISTER OF MEMBERS' INTEREST

Each member of the Council must

- (1) within three months of election to the Council give notice in writing to the Proper Officer of the Council;*
 - (a) of all Companies of which he is a Director or in which he has shareholdings;*
 - (b) of any consultancies held by him and partnerships in any business;*
 - (c) of all employments and sources of income;*
 - (d) of any other business interests (whether or not they yield any income) held by him.*
- (2) in paragraphs (1)(a) (b) (c) and (d) above, in the case of married persons living together the interest of one spouse will, if known to the other, be deemed for the purpose of this Standing Order to be also an interest of the other, but will not be declared against the express wishes of the said spouse.*

- (3) *notify any material change to the Proper Officer within a period of two months of such change.*
- (4) *the particulars must be entered in a Register maintained by the Proper Officer and such Register will be open to inspection by the public and the press. The names and addresses of those inspecting the Register will be recorded, together with the date of inspection.*

28. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- (1) *If any member of the Council has any pecuniary interest direct or indirect within the meaning of section 94 of the Local Government Act 1972 (other than an indirect interest described in sub-sections (5) and (6) of sections 97) in any contract, proposed contract or other matter of any kind, that member must leave the meeting room while the contract, proposed contract, or other matter is under consideration by the Council, the Executive or a committee unless:*
 - (a) *the disability to discuss the matter imposed on him by the section has been removed by the Secretary of State under sub-section (1) of section 97; or*
 - (b) *the contract, proposed contract or other matter is*

under consideration by the Council as an item of the minutes of the Executive or a committee and is not itself the subject of debate; or

(c) the meeting invite him to remain.

(2) Any such withdrawal or invitation to remain must be recorded after the meeting in a register kept for the purpose by the proper officer.

29. VARIATION AND REVOCATION OF STANDING ORDERS

Any motion to add to, vary or revoke these Standing Orders, will be submitted to the Council and will, when proposed and seconded, stand adjourned without discussion to the next meeting.

30. SUSPENSION OF STANDING ORDERS

(1) Any of these Standing Orders may be suspended for any business at a meeting of the Council, the Executive or a committee where its suspension is moved.

(2) A motion to suspend Standing Orders must specify the business to which the motion relates and, if carried, will cease to have effect upon the conclusion of that business.

31. INTERPRETATION OF STANDING ORDERS

The ruling of the Chairman on the interpretation of any of these Standing Orders, will not be challenged at any meeting of the Council, the Executive or a committee.

LOCAL GOVERNMENT ACT 1972 - SCHEDULE 12

(as amended by the Local Government Act 1985)

Meetings and proceedings of local authorities

Part I

PRINCIPAL COUNCILS

1. (1) A principal Council shall in every year hold an annual meeting.
- (2) The annual meeting of a principal council shall be held -
 - (a) in a year of ordinary elections of councillors to the Council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the Council may fix;
 - (b) in any other year, on such day in the month of March, April or May as the Council may fix.
- (3)
- (4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at

twelve noon.

2. (1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the Council may determine.
3. (1) An extraordinary meeting of a principal council may be called at any time by the Chairman of the council.
- (2) If the Chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed by five members of the council, has been presented to him, or if, without so refusing, the Chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.
4. (1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.
- (2) Three clear days at least before a meeting of a principal council –
 - (a) notice of the time and place of the intended meeting

shall be published at the council's offices, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the council, shall subject to subparagraph (3) below, be left at or sent by post to the usual place of residence of every member of the council.

- (3) If a member of a principal council gives notice in writing to the proper officer of the council that he desires summonses to attend meetings of the council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.*
- (4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of a council.*
- (5) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the*

summons relating thereto.

5. (1) *At a meeting of a principal council the Chairman, if present, shall preside.*
- (2) *If the Chairman is absent from a meeting of a principal council, then -*
- (a) *..... the vice-Chairman of the council, if present, shall preside;*
- (b) *in the case of a London Borough Council, the deputy mayor, if at that time he remains a councillor or an alderman and is chosen for that purpose by the members of the council then present, shall preside.*
- (3) *If -*
- (a) *in the case of a principal council both the chairman and vice-chairman of the council are absent from a meeting of the Council;*
- (b) *.....*
- (c) *in the case of a London Borough Council the mayor and deputy mayor are so absent or the deputy mayor being present is not chosen;*

another member of the council chosen by the members of the council present shall preside.

- 6. Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.*

PART VI

PROVISIONS RELATING TO LOCAL AUTHORITIES GENERALLY

40. (1) *Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.*
- (2) *Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.*
41. *The names of the members present at a meeting of a local authority shall be recorded.*
42. (1) *Minutes of the proceedings of a meeting of a local authority shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next following meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.*
- (2) *Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings*

of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next following meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

- (3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph 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.

43. Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

44. The proceedings of a local authority shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.

45. (1) Paragraphs 39 to 43 above (except paragraph 41(3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.

- (2) Until the contrary is proved, where a minute of any meeting of any such committee, or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, 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 minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

46. Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.

DISABILITY OF MEMBERS OF AUTHORITIES FOR VOTING

ON ACCOUNT OF INTEREST IN CONTRACTS, ETC.

LOCAL GOVERNMENT ACT, 1972

- "94 (1) Subject to the provisions of section 97 below, if a member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.
- (2) If any person fails to comply with the provisions of subsection (1) above he shall for each offence be liable on summary conviction to a fine not exceeding £200 unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(4) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority while any contract, proposed contract, or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(5) The following, that is to say -

(a) the receipt by the chairman, vice-chairman or deputy chairman of a principal council of an allowance to meet the expenses of his office or his right to receive, or the possibility of his receiving, such an allowance;

(b) the receipt by a member of a local authority of an allowance or other payment under any provision of sections 173 to 176 below or his right to receive, or the possibility of his receiving, any such payment;

shall not be treated as a pecuniary interest for the purposes of this section.

95. (1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if -

(a) he or any nominee of his is a member of a company or

other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.

(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

96. (1) A general notice given in writing to the proper office of the authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, or that he or his spouse is the tenant of any premises owned by the authority,

shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.

- (2) The proper officer of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under section 94 above and of any notice given under this section, and the book shall be opened at all reasonable hours to the inspection of any member of the local authority.

97. (1) The district council, as respects a member of a parish or community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the district council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the district council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.

- (2) The power of a district council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.
- (3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a district council or the Secretary of State for the exercise of the powers conferred by sub-sections (1) and (2) above.
- (4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.
- (5) For the purposes of section 94 above a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with

which he is connected as mentioned in section 95(1) above which is so remote as insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

- (6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £1,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

98. (1) In sections 95 and 97 above "securities" and "shares" have the same meanings respectively as in the Prevention of Fraud (Investments) Act 1958.

- (2) In section 95 above "public body" includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907."