



HOLSWORTHY  
TOWN COUNCIL

*Standing Orders*

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## STANDING ORDERS

### Preface

1. Throughout these Orders, the term Council shall mean THE **HOLSWORTHY TOWN COUNCIL** unless otherwise indicated.
2. Where and as appropriate the terms Chairman and Vice-Chairman shall be synonymous with Town Mayor and Deputy Town Mayor respectively, and the use of these latter titles in no way affects the application of these Orders.
3. Some matters in these Orders are included by virtue of Acts of Parliament and are therefore mandatory in nature. For ease of reference, the Orders or parts of Orders concerned are printed in **BOLD CAPITAL** letters. These Orders may not be changed except as the law itself permits.

## STANDING ORDERS OF THE HOLSWORTHY TOWN COUNCIL

1. Meetings of the Council shall be held in Council Chambers, Holsworthy, or such other place within the Parish as the Council may from time to time decide, at seven o'clock in the evening unless the Council otherwise decides at a previous meeting. Three clear days at least before a meeting (not including the days of notice and meeting), including any extraordinary meeting or any meeting of Committee or Sub-Committee,
  - a) Notice of time and place of the intended meeting shall be fixed in some conspicuous place in the parish and shall specify the business proposed to be transacted at the meeting and,
  - b) A summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at or sent by post to the usual place of residence of every member of the Council.
  - c) Want of service of any such summons as is referred to in sub-paragraph (b) above on any member of the Council concerned shall not affect the validity of the meeting.
2. **THE STATUTORY ANNUAL MEETING (a) IN AN ELECTION YEAR SHALL BE HELD ON THE Wednesday NEXT FOLLOWING THE FOURTH DAY AFTER THE ORDINARY DAY OF ELECTIONS TO THE COUNCIL, AND (b) IN A YEAR WHICH IS NOT AN ELECTION YEAR SHALL BE HELD ON THE first Wednesday IN MAY.**
3. **THE OTHER THREE STATUTORY MEETINGS SHALL BE HELD ON THE** first Wednesday **IN THE MONTHS OF** June, October and February.
4. Additional meetings shall be held on the first Wednesday in April, July, September, November, December, January and March. In January, if the first Wednesday falls on

the first, second or third day of that month, the meeting shall be postponed until the second Wednesday in that month. In July if the first Wednesday falls within St. Peter's Fair Week, then the meeting shall be postponed until the second Wednesday in that month.

The Chairman, or in his absence, the Vice Chairman may summon an extraordinary or additional meeting at any time. An extraordinary meeting may also be summoned on the requisition in writing of two members of the Council. The summons shall set out the business to be considered and any proposed resolution in the exact terms in which it is to appear in the agenda. No other business shall be transacted at that 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.
- In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

**Quorum**

7. Four members shall constitute a quorum.
8. If a quorum is not present when the Council meets or if during a meeting the number of members present falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.

**Voting**

9. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
10. **IF A MEMBER SO REQUIRES, THE CLERK SHALL RECORD THE NAMES OF MEMBERS WHO VOTED ON ANY QUESTION SO AS TO SHOW WHETHER THEY VOTED FOR OR AGAINST IT.**
11. a) **SUBJECT TO (b) AND (c) BELOW THE CHAIRMAN MAY GIVE AN ORIGINAL VOTE ON ANY MATTER PUT TO THE VOTE.**

- b) **SUBJECT TO (c) BELOW THE CHAIRMAN MAY NOT GIVE AN ORIGINAL VOTE IN THE ELECTION OF THE CHAIRMAN ON ANY OCCASION WHEN HE WILL HIMSELF IMMEDIATELY AFTER SUCH ELECTION RETIRE FROM THE COUNCIL**
- c) **IN ANY CASE OF AN EQUALITY OF VOTES, THE CHAIRMAN MAY GIVE A CASTING VOTE.**

### **Order of Business**

- 12. At each Annual Meeting the first business shall be:
  - a) **TO ELECT A CHAIRMAN.**
  - b) To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.
  - c) To elect a Vice-Chairman.
  - d) To appoint representatives to other bodies
  - e) To appoint statutory or standing committees.
  - f) To consider the payment of any subscriptions falling to be paid annually.
  - g) To inspect a list of deeds and trust instruments in the custody of the Council and if desired by any member to call for all or any of such documents to be laid before the Council for inspection at the next meeting; and shall thereafter follow the order set out in Standing Order 14.
- 13. **AT EVERY MEETING OTHER THAN THE ANNUAL 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) AS ARE REQUIRED BY LAW TO BE MADE, OR IF NOT THEN RECEIVED TO DECIDE WHEN THEY SHALL BE RECEIVED.**
- 14. After the first business has been completed, the order of business, unless the Council otherwise decide on the grounds 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 SIGNING OF THE MINUTES BY THE PRESIDING CHAIRMAN AS A CORRECT RECORD.**
  - c) **TO DEAL WITH BUSINESS EXPRESSLY REQUIRED BY STATUTE TO BE DONE.**
  - d) To receive such communications as the presiding Chairman may wish to lay before the Council.
  - e) To answer questions.
  - f) To dispose of business, if any, remaining from the last meeting.
  - g) To consider motions, recommendations, reports and correspondence in the order in which they have been notified in the agenda.
  - h) To authorise the signing of orders for payment.  
To receive and consider reports from the Clerk.
  - j) To authorise the sealing of documents.
  - k) With the prior consent of the presiding Chairman, to exchange information on other matters.

15. 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 any discussion.

**Resolutions moved on notice**

16. 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 7 clear days before the next meeting of the Council.
17. The Clerk shall insert in the summons agenda for every meeting all notices of motion or recommendation properly given unless the member giving notice of the motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
18. If a resolution or recommendation specified in the agenda be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice as in Standing Order 16.
19. A motion to review or change the pay or conditions of service of an employee shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
20. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.
21. 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 or another authority.
  - 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 motion or amendment.
  - m) To extend the time limit for speeches.
  - n) To consider otherwise than in committee a question affecting an employee of the Council.
  - o) To exclude the Press.
  - p) To exclude the Public.
  - q) To silence or eject from the meeting a member named for misconduct.
  - r) To invite a member having an interest in the subject matter under debate to

- remain.
- s) To give the consent of the Council where such consent is required by these Standing Orders.

### **Questions**

22. A member may ask the Chairman any question concerning the business of the Council.
23. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

### **Rules of Debate**

24. 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.
- 25.
- 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 before it is further discussed or put to the meeting.
  - b) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - c) No speech shall exceed 5 minutes except by consent of the Council.
  - d) An amendment shall be:
    - (i) To leave out words.
    - (ii) To leave out words and insert or add others.
    - (iii) To insert or add words.
  - e) An amendment shall not have the effect of nullifying the motion before the Council.
  - f) 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.
  - g) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - h) The mover of a resolution or of an amendment shall have a right of reply.
  - i) A member may intervene to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him, which may have been misunderstood. A member intervening for these purposes shall be heard forthwith.
  - j) 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.
  - k) 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 or the Press or both.
- (ix) To adjourn the meeting.

26.

- 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 indicate a wish to speak, the Chairman shall call upon one of them by name and the others must desist.
- d) Whenever the Chairman rises during a debate all other members shall remain silent.

27. 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 is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he shall forthwith put the motion. If the motion, "that the question be now put" is carried, he shall call upon the mover to exercise or waive his 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.

*(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**

28.

- a) No member shall misconduct himself at a meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business or by behaving 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 so misconducted himself, 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 steps as may reasonably be necessary to enforce them.

### **Right of Reply**

29. The mover of a resolution shall have 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 a 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**

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

### **Voting on Appointments**

31. 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.

### **Discussions and Resolutions Affecting Employees of the Council**

32. 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 case may be) has decided whether or not the public shall be excluded.

### **Expenditure**

33. **ORDERS FOR THE PAYMENT OF MONEY SHALL BE AUTHORISED BY RESOLUTION OF THE COUNCIL AND SIGNED BY TWO MEMBERS.**

### **Sealing of Documents**

- 34.
- 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 may seal on behalf of the Council any document required by law to be issued under seal.

### **Committees and Sub-Committees**

35. The Council may at the 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 a committee so as to hold office later than the next Annual Meeting, and
  - b) may at any time dissolve or alter the membership of a committee.
36. The Chairman and Vice-Chairman ex-officio shall be members of every committee.
37. Every committee shall 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.

38. The Chairman of a Committee or the Chairman of the Council may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee with a minimum of two. The summons shall set out the business to be considered at the special meeting and any proposed resolution in the exact terms in which it is to appear in the agenda. No other business shall be transacted at that meeting.
39. Every committee may appoint sub-committees for purposes to be specified by the committee.
40. Except where ordered by the Council in the case of a committee or by the Council or by the committee in the case of a sub-committee, the quorum of a committee shall be half of its members with a minimum of two.
41. The Standing Orders on rules of debate and the Standing Orders on interests of members in contracts and other matters shall apply to committees and sub-committees meetings insofar as they are appropriate.

#### **Advisory Committees**

42.
  - a) The Council may from time to time and for specific purposes set up advisory committees consisting wholly or partly of persons not being members of the Council.
  - b) The Clerk shall inform the members of an advisory committee in writing of the terms of reference of the committee.
  - c) Advisory committees shall invariably submit their reports and recommendations to the Council through the Clerk in writing, and the Council must then decide whether or not to invite the Chairman of the committee to give a subsequent oral report to the Council and be questioned about it.

#### **Voting in Committees**

43. 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.
44. **CHAIRMEN OF COMMITTEES AND SUB-COMMITTEES SHALL HAVE A SECOND OR CASTING VOTE.**

#### **Presence of Non-Members of Committees at Committee Meetings**

45. A member who has proposed a motion which referred to a committee of which he is not a member may explain his motion to the committee but shall not vote.
46. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he is not a member, and may speak with the permission of the Chairman of the Committee.

### **Interests**

47. 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 manner described in section 97(5) of the act
- a) The disability imposed on 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 a committee and is not itself the subject of debate.
48. **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 A CONTRACT, AND THE BOOK SHALL BE OPEN DURING REASONABLE HOURS OF THE DAY FOR THE INSPECTION OF ANY MEMBER.**
49. 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 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 the Orders on interests of members in contracts and other matters shall apply. The Clerk shall make known the purport of this Order to every candidate.

### **Canvassing of and Recommendations by Members**

- 50.
- a) Canvassing of members 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 paragraph of this Order to every candidate.
  - b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
51. Standing Orders 49 and 50 shall apply to tenders as if the person making the tender were a candidate for an appointment.

### **Inspection of Documents**

52. 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.

**ALL MINUTES KEPT BY THE COUNCIL AND BY ANY COMMITTEE SHALL BE OPEN FOR THE INSPECTION OF ANY MEMBER OF THE COUNCIL**

**Unauthorised Activities**

53. No member of the Council or 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 unless authorised to do so by the relevant committee or sub-committee.

However this order does not preclude members from making visits to Council owned public spaces for observation purposes, indeed such visits are to be encouraged as helping members to be personally aware of the state of Council owned grounds and property.

**Admission of the Public and Press to Meetings**

54. **THE PUBLIC AND THE PRESS SHALL BE ADMITTED TO ALL MEETINGS OF THE COUNCIL AND ITS COMMITTEES AND SUB-COMMITTEES, WHICH MAY, HOWEVER, TEMPORARILY EXCLUDE THE PUBLIC OR THE PRESS OR BOTH** by means of the following resolution.

“That in view of the (special) (confidential) nature of the business to be transacted, it is advisable in the public interest that the (Press) (Public and Press) (Public) be temporarily excluded and they are instructed to withdraw.”

55. **THE CLERK SHALL AFFORD THE PRESS REASONABLE FACILITIES FOR TAKING THEIR REPORT OF ANY PROCEEDINGS AT WHICH THEY ARE ENTITLED TO BE PRESENT.**

56. If any member of the Public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber or that part of the Chamber open to the public be cleared.

**Confidential Business**

57. No member of the Council or of 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 the sub-committee as the case may be.

**Planning Applications**

58. The Clerk shall, as soon as it is received, enter on each planning application the date of its receipt, and shall refer such application to the Council in time to permit a decision being conveyed to the Planning Authority within the twenty-one day period allowed.

**Code of Conduct on Complaints**

59. The Council shall deal with complaints of maladministration allegedly committed by the Council or by 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**

60. Any part of the Standing Orders except those printed in **BOLD CAPITAL** letters may be varied, revoked or suspended by resolution in relation to any specific item of business provided that such resolution receives the support of a minimum of two thirds of the members present.
61. 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.
62. A motion permanently to add, vary or revoke a Standing Order shall not be carried unless it be notified in the agenda and voted for by a minimum of eight members. In such a vote the names of members who voted shall be recorded in the Minutes showing whether they voted for or against the motion.

### **Standing Orders to be Given to Members**

63. 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 such copies shall be returned to the Clerk on members relinquishing office for whatever reason.