



## 2014 CHAPTER 8

### PART 7

#### MEETINGS AND PROCEEDINGS

##### *General*

##### **Meetings and proceedings**

**36.** Schedule 5 (which makes provision as respects meetings and proceedings of councils and their committees) has effect subject to this Part.

##### *Standing orders*

##### **Standing orders**

**37.—(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.

(3) Subsections (1) and (2) are subject to section 38 and the other provisions of this Act.

(4) This section applies to a joint committee as it applies to a council.

##### **Regulations about standing orders**

**38.—(1)** Regulations may require councils, subject to such variations as may be authorised by the regulations—

(a) to incorporate such provision as may be prescribed by the regulations in standing orders for regulating their proceedings and business; and

- (b) to make or refrain from making such other modifications of any such standing orders as may be so prescribed.
- (2) Without prejudice to the generality of subsection (1), regulations under that subsection may require such standing orders as are mentioned in that subsection to contain provision which, notwithstanding any statutory provision or the decision of any council or committee or sub-committee of a council, authorises persons who are members of such a council, committee or sub-committee—
  - (a) to requisition meetings of the council or of any of its committees or sub-committees;
  - (b) to require a decision of a committee or sub-committee of the council to be referred to and reviewed by the council itself or by a committee of the council;
  - (c) to require that a vote with respect to a matter falling to be decided by the council or by any of its committees or sub-committees is to be taken in a particular manner.
- (3) Regulations under subsection (1) may contain such incidental provision and such supplemental, consequential and transitional provision in connection with their other provisions as the Department considers appropriate.
- (4) Regulations under subsection (1) may make similar provisions in relation to joint committees as are made in relation to councils.

### *Decision-making*

#### **Simple majority**

- 39.**—(1) Subject to this Act and any other statutory provision, every decision of a council must be taken by a simple majority.
- (2) In the case of an equality of votes in relation to a decision which must be taken by a simple majority the person presiding has a second or casting vote.
- (3) In this section “simple majority” in relation to a decision of a council means more than half the votes of the members present and voting on the decision.
- (4) This section applies to a committee or sub-committee of a council and to a joint committee or a sub-committee of a joint committee as it applies to a council.

#### **Qualified majority**

- 40.**—(1) Standing orders must specify decisions which are to be taken by a qualified majority.

(2) In this Act “qualified majority” in relation to a decision of a council means 80 per cent. of the votes of the members present and voting on the decision.

(3) If the figure arrived at under subsection (2) is not a whole number, the figure must be rounded up to the next whole number.

(4) Regulations may amend the percentage mentioned in subsection (2).

(5) This section applies to a committee or sub-committee of a council and to a joint committee or a sub-committee of a joint committee as it applies to a council.

### **Power to require decisions to be reconsidered**

**41.**—(1) Standing orders must make provision requiring reconsideration of a decision if 15 per cent. of the members of the council (rounded up to the next highest whole number if necessary) present to the clerk of the council a requisition on either or both of the following grounds—

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

(2) Standing orders must require the clerk of the council to obtain an opinion from a practising barrister or solicitor before reconsideration of a decision on a requisition made wholly or partly on the ground mentioned in subsection (1)(b).

(3) Regulations may amend the percentage mentioned in subsection (1) and the process by which a legal opinion is obtained in subsection (2).

(4) In this section—

“decision” means a decision of the council or a committee of the council and includes a decision to make a recommendation;

“reconsideration” means—

- (a) in the case of a decision of the council, reconsideration by the council;
- (b) in any other case, consideration by the council or any specified committee of the council (whether or not the decision is a decision of that committee);

“section”, in relation to the inhabitants of a district, means a section of a specified description;

“specified” means specified in standing orders.