

Part 3A

Council Standing Orders

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1. Annual Meeting of the Council

1.1 Timing and business

- (a) In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.
- (b) The annual meeting will do the following:
 - (i) Elect a person to preside if the Mayor is not present.
 - (ii) Elect the Mayor.
 - (iii) Elect the Deputy Mayor.
 - (iv) Approve the minutes of the last ordinary meeting, or of any extraordinary or other meeting since then.
 - (v) Receive any apologies for absence.
 - (vi) Receive any announcements from the Mayor or the Head of Paid Service.
 - (vii) Elect the Leader when there is a vacancy.
 - (viii) Appoint at least one overview and scrutiny committee (referred to as a 'Scrutiny Committee'), an Audit and Ethics Committee and such other regulatory committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 2A of this constitution).
 - (ix) Consider any business set out in the notice convening the meeting.

1.2 Selection of councillors on regulatory committees, overview and scrutiny committees and outside bodies

At the annual meeting, the Council will do the following:

- (a) Decide which regulatory committees and overview and scrutiny committees to establish for the municipal year.
- (b) Decide the size and terms of reference for those regulatory committees and overview and scrutiny committees.
- (c) Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules where appropriate.
- (d) Receive nominations of councillors to serve on each regulatory committee, overview and scrutiny committee and outside body.
- (e) Appoint to those regulatory committees, overview and scrutiny committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by Cabinet and provided that:

- (i) No councillor may sit on Licensing and Safety Committee unless that councillor has attended appropriate training in licensing matters during the previous 12 months.
- (ii) No councillor may sit on Planning Committee unless that councillor has attended appropriate training in planning matters during the previous 12 months.
- (iii) No councillor may sit on Audit and Ethics Committee unless that councillor has attended appropriate training in audit and ethics matters during the previous 12 months. This requirement will not apply to existing members of the committee. In addition, appropriate training will be provided to all members of the committee (including named substitutes) as necessary to ensure that the committee have the range of knowledge and skills required to fulfil their role effectively.

2. Ordinary meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will do the following:

- (a) Elect a person to preside if the Mayor and the Deputy Mayor are absent.
- (b) Approve the minutes of the last meeting and of any extraordinary or other meeting since then.
- (c) Receive apologies for absence.
- (d) Receive any declarations of interest from councillors.
- (e) Receive any announcements from the Mayor, the Leader of the Council, members of Cabinet or the Head of Paid Service.
- (f) Receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting accord with the provisions of [Standing Order 9](#).
- (g) Receive questions from, and provide answers to, councillors in relation to matters which, in the opinion of the person presiding at the meeting, accord with the provisions of [Standing Order 10](#).
- (h) Deal with any business from the last Council meeting.
- (i) Receive reports from Cabinet and the Council's committees and receive questions and answers on any of those reports.
- (j) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations.
- (k) Consider motions.

- (l) Consider any other business specified in the summons to the meeting, including consideration of proposals from Cabinet in relation to the Council's budget and policy framework and reports of Scrutiny Committee for debate.

3. Extraordinary meetings

Any of those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) The Council by resolution.
- (b) The Mayor.
- (c) The Monitoring Officer.
- (d) Any five members of the Council if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition.

4. Appointment of substitutes of regulatory committees, overview and scrutiny committees and sub-committees

4.1 Appointment of substitutes

If a member of a regulatory committee, a sub-committee, or an overview and scrutiny committee is unable to attend a meeting, that councillor:

- (a) May appoint a substitute from their own group to attend that meeting instead.
- (b) If unable to appoint a substitute personally, the councillor's political group may make the appointment.
- (c) The substitute must not be a member of Cabinet.
- (d) No councillor may act as a substitute on Licensing and Safety Committee or Planning Committee without having attended appropriate training in licensing or planning matters, as applicable, during the previous 12 months.
- (e) No councillor may act as a substitute on Audit and Ethics Committee unless they have been appointed a named substitute by the Council and have received appropriate training.

4.2 Powers and duties

Substitutes will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.3 Substitution

Substitutes may attend meetings in that capacity only to take the place of the ordinary member for whom they are the designated substitute and when the ordinary member will be absent for the whole of the meeting.

5. Time and place of meetings

The time and place of meetings will be determined by the Chief Executive and stated in the summons.

6. Notice of and summons to meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with Access to Information Standing Orders in Part 3D of this constitution.

At least five clear working days before a meeting, the Chief Executive will send a summons signed by them by post to every councillor or leave it at the councillor's usual place of residence or any address nominated by the councillor.

The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

7. Chairing of meeting

- (a) The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to meetings of Cabinet, regulatory committees, sub-regulatory committees and overview and scrutiny committees, references to the Mayor also include the chairs of those bodies.
- (b) The chair of Planning Committee and the chair of Licensing and Safety Committee may serve for a maximum continuous term of three years, and an outgoing chair may not serve for a further two years after standing down.

8. Quorum

The quorum of a meeting will be one half of the whole number of councillors.

During any meeting, if the Mayor counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Questions from the public

9.1 General

Members of the public who live or work in the borough and who are not councillors may ask questions of members of Cabinet at ordinary meetings of the Council but not at special or extraordinary meetings or at the annual meeting. A period of 15 minutes will be allowed at the beginning of the meeting to consider questions from members of the public.

9.2 Order of questions

Questions will be asked in the order in which notice of them was received, except that the Mayor may group together similar questions.

9.3 Notice of questions

A question may only be asked if notice has been given by delivering it by letter, email or fax to the Chief Executive no later than five clear working days before the day of the meeting.

Each notice of question must include all of the following:

- (a) The text of the question.
- (b) The name or the portfolio responsibility of the member of Cabinet to whom it is to be put.
- (c) The name of the questioner.
- (d) The questioner's home postal address or work address if the questioner is not a resident.
- (e) The signature of the questioner if the notice is not sent by email.

9.4 Number of questions

At any one meeting, no person may submit more than one question and no more than one question may be asked on behalf of one organisation.

9.5 Scope of questions

After consultation with the Chief Executive, the Mayor may reject a question if, in the Mayor's opinion, the question:

- (a) is not about a matter for which the local authority has a responsibility or which affects the borough; or
- (b) relates to the questioner's own particular case or circumstances or relates to a specific housing, planning, licensing or grant application; or
- (c) is defamatory, frivolous or offensive; or
- (d) is substantially the same as a question which has been put at a meeting of the Council in the past six months and has already been answered; or
- (e) relates to a matter which is the subject of legal proceedings; or
- (f) requires the disclosure of confidential or exempt information; or
- (g) relates to a council employee.

9.6 Management of questions

The Chief Executive will immediately send a copy of the question to the member of Cabinet to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all councillors and will be made available to the public attending the meeting.

9.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member of Cabinet named in the notice. If a questioner is unable to be present the Mayor may, at his or her discretion:

- (a) put the question on the questioner's behalf indicating that a written reply will be sent to the questioner; or
- (b) decide that the question will not be dealt with.

9.8 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the councillor to whom it was to be put, will be dealt with by a written answer.

9.9 Reference of question to Cabinet or a regulatory committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be

referred to Cabinet or the appropriate regulatory committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10. Questions by councillors

10.1 Questions about reports of Cabinet or regulatory committees

A councillor may ask the Leader, any member of Cabinet or chair of a regulatory committee any question without notice about any item of the report of Cabinet or a regulatory committee when that item is being received or considered by the Council.

10.2 Questions on notice at full Council

Subject to Standing Order 10.4, a member of the Council may ask:

- (a) the Leader; or
- (b) a member of Cabinet; or
- (c) the chair of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the borough.

10.3 Notice of questions

A question may only be asked under Standing Order 10.2 if notice has been given by delivering it by letter, email or fax to the Chief Executive no later than midday on the working day immediately prior to the three clear working days before the meeting.

Council normally meets on a Wednesday that does not immediately follow a public holiday, so this means that questions must be submitted by midday on the previous Thursday.

10.4 Scope of questions

A question under Standing Order 10.2 must not:

- (a) publish any name;
- (b) publish any statement not strictly necessary to make the question intelligible;
- (c) contain any argument, imputation or irony;
- (d) ask for an expression of opinion; or

- (e) relate to hypothetical circumstances; and
- (f) the Mayor may amend any question under Standing Order 10.2 or decline to allow it to be asked.

10.5 Response

- (a) An answer may take any of the following forms:
 - (i) A direct oral answer.
 - (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication.
 - (iii) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (b) The submitter of a rejected question will be informed in writing of the reasons for rejection.

10.6 Supplementary question

Where a reply has been given to a question the questioner will be permitted to ask one supplementary question, the subject matter of which must be relevant to the question originally put. The Mayor may decline to accept any supplementary question if he or she considers it to have no relevance to the original question.

11. Motions on notice

11.1 Notice

Every motion (except for motions which can be moved without notice under Standing Order 12), must be:

- (a) in writing;
- (b) signed by at least one councillor;
- (c) delivered to the Chief Executive not later than midday on the twelfth day before the meeting (excluding the day of the meeting) or, if the twelfth day before the meeting is not a working day, on the last working day before that; and
- (d) entered in a book open to public inspection or published on the council's website.

11.2 Procedure

- (a) Motions for which notice has been given will be listed on the agenda in the order in which the notices were received, unless the councillor giving

notice states, in writing, that he or she propose to move it to a later meeting or withdraw it.

- (b) If a motion is not moved and seconded it will be treated as withdrawn and may not be moved without fresh notice. Alternatively, if the Council agrees, the motion may be postponed.
- (c) Once the motion has been moved and seconded, the Mayor may allow it to be dealt with at that meeting if, in the Mayor's opinion, it would be expedient to do so.
- (d) Otherwise, although the mover and seconder may speak on the motion, the motion will be referred without discussion to overview and scrutiny or a regulatory committee, as appropriate, for consideration. Where a motion is referred to overview and scrutiny, it will be considered by the next available meeting of Scrutiny Committee, subject to the chair and vice-chair having the option of referring the matter to a later Scrutiny Committee if the subject matter is a closer match to that later committee's work programme. Scrutiny Committee may consider the matter itself or set up a task group to do so. Any such task group will report back to Scrutiny Committee. Once Scrutiny Committee has considered the motion or received a report back from a task group, it will report to the next available meeting of Cabinet or, if it is not an executive matter, to the next ordinary Council meeting. Where a motion is referred to a regulatory committee, that committee will report to the next ordinary Council meeting.

11.3 Scope

Motions must be about matters for which the council has a responsibility or which affect the borough.

12. Motions without notice

The following motions may be moved without notice:

- (a) To appoint a 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 a councillor 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 following from them.

- (g) To withdraw a motion.
- (h) To amend a motion.
- (i) To proceed to the next business.
- (j) That the vote be now taken.
- (k) To adjourn a debate.
- (l) To adjourn a meeting.
- (m) To suspend a particular council standing order:
- (n) To exclude the public and press in accordance with the Access to Information Standing Orders at Part 3D of this constitution.
- (o) To give the consent of the Council where its consent is required by this constitution.

13. Rules of debate

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require the mover to put it in writing to the Chief Executive.

13.3 Secunder's speech

When seconding a motion or amendment, a councillor may reserve the right to speak later in the debate.

13.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Unless the Mayor agrees, no councillor may speak for more than five minutes on any motion or amendment, except when considering the annual budget, or for more than two minutes on any point of order or personal explanation.

13.5 When a councillor may speak again

A councillor who has spoken on a motion may not speak again while it is the subject of debate, except in the following circumstances:

- (a) To speak once on an amendment moved by another councillor.
- (b) To move a further amendment if the motion has been amended since they last spoke.
- (c) If their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which he or she spoke was carried).
- (d) Exercise of a right of reply.
- (e) On a point of order.
- (f) Personal explanation.

13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration; or
 - (ii) to leave out words or add wordsas long as the effect of (i) and (ii) is not to negate the motion.
- (b) An amendment may not be discussed until it has been moved and seconded.
- (c) Once an amendment has been moved and seconded, the Mayor may require the mover to put it into writing and give it to the Chief Executive.
- (d) 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.
- (e) No councillor may move or second more than one amendment to a motion.
- (f) If an amendment is not carried, other amendments to the original motion may be moved.
- (g) 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.
- (h) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration or withdrawal of motion

- (a) With the consent of the meeting, a councillor may alter or withdraw a motion of which they have given notice. The meeting's consent will be signified by a simple majority vote without discussion.
- (b) With the consent of the both the meeting and the seconder, a councillor may alter or withdraw a motion which they have moved without notice. The meeting's consent will be signified by a simple majority vote without discussion.
- (c) In the case of alterations, only changes which could be made as an amendment may be made.
- (d) In the case of withdrawal, no councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.8 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.

13.9 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except for the following purposes:

- (a) To withdraw a motion.
- (b) To amend a motion.
- (c) To proceed to the next business.
- (d) That the vote be now taken.
- (e) To adjourn the meeting or debate.
- (f) To exclude the public and press in accordance with the Access to Information Standing Orders at Part 3D of this constitution.

13.10 Closure motions

- (a) A councillor may move, without comment, any of the following motions at the end of a speech of another councillor:
 - (i) To proceed to the next business.
 - (ii) That the question be now put.
 - (iii) To adjourn the meeting or debate.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed, they will give the mover of the original motion a right of reply before putting their motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.11 Point of order

A councillor may raise a point of order at any time. The Mayor will hear it immediately. A point of order may only relate to an alleged breach of these Council Standing Orders or the law. The councillor must indicate the order or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

13.12 Personal explanation

A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

14. Previous decisions and motions

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past twelve months cannot be moved unless the notice of motion is signed by at least 10 councillors.

14.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 12 months cannot be moved unless the notice of motion or amendment is signed by at least 10 councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 12 months.

15. Voting

15.1 Majority

Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

15.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

15.3 Show of hands

Unless a recorded vote is demanded under Standing Order 15.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

15.4 Recorded vote

Before a vote is taken, if three councillors present at the meeting demand 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.

15.5 Right to require individual vote to be recorded

Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

15.6 Right to require numbers voting for and against a motion to be recorded

Where any councillor requests it, before the vote is taken, the number of councillors voting for and against the motion or amendment and the number abstaining from voting will be taken down in writing and entered into the minutes.

15.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

16. Decisions – Cabinet, Scrutiny Committee and regulatory committees

16.1 Reports to Council

- (a) Where a motion is carried by Planning Committee by way of a decision made under its delegated powers, that decision will be referred as a Planning Committee recommendation to full Council if:
 - (i) at least six members of the committee have voted against the motion; and
 - (ii) immediately after the decision is made, at least six members of the committee demand that the decision is to be a recommendation to the Council.
- (b) A decision of Planning Committee will be reported for information to the Council if, at the meeting at which the decision is made, at least three members of the committee making the decision require such a report to be made.

16.2 Rescinding or varying decisions

Cabinet, Scrutiny Committee or a regulatory committee may consider a motion to rescind or vary a decision made by that body in the same municipal year (but not at the same meeting), only if:

- (a) there is present at the meeting a majority of the members of the body who were present when the decision was made and who consent to the motion being considered; or
- (b) the summons for the meeting includes notice of the possibility of such a motion.

17. Minutes

17.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

17.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

17.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order in which the Mayor put them.

18. Record of attendance

All councillors present during the whole or part of a meeting must sign their names in the attendance book or on a sheet provided before the conclusion of every meeting to assist with the record of attendance.

19. Exclusion of public

Members of the public and press may only be excluded either in accordance with Access to Information Standing Orders in Part 3D of this constitution or Standing Order 21 (Disturbance by Public).

20. Councillors' conduct

20.1 Probity and Ethics

A councillor attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation) leave the meeting room until the matter has been dealt with.

20.2 Standing to speak

Unless permitted to remain seated by the Mayor, a councillor speaking at full Council must stand and address the meeting through the Mayor. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated while a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

20.3 Mayor standing

When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

20.4 Councillor not to be heard further

If a councillor persistently disregards the ruling of the Mayor or behaves improperly or offensively or deliberately obstructs business, the Mayor may direct that the councillor be not heard further.

20.5 Councillor to leave the meeting

If the councillor continues to behave improperly after being subject to a direction under Standing Order 20.3, the Mayor may direct that either the councillor leaves the meeting or that the meeting is adjourned for a specified period.

20.6 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as the Mayor thinks necessary.

21. Disturbance by public

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If the member of the public continues to interrupt, the Mayor will order their removal from the meeting room.

21.2 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 may call for that part to be cleared.

22. Suspension and amendment of Council Standing Orders

22.1 Suspension

All of these Council Standing Orders except Standing Orders 15.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

22.2 Amendment

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

23. Application to Cabinet, Scrutiny Committee, regulatory committees and sub-committees

- (a) All of the Council Standing Orders, except Standing Order 16, apply to meetings of the Council.
- (b) Standing Orders 6,7,12,13 (but not 13.4, 13.5 and 13.9) and 15-23 (but not 16.1, or 20.1) apply to meetings of Cabinet.
- (c) Standing Orders 4–8, 12, 13, (but not 13.4, 13.5 and 13.9) and 15-23 (but not Standing Order 20.1), apply to meetings of regulatory committees and sub-committees.
- (d) Standing Orders 4-9, 12, 13 (but not 13.4, 13.5 and 13.9) and 15-23 (but not 16.1 and 20.1) apply to meetings of Scrutiny Committee.