

SANDWICH TOWN COUNCIL

STANDING ORDERS

These Standing Orders were adopted by the Council at its meeting held on 3rd August 2009.

1. Meetings

- (a) Meetings of the Council shall be held at Guildhall at 7 p.m. unless the Council otherwise decides at a previous meeting.
- (b) Smoking is not permitted at any meeting of the Council.
- (c) Public participation is permitted so long as written notice of the desire to exercise the right to speak and of the topic to be addressed is received by the Town Clerk by 4pm on the Friday before the meeting. Electors will be heard in strict order of notification for a maximum of three minutes each. A fifteen minute time allowance for this purpose is to be allowed.
- (d) Except at the discretion of the Chairman, all meetings of the Council and its Committees shall finish not later than 10pm. Any business not transacted shall be carried over to the next meeting or such other date as the Chairman may decide.

2. The Statutory Annual Meeting

- (a) **In an election year the Annual Town Council Meeting shall be held on or within 14 days following the day on which the Councillors elected take office and**
- (b) **In a year which is not an election year the Annual Town Council Meeting shall be held on such day in May as the Council may direct.**

3. **In addition to the Statutory Annual Town Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

- 4. Additional Meetings (Bank Holidays permitting) will normally be held be on: -
 - (a) The first and third Monday of every month.
 - (b) Or at such other times as the Council may determine.

5. Chairman of the Meeting

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

6. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk or nominated officer: -

- (a) To receive declarations of acceptance of office.
- (b) To receive and record notices disclosing interests at meetings.
- (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 bylaws made by another local authority.
- (f) To certify copies of bylaws made by the Council.

- (g) To sign and issue the summons to attend meetings of the Council.
- (h) To keep proper records for all Council meetings.

7. Quorum of the Council

Five members shall constitute a quorum at meetings of the Council.

- 8. If a quorum is not present, or if during a meeting the number of Councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.
- 9. Except where ordered by the Council, in the case of a Committee, the quorum of a Committee shall be one half of its members.
- 10. Voting
Members shall vote by show of hands or, if at least two members so request, by signed ballot.
- 11. **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. Such a request must be made before moving on to the next business.**
- 12. (i) **Subject to (ii) and (iii) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote.**

(ii) **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 Vice-Chairman until the end of their term of office he/she may not give an original vote in an election for Chairman.**

(iii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman**

13. Order of Business

At each Annual Town Council Meeting the first business shall be: -

- (a) **To elect a Chairman of the Council.**
- (b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- (c) **In the 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 declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.**
- (e) **To elect a Vice-Chairman of the Council.**

At the first Town Council Meeting after the annual Town Council Meeting the business shall include: -

- (a) **To appoint representatives to outside bodies.**
- (b) **To appoint Committees.**

Thereafter the meetings should follow the order set out in Standing Order 16.

- 14. At every meeting other than the Annual Town Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
15. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. (Standing Order 37 must be read in conjunction with this requirement.)
16. After the first business has been completed, the order of 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 authorise the signing of orders for payment
 - (f) To receive and consider reports and minutes of Committees.
 - (g) To consider planning matters.
 - (h) To receive and consider resolutions or recommendations in the order in which they have been notified.
 - (i) To authorise the sealing of documents.
 - (j) To receive such communications as the person presiding may wish to lay before the Council.
 - (k) To receive and consider reports from Councillors.
 - (l) Any other business specified in the summons.
17. Urgent Business

A motion to vary the order of business on the ground of urgency:

 - (a) May be proposed by the Chairman or by 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.
18. Resolutions Moved on Notice

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 seven clear days before the next meeting 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/she intends to move at some later meeting or that he/she withdraws it.

20. If a resolution or recommendation specified in the summons is not moved either by the member who gave 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 of a 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/she 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 duties which affects its area.

23. Resolutions Moved Without Notice

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 a 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 amendment.
- (m) To extend the time limit for speeches.
- (n) To exclude the press and public. (See Standing Order 58)
- (o) To silence or eject from the meeting a member named for misconduct. (See Standing Order 32)
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Orders. (See Standing Order 67)
- (r) To adjourn the meeting.

24. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided seven clear days notice of the question has been given to the person to whom it is addressed.

25. Every question shall be put and answered without discussion.

26. A person to whom a question has been put may decline to answer.

27. Rules of Debate

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

28. (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 to him/her before it is further discussed or put to the meeting.
- (b) A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- (c) A member shall direct his/her 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 others.
 - (iii) To insert or add words.
- (f) An amendment shall not have the effect of negating 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 any 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 three 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 speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her 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 do leave the meeting.
 - (vii) That the resolution be referred to a Committee.
 - (viii) To exclude the public and press.
 - (ix) To adjourn the meeting.

29. A member shall stand when speaking unless permitted by the Chairman to sit.

30. (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. If two or more members wish to speak, the Chairman shall decide who to call upon.
- (c) Whenever the Chairman speaks during a debate all other members shall be seated and silent.

31. Closure

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 motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he/she shall call upon the mover to exercise or waive his/her right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

32. Disorderly Conduct

- (a) **All members must observe the Code of Conduct which was adopted by the Council on 2nd July 2007, a copy of which is annexed to these Standing Orders.**
- (b) 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 bring the Council into disrepute.**
- (c) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that the 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. **If a member reasonably believes another member is in breach of the Code of Conduct, that member is under a duty to report the breach to the Standards Board.**
- (d) If the motion mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

33. Right of Reply

The mover of a resolution shall have a 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 a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

34. Alteration of Resolution

A member may, with the consent of his seconder, move amendments to his/her own resolution.

35. Recession of Previous Resolution

- (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by special resolution, the written notice whereof bears the names of at least six 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 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.

36. Voting on Appointments

Where more than two persons 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.

37. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question 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 press and public shall be excluded. (See Standing Order No. 58)

38. Resolutions on expenditure

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another Committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council 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 (and the Finance Committee shall report on the financial aspect of the matters)

39. Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members. (See also Financial Regulation 5.3)

40. Sealing of Documents

- (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of two members who shall sign the document as witness.

41. Committees

The Council may at its Annual Town Council 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 a Committee so as to hold office later than the next Annual Meeting.
 - (b) May, subject to the provisions of Standing Order 35, at any time dissolve or alter the membership of a Committee.
- 42. The Chairman and Vice-Chairman ex-officio shall be voting members of every committee and shall serve as Chairman and Vice-Chairman of every Committee
- 43. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to Committee members.
- 44. Special Meeting
The Chairman may summon an additional meeting of a Committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than half 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.
- 45. Voting in Committees
Members of Committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 46. The Chairmen of a Committee shall in the case of an equality of votes have a second or casting vote.**
- 47. Presence of Non-Members of Committees at Committee Meetings
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.
- 48. Interests
If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 2nd July 2007 then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- 49. **If a member who has declared a personal interest then considers the interest to be prejudicial, he/she must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- 50. **The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
- 51. 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/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such 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 relationship to a member is disclosed this Standing Order shall apply.

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

53. Canvassing of and Recommendations by Members

(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 purpose 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 form for appointment.

54. Standing Orders 51 and 53 shall apply to tenders as if the person making the tender were a candidate for an appointment. See Financial Regulation 11(g)

55. Inspection of Documents

A member may 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.

56. All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.

57. Unauthorised Activity

No member of the Council or of any 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 directions

Unless authorised to do so by the Council or the relevant Committee.

58. Admission of The Public and Press to Meetings

The public and press shall be admitted to all meetings of the Council and its Committees, which may, however, temporarily exclude the public and press by means of the following resolutions; -

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”

59. The Council or Committee shall state the special reason for exclusion.

60. The Clerk shall afford to the press reasonable facilities for the taking of their report at any proceedings at which they are entitled to be present. There should be no audio or video recording or photographs of the meeting without the express approval of the Council.

61. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.
62. Confidential Business
(a) No member of the Council or of any Committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council or the 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 of the Council by the Council.
63. Liaison with County and District Councillors
A summons and Agenda for each meeting shall be sent to the County and District Councillors for the appropriate division or ward.
64. Planning Applications
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: -
(a) The date on which it was received.
(b) The place to which it relates.
(c) Details of the application.
65. Financial Matters
The Council shall consider and approve Financial Regulations drawn up by the Responsible Finance Officer.
66. Code of Conduct on Complaints
The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by Sandwich Town Council on 2nd July 2007 except for those complaints which should be properly directed to the Standards Board.
67. Variation, Revocation and Suspension of Standing Orders.
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.
68. 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.
69. Standing Orders to be Given to Members
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 and written undertaking to observe the Code of Conduct adopted by the Council.