

## **Broads Authority**

### **Standing Orders**

#### **Part A - Procedure at Meetings of the Authority**

##### **1 Chairman of Meeting**

Any power or duty of the Chairman relating to the conduct of a meeting may be exercised by any other person presiding at the meeting.

##### **2 Quorum**

- (1) Subject to paragraph 45 of Schedule 12 to the Local Government Act 1972, business can only be transacted if at least six members are present.
- (2) If there is no quorum the meeting must be immediately adjourned and any remaining business postponed either to a time fixed by the Chairman at the adjournment or, if the Chairman does not fix a time, to the next ordinary meeting of the Authority.

##### **3 Order of Business**

- (1) Subject to paragraph (2) the order of business at every meeting of the Authority must be:
  - (a) to receive apologies for absence;
  - (b) where appropriate to appoint a Chairman and Vice-Chairman or, if necessary, to choose a person to preside if the Chairman and Vice-Chairman are absent;
  - (c) to deal with any business which the law requires to be done first;
  - (d) to receive declarations of interest relating to items on the agenda;
  - (e) to note whether any items have been proposed as matters of urgent business, and agree that these be dealt with;
  - (f) to note whether any questions have been raised by members of the public, and if so to receive and respond to such questions;
  - (g) to agree and sign the minutes of the last meeting;

- (h) to receive a summary of progress/actions taken following decisions of previous meetings of the Authority;
- (i) to receive and consider the minutes and recommendations of committees, the Broads Forum and other panels and forums established by the Authority, where appropriate;
- (j) to consider reports and presentations from officers, including those relating to any business specifically required by law;
- (k) to consider any other item of business which the Chairman decides should be considered as a matter of urgency;
- (l) to answer any formal questions of which due notice has been given under Standing Order 6;
- (m) to consider motions in the order in which notice has been received under Standing Order 4;
- (n) to deal with any other business specified on the agenda; and
- (o) to deal with any matters of business which involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A to the Local Government Act 1972.

#### **Variations in the Order of Business**

- (2) The order of business under items 3 (1) (d) to (o) can be changed:
  - (a) at the discretion of the Chairman;
  - (b) by a resolution passed on a motion, duly moved and seconded, which must be moved and put without discussion. The motion need not be in writing but must specify the reason why the order of business is to be changed.

#### **4 Notices of Motion**

- (1) Motions under Standing Order 5 may be moved without notice.
- (2) Notice of every other motion must be given in writing and be signed by the member of the Authority giving the notice. It must be delivered at least ten days before the next meeting of the Authority at the office of the Chief Officer. The Chief Officer must date and number motions in the order in which they are received, and enter details in a book which can be inspected by members of the Authority.

### **Motions to be set out in Agenda**

- (3) The Chief Officer must set out in the agenda for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the member giving the notice stated in writing when giving it that it would be moved at a later meeting, or has since written to withdraw it.

### **Motion not Moved**

- (4) A motion must be moved in the form set out in the agenda. This can be done by the member who gave the notice, or another on behalf of that member. The motion must also be seconded. If this does not happen it will be treated as withdrawn and cannot be moved without fresh notice. Alternatively, if the Authority agrees, the motion can be postponed.

### **Automatic Reference to Committee**

- (5) If the subject matter of any motion of which notice has been properly given comes within the province of any committee or committees it must upon being moved and seconded be referred without discussion to such committee or committees or to such other committee or committees as the Authority may determine, for consideration and report.

However, the Chairman has the discretion to allow the motion to be dealt with at the meeting at which it is brought forward.

### **Scope of Motions**

- (6) Every motion must either relate to a function of the Authority or, in the view of the Chairman, affect the Authority's area.

## **5 Motions and Amendments which can be moved without Notice**

- (1) The following motion and amendments can be moved without notice:-
  - (a) to appoint a Chairman of the meeting;
  - (b) relating to the accuracy of the minutes;
  - (c) that an item of business is taken before other items;
  - (d) to refer a matter to a Committee;
  - (e) to appoint a Committee or its members as a result of an item mentioned in the agenda for the meeting;
  - (f) to receive and adopt reports, minutes and recommendations of Committees or of any officer;

- (g) that a recommendation of a Committee:
    - (i) be referred back to Committee for further consideration and report;
    - (ii) be received but be amended for adoption by the Authority in a manner specified;
  - (h) that consideration of the motion be postponed;
  - (i) that leave be given to withdraw a motion;
  - (j) to extend the time limit for speeches;
  - (k) that a motion be amended;
  - (l) that the Authority proceed to the next business;
  - (m) that the question be now put;
  - (n) that the debate be adjourned;
  - (o) that the Authority adjourn;
  - (p) to suspend Standing Orders, in accordance with Standing Order 17;
  - (q) under Section 100A (4) of the Local Government Act 1972 to exclude the public;
  - (r) that a member named under Standing Order 10 be not further heard or must leave the meeting;
  - (s) to give the consent of the Authority where it is required by these Standing Orders.
- (2) If on the passing of any motion or amendment action has previously been taken under delegated powers to an extent which makes it impracticable to deal with the item in the manner desired by the Authority, the motion or amendment shall have effect as requiring the Committee to re-examine the policy involved and report to the Authority thereon before taking any further decisions or implementing decisions already taken involving the same question of policy.
- (3) A motion by the Chairman must take precedence over any other motion and must be put forthwith without discussion or question and without the need of a seconder. However, after the withdrawal of the public following any such motion a member may, notwithstanding any other provision of these Standing Orders, move that the public be

re-admitted and upon that motion being seconded it may be discussed and voted upon.

## **6 Questions**

- (1) A member can:
  - (a) without notice ask the Chairman of a Committee any question upon an item of the report or minutes of a Committee when that item is under consideration by the Authority;
  - (b) ask through the Chairman any question relating to any matter in relation to which the Authority has powers or duties or which affects the Authority not arising from the proceedings of a Committee then before the Authority. The question must be put in writing to the Chairman of the appropriate Committee of the Authority, with a copy to the Chief Officer, at least four clear working days before the meeting.
- (2) Every question shall be put and answered without discussion although the person to whom the question is put may decline to answer it.
- (3) An answer may be given:
  - (a) orally; or
  - (b) by reference to an Authority publication if it contains the answer; or
  - (c) in writing circulated to members of the Authority.
- (4) If a member who has given written notice of a question is not present when the question is to be put, that question may, with the consent of the Authority, be asked by any other member present.

## **7 Minutes**

- (1) The Chairman will ask whether the minutes of the meeting of the Authority can be signed as a correct record.
- (2) The only aspect of the minutes which can be discussed is their accuracy. Any question about their accuracy must be raised (by motion if the Chairman considers this to be necessary) and as soon as it has been dealt with the Chairman must sign the minutes.
- (3) Any question on the accuracy of the report or minutes of a Committee or Sub-Committee must be referred to the next meeting of the Committee or Sub-Committee and must not be discussed at the meeting of the Authority.

## **8 Rules of Debate for Meetings of the Authority**

### **Motions and Amendments**

- (1) A motion of amendment cannot be discussed until it has been proposed and seconded. Unless notice has already been given under Standing Order 4 it must, if required by the Chairman, be put into writing and handed to the Chairman or Chief Officer before it is further discussed or put to the meeting.
- (2) When seconding a motion or amendment a member may, on stating the intention to do so, reserve a speech on the matter until later in the debate.

### **Content and Length of Speeches**

- (3) A member can only speak about the matter under discussion or on a point of order, or in personal explanation. A speech must not exceed five minutes in the case of the mover of a motion or three minutes in all other cases unless the Authority agrees to make an exception.

### **When a Member May Speak Again**

- (4) A member who has spoken on any motion cannot speak again whilst it is the subject of debate, except:-
  - (a) to speak once on an amendment moved by another member;
  - (b) to move a further amendment if the motion on which he last spoke has been amended;
  - (c) if the member's first speech was on an amendment moved by another member, to speak on the main issue, whether or not the prior amendment was carried;
  - (d) in exercise of a right of reply given by paragraph (10) or (12) of this Standing Order;
  - (e) on a point of order;
  - (f) in personal explanation;
  - (g) to move a resolution under paragraph (12) of this Standing Order;
  - (h) to demand a recorded vote in accordance with Standing Order 13;
  - (i) to move the suspension of Standing Orders in accordance with Standing Order 17.

## **Amendments to Motions**

(5) An amendment must be relevant to the motion and must either:-

- (a) refer the subject under discussion to a Committee for consideration or re-consideration;
- (b) leave out words;
- (c) leave out words and add others;
- (d) add words.

Omissions or additions must not have the effect of merely negating the motion before the Authority.

(6) Only one amendment may be moved and discussed at a time. No further amendment can be moved until the amendment under discussion has been dealt with.

However, the Chairman can allow two or more amendments to be discussed (but not voted on) together if circumstances suggest that this will help business to be dealt with more efficiently.

(7) If an amendment is lost, other amendments can be moved on the original motion. If an amendment is carried, the amended motion takes the place of the original motion and becomes the motion upon which any further amendment can be moved.

## **Alteration to Motion**

(8) If the Authority without discussion agrees, the proposer of a motion may amend that motion either:-

- (a) before it is formally moved; or
- (b) after it is moved, with the agreement of the seconder.

This can only be done if in either case the alteration is one which could have been made as an amendment to the motion.

## **Withdrawal of Motion**

(9) A member can withdraw a motion or amendment with the permission of his seconder and of the Authority which shall be signified without discussion. Unless this permission is refused a member cannot speak upon the motion after the mover has asked permission to withdraw it.

## **Right of Reply**

- (10) The mover of a motion has a right to reply at the close of the discussion on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion (who otherwise cannot speak on the amendment) also has a right of reply at the close of the discussion on the amendment. The mover of the amendment has no right of reply to the discussion on that amendment.

## **Other Motions**

- (11) When a motion is under debate no other motion can be moved except:
- (a) that the subject of debate:-
    - (i) be referred to a Committee for consideration; or
    - (ii) be referred back to a Committee for further consideration;
  - (b) to postpone consideration of the motion;
  - (c) to amend the motion;
  - (d) to proceed to the next business;
  - (e) that the question be now put;
  - (f) to adjourn the debate;
  - (g) to adjourn the meeting;
  - (h) that Standing Orders be suspended in accordance with Standing Order 17;
  - (i) under Section 100A (4) of the Local Government Act 1972 to exclude the public;
  - (j) under Standing Order 10 that a member be not further heard or must leave the meeting.

## **Ending a Debate**

- (12) At the end of any speech another member can without comment move:-

"that the Authority proceed to the next business";

"that the question be now put";

"that the subject of debate be remitted to a Committee for consideration";

"that the subject of debate be referred back to a Committee for further consideration";

"that consideration of the motion be postponed";

"that the debate be now adjourned"; or

"that the Authority now adjourn";

on the seconding of which the Chairman must proceed as follows:-

- (a) on a motion "to proceed to the next business" or "to remit or refer back to the Committee", the Chairman must first give the mover of the original motion a right of reply. Then, the Chairman must put to the vote the motion to proceed to the next business, to remit the subject of debate to a Committee for consideration, or to refer the subject of debate back to a Committee for further consideration, as the case may be;
- (b) on a motion that the question be now put, the Chairman must first put that motion to the vote. If it is passed the Chairman must then give the mover of the original motion a right of reply before putting the original motion or amendment to the vote;
- (c) on a motion to postpone consideration of a motion or to adjourn the debate or the meeting, the Chairman must put the postponement or adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

Only the Chairman may move a second motion to the same effect under this paragraph in reference to the same motion or amendment within a period of thirty minutes.

- (13) When satisfied that a reasonable range of opinion has been expressed on a motion or amendment, the Chairman may conclude the debate by calling upon the mover of the original motion to reply.

### **Points of Order and Personal Explanations**

- (14)
  - (a) A point of order is a request by a member to the Chairman for a ruling on any alleged irregularity in the constitution or conduct of the meeting.
  - (b) The point of order must be raised as soon as the alleged irregularity is noticed. The member who notices the irregularity

must specify the Standing Order or the statutory provision concerned together with the alleged breach.

- (15) When a member is misunderstood or misquoted by a later speaker or wishes to correct an earlier mis-statement subsequently quoted by a later speaker the member can rise on a point of personal explanation and, with the permission of the Chairman, interrupt the speaker in order briefly to correct the misunderstanding.
- (16) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation is not open to discussion.

### **Respect for Chairman**

- (17) Whenever the Chairman rises during a debate any member then speaking must cease to do so and the rest of the members must be silent.

## **9 Motions Affecting Employees of the Authority**

If any question arises at a meeting of the Authority to which the press or the public has been admitted as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any employee of the Authority, that question must not be the subject of discussion until the Authority has decided whether or not to exercise any power to exclude the public.

## **10 Disorderly Conduct**

- (1) If any member persistently disregards the ruling of the Chairman, or behaves irregularly, improperly or offensively, or intentionally obstructs the business of the Authority, the Chairman or any other member can move "that the member named be not further heard". If the motion is seconded it must be put to the vote without discussion.

### **Continuing Misconduct by a Named Member**

- (2) If the member named continues to misbehave after a motion under paragraph (1) has been carried the Chairman will either:

move "that the member named leave the meeting" (in which case the motion must be put to the vote without seconding or discussion); or

adjourn the meeting for so long as he thinks necessary.

### **General Disturbance**

- (3) If there is a general disturbance the Chairman can adjourn the meeting for a period to be specified at the time of the adjournment.

## **11 Disturbance by Members of the Public**

If a member of the public interrupts the proceedings at any meeting the Chairman will issue a warning. If the interruption continues the Chairman will order the offender to be removed. In the case of general disturbance in any part of the meeting place open to the public the Chairman will order that part to be cleared.

## **12 Recording of Meetings**

The audio and/or visual recording of meetings shall only be permitted at the discretion of the Chairman.

## **13 Rescission of Earlier Resolution**

A motion cannot be moved to rescind a decision of the Authority taken within the preceding six months, nor can a motion or amendment to the same effect as one which has been rejected within the preceding six months be proposed, unless the notice thereof given under Standing Order 4 bears the names of at least six members of the Authority. When this motion or amendment has been dealt with no one can propose a similar motion for a further six months.

This Standing Order does not apply to motions moved as a result of a recommendation of a Committee.

## **14 Voting**

Except in cases falling within Standing Order 15 (2) voting is by show of hands. But any member who wants the individual votes on any matter recorded to show how each member voted must ask for this to be done either before or immediately after a vote is taken, and the request will be allowed if at least six other members show their support by raising their hand at the time of the request. An individual's vote will only be recorded if the named member says "Yes" or "No" immediately after being called to do so.

## **15 Voting on Appointments**

- (1) Subject to paragraphs (2) and (3), where there are more than two persons nominated for any single position or vacancy to be filled by the Authority (including any paid appointment and any Chairmanship or Vice-Chairmanship) and of the votes given there is not a majority in favour of one person, the name of the person having the lowest number of votes must be struck off the list and a fresh vote taken and so on until a majority of votes is given in favour of one person. The voting may take place by ballot, if the Authority so decides.
- (2) (a) Where the number of positions or vacancies to be filled is two or more and the number of persons nominated exceeds the number of positions or vacancies to be filled, voting papers must be distributed and a vote taken by each member writing on one

voting paper the names of no greater number of the persons nominated than would be required to fill the positions or vacancies under consideration.

- (b) Where any person receives a number of votes equalling or exceeding the quota then that person will fill one of the positions or vacancies. If following that round of voting not all positions or vacancies are filled, then a fresh vote will be taken.
- (c) If none of the persons receives sufficient votes to fill any of the positions or vacancies in any round of voting the person with the lowest number of votes must be struck off the list before a fresh vote is taken.
- (d) This procedure will go on until all the positions or vacancies have been filled.
- (e) The quota is determined by dividing the total number of votes which are actually cast by one more than the number of places to be filled and then by adding one; fractions will be ignored.
- (f) In any round of voting any member may only cast one vote in favour of any one person.

## **16 Record of Attendances**

Every member attending a meeting of the Authority must sign the attendance sheet circulated during the meeting. Any member who arrives later must bring this to the notice of the appropriate Committee Officer.

## **17 Variation and Revocation of Standing Orders**

Any motion to vary or revoke these Standing Orders must, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority.

## **18 Suspension of Standing Orders**

- (1) Subject to paragraph (2) any of these Standing Orders may be suspended in relation to the meeting where its suspension is moved or to any specified business at that meeting.
- (2) A motion to suspend Standing Orders cannot be moved without notice (i.e. under Standing Order 5 (1) (p)) unless at least 11 members of the Authority are present.
- (3) A motion to suspend Standing Orders must:
  - (a) specify the Standing Order(s) to be suspended;

- (b) be moved in terms limited to an explanation of the reasons for the suspension;
- (c) be seconded in formal terms only;

and thereupon be put to the Authority without debate.

## **19 Interpretation of Standing Orders**

The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, is final for the purposes of the meeting at which it is given.

## **Standing Orders**

### **Part B - Committees**

#### **20 Appointment of Committees**

The Authority must at the annual meeting appoint such Committees as it is required to appoint by law and may at any time appoint any other Committees, which it considers are necessary to carry out the work of the Authority. However, except in relation to the Navigation Committee and the Standards Committee, the Authority must not appoint any member of a Committee so as to hold office later than the next annual meeting of the Authority;

In addition, the Authority may at any time:

- (i) dissolve a Committee.
- (ii) alter the membership of a Committee provided that the appointment of co-opted members of the Navigation Committee or independent members of the Standards Committee are made in accordance with statutory procedures.

#### **21 Committees**

- (1) Every Committee will continue in being until its successor is appointed.
- (2) Every Committee will at its first meeting after the annual meeting of the Authority in any year and whenever else necessary elect a Chairman and (if so desired) a Vice-Chairman for the year, who will each serve until a successor is appointed. In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting must be appointed.

#### **22 Special Meetings of Committees**

The Chairman of a Committee or the Chairman of the Authority may call a special meeting of a Committee at any time. A special meeting must also be called on the requisition of a quarter of the whole number of the Committee, delivered in writing to the Chief Officer, but in no case can fewer than three members requisition a special meeting. The notification of the special meeting must set out the business to be considered thereat, and no business other than that set out in the summons can be considered at that meeting.

#### **23 Sub-Committees**

Standing Order 21 applies to Sub-Committees as it applies to Committees.

## **24 Quorum of Committees and Sub-Committees**

- (1) Except where authorised by a statute or ordered by the Authority business must not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the voting members of the Committee or four voting members (whichever is more) are present.
- (2) In the case of the Standards Committee the quorum is three members, of whom at least one must be one of the independent members appointed by the Authority.
- (3) In the case of the Financial Scrutiny and Audit Committee the quorum is three members.
- (4) Except where ordered by the Committee which has appointed it, business must not be transacted at a Sub-Committee unless at least one quarter of the whole number of the voting members of the Sub-Committee or three voting members (whichever is more) are present.

## **25 Financial Regulations**

Every Committee and Sub-Committee must comply with the Financial Regulations of the Authority.

## **26 Record of Attendances**

Every member attending a meeting of a committee or sub-committee must sign the attendance sheet provided for the purpose.

## **27 Voting in Committees and Sub-Committees**

Voting at a meeting of a Committee or Sub-Committee must be by show of hands.

## **28 Questions at Meetings of Committees and Sub-Committees**

A member of a Committee or Sub-Committee may, at any meeting of the Committee or Sub-Committee, ask through the Chairman any question relating to any matter within the terms of reference of the Committee or Sub-Committee, provided he has sent written notice of his intention, setting out the terms of the question, to the Chairman and also a copy thereof to the Chief Officer at least four clear working days prior to the meeting of the Committee or Sub-Committee at which such question is to be asked.

## **29 Adjournment of Committee and Sub-Committee Meetings**

When a Committee or Sub-Committee adjourns, whether by resolution or by decision of the Chairman, the meeting must specify at that time, the date, time and place to which it is adjourned.

If this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, the Chief Officer must notify all members of the Committee or Sub-Committee of the new date, time and place when these have been determined.

## **30 Mover of Motion may attend Committee**

A member of the Authority who has moved a motion which has been referred to any Committee or Sub-Committee must have notice of the meeting of the Committee or Sub-Committee at which it is proposed to consider the motion. The mover can attend the meeting and can have an opportunity of explaining the motion to the meeting.

## **31 Application of Standing Orders to Committees and Sub-Committees**

Every Committee and Sub-Committee shall carry out its business in general conformity with the Standing Orders in Part A save that Standing Orders 2, 3, 4, 5, 6, 8(10) and 14 shall not apply to them. The following Standing Orders in Part A shall apply to Committees and Sub-Committees only to the extent indicated:

8(2) and (4) will apply only when a formal motion or amendment is before the meeting and will not therefore preclude a member from speaking more than once in general debate prior to that stage;

13 will not apply otherwise than to debar a member from proposing at any meeting a motion to rescind any resolution passed at the same meeting or any motion of amendment to the same effect as one which has been rejected at the same meeting.

## Standing Orders

### Part C - General

#### 32 Canvassing of and Recommendations by Members and Officers

- (1) Candidates for any appointment with the Authority will be disqualified if they canvass Authority or Committee members in their favour. The effect of this paragraph must be included in all application forms.
- (2) A member may give a written reference to accompany an application, but must not in any way try to influence improperly the choice of candidate for any appointment.

#### 33 Relatives of Members or Officers

- (1) A candidate for any appointment with the Authority who is related to any member or officer must when making application disclose that relationship to the Chief Officer. A candidate who knowingly fails to disclose such a relationship will be disqualified for the appointment and if appointed will be liable to instant dismissal. Every member and officer must disclose to the Chief Officer any known relationship to any candidate for an appointment under the Authority.
- (2) The effect of this Standing Order must be included in all application forms.
- (3) For the purpose of this Standing Order a candidate is related to a member or officer and a member or officer has a relationship with a candidate if the candidate's relationship with the member or officer is one of a:
  - (a) spouse, partner, parent, parent-in-law, son, daughter, step son, step daughter, brother, sister, grandparent, grandchild, uncle, aunt, nephew or neice;
  - (b) child, or brother or sister, or parent of a partner;
  - (c) spouse or partner of any such person in 33 (3) (a) and (b) above.

#### 34 Common Seal and Signing of Documents

- (1) The Solicitor to the Authority must keep the Common Seal of the Authority in a safe place.
- (2) The Common Seal may only be affixed to a document if the sealing has been authorised by a decision of the Authority or of a Committee, Sub-Committee or an officer acting under statutory or delegated powers or duties. A decision which authorises the doing of any act

which should or may be recorded or effected by means of a document under the Seal is sufficient authority for sealing any document necessary to record or give effect to the decision.

- (3) The Common Seal may only be affixed to a document if in the presence of the Chief Officer or such other senior officer authorised by him. The officer must also attest the fixing of the Seal.
- (4) A record of every sealing must be entered and consecutively numbered in a book and attested by the officer who attested the sealing.
- (5) A resolution of the Authority or of a Committee or Sub-Committee passed in the exercise of statutory delegated powers authorising the doing of any act which should or may be recorded or effected by means of a document under hand is sufficient authority for the signing of the document by the Chief Officer or by such officer of the Authority as is duly authorised to sign the document.

### **35 Inspection of Lands, Premises etc**

Unless specifically authorised by the Authority or a Committee, a member of the Authority or of a Committee must not:-

- (a) issue any order relating to work being done by or for the Authority; or
- (b) as a member of the Authority or Committee claim any right to enter or to inspect property which the Authority has the power or duty to enter or inspect.

### **36 Documents Not for Publication**

- (1) Except insofar as the subject matter of any document has become public in the ordinary course of the Authority's business or by a decision of a Sub-Committee, Committee or the Authority, a member who has inspected a document or minute for the purposes of his duties as a member must not communicate its contents to any member whose inspection thereof would be barred nor to any person other than a member of the Authority.
- (2) All reports and other documents and all proceedings of Committees and Sub-Committees must be treated as not for publication unless and until they become public in the ordinary course of the Authority's business or at the direction of a Committee exercising delegated powers.

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