



Local Government Policy Division 1

Level 4 Causeway Exchange
1-7 Bedford Street
Town Parks
BELFAST
BT2 7EG

Telephone: 02890823353
Email: john.murphy@doeni.gov.uk

Our Reference:
Date: 3 June 2014

Dear Consultee

THE DRAFT LOCAL GOVERNMENT (STANDING ORDER) REGULATIONS (NORTHERN IRELAND) 2014 AND MODEL STANDING ORDERS - CONSULTATION

The Department of the Environment has issued a Consultation Document on the Draft Local Government (Standing Order) Regulations (Northern Ireland) 2014 and the associated draft Model Standing Orders. Section 37 and 38 of the Local Government Act (Northern Ireland) 2014 make provision about the standing orders of councils. Councils are required to make standing orders for the regulation of the proceedings and business of the council. Section 38 provides an enabling power for the Department to make regulations requiring councils to incorporate in their standing orders such provision as may be specified in the regulations.

The consultation document will also be available on the Department's website and can be accessed at:

http://www.doeni.gov.uk/index/local_government/local_government_consultations.htm.

I would welcome your comments on the draft Regulations and Model Standing Orders. These can be forwarded either by email (LGPDConsultations@doeni.gov.uk) or by post to:

DOE Local Government Policy Division
Level 4
Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG



Department of the
Environment

www.doeni.gov.uk

**The Draft Local Government (Standing Orders) Regulations
(Northern Ireland) 2014
and
Model Standing Orders**

Consultation Document

3 June 2014

**DRAFT LOCAL GOVERNMENT (STANDING ORDERS)
REGULATIONS (NORTHERN IRELAND) 2014 AND MODEL
STANDING ORDERS**

This Consultation Document seeks views on the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and Model Standing Orders.

Comments should be sent by 15 August 2014 to:

**Local Government Policy Division 1
Department of the Environment
4th Floor, Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast, BT2 7EG**

E-mail: LGPDConsultations@doeni.gov.uk

Textphone 028 9054 0642

The following people will be able to answer queries in relation to the draft regulations:

Name	E-mail	Telephone
John Murphy	john.murphy@doeni.gov.uk	028 9082 3353
Christine Horner	christine.horner@doeni.gov.uk	028 9082 3354

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DRAFT LOCAL GOVERNMENT (STANDING ORDERS) REGULATIONS (NORTHERN IRELAND) 2014 AND MODEL STANDING ORDERS

PURPOSE OF THE CONSULTATION DOCUMENT

1. Sections 37 and 38 of the Local Government Act (Northern Ireland) 2014 (“the Act”) make provision about the standing orders of councils. Section 37 requires councils to make standing orders for the regulation of the proceedings and business of the council. Section 38 provides an enabling power for the Department to make regulations requiring councils to incorporate into their standing orders such provision as may be set out in the regulations.

2. The Department of the Environment is seeking comments from consultees on its proposal to make the Local Government (Standing Orders) Regulations (Northern Ireland) 2014 (the 2014 Regulations), under section 38 of the Local Government Act (Northern Ireland) 2014 (“the Act”). Part 7 of, and Schedules 1 and 2 to, the Act make provision for the new governance arrangements for councils. The proposed 2014 Regulations will require councils to incorporate into their standing orders provisions relating to certain aspects of the new governance arrangements:
 - the specification of decisions that require the support of a qualified majority which are not already provided for in the Act;
 - procedures for the reconsideration of decisions;
 - the timescales in which the appointment of a councillor to hold a position of responsibility must take place; and

- the procedure for appointing members of committees where the council wishes to appoint more than one committee at a time.

The draft Regulations are attached at **Annex A**.

3. The Department is also seeking comments on the proposed Model Standing Orders which it intends to issue, to assist councils in developing their own bespoke standing orders which they are required to make in accordance with section 37 of the Act. The Model Standing Orders are attached at **Annex B**.

BACKGROUND

New Governance Arrangements

4. The Local Government Act (Northern Ireland) 2014 introduces new, modern governance arrangements for councils that provide for the sharing of positions of responsibility on a council (for example the chairperson of the council or the chairperson of a committee of the council) across the political parties on the council. These arrangements also apply to the sharing of a council's elected member representation on external public bodies (for example Education and Library Boards).
5. The Act also introduces alternative structures that a council may adopt for its political governance and decision-making. These include:
 - a committee structure, where a council would establish a number of committees which make recommendations to the council, but which do not have decision-making powers;

- executive arrangements, where a committee (or small number of committees) of the council makes decisions on the majority of council functions without referring the matters to council; or
 - prescribed arrangements (a specific governance structure which may be proposed and then set out in subordinate legislation).
6. In addition, the Act introduces a system of checks and balances to protect the interests of minority communities in a council's decision-making. This includes provision that decisions specified in a council's standing orders must be taken by a qualified majority. This means that such a decision must be by agreement of 80% of the members of the council who are present and voting at the meeting of the council at which discussed. Provision is also made for 15% of the members of a council to request that a decision be reconsidered on either or both of the following grounds:
- that the decision was not arrived at after a proper consideration of all the relevant facts and issues;
 - that the decision would disproportionately affect adversely any section of the inhabitants of the local government district.
7. Schedule 1 to the Act makes provision about the filling of positions of responsibility, (for example the position of chair of the council, deputy chair of the council, or chair or vice chair of any committee). It provides that a council may use either the d'Hondt or Sainte-Laguë formula methods for appointments to positions of responsibility or the single transferrable vote method to elect councillors to these positions. The Schedule sets out the method that must be used in applying the d'Hondt or Sainte-Laguë process to ensure a consistent approach is adopted across all councils.

8. Schedule 2 to the Act makes provision in relation to making appointments to committees to provide for the sharing of membership across the political parties. This will ensure that the membership of a committee reflects, as far as is practicable, the political balance of the council.

Standing Orders

9. Section 37 of the Act requires a council to make standing orders for the regulation of the proceedings and business of the council. A council's standing orders will include elements that the Act states they must include, elements that the Regulations state must be included and other elements which a council may consider should be included when drafting its own standing orders. The Model Standing Orders, which are attached at Annex B, provide a framework comprising each of these elements to help each council to develop the standing orders that it will adopt for how it will conduct meetings and transact business at those meetings.

The Draft Regulations

10. Section 38 of the Act provides the Department with an enabling power to make Regulations about standing orders.
11. The proposed Regulations will make more detailed provision in relation to:
 - decisions that will require a qualified majority vote;
 - the operation of the process for the reconsideration of a decision;

- the timescales in which the appointment of a councillor to hold a position of responsibility must take place; and
- the procedure for appointing members of committees, where the council wishes to appoint more than one committee at a time.

Qualified Majority

12. The Act provides that the following decisions must be taken by a qualified majority (i.e. 80% of councillors present and voting)

- the adoption of executive arrangements or prescribed arrangements (see paragraph 5 above) for the governance of the council (Section 19(2) of the Act);
- the method to be used for the allocation of positions of responsibility i.e. d'Hondt, Sainte-Laguë or Single Transferrable Vote (Schedule 1 to the Act); and
- the method to be used for appointing the membership of committees (Schedule 2 to the Act).

13. Section 40 of the Act provides that standing orders must specify decisions which are to be taken by a qualified majority. In addition to the decisions identified in paragraph 12 above, the Department proposes to specify in the Regulations that the following decisions must also be taken by a qualified majority:

- the proposed use by a council of its general power of competence (i.e. the general power will allow the council to take any action it considers necessary for the discharge of its functions, unless it is prevented from doing so by other legislation). The requirement for a qualified majority will ensure

- that the power is not used to take an action that could result in an adverse impact on a minority community;
- the adoption of a decision that has been the subject of a request for the reconsideration of a decision on the grounds specified in section 41(1)(b) of the Act (disproportionate adverse impact); and
 - a motion to suspend one or more standing orders.

14. The Department would welcome the views of consultees on whether other strategic decisions of a council should be specified as requiring a qualified majority.

The Call-in Process

15. As indicated above, the Act introduces the facility for 15% of the members of a council to request the reconsideration (also known as “call-in”) of a decision of the council or a decision of a committee of the council. A decision of a committee could be either a decision to implement an action or to make a recommendation on a course of action, for ratification by the council. This means that the call-in procedure will apply irrespective of whether the council adopts a committee system of governance or executive arrangements. Section 41 of the Act provides that standing orders must make provision in relation to the reconsideration process.
16. The Department, in partnership with senior officers from local government, has developed the arrangements, to be specified in standing orders, that a council must put in place in relation to both the request for a call-in and the processing of such a request. The arrangements are designed to ensure that the appropriate balance

is struck between providing the required protection for the interests of minority communities in decision-making and not unduly delaying the transaction of council business.

17. The proposed arrangements will specify those decisions that are subject to a request for reconsideration covering all the circumstances in which a decision may be taken and those decisions that may not be the subject of such a request. The latter covers decisions in respect of the regulatory or quasi-judicial functions of a council (such as planning or licencing applications) which are subject to separate procedures for appeal against a decision and those where the decision needs to be implemented as a matter of urgency.

Positions of Responsibility

18. In making provision in respect of the application of either the d'Hondt or Sainte-Laguë method for allocating positions of responsibility, paragraph 2(3) of Schedule 1 to the Act also makes provision in relation to the time limits within which the nominating officer of a political party is to select a position of responsibility and the term for which it will be held by a member of his or her party. Provision is also made in relation to the time limit within which the person nominated is to accept the nomination to the position.
19. The Regulations make provision for these actions to take place within 15 minutes of the nominating officer being required to make a nomination and for the person nominated to accept the position. The Department considers that this should provide a sufficient period for the exercise of these functions.

Appointment of Committees

20. Schedule 2 to the Act makes provision in connection with the appointment of members of committees using one of the formulas specified in the Schedule. These formulas relate to the Quota Greatest Remainder and Droop Quota methods of calculating relative shares of positions. This is to ensure that the membership of a committee, as far as is practicable, reflects the political balance of the council. The application of the methods, as specified in the Schedule, is in respect of the appointment of single committees.

21. Paragraph 5 of Schedule 2 to the Act provides that standing orders must make provisions for circumstances where a council decides to appoint more than one committee at the same time. The necessary provision is made in Part 4 of the Schedule to the Regulations to ensure that the process for making appointments to a single committee is, as far as is practicable, replicated if more than one committee is appointed. This will ensure that, in these circumstances, the membership of each committee reflects, as far as practicable, the political balance of the council.

Model Standing Orders

22. As indicated in paragraph 10 above, a council must make standing orders for the regulation of its proceedings and business. The Department proposes issuing Model Standing Orders to assist the new councils in the development of their own bespoke standing orders.

23. The draft Model Standing Orders have been prepared in conjunction with senior officers from local government, including councils, to cover all aspects connected with the conduct of a meeting of a council and the transaction of its business. The model draws significantly on the standing orders currently in operation in the councils, taking account of new requirements introduced by the Act.
24. For completeness and ease of use in councils, by both councillors and officers, the Model Standing Orders include the text of the mandatory standing orders to take account of matters provided for in the Act and the additional mandatory standing orders to be specified in the Local Government (Standing Orders) Regulations (Northern Ireland) 2014.

Human Rights

25. The Department believes that the proposals are compatible with the Human Rights Act 1998.

Equality

26. Under the terms of section 75 of the Northern Ireland Act 1998, the Department carried out screening for equality impact and is satisfied that the proposed legislation will not lead to discriminatory or negative differential impact on any of the section 75 groups. A copy of the screening form can be viewed on the Department's website: http://www.doeni.gov.uk/index/information/equality_unit/policies_screened_out_-_april_to_june_2014.htm

Regulatory Impact Assessment

27. The Department has not conducted a regulatory impact assessment as the proposed legislation does not give rise to any associated costs or savings on business, charities, social economy enterprises or the voluntary sector.

Rural Proofing

28. The Department has assessed the proposed measures and considers that there would be no differential impact in rural areas or on rural communities.

Freedom of Information Act 2000 – confidentiality of consultations

29. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read Annex C on the confidentiality of consultations. It gives guidance on the legal position about any information given by you in response to this consultation.

Alternative format

30. This document is available in alternative formats. Please contact us to discuss your requirements.

Comments

31. Comments on the draft Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and the Model Standing Orders should be sent by 15 August 2014 to the address below or by e-mail to LGPDConsultations@doeni.gov.uk.

32. If you have any queries in relation to the proposals, you should contact:

John Murphy

john.murphy@doeni.gov.uk

Tel: 028 9082 3353

or

Christine Horner

christine.horner@doeni.gov.uk

Tel: 028 9082 3354

33. This Consultation Document is being circulated to persons and bodies listed in Annex D and is also available to view at:

http://www.doeni.gov.uk/index/local_government/local_government_consultations.htm

Local Government Policy Division

Causeway Exchange

4th Floor

1-7 Bedford Street

Belfast

BT2 7EG

Textphone: 028 9054 0642

Regulations laid before the Assembly under section 127 of the Local Government Act (Northern Ireland) Act 2014, and subject to affirmative resolution procedure of the Assembly

STATUTORY RULES OF NORTHERN IRELAND

2014 No. ****

LOCAL GOVERNMENT

The Local Government (Standing Orders) Regulations (Northern Ireland) 2014

Made - - - - - ***

Coming into operation - - - - - ***

The Department of the Environment, in exercise of the powers conferred by section 38 of the Local Government Act (Northern Ireland) 2014⁽¹⁾, makes the following Regulations:

In accordance with section 127 of that Act, the Department has consulted councils, such associations or bodies representative of councils, such associations or bodies representative of officers of councils and such other persons and bodies as appeared to the Department to be appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government (Standing Orders) Regulations (Northern Ireland) 2014 and shall come into operation on ****.

(2) In these Regulations—

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

“2014 Regulations” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014; and

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

Incorporation of provisions in standing orders

2. A council must incorporate the provisions in the Schedule in its standing orders for regulating its proceedings and business.

Modification of standing orders

3. A council must refrain from modifying its standing orders for regulating its proceedings and business to enable provisions incorporated under regulation 2 in those standing orders to be amended or disappplied unless those provisions so permit.

⁽¹⁾

Sealed with the Official Seal of the Department of the Environment on ***

(L.S.)

Name

A senior officer of the Department

SCHEDULE 1

Regulation 2

PART 1

Voting

Standing Order – Decisions to be taken by a qualified majority

1. A qualified majority shall be required in relation to a council's decision on—
 - (a) the exercise of the general power of competence in accordance with section 79 of the 2014 Act;
 - (b) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
 - (c) the suspension of standing orders.

PART 2

Call-in Process

Interpretation

2. In this Part—

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

“clerk” means the clerk to the council appointed under section 41 of the Local Government Act (Northern Ireland) 1972;

“committee” means a committee of the council 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;

“executive” means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act;

“executive decision” means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council;

“key decision” means a decision under executive arrangements which is likely—

- (a) to result in the council incurring expenditure which is, or the making of savings are, significant having regard to the council's annual budget for the service or function to which the decision relates; or
- (b) to be significant in terms of the effects on communities living or working in an area comprising two or more electoral areas in the local government district of the council;

"member" means a member of the council;

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

Standing Order – Decisions subject to call-in

3.—(1) The following decisions may be subject to call-in and in such manner as is specified in these standing orders—

- (a) a decision of the executive;
- (b) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
- (c) a key decision taken by an officer of the council;
- (d) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
- (e) 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 which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Regulations;
- (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
- (d) a decision taken by an officer or officers which is not a key decision;
- (e) a decision by the executive which serves only to note a report from or the actions of an officer or officers.

(3) No decision may be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

Standing Order – Call-in admissibility

4.—(1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following publication of the decision to which the call-in relates. If a call-in is received after the specified deadline, it must be deemed inadmissible.

(2) A call-in shall—

- (a) specify the reasons why a decision should be reconsidered; and
- (b) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.

(3) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members must state in the reasons specified under sub-paragraph (2) of this standing order—

- (a) the community that would be affected by the decision; and
- (b) the nature and extent of the disproportionate adverse impact.

(4) 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 council; and
- (b) the reasons for the call-in have been specified.

(5) 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 deadline.

(6) Within one working day 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 practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act.

(7) 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 the members; and
- (b) include the decision on the agenda for the next available meeting of the council, at which it must be taken by a qualified majority.

(8) Where the legal opinion obtained in accordance with section 42(1) of the 2014 Act indicates that the call-in does not have merit, the clerk must—

- (a) furnish the opinion to the members; and
- (b) make arrangements for the decision to be implemented or tabled for ratification by council, as appropriate.

Standing Order – The call-in process: committee arrangements

5.—(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 ratification by the council

must be published within two working days of the conclusion of the meetings. That date of publication must be regarded as the date of publication for the purposes of a call-in.

(2) If a call-in is not received by the deadline specified in paragraph 4(1) of this standing order the decision specified in—

- (a) paragraph 5(1)(a) of this standing order must be implemented; or
- (b) paragraph 5(1)(b) of this standing order must be tabled for ratification by the council.

(3) The tabling for ratification of a decision specified in paragraph 5(1)(b) of this standing order, or the implementation of a decision specified in paragraph 5(1)(a) of this standing order, must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.

(4) If a call-in is made in accordance with paragraph 4(2) of this standing order 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—

- (a) the chairpersons of all committees of the council; and
- (b) the deputy chairpersons of all committees of the council

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 sub-paragraph (4) of this standing order.

(6) 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.

(7) A committee appointed in accordance with sub-paragraph (4) of this standing order 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.

(8) Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, 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 sub-paragraph (4) of this standing order confirmed support for the decision.

Standing order – The call-in process: executive arrangements

6.—(1) The proper officer must, within two working days of the production of a statement in accordance with regulations 28 and 29 of the 2014 Regulations, submit to council a notice detailing the decision(s) recorded in the statement.

(2) The notice prepared in accordance with sub-paragraph (1) of this standing order must specify—

- (a) those decisions that are not subject to call-in;
- (b) the deadline for receipt of a call-in; and
- (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.

(3) If a call-in is not received in respect of a decision, that decision may be implemented after the deadline expires.

(4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the council the call-in must be referred to the council for decision.

(5) The implementation of a decision must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision-maker may rescind the decision at any time prior to the call-in being resolved.

(6) The clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with sub-paragraph (2) of this standing order. The overview and scrutiny committee must meet within 5 working days of receipt of the call-in. More than one call-in may be considered at a meeting of an overview and scrutiny committee.

(7) Subject to sub-paragraph (7) of this standing order, the consideration of a matter under sub-paragraph (5) of this standing order by an overview and scrutiny committee may be adjourned, provided that—

- (a) the chairperson presiding at the meeting; and
- (b) the chairperson of the executive

agree a date for the continuation of the meeting.

(8) A meeting convened in accordance with sub-paragraph (5) of this standing order may only be adjourned under sub-paragraph (6) in order to—

- (a) allow for additional information to be obtained; or
- (b) permit additional witnesses to attend.

(9) 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.

(10) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may—

- (a) support the decision; or
- (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker

(11) Where a decision has been supported in accordance with sub-paragraph (9) of this standing order, 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 overview and scrutiny committee confirmed support for the decision.
- (12) Where a decision has been referred back to a decision maker in accordance with sub-paragraph (9)(b) of this standing order, the decision maker must—
- (a) consider the recommendation of the overview and scrutiny committee; and
 - (b) reconsider the original decision.

PART 3

Positions of Responsibility

Standing Order – Positions of responsibility: time limits

7.—(1) Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(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 sub-paragraph (1) of this standing order 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.

PART 4

Appointment of Councillors to Committees, etc.

Interpretation

8. In this Part —

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“member” means councillor;

“nominating officer” means—

- (a) the person registered under the 2000 Act 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; and

“party” means a party registered under the 2000 Act in the Northern Ireland register (within the meaning of that Act);

Standing Order - Appointment of more than one committee

9. Where a 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 that 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.

Nomination

10.—(1) 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.

(2) 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 heads (a) and (b), the number of members which each nominating officer of a party, in so far as is practicable, bears the same proportion to the number of places on that committee as is borne by the number of members who stood on in the name of that party.

(3) Nominations made in accordance with sub-paragraph (2) must take into account any positions of responsibility on a committee held by a member who stood in the name of a party.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 38 of the Local Government Act (Northern Ireland) 2014 (“the 2014 Act”) provides for regulations to require councils to incorporate such provisions as may be prescribed by the Department in standing orders for regulating their proceedings and business. These regulations prescribe those provisions.

Regulation 2 provides that the standing orders specified in the Schedule to the regulations must be incorporated in a council's standing orders.

Regulation 3 provides that a council may not modify its standing orders to enable the standing orders specified in the Schedule to be amended or disapplied.

The Schedule specifies the standing orders that must be incorporated in a council's standing orders.

MODEL STANDING ORDERS FOR COUNCILS

Definitions - General

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

“2014 Executive Arrangements Regulations” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014

“2014 Standing Orders Regulations” means the Local Government (Standing Orders) Regulations (Northern Ireland) 2014

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

In Standing Order 21

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

“clerk” means the clerk to the 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;

“executive” means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act;

“executive decision” means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council;

“key decision” means a decision under executive arrangements which is likely—

- (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council’s annual budget for the service or function to which the decision relates; or
- (b) to be significant in terms of the effects on communities living or working in an area comprising two or more electoral areas in the local government district of the council;

“member” means a member of the council; and

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

In Standing Order 23

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“member” means councillor;

“nominating officer” in relation to a party, means

- (a) the person registered under the 2000 Act as the party’s nominating officers; or

(b) a member of the council nominated under the 2000 Act for the purposes of Schedule 1 to the 2014 Act; and

“party” means a party registered under the 2000 Act in the Northern Ireland register (within the meaning of that Act).

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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 June.
- (2) In any year which is a local government 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 [*to be determined by the Council*] of every month, except [*month to be 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. When the day of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead.

2. Time and place of meetings

The Annual Meeting and other meetings of the Council shall be held at [*time to be determined by the Council*] 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 may call a meeting of the Council if a requisition for such a meeting, signed by five members or one-fifth of the whole number of members, whichever is the greater, 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, any five members or one-fifth of the whole number of members, whichever is the greater, may on that refusal or on the expiration of that period forthwith call a meeting of the Council.

4. Notice and Summons of Meetings

Three days at least before a meeting of the Council, a Committee or Sub-Committee:

- (1) 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 left at, or sent by ordinary post, to the usual place of residence of every member. Want of service of this summons 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 of 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, shall 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 both the Chairperson and Deputy Chairperson are absent from a Meeting of the Council, the nominating officer of the political party whose member is Chairperson of the Council shall nominate a member to preside in their absence.
- (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 7.4, 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) 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 shall declare the meeting adjourned.
- (3) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) 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.
- (4) 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.
- (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 9; 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 shall, 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 member 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 shall be recorded by the clerk.

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 Presiding 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 admitted to address the Council provided the Clerk has received [*period of notice to be determined by the Council*] notice of the intended deputation and a statement of its objective.
- (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 [*duration to be determined by the Council*].
- (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 [*number to be determined by the Council*] presentations 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.

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) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- b) declaration of members interests;
- c) matters arising;
- 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 procedure;
- 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;
- m) any other relevant business.

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 disapplied 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 seven 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 seven clear days before the meeting.
- (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 upon 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 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 Summons Paper for the following meeting if submitted in writing to the Clerk by the member concerned not later than seven 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 27.1;
- 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 23.3 or to exclude them from the meeting under Standing Order 23.4.

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 Chair 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 Chair, 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 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 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 those powers specified in Executive Arrangements Regulations]; 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 to stand (if able to do so) when addressing the Council's Chairperson. While a Member is speaking, the other members shall remain seated unless rising 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 rise together to speak, the Chairperson shall decide who has precedence.

19.6 Place of member speaking

A member when addressing the Chairperson shall stand 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 resume his/her seat 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, except:

- a) to speak once on an amendment moved by another member;
- b) if the Motion has been amended since he/she last spoke, to move a further amendment;
- c) if his/her first speech was on an amendment moved by another Member to speak on the main issue whether or not the amendment on which he/she spoke was carried;
- d) in the exercise of a right to reply given by Standing Order 19.19;
- e) on a point of order.

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 23.4, 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.

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 Qualified majority **[MANDATORY]**

A qualified majority shall be required in relation to a council's decision on—

- (a) the adoption of executive arrangements or prescribed arrangements as the council's form of governance (section 19 of the 2014 Act);
- (b) the method to be adopted for filling positions of responsibility (Schedule 1 of the 2014 Act);
- (c) the method to be adopted for appointing councillors to committees (Schedule 2 of the 2014 Act);
- (d) the exercise of the general power of competence in accordance with section 79 of the 2014 Act;
- (e) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (f) the suspension of standing orders..

20.4 Show of hands

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chairperson will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

20.5 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.

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 executive;
 - (b) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
 - (c) a key decision taken by an officer or officers of the council;
 - (d) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
 - (e) 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 which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;

- (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
 - (d) a decision taken by an officer or officers which is not a key decision;
 - (e) a decision by the executive which serves only to note a report from or the actions of an officer or officers.
- (3) No decision shall be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

21.2 Call-in admissibility

- (1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following publication of the decision to which the call-in relates. If a call-in is received after the specified deadline, it must be deemed inadmissible.
- (2) A call-in shall—
- (a) specify the reasons why a decision should be reconsidered; and
 - (b) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.
- (3) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members must state in the reasons specified under sub-paragraph (2) of this standing order—
- (a) the community that would be affected by the decision; and
 - (b) the nature and extent of the disproportionate adverse impact.
- (4) 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.
- (5) 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 deadline.
- (6) Within one working day 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 practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act.
- (7) Where the legal opinion obtained in accordance with section 42(1) 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.
- (8) Where the legal opinion obtained in accordance with section 42(1) 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 ratification by the councilmust be published within two working days of the conclusion of the meetings. That date of publication must be regarded as the date of publication for the purposes of a call-in.
- (2) If a call-in is not received by the deadline specified in paragraph 4(1) of this standing order, the decision specified in—
 - (a) paragraph 5(1)(a) of this standing order must be implemented; or
 - (b) paragraph 5(1)(b) of this standing order must be tabled for ratification by the council.
- (3) The tabling for ratification of a decision specified in paragraph 5(1)(b) of this standing order, or the implementation of a decision specified in paragraph 5(1)(a) of this standing order, must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.
- (4) If an admissible call-in is made in accordance with paragraph 4(2) of this standing order 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—
 - (a) the chairpersons of all committees of the council; and
 - (b) the deputy chairpersons of all committees of the councilto 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 sub-paragraph (4) of this standing order.
- (6) 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.
- (7) A committee appointed in accordance with sub-paragraph (4) of this standing order 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.

- (8) Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, 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 sub-paragraph (4) of this standing order confirmed support for the decision.

21.4 The call-in process: executive arrangements

- (1) The proper officer must, within two working days of the production of a statement in accordance with regulations 28 and 29 of the 2014 Regulations, submit to the council a notice detailing the decision(s) recorded in the statement.
- (2) The notice prepared in accordance with sub-paragraph (1) of this standing order must specify—
 - (a) those decisions that are not subject to call-in;
 - (b) the deadline for receipt of a call-in; and
 - (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.
- (3) If a call-in is not received in respect of a decision, that decision may be implemented after the deadline expires.
- (4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the council the call-in must be referred to the council for decision.
- (5) The implementation of a decision must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision-maker may rescind the decision at any time prior to the call-in being resolved.
- (6) The clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with sub-paragraph (2) of this standing order. The overview and scrutiny committee must meet within 5 working days of receipt of the call-in. More than one call-in may be considered at a meeting of an overview and scrutiny committee.
- (7) Subject to sub-paragraph (7) of this standing order, the consideration of a matter under sub-paragraph (5) of this standing order by an overview and scrutiny committee may be adjourned, provided that—
 - (a) the chairperson presiding at the meeting; and
 - (b) the chairperson of the executiveagree a date for the continuation of the meeting.
- (8) A meeting convened in accordance with sub-paragraph (5) of this standing order may only be adjourned under sub-paragraph (6) in order to—

- (a) allow for additional information to be obtained; or
 - (b) permit additional witnesses to attend.
- (9) 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.
- (10) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may—
- (a) support the decision; or
 - (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.
- (11) Where a decision has been supported in accordance with sub-paragraph (9) of this standing order, 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 overview and scrutiny committee confirmed support for the decision.
- (12) Where a decision has been referred back to a decision maker in accordance with sub-paragraph (9)(b) of this standing order, the decision maker must—
- (a) consider the recommendation of the overview and scrutiny committee; and
 - (b) reconsider the original decision.

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

- (1) Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(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 must be held; and
 - (b) the person nominated to accept the selected position is 15 minutes.
- (2) An extension to the period specified in sub-paragraph (1) of this standing order 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 shall be exercised in such manner as to ensure that—
- (a) all 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 nominated by each nominating officer of a party, in so far as far as is reasonably practicable, bear the same proportion to the number of places on that committee as is borne by the number of members who stood in the name of that party.
- (4) Nominations made in accordance with sub-paragraph (3) of this standing order shall 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 17.1 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 Standing to speak

When a member speaks at the Council they must stand (if able to do so) and address the meeting through the Chairperson. If more than one member stands, the Chairperson will ask one to speak and the others must sit.

25.2 Chairperson standing

When the Chairperson stands during a debate, any member speaking at the time must stop and sit down. 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 Suspension and amendment of Standing Orders

27.1 Suspension

A member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority vote 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 may not be suspended by a council.

27.2 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.

28 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.

The Freedom of Information Act 2000 – confidentiality of consultations

1. The Department may publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.
2. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential.
3. This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

4. For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: <http://www.informationcommissioner.gov.uk>).

List of Consultees

All Northern Ireland District Councils

Association of Local Government Finance Officers

Association for Public Service Excellence

Belfast Solicitors Association

Chief Local Government Auditor

Civil Law Reform Division

Community Relations Council

District Judges - Magistrates Court

Equality Commission for NI

HM Revenue & Customs

Human Rights Commission

Law Centre (NI)

Law Society of Northern Ireland

Local Government Staff Commission

MEPs

MLAs

MPs

National Association of Councillors

NI Assembly / Committee for the Environment

NI Association of Citizens Advice Bureaux

NI Chamber of Commerce and Industry

NI Chamber of Trade

NI Council for Voluntary Action

NI Political Parties

Northern Ireland Court Service

Northern Ireland Judicial Appointments Commission

Northern Ireland Law Commission

Northern Ireland Local Government Association

QUB – School of Law

Society of Local Authority Chief Executives

The Executive Council of the Inn of Court Northern Ireland

The Law Society of Northern Ireland

UU – School of Law

The section 75 bodies and persons listed in the Department's Equality Scheme

Please note that comments on the proposals should be received by 15 August 2014.

Yours sincerely

John Murphy