

# Standing Orders



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<b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b>	Scheme of Delegation Northern Ireland Local Government Code of Conduct for Councillors Council Constitution Protocol for Presentations to Council Protocol for the Operation of the Planning Committee Protocol for the Establishment of a Sub-Committee Council Decision Making Process Protocol for Public Questions Protocol for the Recording and operation of Remote Meetings
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## **INTRODUCTION**

Standing Orders are the written rules of the Council. Their primary purpose is to ensure that the business of Mid and East Antrim Borough Council and its Committees is properly regulated and conducted in an efficient, fair and legal manner.

These Standing Orders should be read and applied in conjunction with Council's Scheme of Delegation and Financial Regulations ([Available on Council's website](#)). Where any conflict arises in relation to these documents, the Standing Orders will prevail.

Where there is conflict between the legislation and Standing Orders, legislation will prevail -.

## **1. STANDING ORDERS**

- 1.1 No arrangements shall be made whereby a Committee, Sub-Committee or Officer may exercise any power of the Council to vary, revoke or add to these Standing Orders.
- 1.2 Except where it is recommended by a Committee, any Motion to amend, revoke or add to these Standing Orders, when appropriately proposed, seconded and carried by a majority vote, shall be - adjourned without further discussion to the next Meeting of the Council, and shall be referred to such Committee as the Council shall direct for report to that Meeting.
- 1.3 A copy of these Standing Orders - shall be given to each Member upon receipt of his/her declaration of acceptance of office or as soon as possible thereafter. They shall contain the relevant extracts from enactments regulating the proceedings and business of the Council.
- 1.4 In the interest of transparency and in order to highlight -the governance arrangements for the Council and Committee Meetings to the general public, a copy of Standing Orders will also be available on our website.
- 1.5 In the event of a difference of opinion on the interpretation of any part of the Standing Orders, after a short representation by each concerned party, the ruling of the person presiding at any Meeting shall be deemed to be final and shall not be challenged at that Meeting.
- 1.6 Where the title of Chief Executive is referenced this also includes the title of Clerk.

## **2. MEETINGS**

### **Annual and Six-Weekly Meetings**

- 2.1 In every year which is not a local election year the Council shall hold an Annual Meeting in the month of June.
- 2.2 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 a time agreed by Council at the offices of the Council or at such other place as the Department<sup>1</sup> may direct.
- 2.3 The Council shall normally meet to conduct general business on the six-weekly cycle. An alternative date may be required due to special circumstances. Other Meetings of the Council for the transaction of general business shall be held as the Council considers necessary.
- 2.4 Meetings of the Council shall not take place - on a Public or Bank Holiday, a Saturday or a Sunday.
- 2.5 In the event of any civil emergency<sup>2</sup>, during the pre-election period of heightened sensitivity, or any situation in which urgent actions are required and it is either not reasonably practicable to convene a meeting of Committee or Council, or if any such meetings if called is inquorate, the Clerk & Chief Executive<sup>3</sup>, in consultation with the Group Party Leaders<sup>4</sup> may exercise all or any of the functions of the Council, except those which are reserved to the Council pursuant to Section 7 of the Local Government Act (NI) 2014 and Council's Scheme of Delegation.
- 2.6 The Clerk & Chief Executive will advise the Mayor or appropriate Chairperson of the relevant Committee and any decisions taken pursuant to this Standing Order will be reported to the relevant Committee or Council at the next available meeting. This Standing Order is to be read in conjunction with the Scheme of Delegation. Any decisions taken by the Clerk & Chief Executive or any Chief Officer nominated will be regarded as a Key Decisions as defined in the Standing Orders of Council.

### **Time and Place of Meetings**

- 2.7 The time of the Meeting of the Council or Standing Committee shall be 6.30 p.m. and the time of the Meeting of - the Planning Committee, - shall be at 10.00 a.m. except where either are otherwise fixed by statute or special summons.
- 2.8 All Council and Standing Committee Meetings, will be scheduled to finish not later than 10.30 p.m, except for the Planning Committee. It will be the responsibility of the person presiding at the Meeting, in consultation with the Clerk & Chief Executive or Senior Officer present, to ensure that the orderly and efficient

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<sup>1</sup> Department for Communities

<sup>2</sup> Civil emergency is when Council's Emergency Plan has been activated.

<sup>3</sup> Chief Executive, or any Chief Officer nominated by her.

<sup>4</sup> Consultation with Group Party Leaders may include telephone or email.

completion of Council business is achieved. On occasion this may necessitate the prioritisation of the agenda items in order to ensure that the most important or time bounded issues are concluded during the meeting. NOTE: in relation to the 10.30 p.m. close of business, a 15 minute buffer may be applied in order to assist with the completion of business, by agreement with those present.

- 2.9 As provided for under the relevant legislation, a remote or hybrid Council or Committee meeting can be convened. All Elected Members entitled to vote at the regular Council or Committee meeting will retain full speaking and voting rights. The Protocol for remote meetings is set out in Appendix 7 and forms part of the Council's Standing Orders.

### **Adjournment of Meetings**

- 2.10 The Council or Standing Committee may adjourn any Meeting to a later time on the same day, or to another day and time.
- 2.11 If any Meeting is adjourned to a specified date the re-convened Meeting shall be deemed a continuation of the original Meeting. If a Meeting is adjourned without an agreed date and time to re-convene, any business left unfinished shall be postponed until the next Meeting.
- 2.12 When any Meeting is adjourned to another day, notice of the re-convened Meeting shall be sent by the Clerk & Chief Executive to each Member of the Council or Standing Committee. Normally, only business which was included in the notice convening the original Meeting of which it is an adjournment shall be transacted.
- 2.13 Additional business may be considered where notice of such business has been delivered or sent by the Clerk & Chief Executive to each Member of the Council or Standing Committee at least three working days prior to such Meetings.

### **Convening Special Council Meetings**

- 2.14 The Mayor - may call a Meeting of the Council at any time, giving five working days' notice or two working days' notice in the event of the emergency plan being activated.
- 2.15 If the Mayor receives a requisition from five Members of the Council he/she must call a Meeting of the Council within 14 days from the date on which the requisition is served. If he/she
- refuses to call such a Meeting; or
- does not call such a Meeting within seven days from the date on which the requisition is served then five Members may on that refusal or on the expiration of the seven days call a Meeting of the Council.

## **Notice and Summons of Meetings**

- 2.16 A physical and electronic notice of the time and place of a meeting of the Council, a Standing Committee shall be published at least three working days before the Meeting in a public area of the Council headquarters, The Braid<sup>5</sup>.
- 2.17 Where the Meeting is called by five Members, the notice shall be signed by them and shall specify the proposed business of the Meeting.
- 2.18 A summons<sup>6</sup> to attend the Meeting, specifying the proposed business and signed by the Clerk & Chief Executive shall be issued to every Member.
- 2.19 In extraordinary circumstances should over one half<sup>7</sup> of Members not receive the summons within three working days, the Chairperson of the Meeting may at their discretion postpone and reconvene the Meeting at a later date.
- 2.20 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 relevant summons and agenda. The agenda for meetings will be developed by Democratic Services and agreed with the Chief Executive Officer and/or the Director on the Chief Executive Officer's behalf, and approved by the Chair prior to publication.
- 2.21 Items and accompanying reports should be provided to Members from the date of the summons until the meeting day. In exceptional circumstances, item and their accompanying reports should only be added to the agenda with the permission of the Chair. Members of the Council or relevant Committee will also be notified of the amendment, after agreement from the Chair.

## **Chair to be Taken**

- 2.22 At each Meeting of the Council, the Chair shall be taken at the time for which the Meeting is convened, and business immediately commenced. (NOTE: the reading of the Notice of Meeting by the Chief Executive or Senior Officer in attendance will officially commence Meeting proceedings).

## **Allocation of Seats**

- 2.23 Seating of Members in the Council Chamber shall be determined by mutual agreement between the political parties and any independent Members. Where agreement cannot be reached this will be resolved by a simple majority vote.

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<sup>5</sup> Notice will also be published in Carrickfergus Civic Centre and Larne Market Yard

<sup>6</sup> Including an electronic summons

<sup>7</sup> i.e. 21 members



### **Chairperson of Meeting – Full Council**

- 2.24 At a Meeting of the Council the Mayor, if present, shall preside.
- 2.25 If the Mayor is absent from a Meeting of the Council, the Deputy Mayor, if present, shall preside.
- 2.26 If both the Mayor and Deputy Mayor are absent from a Meeting of the Council, the nominating Officer of the political party whose Member is Mayor shall nominate a Member to preside in their absence.
- 2.27 If the nominating Officer does not nominate, a Member of the Council nominated and chosen by the Members present must preside.
- 2.28 If discussion arises on the allocation of the position of Chairperson, the Clerk & Chief Executive or Senior Officer shall exercise the powers of the Chairperson to assist in the regulation of that discussion.
- 2.29 Any power of the Mayor in relation to the conduct of a Meeting may be exercised by the person presiding at the Meeting.

### **Chairperson of a Meeting – Standing Committee**

- 2.30 At a Meeting of a Standing Committee, the Chairperson of the Committee, if present, shall preside.
- 2.31 If the Chairperson is absent from the Meeting, the Vice Chairperson, if present, shall preside.
- 2.32 If both the Chairperson and Vice Chairperson are absent from the Meeting, the nominating Officer of the political party whose Member is Chairperson of the Standing Committee shall nominate a Member to preside in their absence.
- 2.33 If the nominating Officer does not nominate, a Member of the Council nominated and chosen by the Members present must preside.
- 2.34 If discussion arises on the allocation of the position of Chairperson, the Clerk & Chief Executive or Senior Officer shall exercise the powers of the Chairperson to assist in the regulation of that discussion.
- 2.35 Any power of the Chairperson of the Standing Committee in relation to the conduct of a Meeting may be exercised by the person presiding at the Meeting.

## **Quorum**

- 2.36 Subject to Standing Order 2.41 no business shall be transacted at a Meeting of the Council or Standing Committee unless at least one-quarter of the whole number of Members are present or one half of membership of the Audit & Scrutiny Committee and Standards Committee or three members for the Personnel Committee.
- 2.37 If during a Meeting that Meeting becomes inquorate, the person presiding shall call a 15 minute recess.
- 2.38 If following the 15 minute recess the person presiding deems it is unlikely that a quorum will be re-established within a reasonable time, he/she shall declare the Meeting adjourned.
- 2.39 Any uncompleted business on the agenda of a Meeting adjourned under Standing Order 2.38 shall be tabled for discussion at the reconvened Meeting, as per Standing Orders.
- 2.40 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. The Decision Making Process (attached as Appendix 6) should be considered to aid Members.

## **Record of Attendance at Meetings**

- 2.41 The names of the Members present at a Meeting will be recorded in the Minutes and a record shall be kept showing the number of Meetings attended by Members.

### **Admission to Meetings**

- 2.42 Subject to provisions of this Standing Order, every Meeting of the Council and Standing Committee shall be open to the public.
- 2.43 The public and the press may attend only in those parts of the Council Chamber specifically provided for their accommodation. Exceptions relate to their exclusion from the meeting in accordance with the provisions of Standing Orders 2.44 to 2.47 or as required by the Council to comply with the provisions in relation to fire safety and health & safety.
- 2.44 The admission of the public and the press is upon the understanding that they must continue at all times to be seated and not interrupt or in any way obstruct the transaction of Council or Standing Committee business. If this Standing Order is ignored the Chairperson shall request the relevant person(s) to moderate or improve their behaviour. If this request is ignored the Chairperson may direct the removal of the person(s) from the Meeting as per Standing Orders 15.1 and 15.2.
- 2.45 At all times during which a Meeting of the Council is open to the public, accredited representatives of the press/media shall be provided with reasonable facilities for the taking of their report of all or part of the Meeting at which they are entitled to be present.
- 2.46 Taking photographs or recording 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 any oral or digital report of any proceedings as they take place shall be prohibited unless expressly permitted by Council
- 2.47 Any Elected Member who is not a member of a particular Committee or Sub-Committee is free to attend. Speaking rights may be afforded the Member provided the point raised relates to the business under discussion. He/she may be allowed to remain present during the transaction of an item of business where confidential information may be disclosed. They are not permitted to vote.

### **Exclusion from Meetings – Closed Council or Committee**

One of Mid and East Antrim Borough Council's core values is "Integrity – to support a spirit which enables honesty, accountability and trust throughout". Council can demonstrate this through open and transparent decision making.

This must be balanced with the Council's legislative responsibilities under the Part 1, Schedule 6, Local Government (Northern Ireland) Act 2014, Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 (EIR), Data Protection Act 1998 and the General Data Protection Regulations 2018 (GDPR).

If any part of the information disclosed falls under those prescribed exemptions it must be discussed in Closed Council and as such any members of the public and press present will be excluded from the Meeting and broadcasting ceased.

Guidelines have been developed to support Lead Officers in determining which agenda items should be indicated for closed Council, however, the decision to go into closed session is for Council by simple majority vote.

- 2.48 The public shall be excluded from a Meeting of the Council or Standing Committee 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.
- 2.49 The Council may by resolution exclude the public from a Meeting of the Council or Committee (whether during the whole or part of the proceedings at the Meeting).
- 2.50 The resolution to exclude the public from a Meeting of the Council or Committee will be for such special reasons as may be predetermined on the agenda or specified in the resolution, being reasons arising from the nature of the business to be transacted or the proceedings at the Meeting.
- 2.51 The Council or Committee, having excluded the public, shall only consider the matter referred to it by 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 consider such additional matters as may be deemed desirable.
- 2.52 The Council or Committee, having excluded the public, shall not have the power to adjourn its own sitting or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council or Committee may be resumed and a Member of the Council may move that the Council or Committee again exclude the public on a future day to deal with that business.
- 2.53 When a Committee, 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.
- 2.54 The Mayor or 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 meeting, or order the meeting room to be wholly cleared of members of the public.

## **Deputations**

- 2.55 Deputations, from any source, shall normally be admitted to address the Council or relevant Standing Committee provided the Clerk & Chief Executive has received **15 working days'** notice of intended Deputation and a statement of its objective. The Clerk & Chief Executive will assess the Deputation in accordance with the Protocol for the acceptance of applications to present to Council and Council Committees (attached as Appendix 2). Please note, representations to the Planning Committee will operate under the Protocol for Operation of the Planning Committee (attached as Appendix 3).
- 2.56 The Deputation shall be confined to the presentation of a statement, or copy of resolutions, and no more than two short addresses will be permitted by any two members of the Deputation. The totality of the address(es) may not exceed **10 minutes**, unless the Council/Committee decide that the Deputation is of strategic significance in which cases the time allowed will be at the discretion of the Council/Committee.
- 2.57 Deputations should not be repetitive and where possible, issues of a similar or linked nature should be contained in one Deputation. Where a Deputation has made a presentation to the Council, the Council may decline to accept another Deputation on the same issue from the same individual or group for a period of six months.

## **Order of Business - Council**

2.58 -The order of business at every Meeting of the Council shall normally be as follows subject to any statutory requirements to the contrary:

### **Open Council**

1. Formalities and Announcements
  - 1.1 Notice of Meeting
  - 1.2 Apologies
  - 1.3 Declarations of Interest
  - 1.4 Minutes of Council meeting
  - 1.5 Mayor's announcements
2. Questions
  - 2.1 Members
  - 2.2 Public
3. Minutes of Committee Meetings
4. Policy Framework and Budget
  - 4.1 Updates /new strategies or policies
  - 4.2 Performance
5. Strategic issues
6. Items for Decision – Open Council
7. Motions
8. Sealing
9. Strategic Issues – Closed Council
10. Items for Decision – Closed Council

## **Order of Business – Committee**

2.59 -The order of business at a Meeting of a Standing Committee shall be as follows, subject to any statutory requirements to the contrary:

1. Notice of Meeting
2. Apologies
3. Declarations of Interest
4. Items for Consideration / Decision
5. Items for Recommendation to Council
6. Items for Noting
7. Tabled questions
8. Items for Consideration / Decision - Closed Committee
9. Items for Recommendation to Council – Closed Committee
10. Items for Noting – Closed Committee
11. Forward Plan

## **Order of Business – Planning Committee (Cross-Reference the Protocol for Operation of Planning Committee)**

2.60 Subject to any statutory requirements to the contrary, the order of business at every Meeting of the Planning Committee shall be as follows:

1. Notice of meeting
2. Apologies
3. Declaration of interests
4. Introduction of Members and Officers
5. Minutes of Previous Planning Committee
6. Schedule of Planning Applications
7. Local Development Plan
8. Planning Appeals Update
9. Items for Consideration and Decision
10. Notifications

### **3. MINUTES OF PROCEEDINGS**

#### **Keeping Minutes as evidence etc.**

- 3.1 Action Minutes of the decisions of a Meeting of the Council, or a Committee, shall be drawn up and kept by the Clerk & Chief Executive in line with the Protocol for the recording and operation of remote Meetings, Appendix 6, as applicable. Minutes of meetings will be condensed, reflecting key points and succinct actions to be taken. The written record of Council decisions includes the reports, background papers or other documents forming part of those decisions. Action Minutes will reflect a record of the decisions made and the reasons for the decisions.
- 3.2 No discussion shall take place upon the Minutes of Council except upon their accuracy.
- 3.3 Any signed minute referred to in Standing Order 3.1 shall be received in evidence without further proof.
- 3.4 Until the contrary is proved, a Meeting of the Council or of a Committee or Sub-Committee in respect of the Minutes which have been made and signed shall be deemed to have been duly convened and held. All the Members present at the Meeting shall be deemed to have been duly qualified, and where the proceedings are 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 matter referred to in the Minutes.

#### **Signing Minutes**

- 3.5 The Minutes of a Meeting of the Council and Standing Committees shall be signed at the next Meeting of the Council by the Chairperson, if approved by that Meeting.

#### **Submission of Minutes**

- 3.6 The Council will not consider Minutes of a Committee Meeting for approval if that Meeting is held less than five working days before the date of the Council Meeting. This may be dis-applied where a Committee considers the matter to be of extreme urgency and records such a decision in its minutes.
- 3.7 The Clerk & Chief Executive will also make available a decision log within five working days of the Council or Committee Meeting.
- 3.8 When a Committee's Minutes are submitted for approval the Chairperson of that Committee, or his/her representative, shall draw the Council's attention to any resolution or matter of an unusual or special character of those Minutes.



### **Minutes of Committees**

- 3.9 A Motion or Amendment shall not be made or proposed, or any discussion allowed on the Minutes of Committees on any matter within the remit of a Committee, for which they exercised delegated powers.
- 3.10 The minutes of a Committee referencing decisions taken under delegated authority will be approved for accuracy, the minutes adopted and the decision noted.
- 3.11 The minutes of a Committee referencing recommendations to Council will be approved for accuracy, the minutes adopted and any recommendations to Council may then be ratified as a decision of Council.
- 3.12 Council may choose to adopt and approve the minutes of a Committee or amend a recommendation of a Committee or refer a matter back to a Committee however any **regulatory** decisions taken by the Planning Committee or the Neighbourhoods and Communities Committee under delegated powers cannot be amended or referred back to Committee.
- 3.13 Any Member wishing to raise an issue regarding any matters appearing in the Minutes submitted to Council for approval must state his/her request in writing to the Clerk & Chief Executive, or relevant Director or Head of Service, to ensure it is received by the Chairperson of the Committee twenty-four hours before the commencement of the Council Meeting. The Member shall then be entitled to a reply from the Chair of the particular Committee.
- 3.14 If an issue is raised at the Meeting regarding any matter in the Minutes, without written notice, discussion of that issue shall only be permitted at the discretion of the Mayor, or in their absence the Deputy Mayor or presiding Member of Council.
- 3.15 Any matter in the Minutes of a Committee on which a request for reconsideration under Section 41 of the 2014 Act (Call-in) has been lodged with the Clerk & Chief Executive of the Council shall be identified and will not be the subject of discussion at that meeting.

#### **4. MOTIONS (RULES OF DEBATE IN STANDING ORDER 7 APPLY)**

A motion is about a matter for which the Council has a responsibility or which affects the Borough. It is put before a Council meeting for discussion or debate. The motion can be to adopt a certain course of action, to do an act or to declare a particular attitude.

Following agreement at Council, where relevant, all Notices will be subject to a robust assessment in order to ensure all procedural, ~~and~~ legal and financial issues are fully addressed. This assessment process will be carried out by the Clerk & Chief Executive, supported by the relevant senior officers and/or legal advice. –This information will be brought back to Council or Committee for final approval.

##### **4.1 Every Motion shall:**

- (a) be relevant to some matter in relation to which the Council has power or duties;  
or
- (b) relate to a matter which directly affects the local government Borough or its residents.

##### **4.2 The Council shall not consider or discuss any Motion relating to matters which are:**

- (a) ultra vires the duties and responsibilities of the Council; or
- (b) outside the legal competence of the Council<sup>8</sup>.

This will be determined by the Clerk & Chief Executive, or Director, and the proposer and seconder of the motion will be notified by the Chief Executive in writing.

#### **On Notice**

##### **4.3 Notice of every Motion, other than a Motion which may be moved without notice (under Standing Order 4.11), shall be submitted in writing (which includes electronic correspondence<sup>9</sup>) under Standing Order 4.1.**

It must be signed by the Members of the Council giving the notice and submitted to the Clerk & Chief Executive a minimum of five working days before the next Meeting of the Council.

The meaning of the Motion must be clear otherwise it shall be rejected. If rejected it can be resubmitted in clear language but not later than five working days before the Meeting.

##### **4.4 A Motion shall be rejected if the wording or nature of the Motion is considered unlawful or improper.**

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<sup>8</sup> The Clerk and Chief Executive should seek legal advice if necessary.

<sup>9</sup> Electronic correspondence must be from the Elected Member's designated Council email address.

- 4.5 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.
- 4.6 A Notice of Motion shall be entered by the Clerk & Chief Executive in their proper place upon the summons paper in the order in which they are received, subject to compliance with the Protocol to Assess and Process a Notice of Motion. The Clerk & Chief Executive will not ordinarily accept more than two notices per meeting.
- 4.7 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/her behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 4.8 If the subject matter of any Motion for which notice has been properly given comes within the remit of any Committee it shall, upon being appropriately proposed, - and seconded and carried by majority vote be- referred without discussion to that Committee, or to such other Committee as the Council may determine, for consideration and report. The presiding Chairperson may, if he/she considers it urgent and necessary to the completion - of business, allow the Motion to be dealt with at the Meeting at which it is brought forward.
- 4.9 If a Notice of Motion fails to be considered at a Meeting of the Council, it will only be included on the summons paper for the following Meeting if submitted in writing to the Clerk & Chief Executive by the Member concerned and not later than five working days before the next Council Meeting.
- 4.10 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, unless in exceptional circumstances.

#### **Without Notice**

- 4.11 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 on the agenda;
  - d) To refer an issue(s) 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 of adoption of recommendations of Committees or Officers and any resolutions flowing from them;
  - g) To withdraw a Motion;
  - h) To proceed to next business;
  - i) That the question be now put;
  - j) To adjourn the debate;
  - k) To adjourn a Meeting;
  - l) To suspend Standing Orders, in accordance with Standing Order 16;

- m) To exclude the public and the press in accordance with S42 of 2014 Act; and
- n) To not hear further a Member named under Standing Order 14.3 or to exclude them from the Meeting under Standing Order 14.4.

## **5. AMENDMENTS**

- 5.1 When a Motion or a proposal 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.

### **To Amend the Proposal**

- 5.2 An Amendment must be legitimate and within the scope of the notice convening the Meeting. It must not be a direct negative and must be relevant to the proposal which it seeks to amend. It also cannot be inconsistent with anything already agreed upon at the same Meeting. An Amendment must relate solely to the proposal, and not be, in effect, a new proposition on a different matter. It must also not place a greater responsibility on the Meeting than the original proposal.
- 5.3 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 others; or
  - d) To insert additional words;
- but such omission, insertion or addition of words shall not have the effect of directly negating the Motion before the Council.
- 5.4
- a) When an Amendment upon an original proposal has been moved, the question to be put shall be "That the Amendment be made".
  - b) Where any Amendment is agreed, the question to be put shall be "That the proposal, as amended, be agreed".
  - c) Where any Amendment is rejected the question of the substantive proposal shall be put.

### **That the Council do Now Adjourn**

- 5.5 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 by another Member who has also not spoken on the proposal or amendment. The proposal does not need to be submitted in writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.

- 5.6 In the event of the proposal for the adjournment being carried, the Chairperson shall (unless stated in the proposal) notify members within two working days the date for the adjourned Meeting for the continuation of the debate on the proposal or Amendment under discussion, and for the transaction of the remaining business (if any) on the agenda for the Meeting so adjourned.
- 5.7 If the proposal is not carried, 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.

#### **That the Debate be Adjourned**

- 5.8 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 by another Member who has also not spoken on the proposal or amendment. The proposal does not need to be submitted in writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- 5.9 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, a maximum of 2 minutes, subject to the discretion of the Chair, such time limit may be extended which will not prejudice the right of the mover of a proposal to reply on the original question, the Chairperson presiding shall put the proposal for adjournment of the debate without further debate.
- 5.10 If the proposal is carried, the Council shall proceed to the next agenda item, 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.
- 5.11 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.

### **That the Question be Now Put**

- 5.12 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 by another Member who has also not spoken on the proposal or amendment. The proposal does not need to be submitted in writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- 5.13 If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he/she shall put the proposal “that the question be now put” to the vote without debate. If this proposal is carried, the proposal or Amendment under discussion shall be put to the Council.
- 5.14 If the proposal is not carried, a second proposal “that the question be now put” shall not be made on the discussion of the same question within half-an-hour.
- 5.15 The - Member who proposed or seconded “that the question be now put” at 5.12 shall not move or second - a further proposal “that the question be now put” on the discussion of the same question.

### **That the Council do Now Proceed to the Next Business**

- 5.16 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 by another Member who has also not spoken on the proposal or amendment. The proposal does not need to be submitted in writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.
- 5.17 If the Chairperson is of the opinion that the subject before the Council has been sufficiently discussed, he/she shall put the proposal “that the Council do proceed to the next business” to the vote without debate. -
- 5.18 When a proposal is carried “that the Council do proceed to the next business”, the question under discussion shall be considered as dropped.
- 5.19 If the proposal is not carried, a second proposal “that the Council do proceed to the next business” shall not be made on the same question within half-an-hour.
- 5.20 The Member who proposed or seconded “that the Council do proceed to the next business” shall not move or second - a further proposal “that the Council do proceed to the next business” on the discussion of the same question.

### **Amendment to Regulatory Decisions**

5.21 No Amendment may be moved to a Minute which is a Regulatory Decision.

5.22 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 a local planning authority; or
- any application for which the Council is the licensing authority; or
- any decision made in relation to Council's regulatory functions<sup>10</sup>.

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<sup>10</sup> Please reference Protocol for the Operation of the Planning Committee provided as an appendix to Standing Orders.

## **6. QUESTIONS – Elected Members**

- 6.1 This Section refers to questions which require research and verification of facts.
- 6.2 Any Member requiring further information regarding any matters appearing in the Reports of Committees submitted to the Council for approval should state his/her request in writing to the Clerk & Chief Executive or relevant Director or relevant Assistant Director or Head of Service three working days in advance of the meeting date. This is to ensure that it shall be in the hands of the Chairperson of the Committee forty-eight hours (two working days) before the commencement of the Council Meeting. Any such request should be entitled to a reply when the proceedings are submitted.
- 6.3 A Member may, if three working days' notice in writing has been given to the Clerk & Chief Executive, ask the Mayor of the Council, or the person presiding at any Committee, any question on any matter in relation to which the Council has powers or duties or which directly affects the Borough. Questions should be concise, deal with one issue as a single issue and be relevant to the business of the Committee. In exceptional circumstances, more than one question may be submitted by a Member.
- 6.4 Every question shall be put and answered without discussion but the person to whom a question has been put may not be in a position to answer. If this is the case Standing Order 6.6-(d) shall be followed. If the person presiding permits, the Member asking a question may ask one relevant supplementary question which shall be put and answered without discussion. Any follow-up question must be in the context of the primary question.
- 6.5 If the person presiding at a Meeting considers that, due to special circumstances it is desirable that a question shall be asked at that Meeting, although due notice of the question has not been given, and if he/she is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he may permit the question to be asked.
- 6.6 An answer to a question may be given by the person to whom it is addressed or by a person on his behalf, and may take the form of:
- a) A direct oral answer;
  - b) A written response;
  - c) A reference to information contained in some publication; or
  - d) An answer will be provided to Members at the next appropriate Council or Committee Meeting.
- 6.7 Every question shall be relevant to some matter in relation to which the Council has functions.



## **7. RULES OF DEBATE**

- 7.1 The rules of debate apply to all Council business. A Motion refers to any proposal, recommendation or matter formally submitted to Council with possible adoption as a resolution.

### **Mode of Address**

- 7.2 The established mode of address is for a Member to speak clearly from their allocated position when addressing the Mayor or Chairperson. While a Member is speaking, the other Members should show respect and rise only to make a Point of Order or in personal explanation.

A Member shall direct his/her speech to the Motion or matter under discussion or to a personal explanation or to a Point of Order.

### **Precedence in Speaking**

- 7.3 Whenever two or more Members indicate to speak, the Chairperson shall decide who has precedence and call them in order.

### **Place of Member Speaking**

- 7.4 A Member when addressing the Chairperson shall speak clearly from the place allocated to him/her in the Council Chamber.

### **Addressing the Council**

- 7.5 Normally only Council Members shall address the Council. The Council may give consent to non-Members to make an address-to it.

### **Chairperson Rising During Debate**

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

### **Points of Order**

- 7.7 If any Member is called to order while speaking he/she shall give way immediately. When the point of order has been disposed of, the Member may resume his/her address to Council.
- 7.8 A Point of Order shall relate only to an alleged breach of a Standing Order or statutory provision. The Member raising the Point of Order<sup>11</sup> shall specify the Standing Order or provision and indicate the way in which he/she considers it has been broken.
- 7.9 A Member may raise a Point of Order and shall be entitled to be heard immediately.

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<sup>11</sup> A point of order refers to an interjection by a Member who does not have the floor to call to the Chairperson's attention an alleged breach of the Standing Orders.

7.10 The ruling of the Chairperson on a Point of Order shall not be open to discussion.

### **Motions and Amendments to be Submitted in Writing and Seconded**

7.11 A Motion or Amendment shall not be discussed unless it has been proposed and seconded. Also, unless notice has already been given in accordance with Standing Order 4.3, 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.

7.12 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.

### **Alteration of Motion**

7.13 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.

7.14 A Member may alter a Motion which he/she has moved without giving notice with the consent of the Meeting and the seconder. The Meeting's consent will be signified without discussion.

7.15 Only alterations which could be made as an Amendment may be made.

### **Withdrawal of Motion**

7.16 A Member may withdraw a Motion of which he/she has given notice under Standing Order 4.3 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.

7.17 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.

7.18 No Member may speak on the Motion after the mover has asked permission to withdraw it unless permission is refused.

### **Member Shall Not Speak More Than Once**

7.19 A Member who has spoken on any Motion shall not speak again whilst it is the subject of debate, except:

- a. At the Chairperson's discretion;
- b. To speak once on an Amendment moved by another Member;
- c. If the Motion has been amended since he/she last spoke, to move a further Amendment;
- d. 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;

- e. In the exercise of a right of reply given by Standing Order 7.25;
- f. On a Point of Order.

### **Duration of Speeches**

- 7.20 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 not more than five minutes. Any other Member shall not speak for more than 5 minutes.

### **Only One Motion/Proposal/Amendment May be Moved and Discussed at a Time**

- 7.21 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.
- 7.22 If an Amendment is not carried, other Amendments to the original Motion may be moved.
- 7.23 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.

### **Chairperson Not to Receive Motion for Direct Negative**

- 7.24 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.

### **Mover's Right of Reply**

- 7.25 The mover of a Motion has a right to reply at the close of the debate on the Motion and on any amendment to the Motion. The Member will speak for no more than 5 minutes in each case. He/she shall not otherwise speak on the Amendment. The mover of the Amendment shall have no right of reply to the Amendment debate.

## **8. VOTING**

### **Majority**

- 8.1 Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those Members present and voting.
- 8.2 Regular voting will be taken by a show of hands of those Members present and voting, except resolved otherwise.
- 8.3 Any Member may request a recorded vote during debate and prior to a vote being taken. -. The record shall show whether each Member present and voting gave their vote for or against that question or abstained.

### **Chairperson's Casting Vote**

- 8.4 If there are an equal number of votes for and against, the Chairperson will have a second (i.e. casting) vote.

### **Qualified Majority (Mandatory)**

A qualified majority is defined in the Local Government (Northern Ireland) Act 2014, S40(2) as "80 per cent of the votes of the Members present and voting on the decision".

This section applies to Standing Committees as well as Full Council.

- 8.7 A qualified majority shall be required in relation to the Council's decision on
  - a) The adoption of executive arrangements or prescribed arrangements as the Council's form of governance (section 19, 2014 Act);
  - b) The method to be adopted for the filling of positions of responsibility (Schedule 1, 2014 Act);
  - c) The method to be adopted for appointing Elected Members to Committees (Schedule 2, 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.

## **9. CALL-IN PROCESS (MANDATORY)**

The Local Government (Northern Ireland) Act 2014 S41 requires the Council's Standing Orders to "make provision requiring reconsideration of a decision if 15 per cent of the Members of the Council (rounded up to the next highest number if necessary)" present to the Clerk & Chief Executive a requisition on either or both of the following grounds:

- a) That the decision was not arrived at after a proper consideration of the relevant facts and issues;
- b) That the decision would disproportionately affect adversely any section of the inhabitants of the district.

### **Decisions Subject to Call-In**

- 9.1 The following decisions may be subject to Call-In in such a manner as is specified in these standing orders:
  - a) A decision of the Council;
  - b) A key decision taken by an Officer or Officers of the Council;
  - c) A decision taken by a Committee under delegated authority in accordance with section 7 of the 2014 Act;
  - d) A decision taken by a Committee to make a recommendation for ratification by the Council; and
  - e) A decision of the Council other than a decision to ratify a recommendation of the Committee.
- 9.2 The following decisions shall not be subject to Call-In:
  - a) A decision which is deemed to be the case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;
  - b) A decision where an unreasonable delay could be prejudicial to the Council's or the public's interest;
  - c) A decision taken by an Officer or Officers which is not a key decision;
  - d) A decision by the Executive which serves only to note a report from or the actions of an Officer or Officers.
- 9.3 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.

## **Call-In Admissibility**

- 9.4 A Call-In must be submitted in writing to the Clerk & Chief Executive by 10am on the fifth working day following publication of the Decision Log to which the Call-In relates. If a Call-In is received after the specified deadline, it must be deemed inadmissible.
- 9.5 A Call-In shall:
- a) Specify the reasons why a decision should be reconsidered; and
  - b) Subject to Standing Order 9.8, be deemed inadmissible if the reasons are not specified.
- 9.6 Where reasons have not been specified on the requisition, the Clerk & Chief Executive must notify the Members making the requisition that it must be considered inadmissible unless reasons are specified in writing within the deadline.
- 9.7 In the case of a Call-In submitted under section 41(1)(b) of the 2014 Act, Members must state in reasons specified under Standing Order 9.5:
- a) The section of inhabitants of the Borough that would be affected by the decision; and
  - b) The nature and extent of the disproportionate adverse impact.
- 9.8 Within one working day of receipt of a Call-In, the Clerk & Chief Executive must confirm that:
- a) It has the support of 15% of the Members of the Council<sup>12</sup>; and
  - b) The reasons for the Call-In have been specified.
- 9.9 Within one working day of receipt of an admissible Call-In submitted under section 41(1)(b) of the 2014 Act, the Clerk & Chief Executive must seek the opinion of a practising Solicitor or Barrister in accordance with section 41(2) of the 2014 Act.
- 9.10 Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the Call-In has merit, the Clerk & Chief Executive 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 qualified majority.
- 9.11 Where the legal opinion in accordance with section 41(2) of the 2014 Act indicates that the Call-In does not have merit, the Clerk & Chief Executive must:
- a) Furnish the opinion to Members; and

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<sup>12</sup> 15% of 40 members is 6

- b) Make arrangements for the decision to be implemented or tabled for ratification by the Council, as appropriate.

### **The Call-In Process: Committee Arrangements**

- 9.12 For the purposes of reconsideration of a decision pursuant to a Call-In the Decision Log of a Committee which records a decision:

- a) Taken under delegated authority; or
- b) For ratification by the Council

must be published within five working days of the conclusion of the Meetings.

The date of publication must be regarded as the date of publication for the purposes of Call-In.

- 9.13 If a Call-In is not received by the deadline specified in Standing Order 9.4, the decision specified in:

- a) Standing Order 9.12 (a) must be implemented;
- b) Standing Order 9.12(b) must be tabled for ratification by the Council.

- 9.14 The tabling for ratification of a decision specified in Standing Order 9.12(b), or a decision specified in Standing Order 9.12(a), must be postponed (unless the total level of support for the Call-In falls below 15% 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.

- 9.15 If an admissible Call-In is made in accordance with Standing Orders 9.4 and 9.5 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 original decision-making Committee whose decision is subject to Call-In.

- 9.16 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 Standing Order 9.15.

- 9.17 The Member 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.

- 9.18 A Committee appointed in accordance with Standing Order 9.15 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 Council.

9.19 Where a decision has been supported in accordance with Standing Order 9.18(b), that decision must:

- a) Be approved;
- b) Be inserted into the Register of Decisions; and
- c) Become operative from the date of the Meeting at which the Committee appointed in accordance with Standing Order 9.15 confirmed support for the decision.



## **10. POSITIONS OF RESPONSIBILITY<sup>13</sup>, etc. – TIME LIMITS (MANDATORY)**

- 10.1 Subject to Standing Order 10.2, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) of Schedule 1 of 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.
- 10.2 An extension to the period specified in Standing Order 10.1 may be granted subject to the approval of the Council. Such an extension may be requested by
- a) The nominating Officer;
  - b) The person nominated to hold the selected position; or
  - c) Another Member.

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<sup>13</sup> Local Government (Northern Ireland) Act 2014, Part 3, S6(1) – In relation to a Council the following are positions of responsibility:

- a) Chair of the Council;
- b) Deputy Chair of the Council;
- c) Chair of any Committee of the Council;
- d) Deputy Chair of any Committee of the Council;
- e) Member of a cabinet style executive of the Council;
- f) External representative of the Council.

A list of the Council's position of responsibility is maintained by the Clerk & Chief Executive and is made available as an appendix to the Standing Orders.

## **11. APPOINTMENT OF MORE THAN ONE COMMITTEE (MANDATORY)**

- 11.1 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.
- 11.2 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.
- 11.3 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 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.
- 11.4 Nominations made in accordance with Standing Order 11.3 shall take into account any positions of responsibility on a Committee held by a Member who stood in the name of the party.
- 11.5 Allocation of Committee places will ordinarily be made at the first Annual Meeting in an election year for the ensuing year until the next Annual Meeting.

## **12. RESCISSION OF A PRECEDING RESOLUTION**

- 12.1 A motion to amend or rescind a decision of the Council or the Committee shall not be valid within six months from the date of such decision unless:-
- a) the motion shall be brought forward as a recommendation of the Committee or Full Council concerned; or
  - b) the notice shall bear, in addition to the name of the Member who submits the motion, the signatures of at least one-quarter of the total number of Members of the Council<sup>14</sup>.

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<sup>14</sup> i.e. 10 councillors

**13. COUNCIL SEAL**

13.1 The seal of the Council shall be affixed to a document only on the authority of:-

- (a) resolution of the Council;
- (b) a resolution of a Committee which the Council has empowered to authorise the use of the seal;
- (c) a decision by the Council, or by a duly authorised Committee or Officer, to do anything where a document under the seal is necessary to complete the action.

13.2 The affixing of the seal shall be attested by the Mayor or Deputy Mayor and the Clerk & Chief Executive or Deputy Chief Executive or Director.

## **14. MEMBERS' CONDUCT**

### **Speaking**

- 14.1 When a Member speaks to the Council they must speak from the place allocated to them and address the Meeting through the Chairperson. If more than one Member wishes to speak, the Chairperson will ask one to speak and the others must wait.

### **Chairperson Standing**

- 14.2 When the Chairperson speaks during a debate, any Member speaking at the time must give way. The Meeting must be silent.

### **Member Not to be Heard Further**

- 14.3 If at a Meeting any Member of the Council engages in misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council, the Chairperson or any other Member may move "that the Member named be not further heard" within this debate. The Motion, if seconded, shall be put and determined without discussion.

### **Member to Leave the Meeting**

- 14.4 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.

### **General Disturbance**

- 14.5 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 the question being put to Members, adjourn the Meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

## **15. DISTURBANCE BY THE PUBLIC**

Where a member(s) of the public causes a disturbance this may impact on the Council's ability to conduct its business and the following Standing Order provides a mechanism to deal with such a disturbance.

### **Removal of a Member of the Public**

- 15.1 If a Member of the public interrupts proceedings, the Chairperson will warn the person concerned that their behaviour is not acceptable and will be asked to leave if they continue.
- 15.2 If they continue to interrupt, the Chairperson will order their removal from the Meeting room.
- 15.3 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.

## **16. SUSPENSION AND AMENDMENT OF STANDING ORDERS**

- 16.1 A Member may move a Motion for the suspension of one or more of the Council's Standing Orders. A Motion under this Standing Order shall require the support of a qualified majority vote<sup>15</sup> within the meaning of section 40 of the 2014 Act.
- 16.2 Suspension can only be for the duration of the Meeting and the Minutes of the Meeting must record the reason for the suspension.
- 16.3 Mandatory Standing Orders may not be suspended by Council.

### **Amendment**

- 16.4 Any Motion to, add to, vary or revoke these Standing Orders will, when appropriately proposed, – seconded and carried by majority vote be, - adjourned without discussion to the next ordinary Meeting of the Council.

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<sup>15</sup> I.e. 80% of those members present and voting.

## **17. INTERPRETATION OF STANDING ORDERS**

- 17.1 In the event of a difference of opinion on the interpretation of any part of the Standing Orders, after a short representation by each concerned party<sup>16</sup>, the ruling of the person presiding at any Meeting shall be deemed to be final and shall not be challenged at that Meeting.

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<sup>16</sup> In line with Standing Order 7.20 "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 not more than five minutes. Any other member shall not speak for more than 5 minutes".



## GLOSSARY

<b>2014 Act</b>	Local Government Act (Northern Ireland) 2014.
<b>2014 Executive Arrangements Regulations</b>	Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014.
<b>2014 Standing Orders Regulations</b>	Local Government (Standing Orders) Regulations (Northern Ireland) 2014.
<b>Budget</b>	The expenditure authorised by a Council under S3, Local Government Finance Act (Northern Ireland) 2011.
<b>Call-In</b>	A requisition for the reconsideration as provided for in section 41(1) of the 2014 Act – that is a provision within Standing Orders “requiring reconsideration of a decision if 15 per cent of the Members of the Council (rounded up to the next highest number if necessary)” present to the Clerk & Chief Executive a requisition on either or both of the following grounds: a) That the decision was not arrived at after a proper consideration of the relevant facts and issues; b) That the decision would disproportionately affect adversely any section of the inhabitants of the district.
<b>Clerk</b>	Clerk & Chief Executive to the Council appointed under S41 of the Local Government Act (Northern Ireland) 1972.
<b>Committee</b>	Committee appointed under S7, 2014 Act.
<b>Delegated Authority</b>	Discharge of a function under authority fixed by a Council under S7, 2014 Act.
<b>Decision maker</b>	The body or person making an executive decision, a decision under delegated authority or a key decision.
<b>Minutes</b>	The official record of a Meeting, providing a summary of points to be remembered – it need not be verbatim.
<b>Executive</b>	A cabinet-style Executive or a streamlined Committee Executive as provided for in section 21(2) of the 2014 Act.
<b>Executive decision</b>	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.

<b>Key Decision</b>	Means a decision under executive arrangements which is likely— 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 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 Borough of the Council.
<b>Qualified Majority</b>	Defined in S40(2), 2014 Act as "in relation to a decision of a Council means 80 per cent of the votes of the Members present and voting on the decision". This section applies to Standing Committees as well as Full Council.
<b>Member</b>	Means a Member of the Council/Councillor.
<b>Motion</b>	Refers to any proposal, recommendation or matter formally submitted to Council with possible adoption as a resolution.
<b>Point of Order</b>	Refers to an interjection by a Member, who does not have the floor, to call to the Chairperson's attention an alleged breach of the Standing Orders.
<b>Policy framework</b>	The policies and procedures agreed by Council in relation to the delivery of a function/functions of Council.
<b>2000 Act</b>	Political Parties, Elections and Referendums Act 2000.
<b>Nominating Officer</b>	The person registered under the 2000 Act as the party's nominating Officers; or A Member of the Council nominated under the 2000 Act for the purposes of Schedule 1 to the 2014 Act.
<b>Party</b>	A party registered under the 2000 Act in the Northern Ireland register.
<b>Working day</b>	A full day (9am – 5pm) – Monday to Friday E.g. three working days would be from 9am Monday until 5pm Wednesday. Please note: public and statutory holidays are not included as 'working days'
<b>Summons of Meeting</b>	The Notice of Meeting and Agenda items, which can include electronic format.

## **Appendix 1: Scheme of Delegation and Financial Regulations**

Both are available from Council's website from the following page:

<https://www.midandeantrim.gov.uk/council/constitution>

**Appendix 2: Protocol for the acceptance of applications to present to  
Council and Council Committees**

## **Protocol for the acceptance of applications to present to Council and Council Committees**

Approved Date	09 June 2025
Review Date	June 2026
Related Legislation/Applicable Section of Legislation	
Related Policies, Procedures, Guidelines, Standards, Frameworks	
Replaces	Protocol for the acceptance of applications to present to Council and Council Committees – Shadow Council
Policy Lead (Name/Position/Contact details)	
Sponsor Directorate	Chief Executive's Office
Version	7.0

## **1. Purpose**

- 1.1 This protocol defines the process for the acceptance of requests to present to Council by external organisations, groups or individuals.
- 1.2 Mid and East Antrim Borough Council is committed to engaging with communities, groups and individuals to promote open debate and inform service delivery. This engagement, however, must be balanced with the volume of work and decision making required by Council and its constituent committees during public meetings.
- 1.3 This protocol puts in place a process by which Elected Members are enabled to engage with communities, groups and individuals in the most effective and efficient way.

## **2. Scope**

- 2.1 This protocol applies to all external organisations, groups and individuals e.g. community groups, charities, religious organisations, lobbyists, voluntary bodies, statutory bodies.

## **3. Protocol Detail**

- 3.1 Requests to present to Council and/or any Council Committee must be received in writing, clearly stating the purpose and any hoped for outcome(s).
- 3.2 All requests to present to Council or Council Committee will be reviewed by the Chief Executive or the Committee Lead Officer respectively.
- 3.3 Based on the information provided in the application, the Chief Executive/Committee Lead Officer will make recommendation to Council or Committee to:
  - a. invite applicant to make a presentation to Council or relevant committee;
  - b. invite applicant to an engagement event; and/or
  - c. invite applicant to submit a written presentation.
- 3.4 In making this recommendation the Chief Executive or Committee Lead Officer will have due regard to the following:
  - Will the presentation support Council in the delivery of its vision and values?
  - Will the presentation support equality and promote good relations?  
and
  - Will the presentation inform strategic debate and/or inform service delivery?

- 3.5 A report detailing all requests to present, along with recommendations, will be provided to Council or the relevant Committee as a standing item.

Elected members, based on this report, will determine whether to:

- a. invite applicant to make a presentation to Council or relevant committee;
- b. invite applicant to an engagement event; and/or
- c. invite applicant to submit a written presentation.

- 3.6 This protocol does not preclude Council's right to invite any organisation, group or individual to make presentation.

# **Application to present to Council Assessment Form**



<b>Presentation requested by:</b>	
-----------------------------------	--

<b>Purpose of presentation:</b>	
---------------------------------	--

Does presentation.....	Yes/No	Please provide reason for decision
Support Council in the delivery of its vision and values		
Support equality and promote good relations		
Inform strategic debate and/or inform service delivery		



Recommendation	Yes/No	Please provide reason for decision
Invite applicant to make presentation to Council/Council Committee		
Invite applicant to engagement event		
Invite applicant to make written presentation		

Signed:	
Dated:	

### **Appendix 3: Protocol for Operation of Planning Committee**

This will be brought as a separate report and an updated version will be added.

## **Appendix 4: Protocol for the Establishment of a Sub-Committee**

## Protocol for the Establishment of a Sub-Committee

Approved Date	09 June 2025
Review Date	June 2026
Policy Lead (Name/Position/Contact details)	Director of Corporate Services Chief Executive
Sponsor Directorate	Chief Executive
Version	10

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## 1. Introduction

- 1.1 Mid and East Antrim Borough Council have agreed a committee governance structure to ensure the effective and efficient conduct of Council Business.
- 1.2 Council has the authority to establish committees and sub-committees under S. 7(1) of the Local Government Act (Northern Ireland) 2014

Mid and East Antrim Borough Council's Committee governance structure is set out below:

Meeting	Membership
Full Council	All 40 Elected Members
Planning Committee	12 Elected Members
Neighbourhoods and Communities Committee	20 Elected Members
Environment and Economy Committee	20 Elected Members
Corporate Resources, Policy and Governance Committee	20 Elected Members
Audit & Scrutiny Committee	8 Elected Member 1 independent Member
Personnel Committee	5 Elected Members
Standards Committee	8 Elected Member

All Committee Places were allocated to political parties at the Annual General Meeting on a proportional basis using the provisions contained within Schedule 2 of the Local Government Act (Northern Ireland) 2014 (i.e. Quota Greatest Remainder) and any sub-committee being established will follow the same method.

- 1.3 From time to time, Council or a Committee may decide to establish a sub-committee, to provide a more informal opportunity for discussion and consideration of specific issues outside of the formal committee system.
- 1.4 Council or a Committee may establish a Working Group for a limited time with a clearly defined need and governance arrangements, have specific terms of reference and a start and finish date. All Working Groups will disband once they have achieved their/its goals.
- 1.5 The lifespan of a working group should last for a limited time period. If a longer-term sub-committee is required, this may exist for a number of months or years. Council or Committee may establish sub-committees which will be known as Business and Community Partnership Boards which may include members of the business and community sectors and linked with delivery Corporate Plan objectives. The Sponsor Committee should set a timeframe for the work, which will be subject to regular review.

## **2. Scope**

- 2.1 A sub-committee may be a group of Elected Members, including Council Officers, who are asked to consider specific issues, as defined within their terms of reference, under the direction of Council or a Committee. Membership can include external partners, if agreed by the sponsor committee.
- 2.2 The specific issue will have relevance and importance to Council and establishing a sub-committee would provide more focus to enhance the development of the issue.
- 2.3 sub-committees have no decision-making powers, however they can make recommendations to their sponsor committee for consideration.
- 2.4 The Sponsor Committee retains overall oversight and authority for any sub-committee established under its remit.

## **3. Proposal to Establishing a sub-committee**

- 3.1 A sub-committee may be formed under the sponsorship of Full Council or a Council Committee, when:
  - a. The issue has relevance to the Council;
  - b. Consideration of the issue at a sub-committee would aid and facilitate discussion; and
  - c. The issue is under the remit of the sponsor Committee.
- 3.2 A proposal to establish a sub-committee will be considered by the sponsor Committee/ Council and will be agreed by a simple majority of the Committee/ Council.
- 3.3 A terms of reference and membership arrangements for the sub-committee will be considered by the sponsor Committee/ Council and will be agreed by Quota Greatest Remainder ensuring proportionality. Council should endeavour to ensure appropriate representation, whilst also taking account of the geographical mix. A 'Terms of reference template' is available at Appendix A.
- 3.4 The Terms of Reference should clearly define a timeframe for the lifespan of the sub-committee. This should be subject to regular review.
- 3.5 The Sponsor Committee may feel it appropriate to agree an outline terms of reference and permit the sub-committee to further expand and review these at their inaugural meeting, before reporting back to the sponsor committee to seek approval.
- 3.6 When establishing a sub-committee, the sponsor Committee may wish to agree a Chair and provide an indication of the frequency of meetings, or alternatively leave this to the sub-committee for consideration. Good Practice would suggest

the Chair of the sub-committee should also be a member of the sponsor Committee.<sup>4</sup>      Operation of a sub-committee

- 4.1 A sub-committee meeting shall be called with five working days' notice, via Decision Time<sup>17</sup>.
- 4.2 An Action note will be taken of discussions, and presented to the next meeting of the sub-committee, prior to being presented to the next available sponsor committee meeting.
- 4.3 In the case where a sub-committee meets less frequently, to ensure efficient operation the action notes can be circulated to Members for comment and agreement before being presented to sponsor committee

## **5. Governance**

- 5.1 sub-committee's will operate under the direction and guidance of full Council or their sponsor committee.
- 5.2 Any amendment to the terms of reference or membership of the sub-committee must receive prior approval by the sponsor Committee/Full Council.
- 5.3 Upon completion of its terms of reference and specified goals the chairperson of the sub-committee will provide an overview report of the work undertaken by the group and how it has met its goals.
- 5.4 The overview report will include any final recommendations, including the recommendation to disband to the sponsor Committee/Full Council.
- 5.5 The sponsor Committee/Full Council will consider the recommendation to disband and will agree to this by simple majority.
- 5.6 All sub-committee in operation will be reviewed following the AGM, with a position report on their status presented to Council.

## **6. Monitoring and Review**

- 6.1 This policy will be kept under review to ensure compliance with any changes in legislation or best practice.

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<sup>17</sup> In circumstances where external partners are included in sub-committee, it may not be suitable to use Decision Time, and papers will be issued via email.



**Terms of Reference template**  
**Name of sub-committee**

**The text relates to Environmental health and is for illustrative purposes**

**1. Purpose**

*<The purpose of the sub-committee is respond to new legislation in relation to Environmental Health regulation>*

**2. Objectives**

- To identify all new legislation in relation to Environmental Health regulation
- Address policy and resource gaps within Council
- Research best practice in relation to addressing these policy and resource gaps
- Make recommendation to Operations Committee as to how best to address any policy and resources gaps, within a 12 month period

**3. Membership**

*Chairperson  
Deputy Chairperson  
Elected Members  
Council Officers*

**4. Meeting arrangements**

*<The sub-committee will meet as and when required; weekly; monthly; quarterly>*

**5. Reporting structure**

*<The sub-committeewill report and make recommendation to the Operations Committee, within a [defined period].*

*The sub-committee will be required to complete its objectives within [defined time period], and this should be reported to its sponsor committee.*

## Protocol for Public Questions

Approved Date	May 2025
Review Date	June 2026
Related Legislation/Applicable Section of Legislation	
Related Policies, Procedures, Guidelines, Standards, Frameworks	MEA Standing Orders
Replaces	
Policy Lead (Name/Position/Contact details)	Director of Corporate Services Chief Executive
Sponsor Directorate	Corporate Services
Version	2

**Contents**

1. Introduction
2. Procedure for Submission of Public Questions
3. Assessment of Questions Submitted
4. Presentation and Response to Public Questions in the Meeting

## **1. Introduction**

- 1.1 This Protocol outlines the process for the submission, assessment and asking of questions by members of the public at Mid and East Antrim Full Council meetings.
- 1.2 At each Ordinary Meeting of Council (except for the Annual General Meeting) a period of up to 15 minutes will be available to allow questions that have been submitted by members of the public who live, work or study in the Borough.
- 1.3 Any questions which are deemed to constitute either a request for information in accordance with the Freedom of Information Act 2000 or a complaint under the MEA Complaints procedure will be dealt with through the relevant process and the questioner will be notified accordingly.

## **2. Procedure for Submission of Public Questions**

- 2.1 Public questions must be submitted by 12.00pm on the fifth working day prior to the Full Council meeting (normally a Monday) using the relevant form on the Council website. This means that for a Council meeting on Monday, the question must be submitted by 12.00pm on the previous Monday.
- 2.2 If a person is unable to complete the on-line or paper form themselves, they should seek their own support to complete it with the help a friend/family member/representative as Council are unable to assist in completing the form.
- 2.3 Each question must give the name and address of the questioner.
- 2.4 Public questions should be concise and written in no more than 100 words.
- 2.5 No person may submit more than one question to a meeting and no more than one question may be asked on behalf of an organisation at a meeting.
- 2.6 No question may be sub-divided into more than two related parts.
- 2.7 Public questions must relate to matters which fall within the remit of the Council and relate to Council functions.
- 2.8 Questions that have been accepted will be published on the Council's website along with the name of the questioner after the meeting.

### 3. **Assessment of Questions Submitted**

3.1 A question may be rejected if it:

- (a) is not relevant to a matter for which the Council has a responsibility or which affects the Borough;
- (b) is illegal, improper, irregular, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the previous six months;
- (d) will, if answered, disclose confidential or exempt information;
- (e) relates to a planning law or licensing application;
- (f) relates to a matter or issue in respect of which a response has already been given under the Council's complaints procedure or which is currently being dealt with in accordance with the complaints procedure or other formal process, such as court or tribunal proceedings or which is the subject of threatened court or tribunal proceedings by the person asking the question or a person or group which they represent;
- (g) relates to a matter or issue of a purely personal concern to the individual asking the question or their family members;
- (h) is a personal opinion;
- (i) is lengthy or a speech; or
- (j) is unintelligible.

3.2 The Chief Executive along with the Mayor/Chair will make a final determination on whether a question submitted may be rejected under Council's Standing Orders.

3.3 If a question is rejected, the reasons will be notified to the questioner in writing.

3.4 The questions will be put to the Council in order of those received, until the 15 minutes slot is used.

3.5 Any question which cannot be dealt with at the meeting, because of lack of time, will be dealt with by a written answer to be sent within five working days of the Council.

#### **4. Presentation and Response to Public Questions in the Meeting**

- 4.1 The Mayor will deal with questions at the Full Council meeting in the order in which they were received.
- 4.2 A questioner may attend in person or join the meeting via remote access to ask their question; but they may only ask the question as written and will not be permitted to alter the question any further. Should a questioner not adhere to the Protocol, Council will either ask them to leave the Chamber or remove them from the remote access.
- 4.3 When a questioner does not attend in person an officer will read the question.
- 4.4 Once the response to the question has been read out at the meeting, the questioner is not permitted any supplementary questions.

**Appendix 6: Council Decision Making Process**

# Council Decision Making Process

<b>Approved Date</b>	09 June 2025
<b>Review Date</b>	June 2026
<b>Related Legislation/Applicable Section of Legislation</b>	Local Government Act (NI) 1972 Local Government Act (NI) 2014 NI Local Government Code of Conduct for Councillors 2014
<b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b>	Constitution and Standing Orders Equality Scheme
<b>Replaces</b>	New
<b>Policy Lead (Name/Position/Contact details)</b>	Interim Director of Corporate Services Chief Executive
<b>Sponsor Directorate</b>	Chief Executive
<b>Version</b>	9

## Revision record

Date	Version	Revision Description
	Draft 1	Draft for consideration by Policy & Resources Committee
	1	Approved by Full Council
06.06.17	2	Presented for consideration at AGM 06.06.17 No changes
05.06.18	3	Presented for consideration at AGM 05.06.18
20.05.19	4	Presented for consideration at AGM 20.05.19 No changes
01.06.20	5	Presented for consideration at AGM 01.06.20 No changes
07.06.21	6	Presented for consideration at AGM 07.06.21 No substantive changes
06.06.22	7	Presented for consideration at AGM 06.06.22 No substantive changes
5 June 2023	8	Revisions for AGM
22 July 2024	9	Revisions for Full Council



## **1. Introduction**

Council is required to make careful and reasoned decisions which are lawful and appropriate. Within Council's decision making process Elected Members have a responsibility to acquaint themselves with all the necessary information to allow them to make a decision. If they feel they have not been provided with the necessary information they should ask for it before making their decision.

In order to facilitate the decision making process there are rules and arrangements in place. Some of these are statutory, some are guidance and good practice and some have been agreed by the Council to facilitate the smooth running of decision making processes. The main rules and arrangements are summarised below:

### **1.1 Statutory Framework**

Council cannot exercise any function without holding the appropriate authority in law. If a council acts without authority its decisions or expenditure may be held to be "ultra vires" meaning outside the powers of the Council.

The main legislation setting the context of the decision making authority of Council is:

- Local Government Act (Northern Ireland) 1972
- Local Government Finance Act (Northern Ireland) 2011
- Planning Act (Northern Ireland) 2011
- Local Government Act (Northern Ireland) 2014

In addition the 2014 Act makes provision for a new ethical standards framework for councillors including a mandatory Code of Conduct for Councillors.

### **1.2 Council Governance Framework**

Good governance arrangements assist the Council to ensure the way it operates is based on sound and effective processes. The Council's agreed Governance Framework is outlined in its constitution. The constitution is available on the Council website and is updated annually following the Annual General Meeting.

The decision making of the Council is shaped by its agreed Governance framework as set out in key documents including:

- Standing Orders;
- Scheme of Delegation;
- Financial Regulations;
- Corporate Plan;
- Community Plan;
- Local Development Plan (in development);

- Equality Scheme;
- Approved Strategies, Policies and Procedures;
- Annual financial plan (estimates) business plans and budgets;
- Performance Improvement Plan; and
- Corporate Risk Register.

These documents are developed and approved by Council and include agreed monitoring and review arrangements.

Workshops and training sessions are organised for Councillors in consultation with the Elected Member Development Charter Steering Group, as required to build their capacity and keep up to date with changes in statutory requirements and/or the wider external environment and its impacts and opportunities for Council strategy.

The Chief Executive is the Council's principal adviser on policy and procedural matters and leads the employees of the Council.

He/she is responsible for ensuring the efficient and effective implementation of the Council's governance arrangements and implementation of its agreed programmes, policies and decisions. This includes the provision of timely and good quality reports and information on which decisions are based. Where a range of options are available, reports should assess the options against overall Council Strategy and duties and assess the risks and long term implications of each option. On occasion the Chief Executive and/or Councillors may request additional specialist or legal advice when dealing with complex or contentious issues.

## **2. Purpose**

The purpose of this Process is:

- to provide Elected Members and officers with a summary of the Governance Framework within which decisions are considered; and
- to assist them to critically self-evaluate their own decision making process against recognised good governance criteria and satisfy themselves that decisions made by the Council are lawful and appropriate.

## **3. Scope**

This process is a guidance tool for Elected Members and Senior Officers and does not replace statutory rules or guidance.

#### 4. **Decision Making Process**

##### **4.1 General**

When taking part in council meetings, and when making decisions relating to council business, Elected Members must do so objectively and with an open mind. Members must act fairly and take proper account of the public interest during the decision making process.

Council's decisions must take account of all the relevant facts and policies. Members must be satisfied that they are in possession of all the relevant and material information they need to make a proper decision on the matter before them. If Members feel they require further information they should ask for this to be made available before they make their decision.

Information to inform decision making should normally be provided to Members in writing, in advance of the meeting, so that they have had a proper opportunity to consider it.

In addition, if Members seek advice from, or advice is offered to Members by, council officers under their statutory functions and duties, Members must have regard to that advice before reaching their decision.

##### **4.2 Context**

4.2.1 The **Local Government Act (Northern Ireland) 2014** sets the context for decision making:

- Decisions are taken and recorded formally at meetings of Council and its Committees;
- The majority of decisions made by Council are determined by a simple majority of those present at the meeting;
- In the event of equal votes the Mayor/Chair will have a casting vote;
- Certain decisions (as set out in Standing orders) require support of 80% of those present and voting;
- At least 15% of Members may request that a decision is reviewed (known as "call in") if they feel that either not all information has been taken into account or it would adversely affect a section of inhabitants of the Borough. (Procedures to be followed are set out in Standing Orders).

The 2014 Act also provides the discretion for Council to arrange for the discharge of its functions by delegation to a Committee, sub-Committee or Officer. Section 7 (3) sets out functions which may only be discharged by the Council itself.

The Council has determined to operate a committee system as permitted by Paragraph 19 of the 2014 Act.

4.2.2 Council powers are categorised into three areas:

- Express Powers: those which are clearly provided for by legislation;
- Implied Powers: those which can be reasonably read into the legislation;
- Incidental or Consequential Powers: those which can reasonably be said to be necessary companions to the express powers.

An additional statutory power contained within the 2014 Act is the General Power of Competence giving the Council the power to do anything an individual may do, unless specifically prohibited.

4.2.3 The general legal principles derived from case law – *Provincial Picture Houses Ltd v Wednesbury Corporation [1948]*, known as **the Wednesbury Principles** require a local authority in reaching a decision to:

- Take into account all relevant factors;
- Leave out of account all irrelevant factors; and
- Not reach a decision which a local authority, acting reasonably, could not reach.

These principles are enshrined into the decision making frameworks of public organisations.

4.2.4 Part 8 of the Northern Ireland Local Government **Code of Conduct for Councillors**<sup>18</sup> sets out the rules that relate to the conduct expected from Councillors when participating in meetings or reaching decisions regarding the business of the Council as follows:

- (a) do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;
- (b) have regard to any relevant advice provided by your council's officers, in particular, by the Chief Executive, the Chief Financial Officer (where appropriate), or the Council's legal advisors;
- (c) take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;
- (d) give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;
- (e) act in accordance with any relevant statutory criteria;
- (f) act fairly and be seen to act fairly;

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<sup>18</sup> Approved by the Northern Ireland Assembly on 27 May 2014

- (g) ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);
- (h) not prejudge or demonstrate bias, or be seen to prejudge or demonstrate bias, in respect of any decision;
- (i) not organise support for, or opposition against, a particular recommendation on the matter being considered;
- (j) not lobby other councillors on the matter being considered;
- (k) not comply with political group decisions on the matter being considered, where these differ from your own views;

Section 4.15 of the [Guidance for Councillors](#) issued by the Northern Ireland Commissioner for Complaints provides more useful information and guidance in respect of the principles which Elected Members should adhere to in making decisions in relation to this.

4.2.5 Article 10 of the **Council Constitution** states that decisions of the Council should be made in accordance with the following principles:

- Proportionality (meaning the action must be proportionate to the results to be achieved);
- Due consultation (including the taking of relevant professional advice);
- Respect for human rights, equality and fairness;
- Presumption in favour of openness;
- Clarity of aims and desired outcomes;
- Due consideration to be given to alternative options;
- Reasons for the decisions to be given provided there is no breach of confidentiality.

4.2.6 **Standing Orders** set out the order of business for meetings of Council and its Committees and each Committee has an agreed Terms of Reference. Minutes are kept and formally approved as the official record of Council business and can be used as evidence in law to verify Council decisions. The Local Government Auditor will also review minutes as part of the annual audit arrangements to ensure that actions taken in the administration of Council business have been properly considered and authorised.

The rules of debate, the conduct expected from Members during meetings and the voting arrangements are also set out in Standing Orders and are managed within the meeting by the Mayor/Chair of the Council or Committee. Voting is generally conducted by a show of hands but on the request of any Member a recorded vote can be taken and recorded in the minutes of the meeting.

- 4.2.7 Arrangements are also in place to facilitate requests to present to Council by external organisations, groups or individuals. Engagement of this nature is useful to promote open debate and inform service delivery, but needs to be balanced with the volume of work and relevance to the decision making process. A protocol defining the process for considering applications to present has been approved by Council as an appendix to Standing Orders. Alternative methods of engagement are also used to gauge public opinion, such as consultations, workshops and public meetings and other communication forums.
- 4.2.8 Some decisions of Council, such as Planning and Licensing are highly regulated and it is important that these decisions are made within the parameters of the relevant regulation and legislation. The Northern Ireland Local Government Code of Conduct for Councillors sets out specific rules in relation to planning which recognises Councillors' role in representing the views of the local community. There is a requirement to ensure that decisions are not made without balancing all the facts and evidence presented for and against a decision and for ensuring that decisions are based on sound planning considerations. Council includes as an appendix to its Standing Orders a **Protocol for the Operation of Planning Committee** which sets out the specific rules Council has agreed for considering planning applications.
- 4.2.9 Council has an approved **Scheme of Delegation** which provides the framework and guidance for the powers delegated to Committees of Council and to senior officers within the Council and covers the extent of delegation across the Council. This includes:
- Powers which cannot be delegated by Council i.e. must remain with Full Council;
  - Powers delegated to a Committee of Council; and
  - Powers delegated to an Officer of Council.

Any decision taken under a Delegated Power is considered to be a decision of the Council.

## **5. Ethical Considerations – Principles and Values**

- 5.1 The Councillor Code of Conduct is based on 12 Principles of Conduct intended to promote the highest possible standards of behaviour for Councillors. These are:
- Public Duty: uphold the law and act in the interests of the community as a whole;
  - Selflessness: act solely in the public interest;
  - Integrity: do not allow yourself to be influenced for personal interest;

- Objectivity: make choices based on merit;
- Accountability: be available for scrutiny and clear on your reasoning;
- Openness: give reasons for decisions;
- Honesty: declare any private interests and take steps in relation to conflicts of interest;
- Leadership: lead by example to maintain trust and confidence;
- Equality: promote equality of opportunity;
- Good Relations: promote a culture of respect, equity and trust and embrace diversity;
- Respect: refrain from rude or offensive behaviour or personal attack;
- Good Working Relationships: Between Councillors – abide by Standing Orders; between Councillors and employees – promote professional and courteous relationships and Protocol for Relationships between Councillors and employees

5.2 In addition, Council has agreed its own values to assist with realising its Vision:

- Respect: establishing a culture of openness, trust and value;
- Excellence: striving to be the best we can be by efficiently and effectively managing and deploying resources in order to maximise outcomes;
- A teamwork approach: working together and supporting each other in true partnership to make the vision of Mid and East Antrim a reality;
- Leadership and commitment: through strong leadership we will give direction, provide support and empower everyone to play their role in delivering the vision and strategic priorities for all our people;
- Integrity: to support a spirit which enables honesty, accountability and trust throughout;
- Service innovation: we will empower people to express their ideas and harness their creative skills through supporting them to be transformative; and
- Equality and fairness; to recognise and value diversity and promote opportunity and equal access to services.

In addition each individual will have their own core values and beliefs which need to be balanced with these mandatory and corporate values to ensure conflicts do not arise.

## 6. Ethical Considerations – Conflict of Interests

- 6.1 A Conflict of Interest arises when there is a conflict between public duty and private interest where the private interest could improperly influence the performance of official duty.

Councillors are required to register personal interests and review this at least annually. They are also required to declare any personal interest at meetings of the Council and Committees where they relate to a matter coming before the meeting.

An interest does not automatically mean there is a conflict with public duty.

- 6.2 **A pecuniary interest** means your business interest, e.g. your employment, trade, profession, contracts, or any company with which you are associated and your wider financial interests, e.g. investments, and assets such as land and property.

- 6.3 **A direct pecuniary interest** is one which you personally (or your spouse or civil partner or family member) may benefit from and **an indirect pecuniary interest** is one where your employer, your partner in a legal partnership, a company in which you have shares, or a body of which you are a trustee or director or member, such as a club or charity, may benefit as a consequence of the decision.

***When you declare a pecuniary interest, either direct or indirect, you must not speak or vote on the matter in which you have the interest and you must withdraw from the meeting during the discussion.***

- 6.4 **A non-pecuniary interest** can include interests that arise through a position of responsibility in, or membership of, a club, society or organisation. This will be considered significant if, it falls within any of the categories of interest listed in paragraph 5.2 of the Code of Conduct or you anticipate that a decision on the matter might reasonably be considered by a member of the public to benefit or disadvantage you to a greater extent than other Council constituents. The Code makes clear that it is your personal responsibility to determine whether you have a significant non-pecuniary interest.

Generally when you declare a non-pecuniary interest, you must not speak or vote on the matter in which you have the interest and you must withdraw from the meeting during the discussion.

However the Code makes provision for you to remain in the meeting if you consider that it would benefit your Council to do so.

You may speak and vote if:



- At least half of the Council or Committee would otherwise be required to withdraw from the meeting due to their personal interest in the matter, or
- Your withdrawal, together with that of other Councillors required to withdraw due to personal interest would leave the Council or Committee without a quorum.

You should take advice from the Chief Executive or Senior Officer present at the meeting in relation to this.

You may also remain in a meeting and speak on a matter in which you have declared a significant non-pecuniary interest, if your interest arises because you are a member of a public body or a member, or supporter, of a charity, voluntary body or other organisation formed for a public purpose. You must not vote on any matter directly affecting the finances or property of the organisation if you are a member of the organisation's management committee or governing body, except where you have been appointed by your council as a representative.

However if you hold a position of responsibility i.e. Chair / Vice Chair / Treasurer / Secretary on such a body you must not vote.

## **7. Decision Making**

- 7.1 In order to ensure consistency and provide guidance, Council has agreed Policies and Procedures and Protocols for routine and regular issues to assist decision making within agreed parameters. Policies are considered and approved as Council decisions recorded in Council minutes and maintained in a central policy register. All policies are subject to regular review.

Not every situation needs a policy or guideline and they may not cover all circumstances. Policies will also often provide flexibility for a range of options to be considered within defined parameters.

- 7.2 When exercising their discretion in considering decisions it is common that Council policy will reflect the policy of the controlling party and voting will be according to party lines. However the Code of Conduct requires that Councillors must not surrender their individual discretion and must exercise their individual judgement.
- 7.3 In order to ensure Council business is conducted expediently it is important to weigh up the significance and impact of decisions and to act proportionately. It is important to assess whether decisions can be made quickly or can wait.

## **8. Monitoring, evaluation and review**

This Process will be reviewed annually at the Annual General Meeting.

**9. Definitions and abbreviations**

**10. Supporting documents**

**11. References**

**Appendix 7: Protocol for the recording and operation of remote Meetings**



**Mid & East  
Antrim**  
Borough Council

**Protocol for the Recording and  
Operation of Remote Meetings**

Updated: July 2024

Mid and East Antrim Borough Council's Constitution sets out a number of key governing documents, in particular the Standing Orders and Scheme of Delegation, copies available on the following links:

- Standing Orders [https://www.midandeastantrim.gov.uk/downloads/Standing\\_Orders.pdf](https://www.midandeastantrim.gov.uk/downloads/Standing_Orders.pdf)
- Scheme of Delegation [https://www.midandeastantrim.gov.uk/downloads/Scheme\\_of\\_Delegation.pdf](https://www.midandeastantrim.gov.uk/downloads/Scheme_of_Delegation.pdf)

The Standing Orders set out the written rules of Council, and ensure business is properly regulated in an efficient, fair and legal manner. The Protocol for remote meetings forms part of the Council's Standing Orders.

This Protocol applies notwithstanding any prohibition or other restriction contained in Standing Orders or any other rules of the Council governing a Council meeting.

The Local Government (Remote Meetings) Regulations (Northern Ireland) 2024 provide Council with the legal powers to hold remote or hybrid meetings. The Regulations enable the Council to hold meetings, without all, or any, of the Members being physically present in a room. They allow for remote meetings through electronic and digital means at remote locations using video and telephone conferencing, live webcast and live interactive streaming.

## **1. Attendance & Access to Meetings**

- 1.1 Members are deemed to be in attendance at a remote meeting if they are able at the time -
  - i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance;
  - ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public in attendance in order to exercise a right to speak at the meeting; and
  - iii) to be so heard and, where practicable, be seen by any other members of the public in attendance.
- 1.2 The Chairperson of any meeting will confirm they can see and hear all participants and any Member attending remotely will confirm they can hear and see the proceedings.
- 1.3 Any reference to a Member, or a member of the public or press, attending a meeting or being in attendance includes that person attending by remote access.

- 1.4 Members of the public or press may attend a meeting in person, advice will be provided on the Council's website. Those parts of a Council meeting which are open to the public may also be live streamed and accessible via the Council website whenever possible.
- 1.5 Any reference in the Council's Standing Orders to a 'place' where a meeting is held, or is to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- 1.6 'Offices of the Council' shall also mean 'or on the Councils website.' Meeting notifications, agendas, minutes and audio recordings of meetings will be published on the Council website.

## **2. Members' Conduct & Decision Making**

Mid and East Antrim Borough Council is committed to open and transparent decision making and where possible will conduct its business in public.

- 2.1 The requirement for Members to be present and voting includes Members being present through remote attendance.
- 2.2 Any Member participating in a remote meeting who declares an interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. Their departure will be confirmed by the Democratic Services Officer or meeting facilitator, who will invite the relevant Member by link, email or telephone, to re-join the meeting at the appropriate time.
- 2.3 If a technological fault occurs with a Member's remote connection during the course of a meeting, the meeting will be adjourned to allow Officers to try to rectify the fault. If Officers cannot rectify the fault within a reasonable period of time (minimum period of 5 minutes) the meeting will continue providing the meeting remains quorate and the public are able to hear. Members are responsible for ensuring they have sufficient connection during the course of a meeting.
- 2.4 In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.
- 2.5 Decisions of the Council are not invalidated due to a technological fault of a Member's remote connection, which cannot be reasonably rectified, which prevents them from either being heard, being seen or voting on an item.
- 2.6 If during the course of a meeting a technological fault occurs with the live stream to the public, the meeting will be adjourned until the fault is rectified. If the fault cannot be addressed after a reasonable period of time (minimum period of 5 minutes) the meeting will continue.
- 2.7 If a technological fault is known prior to a meeting commencing which affects the live audio streaming to the public or the Council's information technology systems, the meeting will be adjourned until the technological fault is rectified. This paragraph does not apply to technological faults with individual Members remote connections.

- 2.8 Decisions of the Council are not invalidated due to a technological fault during the course of a meeting, which cannot be reasonably rectified, which prevents the public from accessing a meeting, or whether there are direct logistical and or technological issues for the members of the public.
- 2.9 Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- 2.10 If members attending remotely wish to speak on any item it would assist if they could make that known to the Democratic Services Team in advance of the meeting.
- 2.11 The normal quorum requirements for meetings as set out in the Council's Standing Orders will also apply to a remote meeting.
- 2.12 The Chairperson will follow the rules set out in Standing Orders when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

### Voting

- 2.13 When satisfied that there has been sufficient debate, the Chairperson will ask for a proposer and seconder for the item being discussed and progress to making a decision.
- 2.14 Any member attending remotely should be seen and heard.  
Unless a Recorded Vote is called, the method of voting will be as follows:
  - 2.14.1 Where there is a clear recommendation(s) in a report, the Chairperson will put the recommendation(s) forward. If there is no dissention then it is taken as agreed; or
  - 2.14.2 If there is a single amendment to the recommendation(s) or an alternative proposal, the Chairperson will put this forward. If there is no dissention then it is taken as agreed; or
  - 2.14.3 Where there is dissention or more than one proposal/amendment, these will be dealt with in the normal manner by means of a vote.
  - 2.14.4 Voting will take place as follows:  
an officer will call out the name of each Member present with:  
Members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called.

### **3. Recordings of meetings**

- 3.1 Members of public can attend in person, however to whenever possible the Council and Committee meetings will be live streamed on Council's website.
- 3.2 Council Meetings taking place at the Braid, will be visual and audio, whenever possible. The committee meetings taking place at the Braid, will continue to be live streamed until the review of technology for all

meetings has been completed and any recommendations are implemented.

- 3.3 No recording will take place of a meeting, or those parts of a meeting, where confidential matters or exempt information as described in the Local Government Act (Northern Ireland) 2014 at s42 and s51 respectively, are being discussed and where the public have been excluded.
- 3.4 The recordings will be made available on the council website for a period of 2 years from the date of the meeting and will be archived and made available at the council offices for a period of 6 years from the date of the meeting.

#### **4. Exclusion of Public and Press**

- 4.1 There are times when Council meetings are not open to the public, when confidential matters or exempt information as described in the Local Government Act (Northern Ireland) 2014 at s42 and s51 respectively, are under consideration. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.
- 4.2 Each Member in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.