WESTMEATH COUNTY COUNCIL STANDING ORDERS

1. DEFINITIONS

1. In these Orders “Council” means “the County Council for the administrative County of Westmeath’.

2. “Councillor” means a person elected or chosen to the office of Councillor of the County of Westmeath.

3. “Chairperson” means the Councillor presiding at any meetings of the Council or of a Committee, sub-Committee, Corporate Policy Group, Strategic Policy Committee or Municipal District, except in Standing Orders No’s. 2, 5(8) and 14(2), when it means the Chairperson so elected at the Annual Meeting. The Chairperson shall be known as “An Cathaoirleach” and shall be addressed as such but the use of the term Chairperson or similar term in proposing or seconding any motion or in the course of any discussion of any such motion shall not invalidate any consequent resolution that may be passed.

4. “The Chief Executive’ means the Chief Executive for the administrative area of Westmeath County Council or in his/her absence, his/her duly appointed deputy.

5. “The Meetings Administrator’ means the Official appointed by the Chief Executive to act as such, or in his/her absence, the duly appointed deputy as provided under Section 46 of the Local Government Act 2001 and Local Government Reform Act, 2014, as amended.

6. In the computation of a number of clear days, both terminal days are to be excluded. Unless otherwise specifically provided, the word “month” when used in Resolution of the Council Standing Orders and Regulations of the Council, shall be deemed to mean a calendar month.

7. The membership of the Corporate Policy Group shall consist of the Cathaoirleach of the Council and the Cathaoirleach of each of the Strategic Policy Committees.

8. The membership of each Municipal District shall consist of the Councillors for the electoral area or areas represented by such Municipal District.

9. Throughout the Standing Orders, unless the contrary intention is shown, the masculine gender shall be deemed to include the feminine and words in the singular shall include the plural and vice versa.

10. The Membership of each Strategic Policy Committee shall consist of the Committee selected by the Council to that Strategic Policy Committee, together with representatives as nominated and appointed by the Council to that Strategic Policy Committee.

2. MEETINGS

(a) Notification to attend such meeting pursuant to Paragraph 7 of Schedule 10 of the Local Government Act 2001 and Local Government Reform Act 2014 as amended and unless the Council otherwise decides, ordinary meetings of the Council for the transaction of normal business (as set out in Standing Order No.3 (2), shall be held on the last Monday of each month, except in the month of August. Meetings shall commence at 3.00pm unless otherwise fixed by resolution of the Council. An Agenda paper setting out the business to be transacted shall be furnished to each
member three clear days before the date of each meeting and shall be publicly displayed at the principal office of the local authority on the same date. The Agenda shall be posted, hand delivered or electronically delivered. The Council may also display the notice at public libraries or electronically, or otherwise, as considered appropriate and a Certificate by the Meetings Administrator that any such notice, agenda or other document has been duly given to a Council Member shall be deemed satisfactory evidence of the giving of same until the contrary is proved.

(b) The Chair at every meeting shall be taken within a quarter of an hour after the time appointed for the meeting, provided a quorum is present. In the absence of the Cathaoirleach and Leas Cathaoirleach, a member of the Council chosen by a majority of the members present and acting at the commencement of business shall preside as Acting Cathaoirleach until the arrival of the Cathaoirleach or Leas Cathaoirleach at the meeting. Such Acting Cathaoirleach shall have the same powers, rights and duties as are under Standing Orders possessed by the Cathaoirleach. Immediately on his arrival at the Meeting, the Cathaoirleach or in his absence, the Leas-Cathaoirleach shall then take the Chair or in his absence a member of the Council chosen by a majority of the members present and voting shall preside as Acting Cathaoirleach. For the purpose of electing an Acting Cathaoirleach as above, the Meetings Administrator shall preside for the purpose of receiving nominations for the Chair.

(c) If after the expiration of thirty minutes after the hour for which a meeting had been summoned a quorum shall not be present, the Council shall rise and the Meeting shall stand adjourned to a day to be then named by the Cathaoirleach of the Meeting and the names of the members in attendance when the roll is called shall be recorded in the minutes of the Council Meeting. At Meetings of the Council, six of the total number of members shall constitute a quorum. When the Council is acting in committee, one-fourth of the number of the Committee with a minimum of three shall constitute a quorum. The place of meeting of the Council and of each Committee shall be at the Council Chamber, County Buildings, Mullingar, or at such other place within or without the County as the Council shall direct, or in the absence of such direction, as the Cathaoirleach shall fix in any case of urgency, unless when the Council by resolution (which may be passed without notice) otherwise direct. Members of the Public who are not members of the Council shall be permitted to attend the meeting of the Council but shall during such meeting remain seated in the place in the Council Chamber allotted to them; and save with the consent of the Council, no person shall be permitted to address the meeting. In certain circumstances, it may be necessary in the interests of safety to restrict the number of members of the public attending the meeting. Any person not a member who shall without permission of the Council attempt to address the meeting or shall distract the proceedings, may be removed by Order of the Cathaoirleach and the Act of the Cathaoirleach shall in such case be deemed to be on the Act of the Council. If the Cathaoirleach considers that owing to disorder in the Council Chamber or in the Public Gallery, it is not possible to continue the meeting, he shall have power to adjourn the meeting for such length of time as the Council shall by resolution direct. Want of service of the summons on any Councillor shall not affect the validity of any meeting of the Council.

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(i) ANNUAL MEETING:-

In every year in which an election is held, the annual meeting of the County Council shall be held on the 14" day after the polling day and in every other year, the Council shall hold an annual meeting on such day, not being more than fourteen days either before or after the anniversary of the first annual meeting as the Council by resolution appoints, in the month of May or June.
provided that the holding of the Annual Meeting during these months is not inconsistent with compliance with the statutory requirements for Election years.

The first business at the annual meeting of the Council shall be the election of a Cathaoirleach and Leas Cathaoirleach which shall take place in accordance with Section 37 of the Local Government Act 2001 and Local Government Reform Act 2014 as amended and each Cathaoirleach and Leas Cathaoirleach shall come into office forthwith and shall, unless he earlier resigns from such office, continue in such office (subject to his death, resignation, disqualification, removal from office or otherwise, ceasing to be a member of the Council) until his successor has been elected. Following a local election, the Cathaoirleach shall continue to hold office for the period between the retirement of the outgoing members and the commencement of the annual meeting at which the successor is elected unless he or she sooner dies or resigns from the office or becomes disqualified for local authority membership.

The procedure to be followed for the election of the Cathaoirleach shall be that set out in Section’s 36, 37 and 38 of the Local Government Act, 2001 and Local Government Reform Act, 2014 as amended, or such appropriate statutory provisions for the time being in force. The business to be transacted by the Council at the first annual meeting after an election shall include the consideration of the election, appointment or nomination of all members of Statutory Committees, joint boards or other joint authorities, elected, appointed or nominated by the Council, and such other business as may be deemed appropriate to an annual meeting. Any members nominated to any joint bodies or Committees shall continue to hold office until his/her successor is appointed, unless he/she sooner dies, resigns, is disqualified or removed from office, or otherwise ceases to be a member of the Local Authority, other than by reaching the ordinary date of retirement of the Local Authority.

2 (ii) **BUDGET MEETING :-**

The Council will hold its Budget Meeting in accordance with Section 103 of the Local Government Act 2001 and Local Government Reform Act, 2014 as amended.

2(iii) **SPECIAL MEETING:-**

A Special Meeting of the Council may be called at any time by the Cathaoirleach on his own motion or upon a requisition addressed to him and signed by at least five members of the Council or should the Cathaoirleach not act on such requisition within seven days after its presentation, a Special Meeting for the purpose defined in it, may be called by any five members of the Council on the expiration of those seven days, provided that not less than three clear days shall elapse between the date of the summons convening a Special Meeting and the date of a Special Meeting and such meeting may be called for such hour as the Cathaoirleach or members summoning the same shall order. Such requisition shall contain as an Agenda, a statement of the business which it proposes to transact at the Meeting. Where five members of the Council, in accordance with this paragraph, serve a requisition on the Cathaoirleach requesting him to call a Special Meeting, such members shall at the same time send a copy of the requisition to the Meetings Administrator, who shall on such requisition summon a meeting of the Council on the expiration of the aforementioned seven days, unless the Cathaoirleach shall, in the meantime, have directed the summoning of the Special Meeting in accordance with such requisition. The provisions of Standing Orders numbers 2 (b) and (c) shall apply to Special Meetings.
3. ORDER OF BUSINESS

1. At the outset of each meeting, the Meetings Administrator shall record the attendance of members and shall ascertain that a quorum is present.

2. The order of business at all but Special, Annual or Budget Meetings shall be as herein set down and shall only be altered in cases of urgent or important business and only then by a majority vote of the Council or suspension of Standing Orders.

   (a) Consideration of requisitions submitted in accordance with the provisions of Section 140 of the Local Government Act, 2001 and Local Government Reform Act, 2014 as amended, requiring the Chief Executive to do any particular act, matter or thing, specifically mentioned in the resolution which the County Council or Chief Executive can lawfully do or effect to be done in the performance of the executive functions of the County Council.

   (b) Confirmation of minutes.

   (c) To note minutes of Corporate Policy Group.

   (d) To note minutes of Athlone Municipal District.

   (e) To note minutes of Mullingar Municipal District.

   (f) To note minutes of Strategic Policy Committees

   (g) Business prescribed by Statute, Standing Orders or resolutions of the Council for transaction at that meeting.

   (h) Matters of urgency or special importance brought forward by the Cathaoirleach or Cathaoirleach of the day or a member with the permission of the Cathaoirleach.

   (i) Business submitted by the Chief Executive.

   (j) Consideration of reports of Committees.

   (k) Correspondence.

   (l) Business remaining from the last meeting (if any).

   (m) Questions.

   (n) Notices of Motion.

   (o) Other business as set forth on the Agenda paper.

3. The Cathaoirleach shall not accept any motion involving the expenditure of money by the Council in excess of the amount provided in the adopted Budget unless notice of such motion has been duly given and appears on the Agenda paper.

4. Urgent business relating to any function of the authority, which is not already an item on the Agenda, shall be taken after consultation with the Cathaoirleach and after a resolution is passed by at least one half of the total number of members of the authority.

5. Except in exceptional circumstances, Votes of Sympathy shall be submitted in writing to the Meetings Administrator and shall be endorsed by the Cathaoirleach for recording in the Minutes and circulated by the Meetings Administrator to the Members, media, relatives and appropriate persons/organisations.

6. Except in exceptional circumstances, Votes of Congratulations shall be submitted in writing to the Meetings Administrator and shall be endorsed by the Cathaoirleach for
recording in the Minutes and circulated by the Meetings Administrator to the Members, media, relatives and appropriate persons or organisations.

Any vote of Sympathy/Congratulations will be read into the record by the Meetings Administrator and no Member shall speak on same.

4. **Minutes**

1. The Minutes of every meeting shall be signed by the Cathaoirleach, or Cathaoirleach at such Meeting at which the Minutes are considered, and shall be kept and certified by the Meetings Administrator of the Council, and no Minutes shall be submitted for confirmation unless a copy thereof shall have been previously, and at least three clear days before the Council Meeting, transmitted by the Meetings Administrator to every member of the Council, after which such Minutes shall be taken as read when the question that they be confirmed shall be put from the Chair, unless a member requests that any part be read in order to determine whether it is an accurate record, provided that no entry shall be made in the Minutes of any protest or expression of dissent, save in the form of a Motion of Amendment.

2. 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 information only and not for discussion.

3. Minutes of the proceedings of meetings of the County Council or of any Committee thereof shall be drawn up and entered in a book kept for that purpose. The Minutes of all meetings shall contain particulars of the names of the members present and in addition the names of the senior officials of the Council in attendance, together with particulars of all resolutions passed, decisions arrived at or recommendations made.

5. **Notices of Motion**

1. a) All Notices of Motion submitted to the Council will first be considered by the Cathaoirleach, usually in consultation with other members of the C.P.G. who will determine if they be forwarded to the Council Meeting, transferred for decision / recommendation to a meeting of Municipal District Members or an S.P.C. when the subject matter of such Motion Is relevant to that Municipal District or S.P.C.

   b) The Cathaoirleach shall have final discretion to effect such a transfer.

2. 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, to the Meetings Administrator of the Council.

   Notices of Motion must be received at least nine clear days before the meeting of the Council at which the motion is to be considered.

   Each Member of the Council may table a maximum of one Notice of Motion per annum.

3. Where a number of motions relate to the same issue, a composite motion shall be placed before the Council by the Cathaoirleach, subject to the consent of the Members who submitted the original motion.
4. Every Notice of Motion (and any Notice of Amendment thereto) shall relate to some matters which affect 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. Motions shall relate to a particular subject only and shall not apply to a variety of services affecting a single area.

5. Notices of Motion shall appear on the Agenda paper in the order in which they shall be received by the Meetings Administrator. Not more than one Notices of Motion from any one Councillor shall appear on the Agenda in any one calendar year, (save in the case of any Notice of Motion adjourned from a previous year).

6. Any Notice of Motion submitted in the joint names of two or more members shall be considered as a Notice of Motion submitted separately by each member subscribing to the Notice of Motion.

7. No Motion or Amendment shall be put to the Council unless it has been duly moved and seconded. A motion may be proposed either by the member in whose name it stands or in his absence, by any member authorised by him to propose it on his behalf. Unless so proposed and seconded, any Motion shall stand adjourned to the next meeting and if not then proposed or disposed of, it shall not be again set down on the Agenda paper, except upon a new Notice of Motion.

8. The proposer of a Notice of Motion appearing on the Agenda paper is allowed to speak on the Motion for no more than 5 minutes. Any further extension shall require the special consent of the Council and shall be for an additional 3 minutes. Such special consent shall be signified, without debate, by a Motion put and carried and any other speaker on the Motion shall be restricted to a maximum of 2 minutes.

9. Subject to conditions herein specified, the following motions shall be taken, without any discussion and without notice, save that the member moving the motion and the proposer of the resolution under discussion may speak for not more than 3 minutes:-

(a) To move that the meeting move to the next business. If this Motion is lost, a similar motion concerning the same subject of debate shall not be moved until thirty minutes shall have elapsed.

(b) To postpone consideration of the question sine die or to a fixed date.

(c) To adjourn the subject under discussion to a later hour or to a further meeting.

(d) To move the closure. After a debate has continued for not less than 30 minutes, a member may move “That the question be put”. Motion shall be forthwith put and if carried, any questions then before the Chair shall be forthwith put to the Council.

10. The following motions may be made without notice at a meeting.

(a) To amend the minutes;

(b) On matters expressly required by statute to be done at the meeting;

(c) On matters arising directly out of a report presented at the meeting;

(d) For, or on the appointment of a Committee to which business specified is to be referred;

(e) For the resolution of the Council into a Committee of the whole Council.
(f) For the variation of the order of business;

(g) For the adjournment of the meeting;

(h) For the suspension of the standing orders in respect of any specified rule or rules;

(i) For the appointment of a Cathaoirleach of the day, the Cathaoirleach and the Leas Cathaoirleach being absent;

(j) For the adoption, amendment, or referring back of any report;

(k) Relating to business of an informal or unimportant character;

(l) Relating to any business, provided all members are present and no one objects to the informality; want of notice in this case can be excused and the proceedings are valid;

11. In any case in which the Notice of Motion is in his opinion irregular or illegal, the Meetings Administrator to the Council shall communicate that opinion to the Cathaoirleach and to the Councillor giving notice.

12. The proposer of a Motion or an Amendment, not printed in the Notice Paper shall, upon moving the same, deliver a copy to the Chair, if requested by the Cathaoirleach or Meetings Administrator.

13. A motion may be withdrawn by leave of the meeting.

14. It shall not be competent for a member under cover of any motions authorised by these Orders to discuss any other subject.

6. **AMENDMENTS**

1. An Amendment may:-
   
   (a) omit certain words
   
   (b) omit certain words and insert others
   
   (c) insert certain words
   
   (d) add certain words.

2. An Amendment shall be relevant to the Motion and within the scope of the Notice covering the Motion.

3. An Amendment shall not involve such substantial alterations of the Motion as to make it a new motion.

4. An Amendment shall not commit the meeting to anything more onerous than the Motion.

5. An Amendment must not be merely negative (the result can be attained by challenging a division and voting against the Motion).

6. An Amendment must be formally moved and seconded before any discussion or vote can be taken.
7. An Amendment must state clearly the proposed alteration and shall, if requested by the Cathaoirleach or Meetings Administrator, be handed in writing signed by the mover.

8. The Cathaoirleach shall put the question after he has satisfied himself that there is no amendment, and no further amendment, and an amendment shall not be moved after the question is put.

9. The mover of an Amendment may be permitted by the Cathaoirleach to reply.

10. If there is an equality of votes and the Cathaoirleach does not exercise his casting vote, the Amendment is deemed not carried.

11. No member shall move more than one Amendment to the same Motion.

12. 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.

13. When an Amendment which has been carried is lost as a Substantive Motion, the original motion is not revived.

14. When a Motion and an Amendment remain before the Chair, the Amendment shall be put first, and shall be disposed of before any other amendment can be moved. When an Amendment is affirmed, the original motion shall disappear and the Amendment 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 one time before the Chair. Notice of any number of Amendments may, however, be given.

15. An Amendment shall not be substantially the same as an Amendment already lost.

16. Where the Cathaoirleach is satisfied that there is only one Amendment and it is carried, it shall then be taken to be the motion and to be carried by the same voting. A vote shall be taken on the Motion if called for by any member.

7. RESCINDING RESOLUTIONS

1. No Notice to rescind any Resolution which has been passed within the preceeding six months, nor any Motion to the same effect as any Motion which has been negatived within the preceeding six months, shall be in order unless the Notice thereof shall have been given and specified in the Notice convening the Meeting, and the Notice shall have, in addition to the name of the member who proposed the Motion, the names of ten other members. Such rescinding resolution shall not be passed unless one half of the total number of members of the authority vote in favour. When any such Motion has been disposed of by the Council, it shall not be competent for any member to propose a Motion that is substantially the same within a further period of six months.

2. No resolution passed at any meeting of the Council earlier than the preceeding six months shall be rescinded at any subsequent meeting unless such rescinding resolution is passed by one half of the total number of members of the authority.
3. Any matter decided by the Council by motion on notice or on the report of a Committee shall not be re-opened within six months of the date of such decisions.

4. A resolution may not be rescinded at the Meeting at which it has been adopted.
5. When a rescinding Motion has been rescinded, the original Motion shall be revived.

8. QUESTIONS

Any Member of the Council may submit an original question relevant to the business of the Council on giving notice in writing, signed by himself, to the Meetings Administrator of the Council. Only those questions which have been received before 5pm at least 9 clear days before the Meeting of the Council at which the question is to be heard, will be considered.

1. a) All Questions submitted to the Council will first be considered by the Cathaoirleach, usually in consultation with other members of the C.P.G. who will determine if they be forwarded to the Council Meeting, transferred for decision/recommendation to a meeting of Municipal District Members when the subject matter of such Question is relevant to that Municipal District.

b) The Cathaoirleach shall have final discretion to effect such a transfer.

Each Member of the Council may table a maximum of one Notice of Motion per annum.

2. Questions must relate to a specific subject or aspect of a service only and shall not apply to a variety of services affecting a single area. A question which has been fully answered may not be reviewed and in answering a question, the matter to which it refers is not to be debated. One supplementary question only shall be allowed to the original questioner.

9. RULES OF DEBATE

1. A member while speaking shall stand and address the Chair. No speech shall exceed 5 minutes without the consent of the Cathaoirleach which shall be given where the question under discussion is of exceptional importance. The consent shall enable the Member speak for an additional 3 minutes. (This shall not apply in relation to debate on a Notice of Motion on the Agenda paper, which is covered by Clause 5 (7)).

2. A member speaking is not to be interrupted except on a question of order, but he may give way to a member desiring to make a personal explanation. A member who speaks shall confine his speech strictly to the Motion (Amendment) under discussion, or to a personal explanation, or to a point of order.

3. When two or more members rise at the same time to speak, the member called upon by the Chair shall have precedence.

4. At a meeting of the Council, any member, whether he has spoken on the matter under discussion or not, may rise to a point of order, or to make a personal explanation necessitated by the course of discussion. A member so rising shall be entitled to be heard forthwith and his/her speaking time shall not exceed 2 minutes.

5. The 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 shall not be open to discussion.
6. When during a debate the Cathaoirleach rises, any member then standing shall resume his seat, and no member shall rise until the Cathaoirleach is seated.

7. Members of the Council shall address and speak to each other in the Council by the respective titles of “A Cathaoirieach” or “Councillor” as may be appropriate.

8. No Councillor may use offensive or unbecoming words in reference to any member or employee of the Council. Any Councillor having used objectionable words, and not retracting the same, or offering apologies for the use thereof when requested by the Cathaoirleach to do so shall be called upon by the Cathaoirleach to withdraw from the Meeting.

9. A member may speak once upon any Motion, except a Motion which is to be put without debate.

10. A member shall not be deemed to have spoken if he has formally seconded a motion or an Amendment and he shall be permitted to speak on it afterwards.

11. The mover of an original motion shall have the right of replying whilst his motion is before the meeting, but he shall strictly confine himself to answering previous speakers. After the reply, the question shall be put forthwith.

12. When an Amendment is moved, a member who has spoken to the original motion may speak to the amendment.

13. When the Amendment has been affirmed, and so becomes an original 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.

14. Nothing herein contained shall, however, preclude a Member from at any time submitting a point of Order or making a personal explanation.

15. The mover shall have no right of reply in the following cases:
   - Amendments;
   - Adjournment of the Meeting;
   - Adjournment of debate;
   - Continuation of sitting;
   - Extension of speech;
   - Postponement of Question;
   - Proceeding to next business;
   - Putting the Question;
   - Question of Privilege;
   - Reference back to Committee;
   - Reference to Committee not involving an expression of opinion;
– Suspension of sitting for short period;
– Withdrawal of Motion or Amendment.

16. The Cathaoirleach shall have discretionary power to allow a member to speak a second time but such permission shall be given only after every other member who desires to do so shall have spoken once. Every Councillor shall be seated during the transaction of business except the Councillor who shall be addressing the Council.

17. Whenever any member shall be called to order by the Cathaoirleach, the Member so called shall immediately resume his seat and shall not again address the Council until the Cathaoirleach shall have disposed of the question of order.

18. The Cathaoirleach shall call a member to order for irrelevance, repetition, unbecoming language, reflections of a personal character upon another member or employee, or any breach of order and may direct such member, if speaking, to discontinue his speech. In the event of grave disorder in the Council or of persistent disregard of the authority of the Chair, any member of the Council may move the suspension of such member and if such motion be carried, the Cathaoirleach shall suspend such member during the remainder of the sitting or for any less period.

Provided that the Motion to suspend a member be subject to the right of the Cathaoirleach or the Council or a motion to that effect act to adjourn for a period of 15 minutes and that on the resumption of the meeting after such an adjournment, the first business be that the person expelled be given an opportunity to be present and to tender an unqualified apology to the Chair or other person aggrieved. When the Cathaoirleach so directs a member to retire and the member does not retire forthwith, the Cathaoirleach shall give directions for the removal of the member and such other directions as are necessary for restoring order to the proceedings and such directions by the Cathaoirleach under this clause shall be deemed to be acts of the Council.

19. If the Cathaoirleach considers that the Meeting, owing to disorder, cannot continue he shall have power to suspend the Meeting for an interval of fifteen minutes.

20. Where at a meeting

(a) it has been resolved in accordance with Standing Order No. 18 that a member leave a meeting and the Cathaoirleach adjourns the meeting under Standing Order 19 because the member refuses to leave,

and

(b) it has been resolved by further resolution that the member was the cause of the meeting being so adjourned, then any remuneration to, and any allowances for expenses incurred, by that member concerned, as provided for by regulations under section 142, shall be reduced for the period of 12 months (irrespective of whether or not a local election is to be held during that period) from the date of the meeting concerned as follows:

(i) on the first occasion of it being resolved that the member refused to so leave, 10 per cent

(ii) on the next or subsequent occasions of it being so resolved and where paragraph (iii), (iv), (v) or (vi) do not apply, 10 per cent
(iii) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (i) or (ii) relates, 30 per cent
(iv) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (iii) relates, 50 per cent;
(v) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (iv) relates, 70 per cent
(vi) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (v) relates, 90 per cent.

21. (a) Where at a meeting—

(i) the resolutions referred to in clauses (a) and (b) of subparagraph 20 have been resolved, and

(ii) where, following the Cathaoirleach expressing the further opinion that the member has continued to be disorderly by 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 such further opinion to the members present by naming the member concerned, it has been resolved further by at least two-thirds of those present and voting, on a motion moved by the Cathaoirleach or any member (which motion, if seconded, shall have been put and determined without discussion) that for a specified period ‘the member stand suspended with immediate effect from all meetings of the local authority and any committee of the local authority, and all meetings of municipal district members’ and the period so specified is for at least one month but does not exceed 3 months, then the consequences provided for by subparagraph 20 (b) shall not apply to the member concerned in relation to that suspension except and to the extent provided for by clause (g) in respect of any other suspension.

(b) Having regard to clause (f), the members of the local authority may, at any subsequent meeting during the period specified in the resolution under clause (a)(ii), pass a further resolution lifting the suspension, and the suspension shall be lifted with immediate effect.

(c) If, within a period of 3 months following the ending of a suspension in accordance with clause (a) or (b), further resolutions to which clause (a) relates are proposed to be adopted in respect of that member, then the period provided for in a resolution under clause (a)(ii) shall be at least 3 months but shall not exceed 6 months.

(d) Having regard to clause (f), a suspension under this subparagraph shall cease to have effect on the ordinary day of retirement.

(e) Where a resolution under clause (a) suspending a member has been passed, the member concerned shall not be entitled to attend, speak at or take any part in any meetings of the local authority and any committee of the local authority, and any meetings of municipal district members, and shall not be entitled to present a request to the Cathaoirleach to require a special meeting of the local authority to be convened and shall not be entitled to receive any services in respect of meetings of the local
authority or any committee of the local authority, or meetings of municipal district members, including the agenda and papers circulated to members, for the period specified in the resolution while it remains in force.

(f) No remuneration to, or allowances for expenses incurred, by the member concerned, as provided by regulations under section 142, shall be paid (irrespective of whether a local election is to be held during the period concerned) for the duration of the suspension to which clause (a) or (c) relates. Notwithstanding any lifting of a suspension in accordance with clause (b), or cessation of a suspension in accordance with clause (d), such lifting or cessation shall not have the effect of reducing the period in respect of which remuneration or allowances for expenses incurred are not to be paid as a consequence of the suspension.

(g) The suspension of remuneration or allowances for expenses incurred by virtue of clause (f) shall, during the suspension period specified in the resolution under this paragraph, supersede any reduction in remuneration or allowances for expenses that would, but for this clause, be incurred under subparagraph 20 (b) but shall not affect any such reduction after the suspension period so specified.

22. The Chief Executive, following consultation with the Cathaoirleach, may make such provision for the exclusion or, where necessary, the removal from any meeting of the local authority or any committee of the local authority, or meeting of municipal district members, of the member suspended in accordance with subparagraph 18 or 21 as appear necessary to the Chief Executive.

10. VOTING

1. Every Question shall be determined by a vote of the members present. Voting may be by voice where it is obvious to the Cathaoirleach that the meeting is practically unanimous and no member dissenting. In other circumstances, the vote shall 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.

2. 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, he or she is entitled if she/he thinks fit to take a second vote on the matter, especially if he or she considers that through some misunderstanding the first vote did not properly represent the sense of the meeting at that time.

3. Each member present at a meeting of Westmeath County Council shall have a vote unless prohibited by any enactment.

4. 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 Westmeath County Council members which are reserved functions or questions duly coming or arising before a meeting of the Westmeath County Council members shall be determined - (a) 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).

11. RISING OF COUNCIL
1. 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 without any question from the Cathaoirleach. If at the hour of 5:30pm the business is not completed, the Council shall rise and any business not completed shall stand adjourned to the next meeting. If the Cathaoirleach rules that when the Council has already commenced discussion on a motion prior to 5:30pm and that it is anticipated that such motion may be resolved within a reasonably short time after 5:30pm, then such matter may proceed to resolution.

2. When, during any meeting, it is stated by a member or the Meetings Administrator to the Cathaoirleach that a quorum no longer exists, the Meetings Administrator after an interval of five minutes, shall call the roll, and shall record the names of the members in attendance, and when it appears that the number of members is less than quorum, then the Council shall rise and the business put off by such Meeting of the Council shall be set down to be disposed of at the next Meeting of the Council.

12. RECORD OF ATTENDANCE

Every Councillor attending a meeting of the Council shall sign his name in the Attendance Book for the purpose, and such book shall be the official record of such attendance.

13. ELECTION OF COMMITTEES

1. Apart from such committees as the Council is required by law to appoint, the Council may from time to time appoint a Committee for a specific purpose, and may, in the resolution of appointment, lay down terms of reference for the said Committee.

2. The Cathaoirleach shall be an ex-officio member of every Committee and every sub-committee, except those whose numbers are fixed by statute, SPCs and the LCDC.

3. 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. Should the number of those proposed and seconded exceed the number of vacancies, a vote shall be taken.

4. The Standing Orders of the Council shall apply, with necessary alterations, to all Meetings of Committees of the Council.

5. An Ordinary Meeting of a Committee can be adjourned by a resolution.

6. All meetings of the Council except Corporate Policy Group Meetings shall be open to the public, unless otherwise determined by a resolution of the Members to go _ into Committee, providing one half of the total number of Members vote in favour of same in accordance with Section 45 of the Local Government Act 2001 and Local Government Reform Act 2014 as amended.

7. The Cathaoirleach of each Committee shall be responsible to the Council for the general management of the business entrusted to such Committee.

8. A Meeting of the Council shall take precedence over a Meeting of any Committee.
9. Vacancies in Committees shall be filled by the Council at their ensuing meeting, or as soon afterwards as the Council may decide.

10. In the absence of the Cathaoirleach of any Committee, the Members present shall, by vote, select a Member to preside at that Meeting.

11. The Meetings Administrator of the Council shall summon a meeting of any Committee, on the request of the Cathaoirleach, or any three of its Members, or whenever he shall deem it necessary that such Committee shall meet.

12. Minutes shall be kept of the proceedings of every Committee by the Meetings Administrator of the Council, or by a Clerk in his employment, deputed to attend the Committee. Such Minutes shall give the name of each Member present.

13. All questions in Committee shall be determined by a majority of such Members of the Committee as are present and voting. The votes shall be taken as set out in Standing Order No.10 and in case of an equal division of votes, the Cathaoirleach shall have a casting vote in addition to his vote as a member of the Committee.

14. Committees may appoint sub-committees of their number for facilitating the transaction of business, who shall report to the Committee, but such sub-committee shall not have power to transact any business without express authority from the Committee.

15. The rights 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 any 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, where the Council considers that such action is not contrary to the overall public interest. 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.

The Council may, at any time, resolve itself into a Committee of the whole Council for the transaction of business, to be specified in the Resolution. The quorum of a Committee of the whole Council shall be six.

16. The decisions of the Committees of the Council, except decisions of the LCDC, shall not become binding, except where otherwise provided in these Orders, until approved by the Council, unless the Council specifically empowers these Committees to deal with same as provided for in Section 51 of the Local Government Act, 2001 and Local Government Reform Act 2014, as amended.

17. The quorum of any Committee, not being a Committee of the whole Council, shall be one-fourth of the total number plus one, or not less than three members.
18. The first meeting of a Committee shall be at such time and place as decided by the Council or otherwise by the Cathaoirleach. Subsequent meetings shall be held at such time and place as the Committee or the Cathaoirleach decides.

19. Any Member of the Council acting as a member of a Committee or sub-committee, whether by himself or by his partner, proposing in his private professional capacity to act in any manner against the Council, shall notify the fact to the Meetings Administrator of the Council for report by him to the Chief Executive or Committee or sub-committee concerned.

20. No Member of the Council shall attend a meeting of a Committee or sub-committee or section of a sub-committee during the consideration of any matter in which he is pecuniarily or professionally interested.

21. A copy of every Report of a Committee to be submitted to the Council shall, before the submission thereof, be transmitted to every Member of the Council at least three days before Council Meetings, save in cases of urgency, when reading of the Report to the Council shall suffice.

14. DEPUTATIONS

1. The Council may by resolution decide to receive a deputation at a subsequent meeting.

2. Subject to the direction of the Cathaoirleach, any person may speak on behalf of the Deputation for not more than five minutes, unless permitted by the Cathaoirleach.

3. Request for a Deputation to be heard by the Council should not be considered unless the subject matter to be raised be notified in writing on the motion of a member of the Council, sent to the Meetings Administrator and this matter will be formally placed on the Agenda of the next available meeting.

4. The Deputation may be questioned by Members of the Council but shall not be entitled to ask questions.

5. The Council may, by resolution, decide to receive a deputation without notice.

15. CASUAL VACANCIES

Casual vacancies will be filled in accordance with Section 19 of the Local Government Act, 2001 as amended by the Local Government Reform Act, 2014. Persons nominated must be from the same registered political party who nominated for election or co-option the member who caused the casual vacancy. Where a casual vacancy arises due to the departure of a non-political party member the Council may co-opt to the Council membership any person they consider suitable to fill such vacancy and who would be eligible for election at a Local Government Election. In filling such vacancy the council may take into consideration the recommendations of any bona fide organisation or association who nominated or supported the election of the member whose departure gave rise to the filling of the vacancy, but the Council shall not be obliged to co-opt any person recommended in this manner if such person is not considered by the council members as being the most suitable person nominated to fill the vacancy. Before any person can be co-opted to fill such vacancy, that person must be nominated by at least 6 members of the Council. Vacancies on statutory committees for which the Council have the right to nominate members to should be filled by the nomination of the political party who originally nominated that person.
16. ADDRESS OF AUTHORITY

The address of Westmeath County Council shall be :- County Buildings, Mullingar, County Westmeath for the purpose of sending any notice to the Chief Executive or the Meetings Administrator.

17. SUSPENSION OF STANDING ORDERS

Any Standing Order or Standing Orders may at any time, by consent of not less than two-thirds of the Members present at the Meeting of the Council, be suspended, provided not less than twelve of the Members of the whole Council are present, on a Motion duly made for the purpose of any specific business then before the Council and defined in the Suspensory Motion or in any case of urgency.

18. INTERPRETATION OF STANDING ORDERS

The Cathaoirleach’s ruling on any question or his interpretation of the Standing Orders shall be final.

19. MATTERS NOT COVERED BY STANDING ORDERS

The Cathaoirleach shall have power to deal with any matter not covered by Standing Orders.

20. DURATION OF STANDING ORDERS

The foregoing Standing Orders shall continue in force until altered, amended or repealed on Notice of Motion duly given and carried by a majority of the total membership of the Council.

21. CORRESPONDENCE

It shall be within the discretion of the Meetings Administrator to refer any communication which may be received by him, concerning the business of the Council, to any officer from whom it may be desirable to obtain a report in respect thereof before submitting it to the Council or Committee, and such officer shall report thereon as soon as possible.

22. MOBILE PHONES

All mobile phones must be placed in silent mode and under no circumstances may a member take or make a call in the Chamber while a meeting is in session.

23. REVOCATION AND COMMENCEMENT

These Standing Orders shall come into operation on the 1st day of July 2014, and all Standing Orders previously made by the Council and not already revoked shall be revoked with effect as from that date.

24. SEAL

1. The Common Seal of the Council shall be kept securely in some safe place by the Meetings Administrator of the Council.

2. The Common Seal of the Council shall be affixed to all deeds and documents requiring the seal by the Cathaoirleach/Leas- Cathaoirleach or an employee of the local authority nominated in writing by the Chief Executive following consultation with the Cathaoirleach.
3. An entry of the sealing of every deed and other document to which the Common Seal shall have been affixed shall be made by the Council in a book to be provided for that purpose.

ADOPTED BY THE MEMBERS OF WESTMEATH COUNTY COUNCIL AT COUNCIL MEETING HELD ON 30th DAY OF June 2014.


PRESENT WHEN THE SEAL OF THE COUNCIL WAS AFFIXED:-

__________________________
Cathaoirleach of the Council

__________________________
Meetings Administrator of the Council