

Tow Law Town Council

Standing Orders

As agreed at the Meeting held on 16th October 2007

MEETINGS

- 1)a) Ordinary meeting shall be held on the 3rd Tuesday of each month (excepting for August and December when no meetings are held) commencing at 6.30pm. The venue for the meetings is to be discussed and voted upon at the Annual General Meeting.
- b) Smoking is not permitted at any meeting of the Council.
- 2) **The Statutory Annual Meeting (a) in an election year should be held on or within fourteen days after, the day of which the elected Councillors take office and (b) in a year that is not an election year shall be held on the 3rd Tuesday in May.**
- 3) (Reserved).
- 4) (Reserved).

CHAIRMAN OF MEETING

- 5) **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

PROPER OFFICER

- 6) Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Clerk:-
 - a) To receive declarations of acceptance of office.
 - b) To receive and record notices disclosing pecuniary interests.
 - c) To receive and retain plans and documents.
 - d) To sign notices or other documents on behalf of the Council.
 - e) To receive copies of byelaws made by the District Council.
 - f) To certify copies of byelaws made by the Council.
 - g) To sign summonses to attend meetings of the Council.

QUORUM

- 7) **Four members shall constitute a quorum.**
- 8) If the quorum is not present when the Council meets or if during a meeting the number of Councillors present and not debarred by reason of declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day that the Chairman may fix.

VOTING

- 9) Members shall vote by show of hands or if at least two members request, by signed ballot.
- 10) **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.**

- 11) (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote and in the case of an equality of votes may give a casting vote even though he gave no original vote.
- (2) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and the Vice Chairman until the end of their term of office he may not give an original vote in an election for Chairman.
- (3) The person presiding must give the casting vote whenever there is an equality of the votes in an election for Chairman.

ORDER OF BUSINESS

(In an election year Councillors should execute Declaration of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences).

- 12) At each Annual Meeting the first business shall be:-
- a) **To elect a Chairman.**
 - b) **To receive the Chairman's declaration of office, or if not then received, to decide when it shall be received.**
 - c) **In an ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - d) **To decide when any declaration of acceptance of office which have not been received as provided by law shall be received.**
 - e) To elect a Vice Chairman.
 - f) To appoint school governors.
 - g) To appoint committees.
 - h) To consider the payment of any subscriptions falling to be paid annually.
 - i) To inspect any deeds and trust instruments in the custody of the Council: and shall thereafter follow the order set out in Standing Order 15.
- 13) **At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and the Vice Chairman be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**
- 14) In every year not later than the meeting at which the estimates for the next year are settled the Council shall review the pay and conditions of service of existing employees. (See standing order 38, below).
- 15) After the first business has been completed, the order of the business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
- a) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
 - b) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - c) **To deal with business expressly required by statute to be done.**
 - d) To dispose of business, if any, remaining from the last meeting.
 - e) To receive any communications as the person presiding may wish to lay before the Council.

- f) To answer questions from Councillors.
 - g) To receive and consider reports and minutes of committees.
 - h) To receive and consider reports from officers of the Council.
 - i) To authorise the sealing of documents.
 - j) To authorise the signing of orders for payment.
 - k) To consider resolutions or recommendations in the order in which they have been notified.
 - l) Any other business specified in the summons. (See above, paragraph 37).
- 16) A motion to vary the order of business on the ground of urgency:
- a) may be proposed by the Chairman or any member and if proposed by the Chairman may be put to the vote without being seconded and
 - b) shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

- 17) Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least three clear days before the next meeting of the Council.
- 18) The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 19) The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 20) If a resolution or recommendation specified in the summons is not moved either by the member who gave the notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 21) If the subject matter within the resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report: provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 22) Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

- 23) Resolutions dealing with the following matters may be moved without notice:-
- a) To appoint a Chairman of the meeting.
 - b) To correct the Minutes.
 - c) To approve the Minutes.
 - d) To alter the order of business.
 - e) To proceed to the next business.
 - f) To close or adjourn the debate.
 - g) To refer matter to a committee.

- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or an amendment.
- m) To extend the time limit for speeches.
- n) To exclude the public.
(See order 66 below).
- o) To silence or eject from the meeting a member named for misconduct.
(See order 33 below).
- p) To invite a member having an interest in the subject matter under debate to remain.
(See order 57 below).
- q) To give the consent of the Council where such consent is required by these Standing Orders.
- r) To suspend any Standing Order.
(See order 75 below).
- s) To adjourn the meeting.

QUESTIONS

- 24) A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- 25) No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 26) Every question shall be put and answered without discussion.
- 27) A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 28) No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by the resolution and must be initialled by the Chairman.
- 29)a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed it to him before it is further discussed or put to the meeting.
- b) A member when seconding a resolution or amendment may, if he then declare his intention to do so, reserve his speech until a later period of the debate.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech by a mover of a resolution shall exceed three minutes, and no other speech shall exceed three minutes except by consent of the Council.
- e) An amendment shall be either:-
 - i) To leave out words.
 - ii) To leave out words and insert or add others.
 - iii) To insert or add words.
- f) An amendment shall not have the affect of negtiving the resolution before the Council.

g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which further amendment may be moved.

h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding two minutes.

j) A member, other than the mover of a resolution, shall not without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.

k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

m) When a resolution is under debate no other resolution shall be moved except the following:-

- i) To amend the resolution
- ii) To proceed to the next business.
- iii) To adjourn the debate.
- iv) That the question be now put.
- v) That a member named be not further heard.
- vi) That a member named leave the meeting.
- vii) That the resolution be referred to a committee.
- viii) To exclude the public and the press.
- ix) To adjourn the meeting.

30) Reserved.

31) a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

b) Members shall address the Chairman.

c) If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.

d) Whenever the Chairman rises during a debate all the other members shall be seated and silent.

CLOSURE

32) At the end of any speech a member may, without comment move “that the question be now put”. “that the debate be now adjourned” or “that the Council do now adjourn”. If such a motion be seconded the Chairman should put the motion but, in the case of a motion “to put the question” only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be put now” is carried, he should call upon the mover to exercise or waive his right of reply and should put the question immediately after that right has been exercised or waived. The adjournment of

a debate or of the Council shall not prejudice the mover's right to reply at the resumption.

(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting).

DISORDERLY CONDUCT

- 33)a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- b) If in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting and the motion, if seconded, shall be put forthwith and without discussion.
- c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

- 34) The mover of the resolution has the right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising the right to reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

- 35) A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF PREVIOUS RESOLUTION

- 36) a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least ten members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENT

- 37) Where more than two people have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 38) If at a meeting there arises any questions relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 66.)

RESOLUTIONS ON EXPENDITURE

- 39) Any resolution and which, if carried, would in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

EXPENDITURE

- 40) **Orders for payment of money shall be authorised by resolution of the Council and signed by two members.**

SEALING OF DOCUMENTS

- 41) a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
b) Any two members of the Council named in the resolution moved under the provisions of paragraph (a) of this order may seal, on behalf of the Council, any document required by law to be issued under seal.

COMMITTEES AND SUB-COMMITTEES

- 42) The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
a) Shall not appoint any member of the committee so as to hold office later than the next Annual Meeting.
b) May appoint persons other than members of the Council to any committee; and
c) May subject to the provisions of Order 36 above at any time dissolve or alter the membership of a committee.
- 43) The Chairman and Vice Chairman ex officio shall be members of every committee.
- 44) Every committee shall have at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

- 45) The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- 46) Every committee may appoint sub-committees for the purposes to be specified by the committee.
- 47) The Chairman and Vice Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- 48) Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one half of its members.
- 49) The Standing Orders on rules of debate (except those relating to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

ADVISORY COMMITTEES

- 50)1) Should there be advisory committees the names and numbers of the members shall be wholly chosen by the Council.
 - 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
 - 3) An advisory committee may make recommendations and give notice thereof to the Council.
 - 4) An advisory committee may consist wholly of persons who are not members of the Council.

VOTING IN COMMITTEES

- 51) Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 52) **Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- 53) A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

ACCOUNTS AND FINANCIAL STATEMENT

- 54)a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
 - b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or

by the proper officer for payments with the approval of the Chairman or the Vice-Chairman of the Council.

- c) All payments ratified under the sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments laid before the Council.
- 55) The Clerk shall supply to each member at the ordinary meeting next after the end of the financial year a statement of receipts and payments.

ESTIMATES

- 56)a) The Council shall approve written estimates for the coming financial year at its meeting in the month of January.

INTERESTS

- 57) If any member has any pecuniary interest direct or indirect within the meaning of sections 94-95 of the Local Government Act, 1972, in any contract proposed contract or other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the matter described in section 97(5) or:-

- a) The disability imposed upon him by those sections has been removed by the District Council; or
- b) The Council invite him to remain; or
- c) The contract, proposed contract or other matter is under consideration as part of the report of the committee and is not itself the subject of debate.

- 58) **The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in the contract, and the book shall be open during reasonable hours of the day for the inspection of any member.**

- 59) If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct he shall declare it and thereupon be invited to withdraw from the meeting.

- 60) If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such an appointment and if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where the relationship to a member is disclosed Standing Order 59 shall apply.

The Clerk shall make known the purport of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 61)a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

- b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion: but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- 62) Standing Orders No's 60 and 61 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

- 63) A member for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- 64) **All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

UNAUTHORISED ACTIVITIES

- 65) No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:
 - a) Inspect any lands or premises which the Council has a right or duty to inspect; or
 - b) Issue orders, instructions or directionsunless authorised to do so by the Council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 66) **The public shall be admitted to all meetings of the Council and its committees and sub-committees, who may, however, temporarily exclude the public by means of the following resolution:**
"That in view of the (special)(confidential) nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."
- 67) **The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**
- 68) If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber.

CONFIDENTIAL BUSINESS

- 69)a) No member of the Council or any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or sub-committee as the case may be.
- b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- 70) A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the County division and to the District Councillor or Councillors for the district ward.
- 71) Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

PLANNING APPLICATIONS

- 72)a) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-
- i) the date on which it was received
 - ii) the name of the applicant
 - iii) the place to which it relates
 - iv) a summary of the nature of the application
- 72)b) The Clerk shall refer every planning application to the Chairman or in the Chairman's absence to the Local Member within two working days of receiving it and report to the next Ordinary Council meeting.
- 72)c) Consultation procedure when comments required before the next scheduled Council meeting, the Clerk to consult with the Chairman, Vice Chairman and Local Members. Report the decision to the next ordinary Council meeting.

STANDING ORDER ON CONTRACTS

- 73)a) Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the Clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.

Three written quotations are to be obtained for potential expenditure of £1000 and above excluding VAT unless:-

- i) The purchase relates to an opportunity where no suitable alternative quote could be obtained, or the work was of a specialist nature.
- ii) The purchase was grant aided and the grantor raised no objections to less than three quotations obtained due to the work involved.

Where the value of the intended contract exceeds £10,000 similar notice shall be given in addition to all firms included in the appropriate standing approved list of contractors maintained by the District Council, or if no such list is maintained then in such newspapers circulating in the district as the Council shall direct.

- b) Notice of contract exceeding £10,000 shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.
- c) Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed on the date specified. Pursuant to paragraph (b) of this order and shall be reported by the person who opened them to the

- Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.
- d) Neither the Council nor any committee or sub-committee is bound to accept the lowest tender.
 - e) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.
 - f) A notice issued under this standing order shall contain a statement of the effect of Standing Order No's 60,61 and 62.

CODE OF CONDUCT ON COMPLAINTS

- 74) The Council shall deal with complaints of misadministration allegedly committed by the Council or any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 75) Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
- 76) A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- 77) A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.

DELEGATION OF POWERS

- a) **Arrangements during August/December recess**
- 78) **Any matters requiring urgent attention be delegated to the Clerk in consultation with the Chairman and Vice Chairman and reported to the next ordinary meeting.**
- b) **Clerks expenses**
- 79) **Delegate up to £50 for the purchase of any one item by the Clerk and up to £150 for any other item in consultation with the Chairman. Any other expenditure to be authorised by the Council unless already agreed as part of the normal expenditure item contained within the Council's budget.**