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STANDING ORDERS OF THE MUNICIPAL COUNCIL OF PORT LOUIS

(As made under Section 40
of the
Local Government Act 1989)

I. INTRODUCTORY

Interpre- tation

1. Throughout these standing orders the several words and expressions specially mentioned shall (save where the context otherwise requires) have meanings as follows respectively assigned to them.

The “Chief Executive” shall mean the Town Clerk.

The “Corporation” shall mean the Municipal Corporation of Port Louis.

The “Council” shall mean the
Municipal Council of Port Louis

“Meeting” shall mean
meeting of the Council.

“Committee” shall mean
Committee of the Council.

“Chairman” shall mean
Chairman of the meeting.

“Member” shall mean
Member of the Council

“Summons” shall mean
summons for a meeting.

“Proposition” shall include
“original motion”.

***Suspension
of Standing
Orders***

2. A motion the object of which may be to suspend any standing order or rule of the Council shall not be put to the Council except with the consent of at least five members present at the meeting, including the mover of the motion. Such a motion

shall be carried by a majority, provided that at least five members have voted for the motion. There shall be no speeches or discussions on a motion to suspend a Standing Order.

Language

3 (a) The Agenda, Reports, Minutes of the Council shall be in English or French.

(b) The Agenda, Reports and Minutes of the Committee shall be in English or French.

(c) Members shall address the Council or Committees in English or French.

II. COUNCIL MEETINGS

Time and manner of holding Council Meetings

4. The Council shall hold four quarterly meetings in the months of January, April, July and October in every year for the transaction of general business.

The Council shall further be convened whenever the Mayor considers it necessary or on a requisition signed by five Councillors specifying the reasons therefore, and such other meetings shall be held as the Council may from time to time decide.

All meetings shall be convened by notice on which shall be specified the business to be transacted; the notices shall be signed by the Chief Executive and left at the usual place of abode or business of every Councillor two clear days at least before such meeting, and no business shall be transacted at such meeting other than that specified in such notice.

Chairman

5. (a) At a meeting of the Council the Mayor, if present, shall preside.

(b) Where if the Mayor of the Council is absent from a meeting of the Council, the Deputy Mayor, if present, shall preside.

(c) Where both the Mayor and Deputy Mayor are absent from a meeting of the Council, the member whose name is drawn by lot by the Chief Executive shall preside.

Quorum

6. The quorum of the Council shall be thirteen (13).

Duties of the Clerk

7. (1) The Chief Executive or, in his absence, his deputy shall act as Clerk of the Council.

(2) Minutes of proceedings whether of the Council or of Committees shall record the names of members attending, the names of members absent and all decisions taken and shall be signed by the Chairman.

(3) The Chief Executive shall keep in his custody the minutes, records, reports and all documents laid before the Council or Committees, which shall be open to the inspection of Councillors at all reasonable hours. A copy of the

previous Council Minutes shall be circulated to all members of the Council, whenever possible, at least two days before each meeting.

***Matters
to be
included
in
summons***

8. The Chief Executive shall place upon every summons notice of all business which, in his judgement, requires to be brought before the Council, or of which notice in writing, signed by a member, shall have been delivered at his office in due time. Every such last mentioned notice shall be subject to the approval of the mayor and shall stand in the name of the member who signed it.

***Discussion
by Council***

9. The Council may discuss any matter directly affecting the Council, including its constitution, election, powers and duties, but except as aforesaid, no political subject shall be brought forward or discussed at any meeting.

*Rescinding
of
Resolution*

10. No resolution expressly or impliedly repealing or altering a decision taken by the Council within the year last past shall be proposed at any meeting held within such year unless notice thereof be given to the Chief Executive ten days, and by the Chief Executive to the Councillors, seven days at least, before such meeting, and no such resolution shall be valid unless it be agreed to by two-thirds of the members present.

(2) After a resolution expressly or impliedly repealing or altering a decision of the Council has been proposed and rejected it shall not be lawful for any Councillor to propose a new resolution expressly or impliedly repealing or altering the said decision, unless a delay of six months has elapsed from the date of the said decision, or his proposal has the written support of half the number of Councillors (including himself) then in the country.

(3) Or if the resolution cannot be put to the vote for want of a quorum at two following sittings, it shall not be lawful for any Councillor to propose the same resolution unless a delay of six months has elapsed, and if the original resolution was for doing any act forthwith or within a specified delay, such resolution may be carried out immediately after the second of such sittings, if there was not delay specified, or after the expiry of the specified delay.

***Council
Meeting in
Committee***

11. (a) The Council may resolve itself into committee upon a motion, duly made and seconded, being approved by a majority of members present and voting, of which motion no previous notice shall be necessary, and which motion may be moved notwithstanding that another member may be speaking at the time. When the Council goes into Committee all persons other than

members and officers of the Corporation shall be called on to withdraw from the Council Chamber. Thirteen shall form a quorum. During the sitting of the Council in Committee these Standing Orders shall apply.

Decision to be reported to Council

(b) Any decision arrived at by the Council in Committee with respect to any matter of which notice shall have been duly inserted in the summons shall be reported to the Council forthwith and voted upon without discussion.

Admission of Public and Press

12. The Public and the Press shall be admitted to the debates of the Council unless specially excluded by the Council from any portion or the whole of any meeting provided that they refrain from all expressions of approval or disapproval, and from demonstrations of any kind.

Behaviour of Public and Press

13. If any member of the public or of the press disturb the meeting in any way, the Chairman may order

the Public or Press to withdraw from the Council Chamber and if his order be not complied with at once, the Chairman may direct such steps to be taken as are required to enforce his order.

III. PROCEDURE AT COUNCIL MEETINGS

***Order of
Business***

14. (1) The business of quarterly meetings of Council shall be transacted in the following order.

1. Minutes of the proceedings of the previous meeting.
2. Announcements, statements
3. questions or notices of questions
4. Motions or notices of motions.

5. Reports from Committees

6. Petitions

(2) The business at special meetings of the Council shall be transacted in such order as determined by the Chairman, provided that the minutes of proceedings of the previous meeting shall stand first on the order of the day.

(3) Members' questions and motions shall be set down in the order in which notice of each question and motion was given.

***Signing of
minutes***

15. Unless otherwise provided by law the first question at every ordinary meeting shall be: "That the minutes of the last meeting be signed by the Chairman as being a correct record", and no discussion shall take place with reference to such minutes except in relation to their accuracy.

***Communi-
cations,
petitions,
etc.***

16. Petitions addressed to the Council which affect the business normally dealt with by a Committee of the Council shall stand referred to that Committee or Committees. The Mayor shall be authorised to determine what petitions, whether by reason of their character, importance or urgency, shall be submitted direct to the Council. Further any five members may require a petition to be submitted direct to the Council.

***Speeches
by
Members***

17. (1) No member shall speak more than once on any question except:

- (a) in Committee;
- (b) in explanation, as provided for in Clause 20;
- (c) in the case of the mover of a substantive motion in the Council, in reply.

(2) A member who has spoken may speak again when a new question has been proposed from the Chair such as a proposed amendment or a motion for the adjournment of the debate.

(3) No member may speak to any question after it has been put from the Chair.

(4) A member shall not read his speech but he may refresh his memory by reference to notes and he may read extracts from written or printed papers in support of his speech.

(5) No speech shall exceed ten minutes except with the consent of the Council.

***Relevance
in debate***

18. A member who speaks shall confine his remarks strictly to the question under discussion, or to an explanation, or to a point of order.

***Point of
Order***

19. Any member may at any time during a debate address the Chair on any point of order arising out of such debate, but shall not interrupt any other member's speech for that purpose unless the necessity arises out of such speech, of which the Chairman shall be the judge.

A member rising on a point of order shall be entitled to be heard forthwith.

Breaches of order shall include the following:

- Discussion of a question not before the meeting
- The use of improper language on "personalities"
- Violation of any Standing Order.

- The interjection of remarks whilst a member is speaking.

Explanations

20. A member who has spoken on the question under discussion may rise to make a short explanation of any material part of his speech which may have been misunderstood or misinterpreted and shall be entitled to be heard forthwith, but he shall preface his remarks by a succinct statement of what is to be explained and shall strictly confine himself to explaining it. Any such explanation must be a brief statement of fact, and not further argument of the question before the meeting.

Conduct of members

21. (a) During the sitting of the Council male members shall be uncovered. Members shall stand when speaking and shall address the Chair, and no member shall pass between the speaker and the Chair. Members shall, in addressing the Chairman, or in referring to or

speaking of each other, employ the official title of Mayor, Deputy Mayor, Chairman or Councillors, as the case may be. Only one member at a time shall address the Council, all other members (subject to Standing Orders Nos. 19 & 20) remaining seated so that the speaker may be heard without interruption. If two or more members rise to speak at the same moment the Chairman shall decide the order in which they are to speak. No member upon rising in his place shall commence to address the meeting until the Chairman calls on him.

Whenever the Chairman rises no other member shall remain standing; and, until the Chair be resumed, no member shall rise, but the Council shall be silent so that the Chairman may be heard without interruption.

***Misconduct
of members***

(b) The Chairman shall protect the Council in the conduct of

their business from any member or members causing or responsible for disorder, obstruction or other misconduct detrimental to the performance of the Council's duties, and the Chairman, after calling a member's attention to continued irrelevance, tedious repetition, unbecoming language or any breach of order on his part, may direct him forthwith to discontinue such practice and to resume and/or remain silent in his seat. Should such member disregard the direction of the Chairman, the Chairman shall further direct him forthwith to retire from the Council Chamber for the remainder of the day's proceedings.

If the member so ordered to retire refuses, any other member may move: "That, he be removed" and such motion (which need not be reduced to writing) if duly seconded and if the Chairman assents, shall be put at once without discussion.

If the motion is carried the Chairman shall again call upon the member in question to retire, and in the event of his again refusing the Chairman shall then be empowered to direct the police to remove him from the meeting and to prevent his returning, using no more force than is necessary for the purpose.

If by reason of the circumstances the Chairman is prevented from taking a vote he shall be empowered, on satisfying himself that a majority of the members present concur, to act without a formal vote.

***Suspension
of sitting
following
misconduct***

(c) If after a motion under the foregoing standing order has been carried the misconduct or obstruction is continued, and in the opinion of the Mayor/Chairman renders the due and orderly dispatch of business impossible, the Mayor/Chairman, in addition to any other power vested in him, may without question put, adjourn or

suspend the sitting of the Council for such period as he, in his discretion, shall consider expedient.

***Use of
improper
language***

(d) When the Chairman shall rule that language used by a member ought to be withdrawn it shall be the duty of that member to withdraw it.

***Imputation
and abuse***

(e) No member may impute improper motives to, or use offensive expressions to or regarding any other member, and if any member fails to withdraw such imputations, or expressions on being requested so to do by the Chairman, the Chairman may cause such member to be suspended in accordance with the procedure specified in Standing Order no. 21 relating to suspension of members.

***Motion that
the question
be now put***

22. (a) It shall be competent for any member who has not spoken on the question under discussion to move at the close of any speech

thereon: “That the question be now put” on the seconding of which the Chairman shall, if he considers that the question has been sufficiently discussed, and notwithstanding that any member or members may have indicated his or their desire to speak and have reason for that purpose prior to the moving of the closure, immediately put such motion to the vote without discussion, and if be carried he shall forthwith put the subject of debate to the vote, save only that the member entitled and desiring to reply to the debate on the question may first do so.

If the motion be not carried, neither the mover nor any seconder shall, by reason only of having moved or seconded such motion, be treated for the purpose of para.17 of these orders as having addressed the Council on any motion or amendment, the debate on which was in progress when such first mentioned motion was proposed.

***Motion for
next
business***

(b) Whenever it is moved and seconded “that the Council proceed to the next business of the day” such proposition shall be put without discussion, and if it be carried the subject in debate shall be considered as disposed of for that day, but such a motion shall not be made more than once during the discussion of any particular business, but this Standing Order shall not apply to any matter brought before the Council by any Committee.

***Motion that
the Council
do now
adjourn***

(c) If it shall be proposed and seconded “that the Council do now adjourn” such proposition shall immediately be put to the vote without amendment or discussion and if it be carried the Council shall adjourn accordingly. The Chairman may in his discretion accept such a proposition notwithstanding that another member be speaking at the time.

***Adjourn-
ment of
Council***

23. (a) In the event of a Council meeting not being completed by 8 p.m., such Council

Meeting shall automatically stand adjourned at the end of the business then under discussion until 4 p.m. on the following Wednesday.

Notice to be sent when meeting is adjourned

(b) When a meeting is adjourned to a future day, notice of the adjourned meeting shall be sent to each member specifying the business to be transacted thereat, but it shall not be necessary to send with any such notice a second print of any committee minutes or reports referred to therein.

Moving Committee Minutes

24. (a) The Chairman of a Committee when moving the minutes of his Committee at the Council Meeting shall first move that portion which requires confirmation by the Council. When that has been disposed of he shall then move the remainder of his Committee's Business conducted under delegated powers as a matter of report.

*Committee
Chairman's
remarks*

(b) When moving the minutes of his Committee the Chairman may make such comments or observations thereon as he thinks fit but, unless the Mayor agrees, such speech shall not take longer than ten minutes.

Notwithstanding the previous paragraph the Chairman of the Committee responsible for the preparation of Rate Estimates shall not be deemed to be limited in time in moving the adoption of minutes which includes the Annual Rate Estimates.

*Minutes not
moved*

(c) If a member on moving the reception or approval of any minutes or report of a Committee states that he does not propose to submit any particular paragraph or paragraphs of such minutes or report to the meeting for reception or approval it shall not be competent for any member to speak upon such paragraph or paragraphs and the

minutes or report in question shall be moved with the exception of the paragraphs or paragraphs referred to, which, however, shall be placed by the Town Clerk on the agenda for the next meeting of that Committee, when the matter shall be reconsidered by the Committee. At the next meeting of the Council at which the Minutes of that Committee are considered the Chairman shall not again resort to the practice of not moving the minutes so reconsidered by the Committee.

***Objections
to
Committee
Minutes***

(d) At any meeting when the minutes or report of a Committee come up for confirmation and adoption the Chairman shall put such minutes or report to the meeting paragraph by paragraph if he thinks it desirable to do so or is so requested by a member and those paragraphs to which no objection is made shall be deemed to have been approved and adopted.

Consideration of any paragraph to which any member says “object” shall be deferred until the whole of the minutes and reports of all Committees have been gone through, when the “objected” paragraphs shall be severally proposed and seconded or dealt with in accordance with Standing Order No. 24(e) and shall then be open for general discussion.

***Objections
to decision
under
delegated
power***

(e) It shall be open to any member to say “object” to any decision of a Committee made under powers delegated to that Committee by the Council. If that decision has not already been put into effect it shall be dealt with in the same way as a minute which requires confirmation by the Council. If the decision has been put into effect the objected paragraph shall not be proposed and seconded in accordance with Standing Order No. 24(d), but there may be a discussion on the objected paragraph. No amendment or

reference back may be moved, but it shall be open to any member to propose a motion which gives instructions or guidance to the Committee concerned for the future exercise of its delegated powers.

Voting by majority

25. (a) Unless otherwise provided by law or these Standing Orders, all questions put to a meeting shall be decided by a majority of members present and voting, the Chairman of the meeting having both an original and, whenever the voices are equal, a second casting vote.

Recorded vote

(b) In the case of a formal division on any question the name of each member present shall be called and a record made in the Council Minutes as to whether he voted for or against the question or was neutral.

Method of voting

(c) Unless otherwise provided by law or there is a formal division, voting shall take place by

members rising in their place or by a show of hands as the Chairman may decide.

*Chairman's
decision
final*

26. The Chairman shall be responsible for the observance of the standing orders and rules and his decisions upon any point of order shall not be reviewed except upon a motion made after notice.

IV. COMMITTEES

*Delegation
of powers*

27. (a) The Council may delegate any of its powers except that of levying a rate and borrowing money to any of its Committees or Sub-Committees.

*Appoint-
ment of
Committees*

(b) The Council shall appoint a Finance Committee, a Public Health Committee, a Works Committee, a Welfare Committee, a Committee of the Whole Council and such other committees, as it thinks fit. The membership of such committees, except for the

Committee of the Whole Council, shall not exceed twelve. The quorum of the committee shall be five except that of the Committee of the Whole Council which shall be thirteen. The resolutions of such committees shall be subject to the approval of the Council unless authority has been given to any Committee to act without such approval, in which case anything done by the Committees shall be reported to the Council at its next meeting.

The Committees shall elect their own Chairman.

***Terms of
appointment of
Committees***

(c) The Standing Committees shall have such terms of appointments as may be decided by the Council.

***Mayor to be
ex-officio
member of
Committee***

28. Unless inconsistent with its constitution the Mayor shall be ex-officio a member of every Committee.

Co-opted members

29. (a) The Council may co-opt members to serve on any of its Committee or Sub-Committee provided that the number of co-opted members of any Committee or Sub-Committee shall not exceed one-third of its total number.

Nomination of co-opted members

(b) The nomination of co-opted members to serve on committee of the Council shall precede the Annual Meeting of the Council so that all members can then be appointed to such committees.

Method of appointment to Committees

30. (a) Upon the appointment of any committee the name of each proposed member thereof shall, if required by any member, be put to the meeting separately.

If Committee member ceases to be member of Council

(b) Every member of a Committee or Sub-Committee who, at the time of his appointment is a member of the Council shall, on ceasing to be a member of the

Council, also cease to be a member of the Committee or Sub-Committee.

Filling of vacancies

(c) Any vacancy on a Committee shall be filled by the Council within three months of the date when such vacancy occurs.

Notice of Committee Meetings

31. Unless the business to be transacted be of an urgent nature one day's notice of Committee meeting shall be given but in case of emergency the Chairman may convene a meeting of the Committee by giving at least two hours' notice.

Voting in Committee

32. All questions in Committee shall be determined by a show of hands by a majority of the members of the Committee present and voting. The Chairman shall have an original and, whenever the voices are equal, a second or casting vote.

Minority Order

33. Where any resolution has been passed by a Committee or Sub-Committee in exercise of any

powers delegated to them by the Council, it shall be competent for either:

(i) any two members of that Committee or Sub-Committee exercising powers delegated by the Council, or

(ii) any five members of the Council within three days of the meeting of that Committee or Sub-Committee to address in writing a requisition to the Chief Executive requiring him to place that resolution on the agenda for the next Council meeting and that resolution shall not be acted upon until it has been confirmed by the Council.

Proposer of motion may attend

34. A member of the Council who has proposed a motion which has been referred to any Committee of which he is not a member, shall have notice of the meeting of the Committee at which it is proposed to consider the motion and, if he attends, shall have the opportunity of explaining it but shall not take

part in the voting nor shall he take part in the debate.

***Attendance
by non-
members***

35. No person other than members of a Committee and officers of the Council shall attend any meeting of a Committee unless invited to do so by such Committee and in any such event shall only speak at the express wish of the Committee, but shall not vote thereat.

***Disclosure
of business***

36. A member of the Committee (including the Council in Committee) shall not disclose a matter dealt with, by, or brought before the Committee, without its permission, until the Committee shall have reported to the Council or shall otherwise have concluded action on that matter. The Chief Executive shall report to the Council any alleged breach of this Standing Order which comes to his knowledge.

**V. COUNCILLOR'S RIGHT OF INITIATIVE:
QUESTIONS AND MOTIONS**

*Matter
brought
forward by
Mayor*

37. The Mayor may bring forward without notice at any meeting any business which in his opinion shall be sufficiently urgent to warrant his so doing.

*Right of
initiative of
Councillors*

38. Councillors shall have in Council the right of initiative with reference to all matters concerning the Corporation or administrative affairs within their province and jurisdiction. That right shall be exercised by way of question or by way of motion.

Questions

39. (1) Questions relative to public or administrative affairs or other public matters connected with the business of the Council may be put to the Mayor or Chairman in writing.

(2) Notice of questions in writing shall be signed by the Member who proposes to put such questions and shall reach the Chief

Executive at least four days before the meeting of the Council.

Questions reaching the Town Clerk after that delay shall be set down for the next meeting of the Council.

(3) At quarterly meetings of the Council questions may be put without notice and whenever possible the Chairman shall reply immediately.

(4) A notice of question given orally in Council shall not be considered after that meeting unless it be supplemented by a written notice in accordance with para. 2 supra.

(5) At special meetings of the Council a question shall not be asked without notice unless it is of an urgent character and is asked with the leave of the Chairman.

(6) A question, written or not, shall not contain arguments, inferences, opinions, imputations,

charges, epithets, ironical expressions or hypothetical propositions and shall not include names of persons or statements not strictly necessary to render the question intelligible.

(7) Questions put with or without notice at any meeting of the Council must not be made the pretext for a debate.

A debate on a matter of an urgent character may only be introduced without notice by way of motion (as provided in article 40(1)(k)).

(8) A member may ask a supplementary question for the purpose of further elucidating an answer given to him, but such supplementary question must not be used to introduce matters not included in the original question.

(9) The Chairman shall be the judge of the admissibility of any

question and may disallow a question when in his opinion it is contrary to the Standing Orders or is a abuse of the right of questioning.

(10) Not more than six written questions may be placed on the order paper by the same member for the same day.

(11) Written answers to questions shall be read by the Chairman and ordered to lie upon the table. Where a reply to any question cannot conveniently be given orally, it shall be deemed a sufficient reply if a written answer is supplied to the member who has asked the question within seven days after the meeting of the Council.

***Motions
and Amend-
ments***

40. (1) Notice shall be given of any motion a member proposes to make, with the exception of the following:

(a) a motion made in committee;

(b) a motion that the Minutes of Proceedings of the previous meeting be amended or confirmed;

(c) a motion for the adjournment of the Council or Committee or of any debate;

(d) a motion for the adjournment of the Council or Committee whenever the quorum is not present:

(e) a motion on a point of order;

(f) a motion for the withdrawal of a member for the suspension of a meeting on a question of order;

(g) a motion that a petition be referred to a Standing or Special Committee;

(h) a motion that a report of a Standing or Special Committee be printed or referred back to the same Committee or referred to another Committee;

(i) motions for the election of the Mayor and of the Deputy Mayor;

(j) motions for the nomination of members of any Committee and

(k) a motion for a debate on a definite matter of urgent public importance. Such a motion shall be presented without debate and if the urgency is accepted by a majority of the members present, leave shall be granted by the Chairman to the mover to speak on his motion which shall be discussed. If leave is obtained, such a motion shall be carried by a majority,

provided that at least five members have voted for the motion.

(2) Notice of motion in writing shall be signed by the member who proposes to make such motion and shall reach the Chief Executive at least three days before the meeting of the Council. Motions reached after that delay shall be set down for the next meeting of the Council.

(3) A motion or amendment in Council shall not be put to the vote unless it shall have received a seconder, but in Committee a seconder shall not be required.

(4) As soon as the mover of a motion or amendment in Council has been heard on his motion or amendment, or has moved in terms of his motion or amendment, the Chairman shall require whether the motion or amendment is seconded,

any member may second a motion or amendment in replying in the affirmative without prejudice to his right to speak at a later period of the debate.

(5) When a motion or amendment has been moved in Council, it may be withdrawn at the request of the mover, before or after debate if no member objects to such withdrawal.

In the case of an objection being raised thereto, the motion or amendment shall be put to the vote.

Content of notice of motion

41. Every notice of motion shall be relevant to some question over which the Council has power, or which affects the Town.

Motion not moved

42. (1) A motion of which notice has been given shall lapse if not moved at the proper time unless the Council directs that it shall be moved at some other time and any motion which by these Orders is

required to be seconded and is not so seconded shall lapse.

(2) A member who has a motion standing in his name may authorise in writing some other member to move that motion in his stead.

***Motion,
following
notice
repetition***

43. No motion which has been inserted in the summons and negatived shall be again entertained for three months at least, and then only after due notice shall have been given, but this Standing Order shall not apply to business brought before the Council by a Committee.

***Relevance
of amend-
ments***

44. An amendment shall be either

(a) to leave out words;

(b) to leave out words and insert or add others; and

(c) to insert or add words,

but such omission or insertion of

words shall not have the effect of introducing a new proposal into or of negating the motion before the Council. If any amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

A further amendment shall not be moved until the Council shall have disposed of every amendment previously moved.

