

COMHAIRLE CONTAE AN CHLÁIR

RIALACHA SEASTA



CLARE COUNTY COUNCIL

STANDING ORDERS

September 2023

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We the members of Clare County Council in pursuance of the powers vested in us by the Local Government Act 2001, as amended, hereby make the undermentioned Standing Orders for the regulation of the business and proceedings at meetings as described in these Standing Orders.

DEFINITIONS

"Cathaoirleach" or "Mayor" to have the same meaning and means the person elected to that position in the manner set out in the Local Government Act 2001, as amended.

The "Chief Executive" means the Chief Executive for the Administrative County of Clare or in his/her absence duly appointed Deputy, and in relation to such of his/her powers, functions and duties as he/she has delegated under Section 154 of the Local Government Act 2001 to another employee of the Council means the employee to whom such power, duty or function has been delegated.

"Meetings Administrator" means the employee of the Council to whom the duties of meetings administration has been assigned by the Chief Executive pursuant to Section 46 of the Local Government Act 2001.

In the computation of a number of "Clear days" both the terminal days are to be excluded.

MEETINGS

1. Meetings of the Council

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 except in the month of August and meetings shall commence at 3.00 p.m. (or any other times as shall be fixed by resolution of the Council) and shall finish not later than 5.45 p.m. Any matters remaining on the Agenda and not dealt with at the Meeting shall be brought forward to the Agenda for the next Ordinary Meeting. The Council may, however, by resolution on the Motion of a Member, extend the duration of a Council Meeting for a maximum 45 minutes (up to 6.30 p.m.) provided the Motion shall have the support of three-fourths of the Members present at the Meeting of the Council when the Motion is considered and provided that there is a minimum of one half of the Members of the whole Council then present. There may be only one such extension at any Meeting of the Council. The option to extend the meeting to 6.30 p.m. will only apply when it is evident to the Cathaoirleach that it is possible to conclude the Agenda, otherwise the meeting will be adjourned to a later date. A Schedule of Ordinary Meetings of the Council 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 as is decided on by Resolution of the Council and so decided in accordance with Schedule 10 of the Local Government Act 2001, as amended.

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 an election year the Council shall publish a notice of its Annual Meeting in at least one newspaper circulating in its administrative area. The notice shall state the date of the annual meeting and where appropriate that the first business of the meeting will be the election of the Cathaoirleach, and specify the joint bodies and other bodies to which the local authority is entitled to make appointments at that meeting or subsequently. The notice shall be in a form and published within the period prescribed by regulations.

In the case of an Annual Meeting in any year and until the election of the Cathaoirleach at such meeting, the Chair for this period shall be taken by a member or an employee selected by the meeting for this purpose. Any member selected to chair an Annual Meeting under this 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 Council. Subject to this and where appropriate 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 as appropriate shall include the consideration of the election, appointment or nomination of members of joint bodies or other bodies elected, appointed or nominated by such local authority, and fixing the day or days for the first meetings of the municipal district members for each of the municipal districts within the functional area of the local authority, so long as the day or days so fixed shall not be later than 10 days after that annual meeting of the local authority and not be an excluded day.

3. Local Authority Budget Meeting

A local authority shall hold its budget meeting in accordance with Section 103 within the period directed by the Minister for the purposes of that section.

4. Special Meeting

A Special Meeting of the Council may be convened at any time by the Cathaoirleach or if the office of the 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 with 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 of the Local Government Act 2001 apply in relation to the calling of such meeting.

5. Place of Meeting and Address of Principal Offices

In so far as practicable the place for holding meetings of the Council shall be the Council Chamber, Áras Contae an Chláir, New Road, Ennis 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 of strategic importance provided that at least $\frac{3}{4}$ of the total number of members are in favour of the proposal.

To allow for the provision of **remote meetings** of the Local Authority and its sub-committees in light of 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), 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.

The address of the principal offices for the purposes of these Standing Orders is Áras Contae an Chláir, New Road Offices, Ennis, Co. Clare.

6. Summoning of Meeting

A notification to attend a meeting, other than the budget meeting shall (a) be sent or 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. Notification of a meeting may be sent via Electronic Mail in lieu of by Post.

A notification shall include or be accompanied by an Agenda listing the business to be transacted at the meeting. Subject to Standing Order 25 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.

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 Council.

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 a facsimile of a signature by whatever process reproduced or a printed version of the name of the meetings administrator.

7. Public Notice of Meeting.

Public notice of the place, date and time of a meeting other than the 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 Council and at the Council’s Area Offices 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 meeting requisitioned under Standing Order 4 the Agenda shall include or be accompanied by a copy of the requisition.

Subject to any arrangements as it may make the Council shall supply a copy of a public notice and agenda to the media.

8. Constitution of Meetings.

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.

All members attending a meeting of the Council shall sign the Attendance Register provided for that purpose by the Meetings Administrator.

9. Quorum

The quorum for a meeting of the Council shall be eight members.

Whenever a meeting of the Council 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 45 minutes after the time fixed for the meeting (or any time during the meeting) the business shall stand postponed to the next meeting.

MANAGEMENT OF REMOTE MEETINGS

10. Members should notify their Meetings Administrator in advance if they intend to attend the meeting remotely.
- 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.
 - 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/or see those in attendance. Any member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and/or hear the proceedings. Members should inform the meeting if they lose connection in accordance with provisions on connectivity within the agreed standing orders.
 - The attendance of those members at the meeting will be recorded by the Meetings Administrator.
 - 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.
 - Each member participating remotely has personal responsibility to ensure 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.
 - 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.

PROCEDURES REMOTE MEETINGS

11. 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.
- 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.
 - 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.
 - Members who wish to speak should use the notification process as directed by the Cathaoirleach, and then speak when invited.
 - The rules of debate as set out in existing standing orders will apply.

Voting

- A vote taken remotely in accordance with the Standing Orders of the local authority constitutes a valid vote towards the decision of the Council.
- 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 should be made to allow the member to vote by an alternative means agreed and set down in the standing orders, and the vote recorded accordingly.

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.

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.

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

- 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.
- 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.
- Where the authority is webcasting live, attendance of public and media is via that means.

Meetings in Committee

- 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.
- 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.
- 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, in accordance with standing orders that apply.

ORDER OF BUSINESS

12. Order of Business

The Order of Business at all but Special or Annual Meetings and Budget Meetings shall, subject to the provisions of any enactment, be as follows:

- (a) Confirmation of Minutes.
- (b) Matters arising on the Minutes.
- (c) Correspondence
Note: This discussion on correspondence items will be limited to the original proposer or the proposer's nominee (one speaker only) of the motion.
- (d) Consideration of Reports and Recommendations.
- (e) Business prescribed by Statute, Standing Order or resolution of the Council for transaction at that Meeting.
- (f) Business submitted by the Chief Executive.
- (g) Notices of Motion

That at the expiration of one hour from the commencement time of the ordinary meetings of the Council, the meeting proceed to consider notices of motion submitted by the members with the meeting to resume discussion on any items remaining to be dealt on the agenda pursuant to (a), (b), (c), (d), (e), (f) of this standing order. This provision only to apply to the initial monthly meeting of the Council and will not apply at an adjourned 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.

In relation to matters arising out of the minutes, only questions on actionable items agreed at the immediately preceding statutory Council meeting shall be permitted and shall be confined to a request for information only. A time limit of 15 minutes shall be applied for this.

Discussion on Management report should be limited to questions or points of clarification.

- 12. A** A half-yearly Financial and Progress Report as regards each service as at 30th June shall be submitted for the September Meeting of the Council each year
- B.** A meeting will be held twice yearly to review implementation of County Development Plan.

CONFIRMATION OF MINUTES

- 13.** Minutes of the proceedings of a meeting of the Council shall be drawn up by the Meetings Administrator.

The Minutes shall include –

- (a) the date, place and time of the meeting.

- (b) the names of the members present at the meeting.
- (c) the names of the senior employees of the local authority present at the meeting.
- (d) reference to any report submitted to the members at the meeting.
- (e) where there is a roll call vote, the number and names of members voting for and against the motion and of those abstaining.
- (f) particulars of all resolutions passed at 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. Minutes of a meeting may be circulated via electronic mail in lieu of by post.

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 provided that no entry shall be made in the Minutes of any protest or expression of dissent, save in the form of a motion or an amendment moved in accordance with these Standing Orders.

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 shall be out of Order, and the Cathaoirleach shall rule accordingly. Questions only shall be permitted on matters arising out of the Minutes and shall be confined to a request for information only.

MOTIONS OF SYMPATHY AND ADJOURNMENTS

14. Motions expressing the sympathy of the Council may be proposed in the following cases:-
- (a) On the death of a Member of the Council or an immediate relative of a Member or on the death of sitting Members of the Oireachtais or the European Parliament from the County or local Bishops or Heads of State.
 - (b) On the death of an Official of the Council or an immediate relative of an Official.

- (c) On the death of a former Member of the Council.
- (d) In any other case considered appropriate at the discretion of the Cathaoirleach.

The full adjournment of meetings shall take place only in the case of death of sitting members of the Council, members of the Oireachtais from the County, local bishops, Heads of State, on the death of a County Officer or a member of the staff who normally attends meetings of the Council. A short adjournment of a maximum of 15 minutes shall take place on the death of immediate relatives of members, the death of former members of the Council, County members of the E.U. Parliament, or members of the staff of the Council.

Immediate relatives shall be Spouse, Parents, Children, Brothers and Sisters.

Such Motions of sympathy shall be inserted in the Minutes.

Votes of congratulations and good wishes may be moved by a Member at the discretion of the Cathaoirleach. One representative only from each grouping within the Council may speak in relation to Votes of Sympathy and Votes of Congratulations.

Adjournment of Council

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.

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

NOTICE OF MOTION

- 15. Any Member of the Council may submit an original Motion relevant to the business of the Council on giving notice in writing, signed by himself/herself to the Meetings Administrator. Only these Notices of Motion which are received at least nine clear days before the date of the Meeting of the Council shall appear on the Agenda Paper for the next following Meeting.
- 16. Every Notice of Motion (and every notice of Amendment thereto) or question shall relate to some matter which affects, or may affect, the services of the Council, the administration of the County, the interests of the people of the County, or matters of national or public interest, but shall not relate to specific, local issues which need not be considered by the entire Council.
- 17. Notices of Motion shall appear on the Agenda paper in the order in which they were received by the Meetings Administrator, alternating between Motions relating to the Statutory functions of the Council (A) and Motions dealing with matters which do not relate to the Statutory functions of the Council (B).

18. Any Member of the Council may submit a Question for inclusion on the Agenda in the same manner as a Notice of Motion may be submitted under Standing Order No. 15. Each such Question shall be subject to the rules relating to Notice of Motion as defined under Standing Order No. 16.
Questions do not require to be seconded and shall be dealt with by written reply without discussion with the exception of the proposer of the question who may seek clarification arising from the response given.
19. The Agenda Paper shall not contain more than one Notice of Motion or one Question standing in the name of any Member including Notices of Motion or Questions adjourned from a previous Meeting. In addition, each member may sign one further joint motion or question with two or more other members. Each signatory on the joint motion shall have equal speaking time, i.e. 3 minutes as joint proposers. An adjourned Notice of Motion or Question may be withdrawn by the proposer on written notice to the Meetings Administrator.
20. Repeat Motions shall not be accepted within a period of six months of the original being moved.
21. Every matter at a Meeting of the Council shall be determined by a majority of the votes of the Members of the Council voting on such matter and, in case of an equal division of votes, the Chair of the Meeting shall have a second or casting vote.
22. No Motion or Amendment should be put to the Council unless it has been duly moved and seconded verbally at the Meeting. A Motion may be proposed either by the Member in whose name it stands or, in his/her absence, by any Member authorised in writing by him or her to propose it on his or her behalf, but unless so proposed it shall not be considered. Unless a Motion is moved, it shall be dropped and not brought forward to the next Meeting unless it is resubmitted.
23. No speech shall exceed three minutes. Within that general constraint a time limit of three minutes shall be allowed for the proposer of a Motion, two minutes for summing up, two minutes for the seconder or subsequent speaker, three minutes for the proposer of an Amendment and two minutes for summing up. In the case of a joint motion the first named proposer shall be allowed two minutes for summing up. A member repeating what has already been said shall be ruled out of order. Once a vote has been called, the Cathaoirleach shall allow no further discussion.
24. When the Motion has been duly moved and seconded, the discussion may be interrupted by some or all of the following Motions:-
- (a) To amend the Motion (Amendments).
 - (b) To move that the Meeting move to the next business after a period of not less than thirty minutes. When this is proposed and seconded a vote shall be taken without any discussion. If lost, a similar Motion concerning the same subject of debate shall not be moved until thirty minutes shall have elapsed.
 - (c) To move the closure. After a debate has continued for not less than thirty minutes, a Member may ask leave to move "That the Question be now put" and if such leave be given by the assent of the Cathaoirleach, the Motion shall be forthwith put, and if carried, any Question or Questions then before the Council shall be forthwith put to a vote.

- (d) To adjourn or postpone the subject under discussion to a later hour, to a further Meeting or Sine Die. When this is proposed and seconded a vote shall be taken without any discussion.
25. The following Motions may be made without notice at a Meeting:-
- (a) On matters expressly required by Statute to be done at the Meeting.
 - (b) On matters arising directly out of a Report presented at the Meeting.
 - (c) For, or on, the appointment of a Committee to which business specified is to be referred.
 - (d) For the resolution of the Council into a Committee of the whole Council.
 - (e) For the variation of the order of business.
 - (f) For the adjournment of the Meeting.
 - (g) For the suspension of the Standing Orders in respect of any specified rule or rules.
 - (h) For the appointment of a Chair on the day, the Cathaoirleach and Leas Cathaoirleach being absent.
 - (i) For the adoption, amendment or referring back of any Report.
 - (j) For referring business to a Committee for inquiry, action and/or report.
26. The proposer of a Motion not printed on the Agenda and the proposer of any Amendment shall before moving same deliver a copy thereof in writing to the Cathaoirleach. The delivery of a copy of such a Motion to the Cathaoirleach does not in itself constitute the movement of a Motion and unless such a Motion is subsequently moved verbally by the proposer, no action shall be taken on the Motion and it shall not be recorded in the Minutes.
27. A Motion may be withdrawn by leave of the Meeting.
28. It shall not be competent for a Member under cover of any Motions authorised by these Orders to discuss any other subject.
29. Any Notice, which obviously is out of order, or contains unbecoming expressions, may be expunged from the Summons by order of the Cathaoirleach. In any case in which Notice of Motion is in his/her opinion irregular or illegal, the Meetings Administrator shall communicate that opinion to the Cathaoirleach and to the Member giving the notice.
30. When a Member is absent when his/her Motion is reached on the Agenda, but returns to the Meeting later, the Motion shall be dealt with at end of Meeting.
31. An Amendment to a Motion may alter the Motion in any of the following ways:-

- (a) Omit certain words.
- (b) Insert or add certain words.
- (c) Omit certain words and insert or add certain words.
- (d) Alter the terms of the Motion without departing from the central theme of the Motion.

An Amendment shall be relevant to the Motion and shall not involve such material alteration of the substance of the Motion as to make it a new Motion.

A direct negative to a Motion shall not constitute an Amendment.

- 32. An Amendment must be formally moved and seconded before any discussion thereof or any vote can be taken thereon.
- 33. An Amendment must be in writing and be signed by the mover and handed to the Cathaoirleach.
- 34. An Amendment shall not be moved after the question has been put.
- 35. The mover of an Amendment may be permitted by the Cathaoirleach to reply.
- 36. If there is an equality of votes and the Cathaoirleach does not exercise his/her casting vote the Amendment shall be deemed to have been lost.
- 37. No Member shall move more than one Amendment to the same Motion.
- 38. When an Amendment which has been carried is put as a Substantive Motion, any Amendment that so amends the Substantive Motion that it becomes the original shall not be allowed.
- 39. When an Amendment which has been carried is lost as a Substantive Motion the original Motion shall not be revived.
- 40. When a Motion and an Amendment remain before the Council, the Amendment shall be first put and shall be disposed of before any other Amendments can be moved. When an Amendment has been carried the original Motion shall disappear, and the amended Motion shall become a Motion, upon which an Amendment may be moved. When an Amendment is lost, another Amendment to the original Motion may be proposed, but only one Amendment shall be at any one time before the Council. Notice of any number of Amendments may, however, be given.
- 41. An Amendment shall not be substantially the same as an Amendment already lost.
- 42. **Motions to Amend or Revoke Resolutions**
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 one half of the total number of Council members. 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 one half of the total number of the Council vote in favour and subject to any other statutory requirement.

43. Subject to Standing Order 42 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.

44. Motion for Purpose of Dealing with Urgent Business

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 at least one-half of the total number of members of the authority vote in favour.

<i>DEBATE</i>

45. Where it appears to the Cathaoirleach that a particular Motion or subject has the unanimous support of the Members, he/she may declare the Motion carried without discussion. However, Members have the right to speak if they so wish. A vote will be called, even if a Motion or subject has unanimous support, when required by law.
46. A Member while speaking shall address himself/herself to the Cathaoirleach.
47. While a Member is speaking he/she shall not be interrupted except on a question of order. A Member while speaking shall, if the Cathaoirleach so directs, give way to a Member desiring to make a personal explanation. A Member when speaking shall confine his/her speech strictly to the Motion or Amendment under discussion or to a personal explanation, or to a point of order.
48. When two or more Members indicate at the same time that they wish to speak, the Member called upon by the Cathaoirleach shall have precedence.
49. At a Meeting of the Council, any Member whether he/she has spoken previously on the matter under discussion or not, may speak on a point of order, or to make a personal explanation arising out of the discussion. A Member shall be entitled to be heard forthwith on a point of order or when making a personal explanation. A ruling of the Cathaoirleach at a Meeting of the Council on a point of order, or on the admissibility of a personal explanation, shall be final and conclusive and shall not be open to discussion.

50. When, during a debate, the Cathaoirleach rises, any Member then addressing the Council shall cease and no Member shall again speak until the Cathaoirleach has resumed his/her seat.
51. A Member may speak once only upon any Motion. A Member shall not be deemed to have spoken if he/she has formally seconded a Motion or an Amendment, and he/she shall be permitted to speak on it afterwards. The mover of an Original Motion shall have the right of replying whilst his/her Motion is before the Meeting if he so desires but he/she shall confine himself/herself to answering previous speakers and shall not introduce any new matter into the debate. After the mover of the Motion has replied if he/she shall desire to do so the question shall be put forthwith. When an Amendment has been moved, a Member who has spoken to the Original Motion may speak to the Amendment. When the Amendment has been carried and so becomes a Substantive Motion, the proposer of it shall have the right of replying at the close of the debate but no other Member who has spoken to it as an Amendment may speak to it again after it has become a Motion, unless a further Amendment is moved. Nothing herein contained shall, however, preclude a Member, at any time, from speaking on a point of order or making a personal explanation.
52. 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.
53. Every Member shall be seated when addressing the Council meeting.
54. Whenever a Member who is speaking shall be called to order by the Cathaoirleach, the Member so called shall immediately cease speaking and shall not again address the Council until the Cathaoirleach shall have disposed of the question of order.
55. The Cathaoirleach shall call a Member to order for irrelevance, repetition, unbecoming language, imputations of motives, reflections of a personal character upon another Member, or any breach of order, and may direct such Member, if speaking, to discontinue the speech and shall allow or require a member to withdraw the offending remarks.

In the event of grave disorder at a Meeting of the Council, or of disregard of a ruling of the Cathaoirleach, the Cathaoirleach may order a Member or Members causing such disorders or disregarding his/her ruling to retire for the remainder of the Meeting or for any less period and such action of the Cathaoirleach shall be deemed to be the act of the Council.
56. When the Cathaoirleach so orders a Member to retire and the Member does not retire forthwith, the Cathaoirleach shall give directions for the removal of such Member and such other directions as may be necessary to restore order and any such act of the Cathaoirleach shall be deemed to be the act of the Council.
57. If the Cathaoirleach shall consider that the Meeting, owing to disorder, should not continue, he/she shall have power to adjourn the Meeting for a short interval.

Where at a meeting it has been resolved that a member leave a meeting and the chair adjourns the meeting because the member refuses to leave and it has been resolved by further resolution that the member was the cause of the meeting being so adjourned, then the provisions of Section 57 (d) of the Local Government Reform Act, 2014 shall apply.

58. Unless the Council otherwise decide, voting shall in each decision be by a division, i.e. a regular count of the Members for and against the Motion. However, the Cathaoirleach shall have discretion to call for a show of hands to determine support for a Motion unless an Amendment is tabled.
59. The Cathaoirleach cannot give his/her first vote after he/she has ascertained the number of votes for or against a Motion. He/she can only then give his/her casting vote.

RISING OF COUNCIL

60. When at a Meeting of the Council the whole of the business set down for such Meeting has been transacted, the Meeting shall thereupon conclude.
61. If, during any Meeting, it is stated by a Member to the Cathaoirleach, that less than eight Members of the whole Council are present the Meetings Administrator shall, after an interval of ten minutes, call the roll and shall record the names of the Members in attendance and if it shall appear that the number of Members present is less than eight, then the Council shall rise and any business on the Agenda for such Meeting of the Council shall be set down to be disposed of at the next Meeting of the Council.

DEPUTATIONS

62. A Member may put down a Notice of Motion in the normal way proposing that a Deputation be received. If the Motion is carried, the Deputation shall be heard at the next Ordinary Meeting of the Council following the passing of the Motion. Any request or Motion for the reception of a Deputation must state clearly the subject matter to be addressed by the Deputation. The Cathaoirleach may, at his/her discretion, agree to receive a deputation in the case of an emergency relating to the business of the Council.

The notice convening a Meeting at which a Deputation is to be heard shall contain details of the subject to be addressed by the Deputation.

Not more than two persons shall be entitled to address the Council on behalf of any Deputation. No Deputation shall exceed five persons in number and the maximum duration of the addresses (inclusive of the reading of any supporting documentation) shall be ten minutes.

The Member introducing a Deputation to the Council shall be responsible for ensuring that the number attending does not exceed the number permitted.

One deputation only will be heard at any monthly meeting, and this will be heard at 2.00 p.m. on the day of the monthly meeting. Presentations to be limited to a maximum of 20 minutes followed by Q&A. Presentation and discussion to be concluded at 2.50 p.m.

Cathaoirleach of the day to have discretion to have deputation attend at 1.30 p.m. on meeting day if considered essential.

63. Attendance of Public and Media

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

Where the Council is of the 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.

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

65. 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. The maximum number of persons authorised to be in the public gallery shall be 35, all of whom shall be seated.

If a member of the public interrupts a meeting at any time or endeavors, 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.

66. 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.

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

APPOINTMENT OF COMMITTEES AND REPRESENTATIVES

68. (a) The Members of every Committee, Statutory or otherwise or the Representatives of any Body or Organisation to be appointed by the Council shall be appointed in accordance with the procedure laid down by Statute or Regulation for the making of such appointments. Where no such Statute or Regulation exists, the appointments shall be made successively.
- (b) 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 members to constitute such a Committee and shall also fix the quorum which shall not be less than three. The term of offices of a Special Committee shall be for such period as the Council may determine when appointing the Committee.
- (c) The Cathaoirleach or Leas Cathaoirleach in the absence of the Cathaoirleach to be ex-officio member of all committees established by the Council. This provision does not apply to Strategic Policy Committees.

SUSPENSION OF STANDING ORDERS

69. These Standing Orders or any of them shall not be suspended except in circumstances which in the sole discretion of the Cathaoirleach shall be deemed to be exceptional circumstances. Any Member intending to propose the suspension of Standing Orders must give written notice to the Cathaoirleach not later than 4.15 p.m. on the day of the Meeting. Standing Orders may be suspended only at a Meeting of the Council whilst not less than one half of the total membership of the Council is present and then only with the consent of at least two thirds of the Members present and voting. Standing Orders shall be suspended only for the purposes of the specified business defined in the Motion and approved of by the Cathaoirleach in the suspension Motion and for a specified period only and discussion on this specified business shall not take place before 4.30 p.m. Standing Orders may be suspended only once at any Meeting of the Council and shall not be suspended at an Adjourned Meeting, if previously suspended.

Standing orders No 42, 44 shall not be suspended.

70. Casual Vacancy

All casual vacancies shall be filled in accordance with Section 19 of the Local Government Act 2001. In the case of a casual vacancy arising which was occasioned by a person who was a Non-Party candidate at his/her election, the following procedure shall apply.

- The family of the person causing the vacancy shall have the right to nominate a person to fill this vacancy.

71. Miscellaneous

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, Local Government Act, 2001, as amended.

CIVIC RECEPTIONS

72. Civic Receptions are awarded by the Council in recognition of major or significant achievements by an individual, Group or Organisation. This recognition is the highest award or honour that can be bestowed by the Council. Following consideration by the CPG of a request to award a Civic Reception, a recommendation would then be prepared by the CPG and would be brought to the elected members of Council for ratification/approval.

REVOCATION AND COMMENCEMENT

73. These Standing Orders having been adopted by Clare County Council at its Meeting on the 11th September 2022 shall come into operation as and from 12th September 2022 and all Standing Orders previously made by the Council and not already revoked shall be revoked with effect as and from that date.

Sealed with the Common Seal of the County Council of the County of Clare

this 11th September 2022 in the presence of:-

Cathaoirleach:

Cllr. Joe Cooney

Chief Executive:

Pat Dowling

*Meetings
Administrator*

Ann Reynolds