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<b>Related Legislation/Applicable Section of Legislation</b>	Local Government Act (Northern Ireland) 2014; Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014; Political Parties, Elections and Referendums Act 2000; Local Government Finance (Northern Ireland) Act 2011.
<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
<b>Replaces</b>	Standing Orders-March 2020
<b>Policy Lead</b>	Chief Executive Head of Corporate Services
<b>Sponsor Directorate</b>	Chief Executive's Office
<b>Version</b>	9

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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 legislation should dictate otherwise than is contained within Standing Orders, legislation will have primacy.

## **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 in accordance with a recommendation of a Committee, any Motion to amend, revoke or add to these Standing Orders, when moved and seconded, shall stand adjourned without further discussion to the next Meeting of the Council, and shall stand referred to such Committee as the Council shall direct for report to that Meeting.
- 1.3 A copy of these Standing Orders containing the relevant extracts from enactments regulating the proceedings and business of the Council shall be given to each Member upon receipt of his/her declaration of acceptance of office or as soon as possible thereafter.
- 1.4 In the interest of transparency and in order to highlight our 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.

## **2. Meetings**

### **Annual and Monthly 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 such time as the Council may fix 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 first Monday of every month. 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 ordinarily on a Public or Bank Holiday, a Saturday or a Sunday.
- 2.5 In the event of any civil emergency<sup>2</sup> 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 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 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 paragraph 2.3 of the Scheme of Delegation. Any decisions taken by the 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 Except where otherwise fixed by statute or by special summons, the time of the Meeting of the Council or Standing Committee shall be 7.00 p.m. with the exception of the Planning Committee, which shall be at 10.00 a.m.
- 2.8 All Council and Standing Committee Meetings, other than Planning Committee, will be scheduled to finish not later than 10.30 p.m. 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).

### **Adjournment of Meetings**

- 2.9 The Council or Standing Committee may adjourn any Meeting to a later hour on the same day, or to another day and hour.
- 2.10 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 sine die (i.e. without an agreed date and time to re-convene) any business left unfinished shall be postponed until the next Meeting.
- 2.11 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. However, 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**

- 2.12 The Mayor of the Council 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.
- 2.13 The Mayor of the Council must call a Meeting of the Council if he/she receives a requisition for such a Meeting, signed by five Members or one-fifth of the whole number<sup>5</sup> of Members, whichever is greater on receipt of such a requisition:
- he/she refuses to call such a Meeting; or
  - without so refusing, he/she does not call such a Meeting; or
  - without so refusing, he/she does not call such a Meeting within the period of seven days from the date of service of the requisition on him/her;

then five Members or one-fifth of the whole number of Members, whichever is the greater, may on that refusal or on the expiration of that period forthwith call a Meeting of the Council.

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<sup>5</sup> One-fifth of 40 members is 8.

## **Notice and Summons of Meetings**

- 2.14 A notice of the time and place of a meeting of the Council, a Standing Committee or Sub-Committee shall be published at least three working days before the Meeting in a public area of the Council headquarters, The Braid<sup>6</sup>.
- 2.15 Where the Meeting is called by Members, the notice shall be signed by them and shall specify the proposed business of the Meeting.
- 2.16 A summons<sup>7</sup> to attend the Meeting, specifying the proposed business and signed by the Clerk shall be issued to every Member. Failure to serve this summons shall not affect the validity of a Meeting.
- 2.17 In extraordinary circumstances should over one half<sup>8</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.
- 2.18 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.
- 2.19 Items may be added to the agenda from the date of service of summons until the Meeting day. Any additional item must be dated. However, items should only be added to the agenda on the day of the meeting in exceptional circumstances, and with the approval of the Chair.

## **Chair to be Taken**

- 2.20 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**

- 2.21 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.

## **Chairperson of Meeting - Full Council**

- 2.22 At a Meeting of the Council the Mayor, if present, shall preside.
- 2.23 If the Mayor is absent from a Meeting of the Council, the Deputy Mayor, if present, shall preside.

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<sup>6</sup> Notice will also be published in Carrickfergus Civic Centre and Smiley Buildings, Larne

<sup>7</sup> Including an electronic summons

<sup>8</sup> i.e. 21 members



- 2.24 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 or Chairperson of the Standing Committee shall nominate a Member to preside in their absence.
- 2.25 This nominee must be agreed by the Members present by simple majority vote.
- 2.26 If the nominating Officer does not nominate, a Member of the Council nominated and chosen by the Members present must preside.
- 2.27 If discussion arises on the allocation of the position of Chairperson, the Clerk or Senior Officer shall exercise the powers of the Chairperson to assist in the regulation of that discussion.
- 2.28 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

- 2.29 At a Meeting of a Standing Committee, the Chairperson of the Committee, if present, shall preside.
- 2.30 If the Chairperson is absent from the Meeting, the Deputy Chairperson, if present, shall preside.
- 2.31 If both the Chairperson and Deputy 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.
- 2.32 This nominee must be agreed by the Members present by simple majority vote.
- 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 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 2.40 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.
- 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 5) should be considered to aid Members.

## **Record of Attendance at Meetings**

- 2.41 The Clerk shall enter in the Minutes the names of the Members present at a Meeting, and shall keep a record 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 2.48 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 All members of the public and press will be signed into the Meeting to keep an accurate record of numbers.
- 2.46 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.
- 2.47 Taking photographs or audio/visual recordings of proceedings by members of the press and/or public is prohibited.
- 2.48 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 is 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 2016 (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 present will be excluded from the Meeting.

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.

- 2.49 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. Reference to this position will be included in the agenda.
- 2.50 The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the Meeting).
- 2.51 The resolution to exclude the public from a Meeting of the Council 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.
- 2.52 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 Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.
- 2.53 The Council, 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.
- 2.54 The Council, 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 may be resumed and a Member of the Council may move that the Council again exclude the public on a future day to deal with that business.

- 2.55 When the Council, having transacted business with the public excluded, submits its report to the Council, a Motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the Motion for its adoption.

### Deputations

- 2.56 Deputations, from any source, shall normally be admitted to address the Council or relevant Standing Committee provided the Clerk has received **15 working days**' notice of intended Deputation and a statement of its objective. The Clerk 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).
- 2.57 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.
- 2.58 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**

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

- 1) Notice of Meeting
  - 2) Apologies
  - 3) Declarations of Interest
  - 4) Minutes of previous Council and Committee Meetings
  - 5) Deputations
  - 6) Ministerial Visits/Departmental Meetings/Deputations
  - 7) Strategic issues
  - 8) Financial and administrative matters
  - 9) Items for decision (including business required by statute, reports from Officers)
  - 10) Updates for Members
  - 11) Consideration of Motions for which due notice has been given, in the order in which they have been received
  - 12) Correspondence
  - 13) Invitations
  - 14) Training & Conferences
  - 15) Items/Correspondence for Noting
  - 16) Tabled questions
- Proposal to move to Closed Council**
- 17) Items for decision (continued)
  - 18) Updates for Members (continued)
  - 19) Legal and Confidential Matters
  - 20) Staffing
- Proposal to move to Open Council**

## **Order of Business - Committee**

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

- 1) Notice of Meeting
- 2) Apologies
- 3) Declarations of interest
- 4) Deputations
- 5) Consultations
- 6) Items for Consideration/Decision (including business required by statute, reports from Officers)
- 7) Updates
- 8) Consideration of Motions for which due notice has been given, in the order in which they have been received
- 9) Correspondence
- 10) Invitations
- 11) Items for Information & Noting
- 12) Tabled questions

**Proposal to move to Reserved Matters**

13) Items for decision (Closed Committee)

14) Updates for Members (Closed Committee).

**Proposal to move to Open Committee**

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

2.61 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) Declarations of interest

4) Introduction of Members and Officers

5) Minutes of previous Planning Committee

6) Schedule of Planning Applications

7) Pre-Application Hearings

8) Development plan issues

9) Planning Appeals Update

10) Items for Consideration and Decision

11) Correspondence / updates for Members

12) Delegations/Presentations

**Proposal to move to Reserved Matters**

13) Enforcement Matters (Closed Committee).

**Proposal to move to Open Committee**

### **3. Minutes of Proceedings**

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

- 3.1 Minutes of the proceedings of a Meeting of the Council, or a Committee, shall be drawn up and kept by the Clerk.
- 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 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 which does not appear on the MOPs submitted to the Meeting of the Council.
- 3.10 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 Chairman of the Committee twenty-four hours before the commencement of the Council Meeting. The Member shall then be entitled to a reply when the MOPs of the particular Committee are submitted for approval.
- 3.11 If an issue is raised at the Meeting regarding any matter in the Minutes, without written notice, shall be at the discretion of the Mayor, or in their absence the Deputy Mayor or presiding Member of Council.

#### **4. Motions (Rules of Debate in Standing Order 7 Apply)**

Prior to being included in the papers relating to a Council Meeting Agenda, all Notices will be subject to a robust assessment in order to ensure all procedural and legal issues are fully addressed. This assessment process will be carried out by the Clerk and Chief Executive, supported by the relevant senior officers and/or legal advice. Only when the assessment process has been satisfactorily completed will the Notice of Motion be included in the Agenda papers.

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>9</sup>.

#### **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>10</sup>) under Standing Order 4.1.

It must be signed by the Members of the Council giving the notice, and submitted to the Clerk 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.

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 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 will not ordinarily accept more than two notices per meeting.

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<sup>9</sup> The Clerk and Chief Executive should seek legal advice if necessary.

<sup>10</sup> Electronic correspondence must be from the Elected Member's designated Council email address.

- 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 moved and seconded, stand referred without discussion to that Committee, or to such other Committee as the Council may determine, for consideration and report. The presiding Chairperson may, if he/she considers it urgent and necessary to the dispatch of business, allow the Motion to be dealt with at the Meeting at which it is brought forward.
- 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 by the Member concerned and not later than five working days before the 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.

#### **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, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.
- 5.6 In the event of the proposal for the adjournment being carried, the Chairperson shall (unless stated in the proposal) fix the date for the adjourned Meeting for the continuation of the debate on the proposal or Amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the agenda for the Meeting so adjourned.

- 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, but it need not be reduced to 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, 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, but it need not be reduced to 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 A Member shall not move or second more than one 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, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.

- 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. If the proposal is carried, the proposal or Amendment under discussion shall be put to the Council.
- 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 A Member shall not move or second more than one proposal “that the Council do proceed to the next business” on the discussion of the same question.

### **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>11</sup>.

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<sup>11</sup> Please reference Protocol for the Operation of the Planning Committee provided as an appendix to Standing Orders.

## 6. Questions

- 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 shall state his/her request in writing to the Clerk & Chief Executive or relevant Director or Head of Service. This is to ensure that it shall be in the hands of the Chairman of the Committee twenty-four hours before the commencement of the Council Meeting. Any such request shall 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, 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 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(c) 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.
- 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 <sup>12</sup> when addressing the Council's Mayor. 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.

### **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. However, the Council may give consent to non-Members to make addresses.

### **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 resume his/her seat. 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>13</sup> shall specify the Standing Order or provision and indicate the way in which he/she considers it has been broken.

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<sup>12</sup> Whilst Members currently remain seated whilst addressing Council, the intention is, once the chamber is redesigned, Members will stand when addressing Council.

<sup>13</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.



7.9 A Member may raise a Point of Order and shall be entitled to be heard immediately.

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

#### **Motions and Amendments to be Reduced to 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. When a recorded vote is requested this will also be taken by a show of hands with the exception of Full Council and Planning Committee Meetings held in the Council Chamber in The Braid where recorded votes will be cast electronically using the multimedia system. The record shall show whether each Member present and voting gave their vote for or against that question or abstained.
- 8.4 A copy of the results of the recorded votes will be issued to the media on the morning following a Full Council Meeting and on the afternoon of a Planning Committee Meeting.
- 8.5 During the taking of the votes Members shall remain seated.

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

- 8.6 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 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 Executive;
- b) An executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
- c) A key decision taken by an Officer or Officers of the Council;
- d) A decision taken by a Committee under delegated authority in accordance with section 7 of the 2014 Act;
- e) A decision taken by a Committee to make a recommendation for ratification by the Council; and
- f) 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 on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism e.g. a planning application decision made by the Planning Committee; enforcement action in relation to regulatory services;
- b) A decision which is deemed to be the case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;
- c) A decision where an unreasonable delay could be prejudicial to the Council's or the public's interest;
- d) A decision taken by an Officer or Officers which is not a key decision;
- e) A decision by the Executive which services 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 by 10am on the fifth working day following publication of the decision to which the Call-In relates. If a Call-In is received after the specified deadline, it must be deemed inadmissible.
- 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 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 must confirm that:
- a) It has the support of 15% of the Members of the Council<sup>14</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 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 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 must:
- a) Furnish the opinion to Members; and
  - b) Make arrangements for the decision to be implemented or tabled for ratification by the Council, as appropriate.

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<sup>14</sup> 15% of 40 members is 6

## The Call-In Process: Committee Arrangements

- 9.12 For the purposes of reconsideration of a decision pursuant to a Call-In the minutes of a Committee which record a decision:
- a) Taken under delegated authority; or
  - b) For ratification by the Council
- must be published within 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>15</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>15</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 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 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.

## **12. Recission of a Preceding Resolution**

- 12.1 A motion to amend or rescind a decision of the Council 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 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>16</sup>.

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<sup>16</sup> ie 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.

## **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 stands during a debate, any Member speaking at the time must stop and sit down<sup>17</sup>. 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.

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<sup>17</sup> Whilst Members currently remain seated whilst addressing Council, the intention is, once the Chamber is redesigned, that Members will stand when addressing Council.

## **15. Disturbance by the Public**

Mid and East Antrim Borough Council is committed to open and transparent decision making and where possible will conduct its business in public. Where a member(s) of the public causes a disturbance this may impact on the Council's ability to conduct 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>18</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 proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council.

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<sup>18</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>19</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>19</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 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 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	01 June 2020
Review Date	June 2021
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	4.0

## **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



Presentation requested by:	
----------------------------	--

Purpose of presentation:	
--------------------------	--

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		

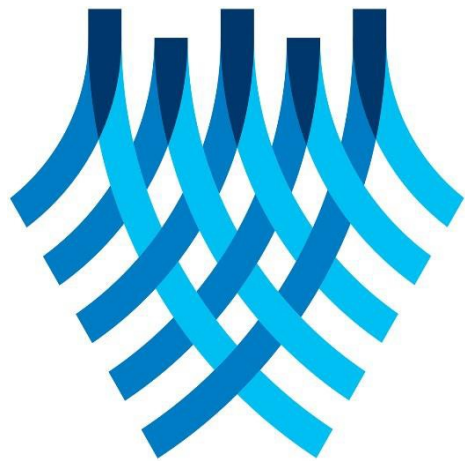


Recommendation	Yes/No	Please provide reason for decision
Invite applicant to make presentation to Council/Council Committee		
Invite applicant to engagement event		
Invite applicant to make written presentation		

Signed:	
Dated:	

**Appendix 3**

**Protocol for Operation of Planning Committee**



**Mid & East  
Antrim**  
Borough Council

# **Protocol for Operation of Planning Committee**

## Revision record

<b>Version</b>	<b>Date</b>	<b>Status</b>
1	24 March 2015	Implemented for new Council
2	3 July 2017	Revisions agreed by Council
3	5 June 2018	Revisions for AGM
4	20 May 2019	Presented for consideration at the AGM - no revisions
5	1 June 2020	Revisions for AGM

## **Protocol for Operation of Planning Committee Mid and East Antrim Borough Council**

### **Preliminary Matters**

- A weekly list of all new planning applications indicating applications to be determined by the Planning Committee and applications delegated to Officers will be circulated to all Councillors.
- The Planning Committee will determine those planning applications which have not been delegated to officers as part of the scheme of delegation.
- All Planning Committee members will be sent the agenda five working days in advance of the meeting with a report on each application to be considered by the Committee. This is in line with Council's Standing Orders.
- If necessary, officers will prepare an addendum on the day of the meeting to report any up-dates since the agenda issued.
- The Chair and Vice Chair should hold a pre-meeting with planning officers in advance of the Planning Committee meeting to review the agenda.
- Planning Committee meetings should be open to the public.
- Substitute members will not be permitted to deputise.
- The protocol will be reviewed yearly, in advance of the Council's Annual General Meeting.

## **PART A - Planning Committee**

### **1. Size of Committee**

The Planning Committee will comprise of a maximum of 12 Members. The Quorum will be as set out in the Councils Standing Orders 2.34 to 2.38.

### **2. Frequency of Meetings**

Planning Committee will normally meet once a month. Meetings will be scheduled for the Thursday following Full Council, commencing at 10am, with a guillotine at 1pm. Additional meetings will be at the discretion of the Chairman with the consent of the Committee. Planning Committee meetings will be held in the Council Chamber, The Braid, Ballymena.

### **3. Terms of Reference**

- To exercise the planning functions of the Council where these are not delegated to officers as identified in the approved scheme of delegation.
- To determine planning applications or to decide upon or vary appropriate conditions, limitations, terms or other restrictions upon any approval, consent or permission granted and/or agree reasons for refusing consent.
- To approve the draft Local Development Plan Strategy and Local Policies Plan prior to ratification by Full Council.
- To consider consultation responses on behalf of the Council on planning matters.

### **4. Remit of Planning Committee**

#### **i. Development Management**

The Planning Committee is to consider planning applications made to the council as the local planning authority and decide whether or not they should be approved. The decisions of the Planning Committee in determining planning applications will be taken on behalf of the Council and will not go to the full council for ratification.

#### **ii. Development Plan**

The Planning Committee's role in relation to Development Plan is to approve the Local Development Plan before it is passed by resolution of the Full Council. The Committee will also have an oversight role to ensure that the Local Development Plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that the plan is reviewed every 5 years, giving consideration to whether there is a need to change the plan strategy or zonings, designations and policies.

#### **iii. Enforcement**

Enforcement activities will be delegated to planning officers, who can use their professional judgement on what enforcement action to take, if any, to address breaches of planning control.

The Planning Committee can also be informed of progress on enforcement cases and request a report from officers on any enforcement matter. Officers will exercise discretion when discussing sensitive enforcement matters at the Planning Committee to ensure possible future legal proceedings are not prejudiced. Enforcement issues will therefore be discussed in closed committee.

## **5. Format of Planning Committee Meetings**

1. Notice of meeting
2. Apologies
3. Declaration of interests
4. Introduction of Members and Officers
5. Approval of minutes of the previous meeting
6. Schedule of Planning Applications
7. Pre Application Hearings
8. Development Plan issues
9. Planning Appeals
10. Correspondence / Up-date for Members
11. Delegations/Presentations
12. Enforcement matters

## **PART B - Protocol for considering planning applications**

### **1. Chair introduction**

The Chair will explain the decision making process, that each planning application will be discussed in turn, beginning with a summary of main planning issues from Planning Officer, followed by public speaking rights, then Members discussion and vote.

Any Elected Member sitting on the Committee that declare any interests in a planning application must not speak on that item and must leave the Council Chamber for that item.

### **2. Planning Officers Presentation**

The Planning Officer presents the application and makes a recommendation on whether the application should be approved, approved with conditions or refused. This should comprise of a non-technical summary, including a visual presentation.

### **3. Speaking Rights**

Anyone can register to address the Planning Committee to speak on a planning application, even if they have not formally made a representation on the planning application.



Speaking rights are limited to those planning applications, listed on the Agenda for consideration at the up-coming Planning Committee.

Those wishing to address the Committee must register their wish to do so with the Councils Chief Administrative Officer / Committee Clerk by 12 noon two working days before the meeting.

Committee Members will have an opportunity to question each person making a representation, following their presentation - Members questions should be limited to seeking clarification on matters raised in the presentation.

#### **Members of Mid and East Antrim Borough Council**

The total time allowed for representations by council members in support of an application will be 4 minutes, unless the committee on the day decide to extend the time allowed due to unusual or exceptional circumstances. If more than one member registers to speak, the allocated 4 minutes will have to be shared.

The total time allowed for representations by council members against an application will be 4 minutes, unless the committee on the day decide to extend the time allowed due to unusual or exceptional circumstances. If more than one member registers to speak, the allocated 4 minutes will have to be shared.

#### **MPs/MLAs**

MPs and MLAs will be permitted to address the committee when they have been asked to represent their constituents. The total time allowed for representations from an MP or MLA will not be more than 4 minutes each unless the committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

#### **Objectors**

If an objector speaks the applicant should be allowed to respond even if they have not registered to speak in advance. The total time allowed for objectors to address the Committee will not be more than 4 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. If more than one objector registers to speak, the allocated 4 minutes will have to be shared.

#### **Representation on behalf of applicant, agent or supporter.**

The total time allowed for applicant, agent or supporter to address the Committee will not be more than 4 minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. If more than one person registers to speak in support, the allocated 4 minutes will have to be shared.

## **Statutory Consultees**

Statutory Consultees will be permitted to address the Committee when they are in attendance. The total time allowed for representations from a Statutory Consultee will not be more than 4 minutes, each, unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

No documentation should be circulated at the meeting to members by speakers.

In lieu of speaking, council members, MPs, MLAs and members of the public may submit representations in writing for consideration by the Committee. Written representations will be reported to the Committee and circulated on the day of the meeting.

### **4. Planning Officers comments.**

The Planning Officer should be given an opportunity to clarify any outstanding matters raised.

### **5. Members Debate**

Chair manages the debate, bringing in Officers for clarification if necessary and Solicitor if legal opinion is required.

**Members must be present in the council chamber for the entire item, including the Officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.**

### **6. Chairman Closes Debate**

The Chairman uses his judgement to close the debate following discussion. In the event of a proposal coming from the floor prior to the Chair requesting a proposer, the Chairman will clarify whether members wish to debate the matter further.

### **7. Members Decision / Motions**

The Chair seeks a proposer and seconder for Officers recommendation. If no seconder, motion fails. The Committee must vote on each motion

## **MOTIONS**

The following are examples of how a Member may wish to propose a motion:

1. Move the officer recommendation (approval/Refusal).
2. Move the officer recommendation plus additional condition or design change - delegated to officer.

3. Delegate authority to officers to approve subject to clarification on a technical issue.
4. Move contrary to officer recommendation with either:
  - a. Reasons for refusal
  - b. Reasons for approval - delegate authority to officers to agree conditions.
5. Deferral
  - a. Site visit (when returned to committee - everything up for reconsideration).
  - b. Specific issue where additional information is required - when returned to committee only the subject matter of the deferral will be considered -all other matters previously considered will not be considered again.

Members can add conditions to permission but cannot amend the application. Any additional conditions should be proposed and seconded before being voted on by members. Members should be aware of the legal tests conditions need to meet if challenged - they should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. Planning Officer comment should be invited, as necessary.

Any Member who does not agree with the Officer recommendation to approve an application can propose reasons for refusal, which will need to be seconded by another Member and then voted on.

The Committee is not necessarily bound to agree with a Planning Officer's recommendation; it has to reach its own decision. Officers' views, opinions and recommendations may on occasion be contrary to the views, opinions or decisions of the committee or its Members. This is acceptable when based on sound planning considerations, which must fairly and reasonably relate to the application concerned. These considerations include, for example, planning policy, landscaping, impact on the neighbourhood, planning history etc. The Committee or its Members can accept or place different interpretation on, or give weight to, the various arguments and material planning considerations before the Committee. Planning issues are finely balanced and Members may seek the comments of the Officers when proposing reasons that are contrary to a recommendation.

## **8. Vote**

The Planning Officer/Legal Advisor should always be given the opportunity to explain the implications of the Planning Committees decision, prior to the matter being voted on.

Members need to raise hands i.e. all those in support of the motion. The Chair has a casting vote. The motion will either be carried or defeated. If carried, for the benefit of the public the Chair will explain that the application has been approved

or refused. If defeated, the Chair will ask for an alternative motion. A decision must be made on an affirmative.

The reasons for any decision which are made contrary to the Planning Officers' recommendation must be formally recorded in the minutes and a copy placed on file.

Once a decision of the Planning Committee has been made, a planning official will be available to present the corporate view of the Planning Committee should it be required at Planning Appeals, Independent Examinations and other Hearings.

#### **9. The Chairman may:**

- (a) Suspend the public's right to speak if he/she considers it necessary to maintain order at the meeting: or
- (b) Vary the order of representations if he/she feels that it is convenient and will assist the committee in dealing with the matter provided that it will not cause prejudice to the parties concerned.

### **PART C: Site Visits and Pre Determination Hearings**

#### **1. Site Visits**

It is recognised that, on occasions, members of the Planning Committee may need to visit a site to help them make a decision on a planning application. For example, the proposal may be difficult to visualise or the application is particularly contentious.

Site visits should be an exception as they are time consuming and expensive. If required, they should be identified by Planning Officers in consultation with the Chair prior to the Planning Committee Meeting at which the application is scheduled to be determined. Site visits will only be carried out where there are clear benefits. In the event a Planning Committee members requests a site visit this will be a deferral of the decision before the Planning Committee and a vote will be taken.

The Planning Committee Clerk should contact the applicant / agent to arrange access to the site. Invitations will be limited to members of the Planning Committee and Council Planning Officers. Site visits are not an opportunity to lobby Councillors or be used to seek to influence the outcome of a proposal prior to the planning committee meeting.

Councillors should not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, they will not have the information provided by the Planning Officer, and, in some circumstance, it might lead to allegations of bias.

Attendance of site visits is optional, but it is recommended that the full Planning Committee should attend site visits, unless there are exceptional reasons. The Planning Officers report to the Planning Committee should record the date of the visit, attendees and any other relevant information.

## **2. Pre Determination Hearings**

The Planning Committee has a mandatory requirement to hold Pre- Determination Hearings for those major applications which have been referred to the Department for call-in consideration, but have been returned to the council for determination. The council's Planning Committee will therefore have to hold a hearing prior to the application being determined. In addition, councils may also hold pre-determination hearings, at their own discretion, where they consider it necessary, to take on board local community views, as well as those in support of the development.

The intention is to make the application process for major applications more inclusive and transparent by giving applicants and those who have submitted representations the opportunity to be heard by council before it takes a decision.

It will be a matter for the Planning Committee to judge when a Pre- Determination Hearing is appropriate, taking account of the relevance of the objections in planning terms, the complexity of the application and level of pre-application community consultation.

When holding a Pre Determination Hearing the procedures will be the same as the normal Planning Committee meetings. The Planning Officer will produce a report detailing the processing of the application to date and the planning issues to be considered. The number of individuals to speak on either side, time available etc will be agreed prior to the hearing. If the Planning Committee decides to hold the hearing on the same day as it wishes to determine the application the Planning Officers report should contain a recommendation.

## Appendix 4

### Protocol for the Establishment of a Working Group

## Protocol for the Establishment of a Working Group

Approved Date	01 June 2020
Review Date	June 2021
Related Legislation/Applicable Section of Legislation	Local Government Act (Northern Ireland) 2014
Related Policies, Procedures, Guidelines, Standards, Frameworks	Standing Orders
Replaces	Version 1 - agreed April 2016
Policy Lead (Name/Position/Contact details)	Head of Corporate Services Chief Executive
Sponsor Directorate	Chief Executive
Version	6

## Revision record

Date	Version	Revision Description
29.02.16	Draft for SMT consideration	Comments and amendments from SMT
10.03.16	Draft. 1	Draft for consideration by Policy & Resources Committee
04.04.16	1	Ratified by full Council
30.05.16	2	Presented for consideration at AGM 07.06.16 No substantive changes.
3.05.17	3	Presented for consideration at AGM 06.06.17 No substantive changes.
05.06.18	4	Revisions for consideration at 2018 AGM
20.05.19	5	Presented for consideration at AGM 20.05.19 No substantive changes.
01.06.20	6	Presented for consideration at AGM 01.06.20 Minor changes to reflect Committee Structure.



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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 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:

<b>Meeting</b>	<b>Membership</b>
Full Council	All 40 Elected Members
Planning Committee	12 Elected Members
Direct Services Committee	20 Elected Members
Borough Growth Committee	20 Elected Members
Policy & Resources Committee	20 Elected Members
Audit & Scrutiny Committee	8 Elected Member 1 independent 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 (ie Quota Greatest Remainder).

- 1.3 From time to time, Council may decide on the need to establish working groups, to provide a more informal opportunity for discussion and consideration of specific issues outside of the formal committee system.
- 1.4 Any Working Group established should have a clearly defined need, clear reporting and governance arrangements, have specific terms of reference.
- 1.5 The lifespan of a working group may last between a few months or several years. The Sponsor Committee should set a timeframe for the work, which will be subject to regular review. All Working Groups will disband once they have achieved their/its goals.

## **2. Scope**

- 2.1 A working group 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 Working Group would provide more focus to enhance the development of the issue.

- 2.3 Working Groups 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 Working Group established under its remit.

### **3. Proposal to Establishing a Working Group**

- 3.1 A Working Group 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 Working Group would aid and facilitate discussion; and
  - c. The issue is under the remit of the sponsor Committee.
- 3.2 A proposal to establish a working group will be considered by the sponsor Committee/Full Council and will be agreed by a simple majority of the Committee/Full Council.
- 3.3 A terms of reference and membership arrangements for the working group will be considered by the sponsor Committee/Full Council and will be agreed by a simple majority of the Committee/Full Council. Council should endeavour to ensure appropriate representation, whilst also taking any account 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 working group. 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 Working Group 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 Working Group, the sponsor Committee may wish to agree a Chair and provide an indication of the frequency of meetings, or alternatively leave this to the Working Group for consideration. Good Practice would suggest the Chair of the Working Group should also be a member of the sponsor Committee.

#### **4. Operation of a Working Group**

- 4.1 A Working Group meeting shall be called with five working days notice, via MinutePad<sup>20</sup>.
- 4.2 An Action note will be taken of discussions, and presented to the next meeting of the working group, prior to being presented to the next available sponsor committee meeting.
- 4.3 In the case where a Working Group 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 Working Groups 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 Working Group must receive prior approval by the sponsor Committee/Full Council.
- 5.3 Upon completion of its terms of reference and specified goals the chairman of the working group 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 working Groups 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>20</sup> In circumstances where external partners are included in working groups, it may not be suitable to use MinutePad, and papers will be issued via email.

**Terms of Reference template**  
**Name of Working Group**

The text relates to Environmental health and is for illustrative purposes

**1. Purpose**

*<The purpose of the working group 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**

*Chairman  
Deputy Chairman  
Elected Members  
Council Officers*

**4. Meeting arrangements**

*<The working group will meet as and when required; weekly; monthly; quarterly>*

**5. Reporting structure**

*<The working group will report and make recommendation to the Operations Committee, within a [defined period].*

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

**Appendix 5**

**Council Decision Making Process**

# Council Decision Making Process

<b>Approved Date</b>	01 June 2020
<b>Review Date</b>	June 2025
<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>	Head of Corporate Services Chief Executive
<b>Sponsor Directorate</b>	Chief Executive
<b>Version</b>	5

## Revision record

<b>Date</b>	<b>Version</b>	<b>Revision Description</b>
	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



## 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 (in development);

- 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>21</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>21</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, eg your employment, trade, profession, contracts, or any company with which you are associated and your wider financial interests, eg 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**