



**Cavan**

**Comhairle Contae an Chabháin**  
Cavan County Council

**Standing Orders**  
**Regulating the Proceedings of Cavan County Council**

**14<sup>th</sup> December 2020**

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**Standing Orders**  
**Regulating the Proceedings of Cavan County Council**

Theses Standing Orders are made under Part 6 and Schedule 10  
of the Local Government Act 2001, as amended by the Local  
Government Reform Act 2014

**Meetings of the Council**

1. Unless upon any occasion when it is otherwise fixed by statute or by resolution of the Council, Ordinary Meetings of the Council shall be held on the second Monday of each month or any other date by a resolution of the Council, except in the month of August when there will be no scheduled ordinary meeting. A schedule of Ordinary Meetings of the Council for the ensuing year shall be approved at each Annual Meeting.

**Annual Meeting**

2. In every year in which a local election is held the Annual Meeting shall be held on the fourteenth day after the polling day or, where the poll is for any reason countermanded, interrupted or adjourned, after the day on which the poll is completed or the fresh poll is held.

Where the fourteenth day is an excluded day the meeting shall be held on the next following day which is not an excluded day.

In every other year the Annual Meeting shall be on such day during the month of May or June as determined by Resolution of the Council.

In an election year, the Council shall publish a notice of their Annual Meeting in a newspaper circulating in the locality and on the website of the local authority immediately upon the setting of the date for this meeting by the local authority. The notice shall state the date and venue of the Annual Meeting, that the first business of the meeting will be the election of the Cathaoirleach, and where appropriate specify the bodies to which the members are entitled to make appointments at that meeting or subsequently.

Whenever an Annual Meeting is for any reason not held on the appointed day the meetings administrator shall, following consultation with the Cathaoirleach, or if the office of Cathaoirleach is vacant or he / she is unable to act, with the Leas-Cathaoirleach, convene a meeting for a day which the administrator considers to be the earliest convenient date for that purpose.

In the case of an Annual Meeting in an election year and until the election of the Cathaoirleach at such meeting, the Cathaoirleach for this period shall be taken by a member or an employee selected by the meeting for this purpose. Any member selected to Cathaoirleach an annual meeting under this sub-paragraph shall not have a second or casting vote and any employee of the local authority if so selected in accordance with this sub-paragraph shall not have any vote.

At an Annual Meeting in an election year, the meetings administrator shall read out the names of persons duly elected as members of the local authority. Subject to this the election of a Cathaoirleach is to be the first business of an Annual Meeting and the next business, the election of a Leas-Cathaoirleach.

In the case of the Annual Meeting in an election year the business to be transacted after the election of the Cathaoirleach and the Leas-Cathaoirleach shall include the consideration of the election, appointment or nomination of members of joint bodies or other bodies elected, appointed or nominated by the local authority.

### **Local Authority Budget Meeting and Local Property Tax Meeting**

3. A Local Authority Budget Meeting shall be held during the period directed by the Minister for that purpose.

A Local Authority meeting to consider fixing of date of special meeting to consider the variation basic rate in Local Property Tax (under Section 20 of the Finance (Local Property Tax) Act 2012 as amended by Section 5 of the Finance (Local Property Tax) Act 2013) during the period directed by the Minister for that purpose.

### **Special Meeting**

4. A Special Meeting of the Council may be convened at any time by the Cathaoirleach or if the office of Cathaoirleach is vacant or the Cathaoirleach is unable to act, by the Leas-Cathaoirleach, or by the Cathaoirleach on foot of a request in writing presented to him or her by any five members.

Where the Cathaoirleach refuses or neglects to act on foot of a request within 7 days of it being presented to him/her, the members making the request may convene a meeting. The provisions of paragraph 6 of Sch. 10 apply in relation to calling of such meeting.

### **Hour of Meeting**

5. The hour of meeting of the Council shall be 2.00 p.m. or at such other hour as may from time to time be fixed by resolution of the Council. The

Council shall rise not later than 5 p.m. unless a resolution to extend the time of the meeting is passed by the Council before 4.45 p.m. by a simple majority of members present and voting.

The Cathaoirleach in consultation with the Chief Executive and the members of the Corporate Policy Group retain discretion to host a meeting at an earlier time to facilitate any agenda item.

### **Place of Meeting and Address of Principal Offices**

6. In so far as practicable the place for holding meetings of the Council shall be the principal offices of Cavan County Council and meetings shall normally be held there, provided that the Council may from time to time by resolution appoint an alternative location for a particular meeting.

The address of the principal offices for the purposes of these Standing Orders is Courthouse, Farnham Street, Cavan.

### **Summoning of Meeting**

7. A notification to attend a meeting, other than a local authority budget meeting shall (a) be sent by email or otherwise delivered to each member of the Council, (b) specify the place, date and time of the meeting, and (c) give not less than 3 clear days notice. The 3 clear days shall only exclude (i) normal day for receipt of the notice, and (ii) the day of the meeting.

In the case of an Annual Budget Meeting 7 days notice shall be given.

A notification shall include or be accompanied by an Agenda listing the business to be transacted at the meeting. Subject to Standing Order 21 no business shall be transacted at a meeting other than that specified in

the Agenda which relates to the meeting or business required by the Act, or otherwise by law to be transacted at the meeting.

An Agenda which has been sent or delivered for this purpose may be altered (whether by way of addition, deletion or otherwise) if an Agenda specifying the alteration is delivered or sent to each member not less than 3 clear days before the day on which the meeting is to be held.

In the case of a Special Meeting convened by requisition under Standing Order 4, a copy of the requisition shall be sent with the notification.

8. A notification shall have the signature of the meetings administrator and any document claiming to have that signature shall be deemed, until the contrary is proved to have been duly issued or given with the authority of the local authority.

Want of service or non-receipt of a notification by any member or lack of a signature or any other defect in the notification does not affect the validity of a meeting or of any act or thing done at the meeting.

For the purposes of this Standing Order "signature" includes an e-signature or facsimile of a signature by whatever process reproduced or a printed version of the name of the meetings administrator.

### **Public Notice of Meeting**

9. Public notice of the place, date and time of a meeting other than a local authority budget meeting shall be displayed not less than 3 clear days before the day of the meeting in or at the principal offices of the local authority in a position convenient for public inspection during normal office hours.

The Notice shall include the Agenda for the meeting or specify a place where the Agenda can be inspected and in the case of a special meeting requisitioned under Standing Order 4 the Agenda shall include or be accompanied by a copy of the requisition.

Subject to any arrangements be made the Council shall supply a copy of the public notice and agenda to the media.

### **Constitution of Meetings**

10. The Chair shall be taken by the Cathaoirleach at a meeting of the Council within 15 minutes after the time appointed for such meeting or in his / her absence by the Leas-Cathaoirleach or otherwise by a Member called thereto by general agreement or chosen by vote of the members present to Chair the meeting and such member shall leave the Chair on the arrival at the meeting of the Cathaoirleach or Leas-Cathaoirleach.
11. The names of the members attending shall be recorded by entry in the Register of Attendance.
12. The quorum for a meeting of a local authority is one-fourth of the total number of members of the local authority plus one or, where one-fourth of such total number is not a whole number, the quorum is the next highest whole number plus one – in the case of Cavan County Council, the quorum is 6.

Whenever a meeting of the local authority is abandoned owing to failure to obtain a quorum the names of those present at the time and place appointed for such meeting shall be recorded by the meetings

administrator and they shall for all purposes be deemed to have attended a duly constituted meeting.

If a quorum is not present within 30 minutes after the time fixed for the meeting the meeting shall stand adjourned to a day to be named by the Cathaoirleach.

Any business put off by such meeting will be set down to be disposed of at the next meeting of the Council.

### **Order of Business**

**13.** The Order of Business at all meetings other than Annual Meetings, Local Authority Budget Meetings, Local Property Tax Meetings (LPT) and Special Meetings shall, subject to the provisions of any enactments, be as follows:

- (i) Confirmation of Minutes.
- (ii) Disclosure of Interests (Section 177 Local Government Act 2001)
- (iii) Noting Minutes of Committee Meetings
- (iv) To note members reports from conferences and training events (In accordance with Section 142 and section 143 Of the Local Government Act 2001; Local Government (Expenses of Local Authority Members) Regulations 2014 Part V Section 5 (1))
- (v) Correspondence.
- (vi) Members Questions
- (vii) Business prescribed by Statute, Standing Orders or Resolutions of the Council for transaction at such meeting.
- (iv) Business and reports submitted by the Chief Executive.
- (v) Consideration of Reports of Committees.
- (vi) Notices of Motion.

(vii) Questions of urgency or special importance brought forward by the Cathaoirleach or Cathaoirleach of the day, or a member with the permission of the Cathaoirleach.

(viii) Other business set forth on the agenda for the meeting.

In the case of a meeting convened for a special purpose the business specified in the Notification for such meeting shall be transacted and no other business.

At any ordinary meeting of the Council it shall be proper, if a majority of the members present and voting so decide, to take an item for consideration out of the sequence of listing on the Agenda, provided always that such decision shall not affect any business required by Statute to be done before any other business at the meeting.

Standing Orders relating to Members Questions shall be the same as those relating to Notices of Motions Standing Orders Numbers 15, 16 and 17 Paragraph 1 and 2.

### **Confirmation of Minutes**

14. Minutes of the proceedings of a meeting of the local authority shall be drawn up by the meetings administrator.

The Minutes shall include

- (i) The date, place and time of the meeting
- (ii) The names of the Members present at the meeting
- (iii) The names of the senior employees of the Council present at the meeting
- (iv) Reference to any report submitted to the Members at the meeting
- (v) Particulars of all resolutions passed at the meeting
- (vi) Where there is a roll call vote the number of members voting for and against the motion and those abstaining.
- (viii) Members Questions
- (ix) Members Motions
- (x) Other such matters considered appropriate
- (xi) Time of conclusion of the meeting

A copy of the minutes of a meeting shall be sent or given by the meetings administrator to each member of the local authority at least three clear days before the Council meeting.

Minutes of a meeting shall be submitted for confirmation as an accurate record at the next following ordinary meeting, where practicable, or where not, at the next following meeting and recorded in the minutes of that meeting.

When confirmed with or without amendment, the minutes of a meeting shall be signed by the person chairing the meeting they were submitted to for confirmation and any minutes claiming to be so signed shall be received in evidence without proof. When the question that they be confirmed is put from the Cathaoirleach, a Member may object to any part thereof as not being an accurate record and upon a motion any question of altering the record shall be determined by the Council by majority vote of those members who were present at the appropriate meeting; provided

that no entry shall be made in the Minutes of any protest other than a record of dissent, save in the form of a motion or an amendment.

A copy of the minutes when confirmed in accordance with this Standing Order shall be open to inspection at the principal offices of the local authority and any person may inspect and make a copy of, or abstract from, the minutes during the usual office hours of the authority.

A copy of the minutes shall be provided to any person applying for them on payment of such reasonable sum, being a sum not exceeding the reasonable cost of supplying the copy, as may be fixed by the authority.

Any discussion of the Minutes except as to their accuracy is out of order and the Cathaoirleach shall rule accordingly. Questions shall only be permitted on matters arising out of the Minutes and shall be confined to a request for clarification only, and not for discussion.

The Minutes shall be maintained on the website of the local Authority.

### **Notices of Motion**

15. Every Notice of Motion dated and signed by the Member or Members giving it shall be delivered to the meetings administrator and shall be recorded in the order of their receipt and shall appear on the Agenda in that order.

No Notice of Motion shall be set down on the Agenda for any meeting unless such Notice of Motion shall have been delivered to the meetings administrator at least 7 clear days before the date of such meeting.

16. If any Notice of Motion of which notice has been duly given relates to a matter normally dealt with by a Municipal District or Committee or comes within the terms of reference of any Committee or Committees, it shall be referred to such Municipal District, Committee or Committees as the Meetings Administrator may determine. Any dispute on such reference shall be determined by the Cathaoirleach, in consultation with the Meetings Administrator.

In the event of a member's item been discussed at Municipal District and that an elected member is dissatisfied as to the nature of the response, the elected member is entitled to refer the member's item to the Plenary Council for inclusion on the agenda of the Council.

17. No Member shall be permitted to have more than 3 motions (excluding adjourned motions) on the Agenda for any one meeting. No party shall be permitted to have more than 1 party motion and 1 party question on the agenda for any one meeting. Similar notices of motion may be grouped together on the Agenda to facilitate consideration at the discretion of the Cathaoirleach.

Any notice motion submitted jointly by two or more members shall be considered a notice of motion submitted separately by each member subscribing to the motion and each section of a multiple motion shall be considered as constituting a separate motion

A notice of motion other than a notice to rescind a previous resolution shall be in the name of one Councillor. Councillors who wish to associate themselves with the motion may do so by having their names included on the Agenda with the motion.

Every notice of motion and any notice of amendment thereto shall be relevant to some question which affects or may affect the business of the County Council or the administration of the County and shall be concise.

The Cathaoirleach on consultation with the Chief Executive and Corporate Policy Group may decide on the listing of any potentially controversial items on the agenda and the members submitting these items will receive written notification of the decision.

A notice of motion recommending or involving expenditure shall not be adopted by the Council, unless the Council has before it at the same time a certificate or other relevant report from the appropriate senior employee setting out the estimated expenditure which would be incurred by the adoption of the motion and how it is to be funded.

## **18. Member's Questions**

No Member shall be permitted to have more than 2 member's questions. Members Questions included on the Agenda will be replied to in writing on the day of the Meeting and a copy of the questions and replies circulated to the proposer and then to all the other members at the request of the proposer.

Members shall not be permitted to ask follow up questions to written replies but the Member or Members who submitted the Question(s) may seek clarification on the reply with the consent of the Cathaoirleach on the day.

No Members Questions shall be set down on the Agenda for any meeting unless such Members Questions shall have been delivered to the

meetings administrator at least 7 clear days before the date of such meeting.

### **Motions to Amend or Revoke Resolutions**

**19.** A motion to revoke or amend a resolution of the Council can only be made on notice inserted in the Agenda, and such notice shall specify the resolution to be revoked or amended and furnish the terms of the motion to be made; but no such motion shall be allowed to appear on the Agenda to revoke or amend any resolution of Council within six months of the date of the adoption of such resolution except with the written assent of not less than 6 members of the Council. A resolution may not be revoked at the meeting at which it has been adopted.

It shall be necessary for adoption of a motion to revoke or amend a resolution of the Council that not less than two thirds of the members present vote in favour and subject to statutory requirements.

A rescinding resolution shall not be passed unless not less than one half of the total number of members and two-thirds of the member's present vote in favour thereof. When the Council has defeated any such Motion, it shall not be competent for any member to propose a Motion that is substantially the same

The following motions may be made without notice at a meeting:

- i. On matters expressly required by statute to be done at the meeting.
- ii. On matters arising directly out of a report(s) presented at the meeting.
- iii. For or on the appointment of a committee to which specific business is to Be referred.
- iv. For the resolution of the Council into a committee of the whole Council.

- v. For the variation of the order of business.
  - vi. For the adjournment of the meeting. See Standing Order no 22
  - vii. For the suspension of Standing Orders in respect of any specified rule or rules. Two thirds of the members of the Council must be present in this event.
  - viii. For the appointment of a Cathaoirleach of the day, the Cathaoirleach and Vice – Cathaoirleach when the Cathaoirleach and Vice – Cathaoirleach being absent.
  - ix. For the adoption, amendment or referring back of any report.
  - x. Relating to “urgent business” brought forward with the consent of the Cathaoirleach.
  - xi. For referring business to a committee for enquiry, action and/or report.
20. Subject to Standing Order 19 any matter decided by the local authority by motion on notice or on the report of a committee shall not be re-opened within 6 months of the date of such decision.

### **Motion for Purpose of Dealing with Urgent Business**

21. Notwithstanding any other provisions of these Standing Orders a motion may be proposed without notice for the purpose of dealing with urgent business related to a function of the local authority, subject to the requirement that not less than two thirds of the members present (being at least one-half of the total number of members of the authority) vote in favour.

### **Adjournment of Council**

22. A motion for adjournment of the Council may be made at any time and shall be determined without amendment and without debate, except that the mover of the Motion of adjournment and the mover of the Motion immediately affected by it, may each address the Council for not more

than five minutes on the question of the adjournment; and when the Motion for adjournment is adopted, the meeting will stand adjourned to a day then named or in the event of no such date being named, to the next occurring ordinary meeting.

If at the hour of 5.00 p.m. the business is not completed, the Council shall rise and any business not completed shall stand adjourned to the next meeting, subject to the provisions of Standing Order No 5.

A Special Meeting may be adjourned from time to time until its business is concluded.

### **Motions and Amendments**

**23.** A motion, notice of which stands in the Agenda and which has been proposed and seconded, may be withdrawn only on leave obtained from a majority of the members present at the meeting at the request of the member concerned. A motion may either be proposed by the member in whose name it stands or if he or she be absent, by any member authorised by him or her in writing to propose it on his or her behalf, but unless so proposed, and in the absence of a request in writing from the member in whose name it stands to postpone it, the motion shall be dropped and shall not again be set down in the Notice Paper except on fresh notice. A motion or an amendment when not seconded is dropped

The proposer of a motion not listed in the Agenda or an amendment, and not in common form, shall upon moving the same deliver a copy to the Cathaoirleach.

24. An amendment which has been proposed and seconded may be withdrawn only on leave obtained from a majority of the Local Authority Members present at the meeting at the request of the member concerned
25. Every amendment shall be relevant to the motion on which it is moved and shall be either (a) to leave out words, (b) to leave out words and insert or add others, (c) to insert or add words. An amendment shall not be in order if it is equivalent to a direct negative or if it is not in fact an amendment of the motion it purports to amend.
26. Whenever an amendment on an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, but notice of any second or subsequent amendment shall first have been given.
27. When an amendment is affirmed the original motion as amended becomes the substantive motion upon which any further amendment, of which notice has been given may be moved.
28. When an amendment is lost any further amendment of which notice has been given may be proposed, but only one amendment shall be at any time before the meeting and an amendment shall not be in order if the Cathaoirleach rules it to be substantially the same as an amendment already lost, but not withdrawn. In the event of a motion not been taken of a meeting the motion will be deferred to the next meeting

### **Order of Debate**

29. Except with the permission of the Cathaoirleach no member shall address the Council for more than 5 minutes. A member may speak once upon

any item on the Agenda or on any motion except a motion which is to be put without debate. The proposer of a motion has the right to reply whilst the motion remains before the Cathaoirleach and when the proposer replies the debate on the motion is closed. A right of reply to a motion will not exceed three minutes in duration.

**30.** No member who has spoken to a motion may move or second an amendment, but when an amendment is moved and seconded, a member who has already spoken to the original motion may speak to the amendment.

**31.** A member may speak more than once on the same motion or amendment for the purpose only of submitting a point of order or making a personal explanation. The Cathaoirleach's decision in determining a point of order or personal explanation shall be final.

**32.** The Cathaoirleach shall ascertain that a motion is seconded before the proposer is permitted to speak to it.

**33.** A motion "that the Council proceeds to the next business" may be made after any motion has been proposed and seconded. When made it shall be determined without amendment or debate and if it be affirmed the business interrupted by such motion shall not be proceeded with further at that meeting and unless the council otherwise determine shall be adjourned to the next ordinary meeting. The motion to proceed to next business shall not be made more than once during the debate on any question.

**34.** At any time during a discussion on a motion a member may move "that the question be now put" and if such leave be given by the assent of the

majority of those present and voting, the motion shall be put. **35.** The Cathaoirleach shall have discretionary power to allow a member to speak a second time, but such permission shall be given only after every member who desires to do so shall have spoken once.

**36.** When two or more members at the same time offer to speak, the member called upon by the Cathaoirleach shall have precedence.

**37.** A member while speaking shall address only the Cathaoirleach.

**38.** A member speaking shall not be interrupted except upon a question of order, but may give way to a member desiring to make a personal explanation.

**39.** When a member seeks to make a point of order, the member then addressing the Cathaoirleach shall give way until the question of order has been determined by the Cathaoirleach, unless the former seeks to address the Cathaoirleach upon the question of order.

**40.** The Cathaoirleach is the sole judge of order in the Council and has authority to maintain order and enforce prompt obedience to his / her ruling. When during a debate the Cathaoirleach rises, any member then speaking shall give way to the Cathaoirleach.

### **Disorderly Behaviour**

**41.** If at a meeting any member of the Council, in the opinion of the Cathaoirleach notified to the Council, misconducts himself or herself by persistently disregarding the ruling of the Cathaoirleach, or by willfully obstructing the business of the meeting, the Cathaoirleach or any other

member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

**42.** If in the opinion of the Cathaoirleach any member has been or is disorderly by persistently disregarding the ruling of the Cathaoirleach, or by behaving irregularly, improperly or offensively or by otherwise obstructing the business of the meeting, and the Cathaoirleach has conveyed his or her opinion to the members present by naming the member concerned, then the Cathaoirleach or any member may move "that the member named leave the meeting" and the motion, if seconded, shall be put and determined without discussion.

Where the Council decides that a member leave a meeting, that member shall immediately leave the meeting and shall not be entitled to speak or to take any further part in that meeting on that day.

Where in the opinion of the Chair there is general disorder which impedes the orderly transaction of business or where a Member against whom it was resolved in Accordance with SO 42 that he or she leave the meeting refuses to do so, the Chair may adjourn the meeting for such period as he or she considers necessary in the interests of order.

**43A.** Where following a motion under SO 41 the member refuses to leave the meeting, and the meeting is adjourned under SO 43, a further motion may be put that the member concerned was the cause of the meeting being adjourned.

**43B.** If following a motion under SO 43A, the chair expresses the further opinion that the member has continued to

- be disorderly by disregarding the ruling of the chair, or

- behave irregularly, improperly or offensively, or
- otherwise obstruct the business of the meeting, and

the chair expresses this opinion to the members present by again naming the member concerned, then the Chair or any member may move “that the member named be suspended for 5 weeks and the motion, if seconded, shall be put and determined without discussion. The period specified in this motion shall be not less than one month and not more than 6 weeks.

**43C.** Where at least two-thirds of the elected members present and voting decide that the member be suspended, he/she shall be suspended with immediate effect from all meetings of the Local Authority and any committee of the Municipal District members, for the period specified in the motion.

**43D.** If within 3 months of the end a period of suspension, where at least two-thirds of the elected members present and voting decide that the member concerned has again, or continued to

- be disorderly by disregarding the ruling of the chair, or
- behave irregularly, improperly or offensively, or
- otherwise obstruct the business of the meeting,

on the basis of a motion moved by the Chair or any member “that the member named be suspended for eight weeks” in accordance with SO 43B, and the motion, if seconded, shall be put and determined without discussion, he or she shall be again suspended with immediate effect from all meetings of the Local Authority and any committee of the Municipal District members, for a period of 2 months, but not exceeding six months. The

period specified in this motion shall be not less than 6 weeks and not more than 10 weeks.

**43 E** The provisions of Schedule 10 of the 2001 Local Government Act as amended by Section 57 of the 2014 Local Government Reform Act shall also apply to these Standing Orders.

**43F.** Notwithstanding, SOs 43A to 43D, the Local Authority Members may at any meeting subsequent to the imposition of the suspension, and during the period of suspension, decide by resolution to lift a suspension. Such resolution, whether under SO15 or SO 21 shall be considered at the earliest point on the agenda possible, subject to the requirement under any enactment in relation to other specified business.

**43G.** The chair shall indicate to the meeting that the chief executive has sought consultations on arrangements for the exclusion, or where necessary, removal from the meeting, of any member the subject of a motion under this part of the SOs. This shall be as a point of information only and there shall be no debate on this information.

**44.** No Member shall address the Cathaoirleach, unless from one of the seats reserved to the use of Members.

### **Deputations**

**45.** The Council may by resolution decide to receive a deputation. Subject to the direction of the Cathaoirleach, 2 persons may speak on behalf of the deputation for not more than 5 minutes each, unless permitted by the Cathaoirleach.

Request for a deputation to be heard by the Council shall not be considered unless the subject matter to be raised be notified in writing on the motion of a member of The Council, or direct application by the body concerned, sent to the Meetings Administrator at least 10 clear days before the date of the meeting at which it is to be decided whether or not the deputation is to be received.

The deputation may only be questioned by members of the Council but shall not be entitled to ask questions.

When the members of a deputation have addressed the meeting, they shall withdraw from the meeting.

#### **46. Questions, Votes and Divisions**

- (i) Voting may be by voice when it is obvious that the meeting is practically unanimous and no member dissenting.
- (ii) By show of hands. If any objections to correctness of result a poll may be demanded.
- (iii) By means of alphabetical roll call.

47. Every question may be determined by a show of hands, unless three members request a division, in which case the names for and against the motion or amendment shall be taken down in writing and recorded in the Minutes.

48. Where the Cathaoirleach has not formally declared the result of a vote, or is in doubt as to whether his / her declaration is right or wrong, s/he is entitled if s/he thinks fit to take a second vote on the matter, especially if s/he considers that through some misunderstanding the first vote did not properly represent the sense of the meeting at that time.

49. Each member present at a meeting of the Council shall have a vote unless prohibited by any enactment.

50. Without prejudice to any enactment or other provisions of these Standing Orders requiring either the presence of a specified number or proportion of the members or that a specified number or proportion should vote in favour for the doing of any particular act, all acts of the Council which are reserved functions or questions duly coming or arising before a meeting of the Council shall be determined by a majority of the members present and voting or where there is an equality of votes, by a second or casting vote of the person Chairing the meeting (which person shall have and may choose to exercise such a vote).

### **Advice that Exercise of Reserved Functions should be by the Local Authority**

51. Where the Chief Executive, following consultation with the Cathaoirleach or Leas-Cathaoirleach advises that any proposed exercise or performance of Reserved Function should be by a Municipal District, no motion or resolution purporting to exercise or perform such function shall be put.

52. A motion to decide to refer the matter to the Corporate Policy Group as to whether the function should be exercised and performed by Cavan County Council or by a Municipal District may be proposed and seconded at the meeting and put for decision at that meeting in accordance with Standing Orders 23 and 24.

53. Any Reserved Function the subject of advice from the Chief Executive in accordance with Standing Order 51 and referred to the Corporate Policy Group

in accordance with Standing Order 52 shall not be exercised or performed unless and until the Corporate Policy Group indicates that it may be so exercised by Cavan County Council or a Municipal District.

### **Attendance of Public and Media**

**54.** The right of the public and representatives of the media to attend Council meetings is subject to the following:-

Where the Council is of opinion that the absence of members of the public and representatives of the media from the whole or part of a particular meeting is desirable because of the special nature of the meeting or of an item of business to be or about to be considered at the meeting or for other special reasons, the Council may, by resolution in respect of which, at least one-half of the total number of members vote in favour, decide to meet in committee for the whole or part of the meeting concerned. The resolution in this instance shall indicate in a general way the reasons for the resolution and those reasons shall be recorded in the minutes of the meeting.

**55.** Members of the public and representatives of the media will occupy the parts of the Meeting Room allotted to their use.

The public shall be admitted subject to the following arrangements:

- Maximum attendance of public is 8.
- Notification of intended attendance of members of the public shall be received by Meetings Administrator by close of business on the Tuesday prior to the meeting. Attendance at the meeting is based on order of receipt by the Meetings Administrator.

56. Members of the public shall be seated and maintain silence and observe any directions given by the Cathaoirleach or by any employee in attendance upon the Council. Such employees are responsible for the execution of all measures necessary for the maintenance of order and decorum in and about the Chamber.

If a member of the public interrupts a meeting at any time or endeavours, without the permission of the Council to address a Meeting, the Cathaoirleach shall warn him or her and if the interruption continues shall order that person's removal.

In the case of a general disturbance in any part of the Meeting Room open to the public, the Cathaoirleach shall order that part to be cleared.

57. No cameras of any kind or sound recording or communication equipment may be used at meetings of the Council without the prior approval of the Council or unless a resolution to allow the use of such equipment is passed by the Council.

58. The use of mobile phones shall not be permitted at meetings of the Council.

## **COMMITTEES**

### **Strategic Policy Committees**

59. There shall be such Strategic Policy Committees as set out from time to time in the adopted Strategic Policy Scheme

Each Strategic Policy Committee shall consist of five elected members and four sectoral representatives giving a total membership of nine.

The Strategic Policy Committees shall be appointed as soon as possible after a local election and the members shall hold office for the period of the life of the Council appointing them. Four members shall constitute a quorum, two of whom shall be members of the Council.

- 60.** The Strategic Policy Committee will be established in accordance with the approved Strategic Policy Scheme (in accordance with Section 38 (1) Local Government Act 2001 as inserted by Section 41 (a) Local Government Reform Act 2014) The Council shall appoint a Cathaoirleach to each of the Strategic Policy Committees from among the members of the Council to hold office for a minimum period of three years (in Accordance with Section 48(3) (b) (11) Local Government Act 2001) or expiration of the Local Authority whichever is the earlier, which may be renewed by the Council and subsequent Cathaoirleach shall be appointed by the Council from among the existing Council members of the Strategic Policy Committee.
- 61.** The Cathaoirleach and Council members of the Strategic Policy Committees shall reflect the proportionality and the distribution of elected representation on the Council.
- 62.** Every member of the Council shall be a member of one of the Strategic Policy Committees but shall not be a member of more than two.
- 63.** It shall be the function of a Strategic Policy Committee to consider matters connected with the formulation, development, monitoring and review of policy which relate to the functions of the Strategic Policy Committee and the Local Authority and to advise the Authority on those matters.

64. Each Strategic Policy Committee shall meet as often as required, and at least four times a year, to deal with the business assigned to it.

### **Corporate Policy Group**

65. The Cathaoirleach of the Council and the Cathaoirleach of the Strategic Policy Committees plus a representative from any Municipal District not already represented shall form the Corporate Policy Group. In the event of the CPG not containing a representative from Municipal District that Municipal District shall select a member to represent it at the Corporate Policy Group. In the event of the Municipal District failing to nominate a representative that Municipal District shall be represented by the Cathaoirleach of the Municipal District. The Corporate Policy Group shall meet on the Thursday prior to each Council Meeting or as often as otherwise required and shall provide a forum for discussion of policy affecting the whole Council and shall report to Council.

### **Committees - General**

66. The Council may appoint a Special Committee for a specific purpose. When appointing such a Committee it shall at the same time determine the number and names of member to constitute such Committee and shall also fix the quorum which shall not be less than three. The term of office of a Special Committee shall be for such period as the Council may determine when appointing the Committee.

67. Every Special Committee at its first meeting shall appoint a Chairperson from its members and, where practical, fix the day and the hour of future meetings.

68. In the election of Committees, candidates shall be proposed and seconded and if the number so proposed and seconded does not exceed

the number of vacancies, those proposed and seconded shall be declared elected.

Notwithstanding anything contained above, the provisions of paragraph 18 of Sch. 10, and the requirements of any other enactment will apply to appointments to committees.

- 69.** Whenever a vacancy occurs in the membership of any Committee of the Council, by reason of the death, resignation or disqualification of a member, such vacancy shall be filled as soon as circumstances permit, by the Council after due notice.
- 70.** In a Committee, a motion or amendment may be proposed without a seconder, and a member may speak more than once to any question, but otherwise the Rules of Order of the Municipal District members, so far as they are conveniently applicable, shall govern all proceedings of Committees, and the member in the Chair at any meeting of a Committee shall determine questions of order.
- 71.** Every Committee in the whole of its proceedings shall be governed by the Standing Orders or Resolutions of the Council affecting such Committee.
- 72.** A copy of every Report of a Committee to be submitted to the Local Authority Members shall, before the submission thereof, be transmitted to every member at least three days before meetings of Council, save in cases of urgency when reading of the Report to the Local Authority Members shall suffice.
- 73.** Save for meetings of such Committees as the Local Authority Members may specify from time to time, representatives of the media and the public

may be present at meetings of Committees of Council When confidential matters are under discussion Committees may decide to exclude such representatives from the meeting or the relevant portion of the meeting.

- 74.** The meetings administrator shall summon a meeting of any Committee at the request of the Cathaoirleach of the Committee, or any three of its members, or whenever the meetings administrator deems it necessary in special circumstances that such Committee shall meet.
- 75.** The Cathaoirleach of the Council shall be ex-officio a member of every Committee and every Sub-Committee except those where membership is fixed by Statute.
- 76.** In the absence of the Cathaoirleach of a Committee, the Chair shall be taken by any Council member of the Committee agreed at the meeting.
- 77.** The Chair of each Committee shall be responsible to the Local Authority Members for the general management of the business entrusted to such Committee
- 78.** The Council may resolve itself into a Committee of the whole Council for the transaction of business to be specified in the Resolution.
- 79.** The decisions of the Committees of the Local Authority Members shall not become binding, except where otherwise provided in the Standing Orders, until approved by the Council members, unless the members specifically empowers these Committees to deal (without further reference to it) with certain matters, subject to the appropriate legal provisions.

## **Audit Committee**

**80.** The Council shall establish an Audit Committee in compliance Section 122 of the 2001 Local Government Act, as amended by the 2014 Local Government Reform Act and comply with any regulations and guidelines issued for the purpose of establishing Audit Committees.

## **Suspension of Standing Orders**

**81.** Subject to the provisions and requirements of the Act, or of any other enactment, any Standing Order, except Nos. 19, 21, 47 to 51 may at any time be suspended on a motion proposed without notice for the purpose of enabling any specific business defined in the suspensory motion to be considered and dealt with by the Council, subject to the requirement that at least two-thirds of the members present vote in favour.

## **Casual Vacancy**

**82.** A casual vacancy shall be filled in accordance with Section 19 of the Local Government Act 2001.

A casual vacancy in the membership of the Council in the circumstances asset out in

Section 19 (3) (b) of the Local Government 2001 Act shall be filled by the co-option by the Council of a person in accordance with the following requirements and procedures -

(a) Where the non party candidate who caused the vacancy has at any time prior to the occurrence of such vacancy lodged with the Meetings Administrator IN ORDER OF PRIORITY a list of five of his preferred nominees to represent the Municipal District where the vacancy occurred, to take his place in the event of a casual vacancy occurring in his membership, the Council will consider (in the order they were nominated) the co-option of one of those persons (subject to compliance with Sub-Section (5) of the said Section)

## **Ethics**

**83.** Members shall at all times comply with the provisions in law with regard to their conduct in public office and in particular with all of Part V of the Local Government Act 2001 and with any guidelines or codes of conduct on ethics issued on or behalf of the government.

Members shall comply with all aspects of Section 177 of the Local Government Act 2001 and any member having a pecuniary or beneficial interest in any matter before the Council or a Committee of the Council or having knowledge that a connected person, as defined in the Act, has any such interest shall declare that interest and withdraw from the meeting for as long as that matter is being discussed or considered and shall have no part in the proceedings relating thereto and shall refrain from voting in relation to it.

The onus shall be on the Member to declare the interest and leave the chamber.

## **Municipal Districts**

**84.** County Cavan shall be divided into three Municipal Districts in accordance with Section 19 of the Local Government Reform Act 2014. The Municipal Districts are as follows:

Cavan and Belturbet Municipal District

Bailieboro and Cootehill Municipal District

Ballyjamesduff Municipal District

Each Municipal District shall adopt its own Standing Orders and shall ensure those Standing Orders adopted are consistent with those of the Local Authority.

### **Miscellaneous**

**85.** A member or members appointed to outside bodies and boards may from time to time submit reports to the Council on matters arising in such bodies or boards which have relevance to the Council and shall in any event do so in accordance with the requirements of Section 141 of the Local Government Act 2001, as amended by section 53(1) of the 2014 Act.

### **86. Remote Meetings**

The designation of the Local Authority in the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Local Authorities) (Designation) Order 2020 (S.I. No. 445 of 2020) allows for remote meetings of the Local Authority and its sub-committees.

Remote/virtual meetings will only be held in the context of a National Emergency.

For the avoidance of doubt, these Standing Orders 86(a) to 86(h) also regulate meetings where some members may attend physically while other elected members may attend remotely.

**86.(a)** Given the designation of local authorities, the meetings of the local authority may now be held at

- the Council Chamber
- an external venue used to accommodate meetings of the council

- one or more Council buildings or rooms, linked remotely
- an electronic, digital or virtual location, web address or a conference call telephone number
- a combination of the above to provide for physical and/or remote attendance by elected members.

#### **86. (b) Management of Remote Meetings**

- (i) Members should notify their Meetings Administrator in advance if they intend to attend the meeting remotely.
- (ii) Any member participating in a meeting remotely must, when they are speaking, be able to be heard (and seen, where practicable) by all other members in attendance, and the remote participant must, in turn, be able to hear (and see, where practicable) those other members participating.
- (iii) The Cathaoirleach will at the outset, and at any reconvening of a meeting, call a roll call of participating members and ensure that they can hear and, where practicable, see those in attendance. Any member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can hear and, where practicable, see the proceedings. Members should inform the meeting if they lose connection in accordance with provisions on connectivity within the agreed standing orders.
- (iv) The attendance of those members at the meeting will be recorded by the Meetings Administrator.

- (v) The normal quorum requirements for meetings as set out in the Council's Standing Orders will also apply to a remote meeting. Members attending physically and remotely will together constitute a quorum.
- (vi) Each member participating remotely has personal responsibility to ensure and confirm to the Meetings Administrator that there are no other persons present who are not entitled to be either hearing or seeing consideration of such items, and/or recording the proceedings, in accordance with standing orders that apply.
- (vii) Subject to compliance with General Data Protection Regulations (GDPR), the Meeting Administrator may facilitate the recording of the meeting for the purposes of taking minutes. However, this recording shall only be used for this purpose and will be deleted once the minutes are agreed.
- (viii) No other recording of the meeting and its proceedings by any person, including elected members and attending members of the media, shall be allowed.

#### **86. (c) Meeting Procedures**

- (i) The Meetings Administrator will coordinate the facilitation of the meeting. An appropriate official will assume responsibility for controlling the conferencing technology employed for remote access and attendance, and to administer the member interaction, engagement and connections on the instruction of

the Cathaoirleach.

- (i) Members should allow sufficient time to establish a connection prior to the commencement of the meeting to allow themselves and the Meeting Administrator the opportunity to test the connection.
- (ii) The Cathaoirleach, at the beginning of the meeting, will explain the protocol for members' participation. The Cathaoirleach's ruling during the debate will be final.
- (iii) Members who wish to speak should use the notification process as directed by the Cathaoirleach, and then speak when invited.
- (iv) The rules of debate as set out in existing standing orders will apply.

#### **86. (d) Voting**

- (i) A vote taken of members attending physically and/or remotely in accordance with the Standing Orders of the local authority constitutes a valid vote towards the decision of the Council.
- (ii) Any vote taken at a remote meeting shall be taken by alphabetical roll-call vote.
- (iii) Where a member loses connectivity during a statutory vote, every effort will be made to re-establish a connection. If a connection cannot be restored within a reasonable timeframe every effort will

be made to contact the member by phone. Where phone contact is made in such circumstances, the member shall be entitled to vote by phone by advising the Cathaoirleach of his or her vote, which shall be played to the attendance over microphone and the vote recorded accordingly.

- (iv) Where contact with the remote member cannot be established, at the discretion of the Cathaoirleach, the vote may be deferred to a later time in the meeting. Any and all such deferred votes shall be taken before the end of the meeting, unless the Council votes to defer to another meeting.
- (v) Where contact / connection with the member cannot be established before the end of the meeting, that member shall be deemed to have left the meeting and the vote(s) in question shall proceed in their absence in accordance 6(d)(iv) above.

#### **86. (e) Leaving a Remote Meeting**

Members leaving the meeting should make every effort to inform the Cathaoirleach by the appropriate means that they are exiting the meeting to ensure there is a quorum remaining and so that it is not presumed to be a loss in connectivity.

#### **86. (f) Declaration of Interests**

Any Member participating in a remote meeting who declares a disclosable pecuniary or other beneficial interest, under Part 15 of the Local Government Act 2001, in any item of business that would normally require them to leave the room, must also leave the remote meeting, advising the Cathaoirleach and members at the time of departure and this shall be recorded in the minutes. Their departure will be confirmed by the Meetings Administrator, who will invite the

relevant Member by agreed means set down in the standing orders to re-join the meeting at the appropriate time.

**86. (g) Attendance of Public and Media at a Remote Meeting  
(Section 45(3) Local Government Act 2001 – 2014)**

(i) Members of the public and media may be present at a remote meeting which is not webcast live but must maintain silence and observe any directions given by the Chair or by any employee in attendance.

(ii) Members of the media and public should give prior notice of joining virtually in accordance with agreed local arrangements. To manage numbers and attendance, the meetings administrator may consider utilising electronic invitations compatible with the platform in use.

**86. (h) Meetings In Committee**

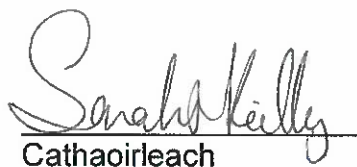
(i) In line with the provisions of Section 45 of the Local Government Act 2001, the Council may by resolution decide to meet in committee for the whole or part of the meeting concerned.

(ii) Should the Council elect to meet in Committee for some or all of the meeting the Meetings Administrator or designated person will ensure that there are no members of the public or media in remote attendance or remotely accessing the meeting or are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

- (iii) Where the Council has by resolution decided to meet in committee for the whole or part of the meeting concerned, each member participating remotely has personal responsibility to ensure and confirm to the Meetings Administrator that there are no other persons present who are not entitled to be either hearing or seeing consideration of such items, and/or recording the proceedings.

### Commencement

86. These Standing Orders shall come into effect on 14<sup>th</sup> December, 2020.

  
Cathaoirleach

  
Chief Executive  
Cavan County Council



