



# General Purposes Committee Report

<b>Meeting:</b>	<b>General Purposes Committee</b>
<b>Date:</b>	<b>3 July 2013</b>
<b>Classification:</b>	<b>For General Release</b>
<b>Title:</b>	<b>Review of Standing Orders</b>
<b>Wards Affected:</b>	<b>Not Applicable</b>
<b>Financial Summary:</b>	<b>There are no financial implications arising from this report</b>
<b>Report of:</b>	<b>Head of Legal and Democratic Services</b>

## **1. Executive Summary**

- 1.1 This report seeks the Committee's approval to some changes to the Standing Orders and common practices relating to full Council meetings following a review of these in preparation for these meetings transferring to Porchester Hall during the refurbishment of Council House. The issues to which changes are recommended are set out in paragraph 3 below.
- 1.2 A change to the Standing Order relating to the attendance of the public at meetings is also proposed.

## **2. Recommendations**

- 2.1 That the Council be recommended to approve the changes to Standing Orders as set out in paragraph 3 below.

## **3. Background**

### **3.1 Voting**

- (a) Standing Order 16 sets out the procedure for the mode of voting which shall generally be by a show of hands. The Standing Order currently provide that generally voting will be on a show of hands but makes provision for votes to be formally recorded, by use of the electronic voting system when at least 10 members standing in their places demand a formally recorded vote.

- (b) Use of the electronic voting system is rare and it is not proposed to install an electronic voting system at Porchester Hall for temporary use. Accordingly, the new Standing Order, set out in Appendix A is proposed. This provides for votes to be usually undertaken by a show of hands and the result declared. The Chairman may ask for a count of the votes to be undertaken by the Head of Legal and Democratic Services or alternatively if the result is close for the Head of Legal and Democratic Services to call out the names and for Members to indicate if they are for, against or abstaining. Provision for a full formally recorded vote by 10 or more Members is retained. In the event that a recorded vote is formally demanded the Lord Mayor will ask the Head of Legal and Democratic Services to call the names of all Members and these will be recorded in the Minutes.
- (c) Members have a statutory right to require upon indication immediately after a vote is taken to have their vote, either for, against or abstention formally recorded in the minutes.

### **3.2 Disorder/Attendance**

- (a) Standing Order 18(5) relates to Council meetings and the control of the public attending meetings. The Standing Order currently provides for Members of the public attending these meetings to be asked to give proof of identity and address and to sign an undertaking to abide by the conditions of admission issued with the admission ticket. A similar Standing Order also applies to public attendance at Cabinet/Committee and Sub-Committees meetings.
- (b) Officers are of the view that it is possible for Members of the public to misconstrue the reasons for this requirement. Furthermore, this requirement is arguably inconsistent with recent Regulations and guidance issued by DCLG which aims to promote transparency in decision making and provide the public with greater access, including access to formal meetings. Accordingly, it is proposed to remove the requirement from Standing Orders. If considered necessary for particular meetings relevant signage relating to conduct would be added to the public gallery.
- (c) The proposed revised Standing Orders are attached at Appendix A.

## **4. Legal Implications**

- 4.1 In all ordinary instances questions coming or arising at a meeting of a local authority are required to be decided by a majority of the Members. In the case of principle Council's the method of voting is not prescribed by statute, except that Members have the right to have their vote formally recorded.

**If you have any queries about this Report or wish to inspect any of the  
Background Papers please contact Mick Steward: 7641 3134**

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**BACKGROUND PAPERS:** None

## APPENDIX A

### Mode of Voting – Proposed Revised Standing Order 16

1. When the Chairman puts the question Members will vote by raising one hand for or against as appropriate. The Chairman will judge the result of the vote on the number of hands raised respectively for and against and shall declare the result of the vote. That result shall be final unless the procedures set out in 3 or 4 below are invoked.
2. Where the Chairman considers that there should be a formal count of the vote, the Head of Legal and Democratic Services shall conduct the count based on a show of hands. The Chairman shall then declare the result of the vote.
3. The Chairman may, if he considers it necessary for any reason, request the Head of Legal and Democratic Services to call the name of each Member of the Council who shall then signify whether he is voting for or against the motion or is not voting. The Chairman shall then, following a count of the votes, declare the result. If following calling of the Members name the Member does not vote they shall be recorded, if present, as abstaining or absent if absent. If the Member arrives after the vote has commenced they will not be entitled to vote. Prior to the vote being taken the Lord Mayor shall advise that Members may only vote from their allocated seats.
4. In the event that immediately after a vote at least 10 Members stand in their places and demand a division, the Chairman shall request the Head of Legal and Democratic Services to call the name of each Member of the Council who shall then conduct the vote in accordance with 3 above save that a Division Bell, if available, shall be rung for 30 seconds prior to the commencement of the vote or in the absence of a Division Bell the Lord Mayor shall announce that a vote is to be taken and wait for 30 seconds before commencement of the vote to allow Members to take their allocated seat. No Member shall be allowed to enter the meeting after the end of the 30 second period until after the vote has been concluded. The names of the Members voting for, against or abstaining shall be recorded in the minutes.
5. Immediately after a vote is taken any Member may require to have recorded in the minutes whether he cast his vote for or against the question, or abstained.
6. In the event of an equality of votes the Chairman shall have a second or casting vote.

## **18. Disorder**

- (1) If at a meeting of the Council any member persistently disregards the ruling of the Chairman or by behaving improperly or offensively (whether to the Chairman or to any other member) or by wilfully or recklessly obstructing the business of the Council or by acting in a frivolous manner which is, in the opinion of the Chairman, contrary to the dignity of the Council the Chairman may direct that he be not heard further.
- (2) If the member continues his misconduct, the Chairman may direct him to leave either for a fixed period or until the end of the meeting and if he refuses to leave the meeting, the Chairman shall direct that all necessary steps be taken to secure his removal, and shall adjourn the meeting of the Council until such removal is effected.
- (3) If the Chairman is satisfied that it is necessary for the purpose of restoring order he may adjourn the meeting of the Council. If the Chairman specifies no period for the adjournment the meeting shall be deemed to have been adjourned for 5 minutes.
- (4) Filming including the taking of photographs will generally be allowed of the Part 1 (public) part of the proceedings but the Chairman may, in the interests of the good conduct of the meeting, refuse permission. Such decisions shall not be open to challenge. Filming on behalf bona fide media organisations shall also generally be allowed with the permission of the Chairman on the recommendation of the Director of Communications and Strategy.
- (5) The press and public shall be admitted unless, in accordance with Standing Order 26. The Chairman is empowered if it is necessary to prevent disorderly conduct or other misbehaviour by the public or any member of the public:
  - (a) to refuse admission to any person to any meeting of the Council;
  - (b) to take all steps necessary to secure the removal of any person previously admitted:
  - (c) to order the clearance of the public gallery and may adjourn the meeting whilst such removal or clearance takes place.
- (6) Without prejudice to the powers conferred on the Chairman by paragraph (5) of this Standing Order, the Head of Legal and Democratic Services shall be authorised to appoint suitable persons to act as stewards at meetings of the Council. Any such steward, who shall carry proof of appointment and be clearly identifiable as such, shall be empowered to take all steps necessary to maintain order in the public gallery and in the

event of disorderly conduct or other misbehaviour by any member of the public present shall be empowered without prior instruction from the Chairman to order that person to leave and to take all steps necessary to secure the removal of that person from the meeting.

- (7) If the powers in (5) and (6) are exercised, re-admission of the public or any member thereof shall be at the discretion of the Chairman.

### **36. Disorder**

- (1) If at a meeting of the Cabinet, a Committee or Sub-Committee any member persistently disregards the ruling of the Chairman or behaves improperly or offensively (whether to the Chairman or to any other member) or wilfully or recklessly obstructs the business of the Cabinet, a Committee or Sub-Committee or acts in a frivolous manner which is, in the opinion of the Chairman contrary to the dignity of the Council the Chairman may direct that he be not heard further.
- (2) If the member continues his misconduct, the Chairman may direct him to leave either for a fixed period or until the end of the meeting and if he refuses to leave the meeting, the Chairman shall direct that all necessary steps be taken to secure his removal, and shall adjourn the meeting until such removal is effected.
- (3) If the Chairman is satisfied that it is necessary for the purpose of restoring order he may adjourn the meeting. If no period for the adjournment is specified by the Chairman the meeting shall be deemed to have been adjourned for 5 minutes.
- (4) The public shall be admitted to any meeting of the Cabinet, Committee or Sub-Committee in accordance with Standing Order 26. The Chairman may, if in his opinion it is necessary in order to prevent disorderly conduct or other misbehaviour by the public or any member of the public -
  - (a) refuse admission to any person to any meeting of the Cabinet a Committee or Sub-Committee;
  - (b) take all steps necessary to secure the removal of any person previously admitted;
  - (c) order the clearance of the public gallery and may adjourn the meeting whilst such removal or clearance takes place.
- (5) Without prejudice to the powers conferred on the Chairman by paragraph (4) of this Standing Order, the Head of Legal and Democratic Services shall be authorised to appoint suitable persons to act as stewards at meetings of the Cabinet, Committees and Sub-Committees. Any such steward, who shall carry proof of authority and be clearly identifiable as such, shall be empowered to take all steps necessary to maintain order in the public gallery and in the event of disorderly conduct or other misbehaviour by any member of the public shall be empowered without prior instruction from the Chairman to order that person to leave and to take all steps necessary to secure the removal of that person from the meeting.

- (6) If the powers in (4) and (5) are exercised, re-admission of the public or any member thereof shall be at the discretion of the Chairman.