

Date: 27 November 2007

Report: STANDING ORDERS

**Purpose of the report**

1. To report recommendations from the Audit and Review Committee on amendments to the Authority's Standing Orders.

**Strategic Planning Framework**

2. The information and recommendations contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework.

**Background**

3. Attached as **Appendix 1** to this report is an extract from the draft minutes of the Audit and Review Committee meeting held on 2 November 2007 in respect of that Committee's consideration of a report on Standing Orders.
4. A copy of that report is attached as **Appendix 2**.
5. The recommendations in the report in respect of 'Chairman and Deputy Chairman of the Standards Committee' and 'Withdrawal of a motion or of an amendment to a motion' recorded as (a) and (b) in Appendix 1, were adopted by the Committee.
6. The recommendation in respect of 'Rescinding of a previous resolution and Suspension of Standing Orders' (Recommendation (c) in Appendix 1), whilst provoking slightly more debate, was nevertheless supported unanimously by members, although further clarification is set out below.

**Rescinding of a previous resolution and Suspension of Standing Orders**

7. There are a number of ways in which the concerns of members on this Standing Order, which resulted in the matter being reported to the Audit and Review Committee, could be addressed.
8. Set out below are options, including those debated by the Committee, which could be introduced either individually, or in combination.
9. To try to assist members, the possible wording of revised Standing Orders is set out in the attached **Appendix 3**.

### Option 1: Calling of Special meeting

10. Members could 'raise the bar' set in Standing Orders that currently permits the calling of a Special meeting by "...at least one quarter of the whole number of members of the Authority...".
11. Whilst this was one element of the concerns that brought the matter before the Audit and Review Committee, it was not considered by members to be the heart of the issue. That was their concern over the ease with which it was possible to suspend Standing Orders.

### Option 2: 'Six month rule'

12. The timescale specified within the current 'six month rule' could be extended. Alternatively, the rule could be abolished. At present Standing Orders prevent a matter being reconsidered for six months. This period could be extended to, for example, nine or twelve months. The Committee has not proposed that there should be any change to this Standing Order.

### Option 3: Suspension of Standing Orders

13. Standing Orders currently state that a motion to suspend Standing Orders requires at least one-half of the membership of the Authority to be present (11 members). The suspension of Standing Orders could, therefore, be decided with the support of as few as six members.
14. The Committee supported the view that, to ensure that there was a significant level of support for any decision to suspend Standing Orders, a decision which should not be taken lightly, that decision should only be approved if such a motion was supported by at least 16 members.
15. This would also ensure that in the subsequent debate on the substantive issue there was likely to be at least 16 members of the Authority present.

### Option 4: Special Resolution on matters debated as a result of the Suspension of Standing Orders

16. A further option could be the addition of a Standing Order to specify the need for a Special Resolution in instances where a matter was being debated as the direct result of the suspension of Standing Orders. [A Special Resolution being one that would require either a significant proportion of the membership to be present and voting and/or one that required more than the normal simple majority to support a proposal, such as the support of 16 members.] This was not an option considered by the Audit and Review Committee, and the concept of a 'Special resolution' is not included in existing Standing Orders.

### **Conclusion**

17. Further consideration of the recommendation of the Audit and Review Committee has highlighted a problem with the proposal (that at least 16 members of the Authority should support the Suspension of Standing Orders). The problem would be in relation to the application of that Standing Order to the Authority's Committees.
18. Members will be aware that the Authority's Committees range in size from 15 down to five members. To require the support of at least 16 members would mean that no Committee could suspend Standing Orders.

19. If members wish Committees as well as the Authority to be able to suspend Standing Orders, that could be achieved by specifying the level of support required to be a % of the membership of the Authority or Committee. The figure of 16 members recommended by the Audit and Review Committee equates to the nearest whole number above 70%.

### **RECOMMENDATION**

20. That consideration be given to the changes to the Authority's Standing Orders as recommended by the Audit and Review Committee and set out in Appendix 1 of this report, subject to the figure of 16 members being replaced by "that number of members equal to the nearest whole number above 70% of the full membership of the Authority or Committee".

**David Butterworth**  
**Chief Executive**

8 November 2007

**AUDIT AND REVIEW COMMITTEE**

**2 November 2007**

**Extract from Draft Minutes**

**52/07      STANDING ORDERS**

CONSIDERED – the report of the Chief Executive.

Members accepted the recommendation in respect of the Chairman (and Deputy Chairman) of the Standards Committee and endorsed the proposal that if the proposer of a motion wished to withdraw that proposal, that in itself should be sufficient and the 'consent' of the Authority should not be required.

A member questioned whether, if the Chairman and Chief Executive had supported the Authority decision to revert to a Planning Committee of 15 members, the proposal to amend Standing Orders in relation to "Rescinding of a previous decision and Suspension of Standing Orders" would have been before members.

The Chief Executive reminded members that any proposals to amend Standing Orders were automatically referred to this Committee for consideration. He stated that his report to the Special meeting of the Authority, at which the decision to revert to a Committee of 15 members had been taken, had, unlike most reports presented to members, deliberately not contained any specific recommendations, but had been an 'options' paper.

The Chief Executive confirmed that member concerns had been raised with him about the suspension of standing orders and the potential for the 'regular' re-consideration of the same issue which under the Authority's current 'rules' would be permissible, but which in terms of practicality and the operation of the Authority would be unacceptable.

Members agreed that the level of support required for Standing Orders to be suspended should be in line with that required for the reconsideration of a previous decision under the 'six month rule'.

**RESOLVED –**

That the Authority be recommended to approve:

- (a) the inclusion of a Standing Order, within Section 1.2 Chairmen of Committees and Sub-Committees, that will require the Authority's Standards Committee to appoint its Chairman (and, if one is appointed, its Deputy Chairman) from amongst the independent members of that committee;
- (b) a revision of Standing Order 2.6(i), to delete the requirement for the Authority to 'consent' to the withdrawal of a motion or of an amendment to a motion; and
- (c) the amendment of Standing Order 4.3(b) to read: "A motion to suspend any of the preceding Standing Orders may only be approved if that motion is supported by at least 16 members of the Authority."

Committee:     **AUDIT AND REVIEW**  
Date:            **2 November 2007**

Report:           **STANDING ORDERS**

### **Purpose of the report**

1. To seek members' instructions on possible amendments to the Authority's Standing Orders.

### **Strategic Planning Framework**

2. The information and recommendations contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework.

### **Background**

2. Paragraph 4.2 of the Authority's Standing Orders states:

*"Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion and shall be referred to the Audit and Review Committee which shall report to the Authority thereon no later than three months from the date of the adjournment."*

A number of issues have arisen over recent months that may require amendments to the Authority's Standing Orders and, therefore, this report is brought to this Committee for initial consideration prior to a report to the Authority.

### **Issues for consideration**

3. The following issues are dealt with in the order in which they appear (or will appear if adopted) in Standing Orders.

(a)     Chairman and Deputy Chairman of the Standards Committee

4. The Local Government and Public Involvement in Health Bill, which is currently completing its passage through Parliament, will require that every Authority's Standards Committee is chaired by one of the independent members. Meanwhile, the Standards Board advises that *"it is good practice for an independent member to chair*

*the standards committee. This promotes confidence in the local arrangements and sends out a strong signal to the public and to members.”*

5. In 2006, when the Chairman and Deputy Chairman of the Authority’s Standards Committee were last elected, both positions were filled by independent members (the only two on the Committee at that time, although that number has since increased to three).
6. Members are asked to consider if the Authority should be recommended that this position should now be adopted on a formal basis. If so, an appropriate Standing Order would be drafted for inclusion within Section 1.2 Chairmen of Committees and Sub-Committees.

Recommendation:

7. That the Authority be recommended to approve the inclusion of a Standing Order, within Section 1.2 Chairmen of Committees and Sub-Committees, that will require the Authority’s Standards Committee to appoint its Chairman (and, if one is appointed, its Deputy Chairman) from amongst the independent members of that committee.

(b) Withdrawal of a motion or of an amendment to a motion

8. Standing Orders currently state that –

*“A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Authority (to be signified without discussion), and after the proposer has asked for consent to its withdrawal, no Member shall speak upon it unless such consent is refused.”*

9. Whilst, in practice, this is a situation that is unlikely to arise, in theory the Authority could decide not to grant its consent to the withdrawal of a motion. That would leave the debate and the motion in something of a state of flux, with a motion on the table that did not have the support of its ‘proposer’, but the withdrawal of which was not supported by the Authority.
10. If a proposer or seconder of a motion (or amendment) indicates that she/he is withdrawing support for it, it is suggested that that alone should be sufficient for the proposal to be withdrawn, unless another member(s) indicates a willingness to ‘replace’ the former proposer or seconder.

Recommendation:

11. That the Authority be recommended to agree to a revision of Standing Order 2.6(i), to delete the requirement for the Authority to ‘consent’ to the withdrawal of a motion or of an amendment to a motion in line with paragraph 10 above.

(c) Rescinding of a previous resolution and Suspension of Standing Orders

12. As members will recall, earlier this year, at a Special meeting of the Authority, members agreed to suspend standing orders to allow the re-consideration of an issue that had been debated and decided upon by the Authority within the preceding six months.
13. At the time of that Special meeting, and following it, concern was expressed by some members about the appropriateness of the Authority's Standing Orders. In particular with regard to the 'ease' with which Standing Orders could be suspended to enable a previous decision to be reconsidered. Logically, it seems very odd that one standing order requires sixteen members (two thirds plus one) of the Authority to sign up to a motion before it can even be considered; whilst that standing order can itself be suspended by a simple majority of members who are in fact present at a meeting. To put the case at its most extreme, a requirement for 16 members could be suspended by a mere six members.
14. There are two elements that members are asked to consider further:
- (i) the "Six-month" rule, which, in brief, prevents the reconsideration within six months of a decision made by the Authority; and
  - (ii) the 'rules' in respect of the suspension of Standing Orders,
- and extracts from the Authority's Standing Orders in respect of the above are set out for members' information in the **Annex** to this report.
15. Are members satisfied that six-months is the 'correct' period within which, under normal circumstances', an earlier decision may not be reconsidered? Having contacted constituent local authorities and other NPAs, only NYCC has a period other than six months, requiring a period of 12 months to elapse before a decision may be reconsidered.
16. There may be a case for 'raising the bar' in respect of how the Authority wishes to address cases where Standing Orders are to be suspended.
17. It has been suggested that in the 'commercial world' it would be likely that a voting majority in the region of two-thirds or three-quarters would be required to suspend Standing Orders. Currently the only additional requirement that the Authority seeks is for there to be "at least one-half of the whole number of the members of the Authority present". At 11, this is only two members more than a 'normal' quorum for an Authority meeting. (This current wording also restricts any of the Authority's committees from suspending Standing Orders if 11 members have to be present.)
18. Members may wish to consider the following options :
- Amending the current Standing Order to require a % (say 70%, which would be 16 members for an Authority meeting) of the membership of the Authority (or Committee) to be present and voting before standing orders may be suspended; and/or

- Adding to the current Standing Order 4.3(a) so that, only for any vote to suspend Standing Order 2.7(d) to enable the 'early' reconsideration of a previous decision, a higher level presence and vote is required.

Recommendation:

19. That, on the basis of the issues and options raised in paragraphs 12 to 18, the Committee considers whether a recommendation should be made to the Authority to:

- amend Standing Order 2.7(d) (re-consideration of previous decisions) to 'extend' the 'six month' rule; and/or
- amend Standing Order 4.3(b) (Suspension of Standing Orders).

**RECOMMENDATION**

That members consider possible changes to Standing Orders and make appropriate recommendations to the Authority.

**David Butterworth**  
**Chief Executive**

24 October 2007

Background documents:      None

*Extracts from the Authority's Standing Orders*

**2.7 Motions and Amendments**

(d) No motion to rescind a resolution which has been passed by the Authority within the preceding six months or which would have the effect of rescinding such resolution or a material part thereof, and no motion to the same effect as a motion which has been rejected within the preceding six months, shall be in order unless the notice thereof as specified in the summons bears, in addition to the name of the Member proposing the motion, the names of two-thirds plus one of the membership at the time of the Authority; and, when any such motion has been disposed of by the Authority, it shall not be competent for any Member to propose a similar motion within a further period of twelve months.

This Standing Order shall not apply to motions that are moved on the recommendation of a Committee by the Chairman or some other Member of the Committee.

**4.3 Suspension of Standing Orders**

(a) Subject to paragraph (b) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.

(b) A motion to suspend any of the preceding Standing Orders cannot be moved unless at least one-half of the whole number of the Members of the Authority are present.

| <b>Option</b>                                | <b>Existing Standing Order</b>  | <b>Optional Revised Version</b>   |
|--|---|---|
| Option 1                                     | (b) A special meeting of the Authority, a Committee or Sub-Committee shall be called on the request of at least <b>one quarter</b> of the whole number of the Members....   | (b) A special meeting of the Authority, a Committee or Sub-Committee shall be called on the request of at least <b>one half plus one</b> of the whole number of the Members....   |
| Option 2                                     | (d) No motion to rescind a resolution which has been passed by the Authority within the preceding <b>six</b> months or which would have the effect of rescinding such resolution or a material part thereof, and no motion to the same effect as a motion which has been rejected within the preceding <b>six</b> months, shall be in order unless... | (d) No motion to rescind a resolution which has been passed by the Authority within the preceding <b>nine</b> months or which would have the effect of rescinding such resolution or a material part thereof, and no motion to the same effect as a motion which has been rejected within the preceding <b>nine</b> months, shall be in order unless...   |
| <b>Option 3</b><br><b>Recommended option</b> | (b) A motion to suspend any of the preceding Standing Orders <b>cannot be moved unless at least one-half of the whole number of the Members of the Authority are present.</b>   | (b) A motion to suspend any of the preceding Standing Orders <b>may only be approved if that motion is supported by at least 16 members of the Authority.</b><br><i>that number of members equal to the nearest whole number above 70% of the full membership of the Authority or Committee</i>   |
| Option 4                                     |   | 4.3(c) No motion on any matter that is being debated only as a direct result of a decision to suspend Standing Orders in accordance with (b) above may not be approved unless<br><br><b>at least 16 members of the Authority are present and voting.</b><br><i>/OR/</i><br><b>that motion has the support of at least 16 members of the Authority.</b><br><br><i>This Option would need to be revised to address the issue of % as in Option 3 above.</i> |