

# Causeway Coast & Glens Borough Council

To: Corporate Policy and  
Resources Committee

Date: 17th November 2015

## Draft Standing Orders of Council

### For Decision

Linkage to Corporate Plan	
Strategic Priority	Leader and Champion
Objective	Our Elected Members will provide civic leadership to our citizens, working to promote the Borough as an attractive place to live, work, invest and visit
Lead Officer	David Jackson/Moira Quinn
Cost: (If applicable)	Not applicable unless additional legal advice is required. Cost of subsequent training.

## 1.0 Background

1.1 Article 37 (1) of the Local Government Act (Northern Ireland) 2014 states that:

*(1) A council must make standing orders for the regulation of the proceedings and business of the council.*

*(2) A council may vary or revoke standing orders.*

1.2 Causeway Coast and Glens Borough Council agreed to continue to utilise the interim standing orders which had been used by Causeway Coast and Glens Shadow Council. This report is based on work delivered by a standing orders sub-committee which met on the 30<sup>th</sup> of September and the 4<sup>th</sup> of November 2015, comprised of Councillors Beattie, Blair, Callan, Clarke, and McGuigan.

## 2.0 Draft Standing Orders

2.1 The framework provided by the Department has now been used to develop new draft Standing Orders for Causeway Coast and Glens Borough Council.

2.2 These changes proposed by the Sub-committee have been incorporated into the draft Standing Orders document which is attached as **Appendix 1**.

The Local Government Act (NI) 2014 enables the Council to vary its Standing Orders. Included at **Annex C** is the latest “Protocol for the Operation of the **Planning Committee**”. **Annex A** outlines the protocol for **Deputations**. **Annex B** proposes a protocol for the award of the Freedom of the Borough.

### **3.0 Recommendation**

It is recommended that the Committee considers the draft Standing Orders as outlined in **Appendix 1**.

**Causeway Coast and Glens  
Borough Council**

**STANDING  
ORDERS OF  
COUNCIL**

**Version Number 6  
Author  
Date Adopted by Council  
Date Revised**

## **DEFINITIONS**

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

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

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

“**Clerk**” means the Clerk of a council appointed under section 41 of the Local Government Act (Northern Ireland) 1972.

“**Committee**” means a committee appointed under section 7 of the 2014 Act.

“**Delegated authority**” means the discharge of a function under authority fixed by a council under section 7 of the 2014 Act.

“**Decision maker**” means the body or person making an executive decision, a decision under delegated authority or a key decision.

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

“**Executive Arrangements Regulations**” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2015.

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

“**Key decision**” means a decision under executive arrangements which is likely –

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 district of the council.

“**Member**” means a councillor on that council.

**“Nominating officer”** means:

- (a) the person registered under the Political Parties, Elections and Referendums Act 2000 as the party’s nominating officer; or
- (b) a Member of the council nominated by that person for the purposes of Schedule 1 to the 2014 Act.

**“Party”** means a party registered under the Political Parties, Elections and Referendums Act 2000 in the Northern Ireland register (within the meaning of that Act).

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

**“Proper officer”** means an officer appointed by the council for the purpose of supporting the executive.

**“Published”** means made available for inspection by Members of the council.

**“Register of Decisions”** means a register of decisions maintained by the council of those decisions agreed by the council.

**“Section of the inhabitants of the district”** means any section of the inhabitants that is clearly identifiable by location, interest or other category.

**“Special resolution”** means a resolution of a council as defined in section 148 of the Local Government Act (Northern Ireland) 1972.

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## 1. Annual and Monthly Meetings

- (1) In every year that is not a local election year the Council shall hold an Annual Meeting in the month of June.
- (2) In any year which is a local election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix, at the offices of the Council or at such other place as the Department may direct.
- (3) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the fourth Tuesday of every month. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.
- (4) Meetings of the Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. When the day of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead.

## 2. Time and Place of Meetings

The Annual Meeting and other meetings of the Council shall be held at 7.00 pm in the Council Chamber except where otherwise fixed by statute or by special summons.

## 3. Convening Special Meetings

- (1) The Mayor of the Council may call a meeting of the Council at any time.
- (2) The Mayor of the Council must call a meeting of the Council if a requisition for such a meeting, signed by not less than **sixteen** (SF/SDLP view: ten) Members of the council is presented to him/her; and, if he/she refuses to call a meeting on such a requisition or if, without so refusing, he/she does not call such a meeting within the period of **seven days** from the date of service of the requisition on him/her, not less than five Members may, on that refusal or on the expiration of that period, forthwith call a meeting of the Council.

## 4. Notice and Summons of Meetings

- (1) **Five days** at least before a meeting of the Council, a committee or sub-committee, notice of the time and place of the intended meeting shall be published at the offices of the Council. Where the meeting is called by Members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat.
- (2) A summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be served on every

Member at least **five days** before the meeting. Want of service of this summons shall not affect the validity of a meeting. The draft minutes of a Committee that takes place during the week of the summons can be shared by email.

- (3) Except in the case of business required by statute or, where in the opinion of the Mayor / Chair at the meeting the business should be considered by the meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a committee or sub-committee other than that specified in the summons relating thereto.
- (4) A committee or the meeting of Council may be cancelled at short notice by the Chair or Mayor when a red weather warning from the meteorological office coincides with the timing of the meeting. The Mayor / Chair has discretion to postpone a meeting of Council or Committee where a Councillor suffers a family bereavement that impacts on the attendance of the meeting.

## 5. **Chair to be Taken**

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with. The Mace shall be displayed at Council meetings.

## 6. **Mayor / Chair of Meeting**

- (1) At a Meeting of the Council, the Mayor / Chair of the Council, if present, must preside.
- (2) If the Mayor / Chair of the Council is absent from a Meeting of the Council, the Deputy Mayor / Chair of the Council, if present, shall preside.
- (3) If neither the Mayor / Chair nor Deputy Mayor / Chair are present at a Meeting of the Council, a Member of the Council chosen by the Members who are present must preside.
- (4) If discussion arises on the allocation of the position of Mayor / Chair, the Clerk shall exercise the powers of the Mayor / Chair to assist in the regulation of that discussion.
- (5) Any power of the Mayor / Chair of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## 7. **Quorum**

- (1) Subject to paragraph (4), no business shall be transacted at a Meeting or Committee of the Council unless at least **half** of the whole number of Members are present; the exception is the Planning Committee which requires a quarter of the Members present and voting.



- (2) If during a meeting, the person presiding, after the number of Members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he/she shall declare the meeting adjourned.
- (3) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.
- (4) Where more than **one-quarter** of the Members become disqualified at the same time then, until the number of Members in office is increased to not less than **three-quarters** of the whole number of Members, the quorum of the Council shall be determined by reference to the number of Members remaining qualified instead of by reference to the whole number of Members.

## **8. Admission to Meetings**

- (1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public, in accordance with section 42 of the 2014 Act.
- (2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety. The safe number of attendees is 20; where larger attendance is anticipated representation can be agreed by prior arrangement with the Democratic Services manager.
- (3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.
- (4) At all times during which a Meeting of the Council is open to the public, the Council must, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.
- (5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of

any proceedings as they take place by a member of the public shall be prohibited unless expressly permitted by the Council.

- (6) The use of social media by Members of the Council, Members of the public or journalists shall be permitted during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

## **9. Record of Attendances at Meetings**

The names of the Members present at a Meeting of the Council must be recorded. A record of annual attendance will be published annually within 5 months of the financial year end.

## **10. Exclusion of the Public**

- (1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.
- (2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.
- (3) The Mayor / Chair may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.
- (4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Mayor / Chair may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.
- (5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a Member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.
- (6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a Member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.

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

## **11. Deputations**

- (1) Deputations, from any source, shall only be admitted to address the Council provided the Clerk has received **7 days' notice** of the intended deputation and a statement of its objective. This is to be in line with the protocol agreed by Council at **Annex B**.
- (2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two Members of the deputation. The totality of the address shall not exceed **10 minutes**. Questions by Elected Members should be brief.
- (3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a deputation has made 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**.

## **12. Order of Business**

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

- a) apologies;
- b) declaration of Members interests;
- c) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- d) deputations;
- e) business required by statute to be transacted at the Meeting;
- f) adoption of the minutes of the proceedings of any committees and consideration of reports, if any, from such committees;
- g) reports of officers, public bodies, agencies etc, if any, may be considered and such orders given thereon as may be deemed necessary;
- h) reports on decisions/recommendations subject to the reconsideration process;
- i) other reports;
- j) correspondence and matters not already dealt with;
- k) sealing of documents;
- l) consideration of motions of which due notice has been given, in the order in which they have been received;
- m) confidential matters;
- n) (for Committees only) any other relevant business noted to the Chair, and the Member's nominating officer, other committee Members, and relevant chief officer, by 12 noon on the day prior to the meeting.

### **13. Minutes of the Council**

#### **13.1 Keeping Of; As Evidence;**

- (1) Minutes of the proceedings of a Meeting of the Council, or of a committee or sub-committee, shall be drawn up and entered in a bound book kept for that purpose.
- (2) No discussion shall take place upon the Minutes except upon their accuracy.
- (3) Any minute purporting to be signed as mentioned in paragraph (2) shall be received in evidence without further proof.
- (4) Until the contrary is proved, a Meeting of the Council or of a committee or sub-committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

#### **13.2 Signing Of**

The Minutes of a Meeting of the Council shall be signed at the next ensuing Meeting of the Council by the Mayor / Chair presiding, if approved by the meeting at which they fall to be signed.

### **14. Minutes of Committees**

- (1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of committees with reference to any matter within the remit of a committee which does not appear on the minutes submitted to the Meeting of the Council.
- (2) Any Member wishing to raise an issue regarding any matters appearing in the minutes submitted to the Council for approval and who states his/her request in writing to the Mayor / Chair of the committee twenty-four hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular committee are submitted for approval.
- (3) A reply to an issue raised at the Meeting regarding any matter in the minutes, without written notice, shall be at the discretion of the Mayor / Chair of the committee.
- (4) Any matter in the minutes of a committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the

Clerk of the Council shall be identified, and may not be the subject of discussion at that Meeting. (see Call in paragraph xx)

## 15. Motions

- (1) Every motion shall be relevant to some matter:
  - i) in relation to which the Council:
    - a) has power or duties;
    - b) is not prevented from taking action on by other legislation;
  - ii) which directly affects the local government district or its residents; and
  - iii) for which the Council is legally competent.

### 15.1 On Notice

- (1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given in writing by hard copy, signed by the Member or Members of the Council giving the notice and seconded, to the Clerk not later than at least **seven** clear days before the next Meeting of the Council. This will be date and time stamped. The motion must be clear in meaning otherwise it shall be rejected within 48 hours until such time as it is resubmitted in clear language, and not later than **seven** clear days before the meeting.
- (2) A motion shall be rejected within 48 hours if the wording or nature of the motion is considered unlawful or improper.
- (3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council. Motions will be emailed to the respective nominating officer within 48 hours of receipt.
- (4) Notices of motion shall be entered by the Clerk or his /her authorised deputy in their proper place upon the Summons Paper in the order in which they are received.
- (5) If a motion set out in the Summons is not moved either by a Member who gave notice, or by some other Member on his / her behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- (6) If the subject matter of any motion of which notice has been properly given comes within the remit of any committee it shall, upon being moved and seconded, stand referred without discussion to that committee, or to such other committee as the Council may determine, for consideration and report. The Mayor / Chair presiding may, if he/she considers it urgent and necessary to the dispatch of business, allow the motion to be dealt with at

the meeting at which it is brought forward. The proposer and the Mayor must agree this 24 hours prior to the meeting and communicate the intention to all other Members. If not a Member of the relevant committee, the proposer may speak but not vote or allow another member to speak to the motion. Motions to the full council should be limited to 3, on a rolling first come, first served basis.

- (7) If a notice of motion fails to be considered at a Meeting of the Council, such notice of motion will only be included on the Summons Paper for the following meeting if submitted in writing to the Clerk by the Member concerned not later than **seven** clear days, at least, before the Council meeting.
- (8) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the Summons Paper for a period of **six months** from the date of the second meeting at which the matter has failed to be considered.

## 15.2 Without Notice

The following motions may be moved without notice:

- a) to appoint a Mayor / Chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or Members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend Standing Orders, in accordance with Standing Order 27.1;
- n) to exclude the public and press in accordance with section 42 of the 2014 Act;
- o) to not hear further a Member named under Standing Order 25.3 or to exclude them from the meeting under Standing Order 25.4.

## 16. Amendments

- (1) When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:
  - a) to amend the proposal; or
  - b) that the Council do now adjourn; or
  - c) that the debate be adjourned; or
  - d) that the question be now put; or
  - e) that the Council do proceed to the next business.

### 16.1 To Amend the Proposal

- (1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter, and must not place a greater responsibility on the meeting than the original proposal.
- (2) An amendment to a motion shall be either:
  - a) to refer a subject of debate to a committee or to an officer for consideration or re-consideration;
  - b) to leave out words;
  - c) to leave out words and insert or add others; or
  - d) to insert or add words

but such omission, insertion or addition of words shall not have the effect of directly negating the motion before the Council.
- (3) When an amendment upon an original proposal has been moved, the question to be put shall be "*That the amendment be made*". Where any amendment is agreed, the question to be put shall be "*That the proposal, as amended, be agreed*". Where any amendment is rejected the question of the substantive proposal shall be put.

### 16.2 That the Council Do Now Adjourn

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "*that the Council do now adjourn*". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.

- (2) In the event of the proposal for the adjournment being carried, the Mayor / Chair shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.
- (3) A second proposal "*that the Council do now adjourn*" shall not be made within half-an-hour unless, in the opinion of the Mayor / Chair, the circumstances are materially altered.
- (4) The Mayor / Chair can call for a 10 minute recess as he / she feels appropriate.

### 16.3 That the Debate be Adjourned

- (1) Any Member of the Council who has not already spoken to the proposal or amendment then under debate may move "*that the debate be adjourned*". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) Before putting to the meeting a proposal "*that the debate be adjourned*", the Mayor / Chair presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.
- (3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.
- (4) On resuming an adjourned debate, the Member who moved its adjournment shall be entitled to speak first. A second proposal "*that the debate be adjourned*" shall not be made within half-an-hour. A Member shall not move or second more than one proposal for the adjournment of the same debate.

### 16.4 That the Question Be Now Put

- (1) Any Member who has not already spoken to the proposal or amendment then under debate may move "*that the question be now put*". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.
- (2) If the Mayor / Chair 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 and if same is carried, the proposal or amendment under discussion shall be put to the Council.



- (3) A second proposal "*that the question be now put*" shall not be made on the discussion of the same question within half-an-hour.
- (4) A Member shall not move or second more than one proposal "*that the question be now put*" on the discussion of the same question.

#### 16.5 That the Council Do Now Proceed to the Next Business

- (1) Any Member of the Council who has not already spoken to any proposal or amendment then under debate may move, "*that the Council do proceed to the next business*". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.
- (2) If the Mayor / Chair 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 and if same is carried the proposal or amendment under discussion shall be put to the Council.
- (3) When a proposal is carried "*that the Council do proceed to the next business*", the question under discussion shall be considered as dropped.
- (4) A second proposal "*that the Council do proceed to the next business*" shall not be made on the same question within half-an-hour.
- (5) A Member shall not move or second more than one proposal "*that the Council do proceed to the next business*" on the discussion of the same question.

#### 17. Amendments to Regulatory Decisions

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority [or those powers specified in Executive Arrangements Regulations]; or any application for which the Council is the licensing authority.

#### 18. Rules of Debate

##### 18.1 Motions and Amendments to be Reduced to Writing and Seconded

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Mayor / Chair presiding, be put into writing and handed to the Mayor / Chair presiding before it is further discussed or put to the meeting.

- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

#### 18.2 Alteration of Motion

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

#### 18.3 Withdrawal of Motion

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1, saying that 'I wish to withdraw my motion', at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 18.4 Mode of Address

A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

#### 18.5 Member Called to Order

If any Member, while speaking, be called to order, he/she shall cease speaking and shall not again address the Council until the Mayor / Chair has disposed of the question of order.

#### 18.6 Definition of Point of Order

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

19.9 Member May Raise a Point of Order

A Member may raise a point of order by raising their hand and stating 'point of order' and he / she shall be entitled to be heard immediately.

19.10 Ruling of Mayor / Chair on Point of Order

The ruling of the Mayor / Chair on a point of order shall not be open to discussion.

19.11 Member to Speak to Motion

A Member who speaks shall direct his/her speech strictly to the Motion under discussion, or an amendment thereof.

19.12 Member Shall Not Speak More Than Once

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate.

19.13 Duration of Speeches

Except with the permission of the Council, a Member, in introducing a motion, shall not speak for more than **ten minutes** and, in replying, for more than **five minutes**.

19.14 Addressing the Council

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a Member of the Council.

19.15 Only One Motion / Amendment May be Moved and Discussed at a Time

- (1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (2) If an amendment is not carried, other amendments to the original motion may be moved.
- (3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

19.16 When a Motion is Under Debate No Other Motion Shall be Moved

When a Motion is under debate no other Motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Mayor / Chair under Standing Order 25.4, that a Member do leave the meeting.

19.17 Mayor / Chair calls the Meeting to Order

Whenever the Mayor / Chair rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

19.18 Mayor / Chair Not to Receive Motion for Direct Negative

The Mayor / Chair shall not receive a motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

19.19 Mover's Right of Reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his / her amendment.

**19. Voting**

20.1 Majority

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those Members present and voting.

20.2 Mayor / Chair's Casting Vote

If there are equal numbers of votes for and against, the Mayor / Chair will have a second or casting vote.

### 20.3 Qualified Majority

**[The specification of decisions which are required to be taken by a qualified majority is a statutory requirement on a council under section 40(1) of the 2014 Act]**

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

- (a) the adoption of executive arrangements or prescribed arrangements as the council's form of governance, as provided for in section 19 of the 2014 Act **[mandatory]**;
- (b) the adoption of paragraph 3(2) of Schedule 1 to the 2014 Act as the method for filling positions of responsibility **[mandatory]**;
- (c) the adoption of Part 2 of Schedule 1 to the 2014 Act as the method for filling positions of responsibility **[mandatory]**;
- (d) the adoption of paragraph 3(3) of Schedule 2 to the 2014 Act as the method for appointing councillors to committees **[mandatory]**; and

**(Sub paragraph removed but not agreed by all of the sub-committee).**

- (e) the suspension of standing orders, other than Standing Orders 20.3, 21, 22 and 23, which cannot be suspended.

### 20.4 Show of Hands

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

### 20.5 Recorded Vote

If, before a vote is called, any Member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

## 21 'Call-in' Process

**[The specification of provision for the reconsideration of a decision is a statutory requirement under section 41(1) of the 2014 Act, as is the specification of a requirement to obtain the opinion of a practising barrister or solicitor (section 41(2))]**

## 21.1 Decisions Subject to Call-In

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders –
  - (a) a decision of the council;
  - (b) a decision of the executive;
  - (c) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
  - (d) a key decision taken by an officer of the council;
  - (e) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
  - (f) a decision taken by a committee to make a recommendation for ratification by the council.
  
- (2) The following decisions shall not be subject to call-in –
  - (a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;
  - (b) a decision which is deemed to be a case of special urgency in accordance with regulation 24 of the Executive Arrangements Regulations;
  - (c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;
  - (d) a decision taken by an officer which is not a key decision;
  - (e) a decision by the executive which serves only to note a report from or the actions of an officer; and
  - (f) a decision which is required to be taken by a special resolution.
  
- (3) No decision may be subject to call-in more than once for each of the grounds specified in section 41(1) of the 2014 Act.

## 21.2 Call-in Procedure

- (1) A call-in must be submitted in writing to the Clerk by **10am** on the **fifth working day** following:
  - (a) in the case of a decision of the Council, the date of the Council meeting at which the decision was taken; and
  - (b) in the case of a decision of a committee, the date on which the decision to which the call-in relates was published.
  
- (2) If a call-in is received after the relevant period specified in paragraph (1), it must be deemed inadmissible.
  
- (3) A call-in shall-
  - (a) specify the reasons why a decision should be reconsidered; and

- (b) subject to paragraph (6), be deemed to be inadmissible if the reasons are not specified.
- (4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, Members must in the reasons specified under paragraph (3)(a) specify –
  - (a) the section of the inhabitants of the district that would be affected by the decision; and
  - (b) the nature and extent of the disproportionate adverse impact.
- (5) Within **one working day** of receipt of a call-in, the Clerk must confirm that –
  - (a) it has the support of **15 per cent** of the Members of the council; and
  - (b) the reasons for the call-in have been specified.
- (6) Where the reasons have not been specified on the requisition, the Clerk must notify the Members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified period.
- (7) Within **two working days** 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. The call-in notice will also be shared with all Members within 2 working days.
- (8) When the legal opinion obtained in accordance with section 41(2) of the 2014 Act is received, the Clerk must –
  - (a) furnish the opinion to Members;
  - (b) include the decision on the agenda for the next available Meeting of the Council, **(Change not endorsed by full sub-committee)**. Members will decide on how to proceed.

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

- (1) For the purposes of reconsideration of a decision pursuant to a call-in, the minutes of a committee which record a decision –
  - (a) taken under delegated authority; or
  - (b) for referral for ratification by the council
 must be published within **five working days** of the conclusion of the meeting.

The date on which the minutes were published must be regarded as the relevant date for the purposes of a call-in.

- (2) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1) -
  - (a) a decision to which paragraph (1)(a) applies must be implemented; or

- (b) a decision to which paragraph (1)(b) applies must be tabled for ratification by the council.
- The tabling for ratification of a decision to which paragraph (1)(b) applies, or the implementation of a decision to which paragraph (1)(a) applies, must be postponed until the decision has been reconsidered. The decision maker may rescind the decision at any time prior to the decision being reconsidered.
- (3) If a call-in is made in accordance with Standing Order 21.2 paragraph (3) 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 Mayor / Chairs of all committees of the council; and
  - (b) the deputy Mayor / Chairs of all committees of the council
- to consider the process adopted by the decision-making committee.
- (4) The Mayor / Chair and Deputy Mayor / Chair 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 paragraph (4).
- (5) The Members of the ad hoc committee who are present shall choose a Member to preside at the meeting.
- (6) The Members who submitted the call-in, or a Member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Mayor / Chair, address the meeting, but must not have voting rights, unless they are voting Members of the ad hoc committee.
- (7) A committee appointed in accordance with paragraph (4) may –
- (a) refer the decision back to the decision maker;
  - (b) in the case of a decision taken under delegated authority, support the decision; or
  - (c) in the case of a decision for ratification by the Council, refer the decision to the Council.
- (8) Where a decision has been supported in accordance with paragraph (8), that decision must –
- (a) be approved;
  - (b) be inserted in the Register of Decisions; and
  - (c) become operative from the date of the meeting at which the committee appointed in accordance with paragraph (4) confirmed support for the decision.



#### 21.4 The Call-In Process: Council Decisions

- (1) If a call-in is not received within the period specified in Standing Order 21.2 paragraph (1) in respect of a decision, that decision may be implemented after that period expires.
- (2) The implementation of a decision must be postponed until the decision has been reconsidered.
- (3) The Clerk must place a call-in on the agenda for the next Meeting of the Council.

#### 21.5 The Call-In Process: Executive Arrangements

- (1) A proper officer must, within **two working days** of the production of a statement in accordance with regulations 25 and 26 of the Executive Arrangements Regulations, submit to the Council a notice detailing the decision(s) recorded in the statement.
- (2) The notice prepared in accordance with paragraph (1) must specify –
  - (a) those decisions that are not subject to call-in;
  - (b) the period for receipt of a call-in; and
  - (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.
- (3) If a call-in is not received in respect of a decision, that decision may be implemented after that period expires.
- (4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the Council, the call-in must be referred to the Council for decision.
- (5) The implementation of a decision must be postponed until the decision has been reconsidered. The decision maker may rescind the decision at any time prior to the decision being reconsidered.
- (6) Subject to paragraph (4) the Clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with paragraph (2).
- (7) The overview and scrutiny committee must meet within 5 working days of receipt of the call-in.
- (8) More than one call-in may be considered at a meeting of an overview and scrutiny committee.
- (9) Subject to paragraph (10), the consideration of a matter under paragraph (5) by an overview and scrutiny committee may be adjourned, provided that:

- (a) the Mayor / Chair presiding at the meeting; and
- (b) the Mayor / Chair of the executive

agree a date for the resumption of consideration of the call-in request.

- (10) A meeting convened in accordance with paragraph (6) may only be adjourned under paragraph (9) in order to -
  - (a) allow for additional information to be obtained; or
  - (b) permit additional witnesses to attend.
- (11) The Members who submitted the call-in, or a Member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Mayor / Chair, address the meeting, but must not have voting rights, unless they are Members of the overview and scrutiny committee.
- (12) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may –
  - (a) support the decision; or
  - (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.
- (13) Where a decision has been supported in accordance with paragraph (11), that decision must –
  - (a) be approved;
  - (b) be inserted in the Register of Decisions; and
  - (c) become operative from the date of the meeting at which the overview and scrutiny committee confirmed support for the decision.
- (14) Where a decision has been referred back to a decision maker in accordance with paragraph (12)(b), the decision maker must –
  - (a) consider the recommendation of the overview and scrutiny committee; and
  - (b) reconsider the original decision.

## **22 Positions of Responsibility – Time Limits**

**[The specification of the period within which the nominating officer of a political party should exercise the powers conferred by paragraphs 2(1), 4(1) and 6(1), and for the person nominated to take up the position of responsibility is a statutory requirement under Schedule 1 to the 2014 Act]**

- (1) An extension to the period specified in paragraph (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.

### **23 Appointment of More Than One Committee**

**[The specification of the application of paragraphs 2 to 4 of Schedule 2 to the 2014 Act in the circumstances where a council decides to appoint more than one committee is a statutory requirement]**

- (1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent Members of the Council, it must agree –
  - (a) the number of committees to be appointed; and
  - (b) the number of councillors that shall constitute the Membership of each committee.
- (2) The total number of places to which a nominating officer of a party may nominate Members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.
- (3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act must be exercised in such manner as to ensure that –
  - (a) all the Members of a committee are not nominated by the same nominating officer;
  - (b) a nominating officer of a party may nominate Members who stood in the name of that party to fill the majority of places on a committee, if the majority of Members stood in the name of that party; and
  - (c) subject to (a) and (b), the number of Members which each nominating officer of a party may nominate, in so far as far as is practicable, bears the same proportion to the number of places on that committee as is borne by the number of Members on the Council who stood in the name of that party.
- (4) Nominations made in accordance with paragraph (3) must take into account any positions of responsibility on a committee held by a Member who stood in the name of a party. Nominating officers can swap committee members as required.

## **24 Rescission of a Preceding Resolution**

- (1) No motion to rescind any resolution passed within the preceding **six months**, and no motion or amendment to the same effect as one which has been rejected within the preceding **six months**, shall be proposed by a Member unless the notice thereof given in pursuance of Standing Order 16.1 bears the names of at least **15 per cent** of the Members of the Council.
- (2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any Member to propose a similar motion within a further period of **six months**.
- (3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee or a call-in

## **25 Members Conduct**

### **25.1 Mayor / Chair Standing**

When the Mayor / Chair speaks during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

### **25.2 Member not to be Heard Further**

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, having given due warning, the Mayor / Chair or any other Member may move "*that the Member named be not further heard*". The motion, if seconded, shall be put and determined without discussion.

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

If the Member named continues to behave improperly after such a motion is carried, the Mayor / Chair or any other Member may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **25.4 General Disturbance**

When the Mayor / Chair is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

## **26 Disturbance by Public**

## 26.1 Removal of Member of the Public

If a Member of the public interrupts proceedings, the Mayor / Chair will warn the person concerned. If they continue to interrupt, the Mayor / Chair will order their removal from the meeting room.

## 26.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor / Chair may call for that part to be cleared.

## **27 Suspension and Amendment of Standing Orders**

### 27.1 Suspension

A Member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the Meeting must record the reason for the suspension.

### 27.2 Amendment

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary Meeting of the Council. The mandatory standing orders may not be added to, varied or revoked by the Council.

## **28 Interpretation of Standing Orders**

The ruling of the Mayor / Chair as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any Meeting of the Council.

## **29 Changes to the Council Constitution**

- 29.1 Unless expressly provided for in the Constitution, only full Council will approve any changes proposed to the Council Constitution. Any proposed changes to the Constitution must have a proposer and seconder and be agreed by Council.
- 29.2 The Council will also review the Constitution annually and consider for approval any changes arising from this review. Any proposed changes to the Constitution arising from this review must have a proposer and seconder and be agreed by Council.

## **30 Protocol for the Operation of the Planning Committee**

The Council requires members of the Planning Committee to follow the recommendations contained in the 'Protocol for the Operation of Planning Committees' at all times. A copy of the Protocol for the Operation of Planning Committees is attached as **Annex B**.

- 31 These Standing Orders shall be reviewed on an annual basis.

# Causeway Coast & Glens Borough Council

## PROTOCOL FOR RECEIVING DEPUTATIONS

### 1.0 Receipt of Requests for Deputations

- 1.1 In accordance with Standing Order 10 (1), deputations, from any source, shall only be admitted to address the Council provided the Clerk (Chief Executive) has received **7 day's notice** of the intended deputation and a statement of its objective.
- 1.2 Requests for deputations shall be received in writing by the Chief Executive giving clear details of the subject matter of the deputation.
- 1.3 A register will be maintained of all requests for deputations received. Each request will be date stamped on receipt and a note of the time received also recorded. An acknowledgment of receipt will be forwarded to the organisation making the request.
- 1.4 Requests for deputations shall be considered in chronological order, ie by the date and time in which they have been received.
- 1.5 Deputations relating to the business of the Planning Committee shall not be dealt with under these arrangements. The procedure for the public to address the Planning Committee have a specific separate protocol.

### 2.0 Allocation of Deputations

- 2.1 The Chief Executive will make an initial decision as to the most appropriate meeting a deputation should be allocated to, either a meeting of the Council or the most appropriate Committee of the Council.
- 2.2 The Chief Executive will normally advise and consult with the Mayor or Committee Chair with regard to receiving deputations.
- 2.3 Not more than one deputation shall be received at any one meeting of the Council or its Committees.
- 2.4 When a deputation has been received at a meeting of the Council or its Committees, no further deputation from the same organisation to the same or similar effect shall be received for a period of 1 year.

- 2.5 If a large number of deputations are outstanding there will be the option of arranging a special meeting of the Council for the purpose of hearing these deputations.
- 2.6 In relation to requests to receive an urgent deputation, the Chief Executive will consult the Mayor or appropriate Committee Chair on receiving this deputation.

### **3.0 Procedure for Hearing Deputations**

- 3.1 Deputations will be received in accordance with Standing Order 11 which outlines the Order of Business at every meeting of Council.
- 3.2 Standing Orders may be suspended to allow a deputation to be heard first before the Council or Committee moves into the remaining business of the meeting.
- 3.3 Standing Order 10 (2) requires that a deputation shall be confined to the presentation of a statement, or a copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed **10 minutes**.
- 3.4 A deputation shall be made up of no more than **5** representatives whose names will have been provided to Council Officers **7 days** in advance of the meeting.
- 3.5 The deputation has a total of 10 minutes in which to make its address. A further 15 minutes can be allocated to allow Members to ask questions of the deputation but, if required, this question and answer period may be extended by the agreement of Members at the meeting.
- 3.6 Following receipt of a deputation, the Council or Committee may decide to refer the matter for a report from relevant Council Officers or refer the matter for further discussion at an appropriate Council or Committee meeting.



**Ceremonial protocol: Award of the Freedom of the Borough**

1. Members may propose to confer the Freedom of the Borough on individuals or organisations whose contribution to the Council area is deemed worthy of official recognition. The process shall be instigated by a notice of motion.
2. Consideration of the proposal shall take place at a Special meeting of the Council.
3. The decision to award the Freedom of the Borough shall be made by a simple majority vote of the Members attending the Special Meeting.
4. The Freedom of the Borough will be conferred to the recipient by the Mayor at a special event to be arranged by the Council's Democratic Services team.

(To be agreed by then Planning Committee on the 25th November 2015)

## **Protocol for the Operation of the Causeway Coast and Glens Planning Committee**

### **1.0 Introduction**

1.1 The Causeway Coast and Glens Borough Council Planning Committee, at its meeting held on 28th October 2015, agreed the revised 'Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions'. This revised document incorporates these revisions and sets out the detailed procedures of the Planning Committee that are not covered by the Council's standing orders and Councillors' Code of Conduct.

1.2 The Protocol will cover the following:

- Preliminary Matters
- Remit of the Planning Committee
- Frequency of Meetings
- Referral of Delegated Applications
- Format of the Planning Committee meetings
- Decisions Contrary to Officer Recommendation
- Site Visits
- Pre-Determination Hearings

### **2.0 Preliminary Matters**

2.1 The following information will be circulated to Committee Members prior to the monthly Planning Committee meeting:

- 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 elected Members. A summary report of delegated scheme applications will be presented to Committee on a monthly basis.
- A weekly list of all delegated planning applications where the decision is ready to issue will be circulated to all elected members on the Tuesday of each week and uploaded onto the Council website. Elected members will have until 6pm on the Friday of that week to request a referral in accordance with Part B of the 'Scheme of Delegation for Development Management, Enforcement and Other Planning Functions', otherwise the decision notice will issue.
- All Committee Members will be sent the agenda two weeks in advance of the meeting with a report on each planning application to be considered at the meeting by the Committee.
- Officer shall prepare an addendum on the day of the Committee meeting to report any updates since the agenda issued.
- Planning Committee meetings should normally be open to the public.

- Substitute members shall not be permitted to deputise, unless agreed by both the Chair of the Committee and the Head of Planning, and only in exceptional circumstances.
- Legal representation may be in attendance at Committee.
- All members of Planning Committee must have taken the requisite training for either member or Chair role before they can sit on the Committee.

### **3.0 Remit of the Planning Committee**

#### **3.1 Development Management**

The main role of the Planning Committee is to consider applications made to Causeway Coast and Glens District Council as detailed in the adopted Scheme of Delegation and decide whether or not they should be approved. The decisions of the Planning Committee are taken under full delegated authority and will not go before full council for ratification.

#### **3.2 Development Plan**

The Planning Committee's role in relation to the local development plan is to approve the Plan Strategy and Local Policies Plan before it is passed by resolution of the full Council. The Planning Committee should ensure that the local development plan is monitored annually and reviewed every 5 years, giving consideration as to whether there is a need to change the Plan Strategy or Local Policies Plan.

#### **3.3 Enforcement**

The Planning Committee shall have an overview role of the enforcement function and officers shall prepare a quarterly report on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained). The Planning Committee can request a report from officers on any enforcement matter but should not take a decision. Officers will exercise discretion when discussing sensitive enforcement matters at the Planning Committee to ensure possible future legal proceedings are not prejudiced.

### **4.0 Frequency of Planning Committees Meeting**

4.1 The Planning Committee will meet at least once every calendar month. Additional meetings will be at the discretion of the Chair of the Committee with the consent of the Committee Members.

### **5.0 Referral of Delegated Applications to Planning Committee**

5.1 The Scheme of Delegation, approved at the Planning Committee held on 28th October 2015 and agreed with the Department of Environment on 5th November 2015, includes a procedure which allows for Elected Members and Head of Planning to request that the Planning Committee considers an application rather than it being

delegated to Officers. Members of the public will not be able to directly request this procedure. Any referral must be based on clearly specified planning grounds and signed by a minimum of 4 elected members from 2 separate political parties who sit on the Planning Committee to ensure efficient management of the Planning Committee. The request should be made in writing to the Head of Planning. The Elected Member who makes the referral request will be required to address the Planning Committee meeting at which the application is to be decided. It is recommended that Council monitor the number of referrals.

## 6.0 **Format of Planning Committee Meetings**

6.1 The Committee meetings will be conducted following the below format:

- Notice of Meeting
- Apologies
- Declaration of Interests
- Schedule of Planning Applications
- Development Plan matters
- Enforcement matters
- Delegated applications report

6.2 The following procedures will apply for each application:

(i) Introduction of planning application by the planning officers

The planning officer presents the application and makes a recommendation on whether the application should be approved, approved with conditions or refused. Plans and photographs may be shown to demonstrate the proposals.

(ii) Elected Members Questions to Planning Officer  
Members can ask points of clarification from the Officer

(iii) Representations – Objector(s)

The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations from objectors will be a maximum of 5 minutes. Therefore if 2 objectors wish to address the Committee they will each have a maximum of 2 minutes and 30 seconds. A spokesperson for the objectors may address the Committee on behalf of all objectors. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

No documentation shall be circulated at the meeting to Members by speakers.

(iv) Elected Members Questions to Objector(s)  
Elected Members can ask points of clarification/fact from the objector(s).

(v) Representations on behalf of applicant – applicant, agent and supporter  
The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations from applicant, agent or supporter will be a maximum of 5 minutes. Therefore if applicant and a supporter wish to address the Committee they will each have a maximum of 2 minutes and 30 seconds. A spokesperson for the supporters may address the Committee on behalf of all supporters. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

No documentation shall be circulated at the meeting to Members by speakers.

(vi) Elected Members questions to applicant, agent or supporter  
Elected Members can ask points of clarification/fact from the applicant, agent or supporter(s)

(vii) Representation by Councillor, MLA and/or MP  
The Chair will welcome the speaker, including a reminder to keep to planning issues and the allocated time.

The total time allowed for representations by council members will be 5 minutes. Therefore if 2 Elected Members wish to address the Committee, each will have a maximum of 2 minutes and 30 seconds each. The Chair of the Committee may decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The maximum time allowed will be an additional 3 minutes.

MPs and MLAs will be permitted to address the Committee when they have been asked to represent their constituents. Proof of this fact must be received by the Head of Planning 5 working days prior to the date of the Committee meeting. The time allowed for representations from MPs and MLAs will be a maximum of 5 minutes. Therefore if both an MLA and MP wish to address the Committee they will have 2 minutes and 30 seconds each.

No documentation shall be circulated to Members by speakers.

(viii) Planning Officer's comments  
Planning Officer shall clarify points raised by those who made representations to the Committee.

(ix) Elected Members' debate including advice from Officers  
Elected Members debate on the planning issue with the aim of having a constructive discussion on the merits of the planning application.

(x) Elected Members' decision  
If the debate appears to be contrary to the Planning Officer's recommendation the Chair may invite a proposal for non-support of the recommendation. If it appears to support the Officer's recommendation no action is necessary.

The Chair should ask the Committee if it is ready to vote on the application and provide a reminder of the motion and the implication of the vote in either direction.

Voting will be either electronically or a clear show of hands/voting cards. The Chair will have the casting vote.

Elected 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.

Should Committee not agree with the Officer recommendation, Elected Members should discuss reasons for refusal and conditions to a proposal but cannot amend the application. Any additional conditions should be proposed and seconded before being voted on by Elected Members. Elected Members should be aware of the legal tests conditions need to meet if challenged. Conditions should be necessary, enforceable, reasonable and relevant to planning and the development under consideration. Comments should be invited from the Planning Officer or Head of Planning as necessary.

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.

6.3 All parties wishing to address the Committee must register their wish to do so with the Council's Committee Clerk by 12 noon 1 week before the meeting. If an objector to an application speaks, the applicant or their agent will be allowed to respond even if they have not registered to speak in advance. The time allowed for the applicant or agent to speak in this instance will be a total of 3 minutes.

6.4 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.

6.5 In lieu of speaking, Council Members and members of the public may submit representations in writing for consideration by the Committee. Written representations must be received by the Head of Planning at least 3 days prior to the Planning Committee and will be reported to the Committee in an update report and circulated on the day of the meeting. The representations may be read out at the Committee provided there is sufficient time i.e. within the 5 minute timeframe, taking account of all speakers.

## 7.0 **Decisions Contrary to Officer Recommendation**

7.1 Some planning decisions are finely balanced and it is the prerogative of the Planning Committee to come to its conclusions and decision provided they are backed by sound, clear and logical planning reasons following an informed debate. The Committee Members can accept or give different weight to the various

arguments and material considerations. The Planning Officers/Head of Planning will have the opportunity to explain the implications of the Planning Committee's decision. Consideration will need to be given to whether such decisions will be capable of being defended on appeal to the Planning Appeals Commission with the potential for award of costs against the Council.

## **8.0 Site Visits**

8.1 It is recognised that, on exceptional 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.

8.2 Site visits should be an exception as they are time consuming and expensive. The Head of Planning, in discussion with the Chair of the Committee, shall decide if a site visit would be beneficial and advise the Committee Members at least 4 working days 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.

8.3 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 and will be arranged for the morning of the Planning Committee meeting.

8.4 Site visits are not an opportunity to lobby Elected Members or be used to seek to influence the outcome of a proposal prior to the Planning Committee meeting. There shall be no public speaking on site visits.

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

8.6 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 Clerk to the Planning Committee should record the date of the visit, attendees and any other relevant information.

8.7 The Planning Officer should prepare a written report on the site visit which should be presented to the Planning Committee Meeting at which the application is to be determined.

## **9.0 Pre-Determination Hearings**

9.1 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 Planning Committee will be required 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 or against the proposed development.

9.2 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.

9.3 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.

9.4 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 Officer's report should contain a recommendation.